

PERMIT

The CITY OF PORTLAND, OREGON, a municipal corporation, in consideration of the mutual covenants and agreements below, hereby permits _____

hereinafter called "Permittee" to use the city's heliport pad located atop the Portland Autoport, S. W. 1st and 2nd Avenues and Madison and Jefferson Streets, Portland, Oregon, for a period from _____ to _____.

TERMS, CONDITIONS AND COVENANTS

1. City is the owner of the Portland Autoport and the helicopter pad located atop of such building and is entitled to its exclusive use. Permittee desires to use the helicopter pad from time to time during the period of this permit.
2. Permittee, its employes, or agents, may land Permittee's helicopter or helicopters on the pad and depart from the pad.
3. Permittee, in exercising its rights under this permit, shall make no use of the helicopter pad which interferes with city's access to and use of the helicopter pad, except as is reasonably necessary in connection with Permittee's landings and departures as provided under this permit.
4. Permittee assumes and shall be solely liable for damage to or destruction of any property, including Permittee's property and the property of the city arising from its use of the helicopter pad, regardless of how damage or destruction may occur, except for damage caused by the willful misconduct of the city, its agents, officers or employes.
5. Permittee shall indemnify, defend, and hold harmless the city from any and all claims, debts, demands, lawsuits, injuries, damages, penalties, judgments, awards, losses, liabilities, interest, attorney's fees (including attorney's fees on appeal), costs, and expenses of whatever kind or nature at any time which may be imposed upon the city for any reason relating to or arising out of this permit and Permittee's use of the helicopter pad, including but not limited to any of the following:
 - (a) Any use or condition of the helicopter pad and related equipment;
 - (b) Any act or omission on the part of Permittee, its agents, employes, or contractors;
 - (c) Any violation of Federal, State, or local laws, ordinances, or regulations lawfully enacted by any of such jurisdictions;
 - (d) Any personal injury, wrongful death, or property damage occurring on or about the helicopter pad, the Portland Autoport, and surrounding properties, except for any personal injury, wrongful death, or property damage caused by the willful misconduct of the city, its officers, agents or employes; and

- (e) Any failure on the part of Permittee to perform or comply with any covenant required to be performed or complied with by Permittee hereunder.

6. Permittee will, upon request of the city and at its sole expense, defend any action, suit, or proceeding of any kind arising hereunder and shall reimburse and pay the city for any loss, cost, damage, or expense of any kind (including legal fees) suffered by the city hereunder.

7. Permittee shall, prior to landing or departing upon or from the helicopter pad under this permit, secure and continuously carry in an insurance company or companies acceptable to the city, comprehensive aviation and ground liability insurance policies as follows:

- (a) personal injury and property damage liability, including automobiles;
- (b) contractual liability (covering this permit);
- (c) sudden and accidental pollution,

to protect against and from all loss by reason of injury to persons or damage to property including Permittee's own employees and all third persons and property of the city and all third parties including all persons who come upon the helicopter pad at the express or implied invitation or permission of the Permittee.

Such insurance shall include provisions or endorsements naming the city, its officers, agents and employees as additional insureds; it is understood that such insurance is primary insurance with respect to the interest of the city and that any other insurance maintained by the city in excess and not contributory insurance with the insurance required hereunder; said insurance policy shall contain cross-liability and severability of interest clauses; and the policy shall contain provisions that such policy shall not be canceled or the limits of liability reduced without thirty (30) days prior written notice given to the city, addressed to the City Auditor, City Hall, Portland, Oregon 97204. A copy of each such insurance policy, or a certificate of such insurance, in satisfactory form, shall be furnished to the city and shall be subject to approval as to form and adequacy of coverage by the City Attorney. The policy shall contain a waiver by the aviation hull insurance carrier of subrogation against the city furnishing evidence thereof.

8. This permit is for the period of time indicated.

9. Failure by the city to require performance of any provision of this permit shall not limit the right of the city to enforce the provision, nor shall any waiver by the city of any breach of any provision be constituted a waiver of any succeeding breach of that provision or a waiver of the provision itself or any other provision.

10. This permit is personal to the Permittee and not assignable.

11. As used herein, the singular shall include the plural and the plural vice versa.

DATED this _____ day of _____, 19____.

CITY OF PORTLAND, OREGON

By _____
Commissioner in charge of the
Portland Autoport

Permittee

By _____
_____(Title)

ORDINANCE NO. 149404

An Ordinance authorizing the Commissioner in Charge of the Portland Autoport to issue permits for use of the Portland Autoport Heliport, subject to certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

- (1) The city has received numerous requests for use of the City of Portland Autoport Heliport for general aviation use.
- (2) That such general use is in the public interest and should be granted, subject to certain conditions.

NOW, THEREFORE, the Council directs:

- (a) That a permit system be established for use of the Portland Autoport Heliport, subject to the following conditions:
 - (1) That such use as specified in the permit shall be subject to any conditions that may be imposed by the Federal Department of Transportation, Federal Aviation Administration, any federal, state, or local laws, ordinances or regulations.
 - (2) That the city shall furnish to the user a permit listing the terms, conditions and covenants regarding use of the heliport, including ingress and egress routes to be used and an experience and qualification level for pilots who will utilize the facility.
 - (3) Permittees will be required, at the time of issuance of the permit, to provide proof of adequate liability coverage. Furthermore, the permittee shall hold harmless the City of Portland, its officers, agents and employees from any damages, or claims for damages, including personal injury and property damage occasioned by any use of the facility by the permittee to the maximum extent for which the City of Portland may be liable for such damages in accordance with the applicable statutes of the State of Oregon relating to liability of a public body, its officers, agents and employees.
 - (4) Permits shall be for one (1) year and may be renewed annually at a fee to be determined by the City Council.
 - (5) Any permits for use of the Portland Autoport Heliport shall be approved and issued by the Commissioner in Charge, and approved as to form by the City Attorney.

ORDINANCE No.

Section 2. The Council declares:

The Council declares that an emergency exists in order that general aviation usage of the Portland Autoport Heliport may proceed without unnecessary delay, therefore, this ordinance shall be in force and effect from and after its passage by the Council.

1990-1991

100

1. *Introduction*

CONFIDENTIAL

COGNAC

Passed by the Council, **APR 9 1980**

Commissioner Ivancie
March 31, 1980
RLHurtig/fg

Mayor of the City of Portland

Attest:

Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

4

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No 1235

ORDINANCE No. 149404

Title

An Ordinance authorizing the Commissioner in Charge of the Portland Autoport to issue permits for use of the Portland Autoport Heliport, subject to certain conditions, and declaring an emergency.

Filed APR 4 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

[Signature]
Deputy

INTRODUCED BY
Commissioner Ivancie

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>FBI May</i>
Works

BUREAU APPROVAL
Bureau:
Prepared By: <i>RLHurtig/fg</i> Date: <i>March 31, 1980</i>
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney <i>[Signature]</i>
City Auditor
City Engineer