

RECEIVED

APR 24 8 50 AM 1980

GEORGE YERK
CITY OF PORTLAND

AUDITOR
ORE.

149429

ACCEPTANCE

BY _____
BY _____

Portland, Oregon, April 11, 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149429, passed by the Council April 10, 1980, granting a revocable permit to V. Duane Elmer and Eileen Elmer to construct and maintain a 42 inch high chain link fence extending not more than 9 inches into the street area of SE 63rd Avenue near SE Rhone Street at a fee of \$10.00,

and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

V. Duane Elmer

* V. Duane Elmer

Eileen Elmer

Eileen Elmer

[CORPORATE
SEAL]

3616 SE 63rd Avenue, Portland, OR 97206
Address

Approved as to form:

Constance A. Thomas

CITY ATTORNEY

City Attorney

*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

ORDINANCE NO. **149429**

An Ordinance granting a revocable permit to V. Duane Elmer and Eileen Elmer to construct and maintain a 42 inch high chain link fence extending not more than 9 inches into the street area of SE 63rd Avenue near SE Rhone Street at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. V. Duane Elmer and Eileen Elmer, 3616 SE 63rd Avenue, Portland, Oregon 97206, have requested permission to construct and maintain a 42 inch high chain link fence extending into the street area of SE 63rd Avenue not more than 9 inches from the property line of Lot 11, Block 2, Laurelwood Park.
2. That the fence is needed to provide for protection of their property.
3. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to V. Duane Elmer and Eileen Elmer, grantees, to construct and maintain a 42 inch high chain link fence in the street area of SE 63rd Avenue as previously described above and as shown on the plan attached to this Ordinance as "Exhibit A", subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the grantees from obtaining any license or permit required by the City Code or Ordinances for any operation or maintenance to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter.
 - (2) The permit is revocable at any time at the pleasure of the Council, and no expenditure of money hereunder or lapse of time or other act or thing, shall operate as an estoppel against the City of Portland or be held to give the grantees any vested or other right. Upon revocation of this permit by the Council, the grantees shall within thirty (30) days remove

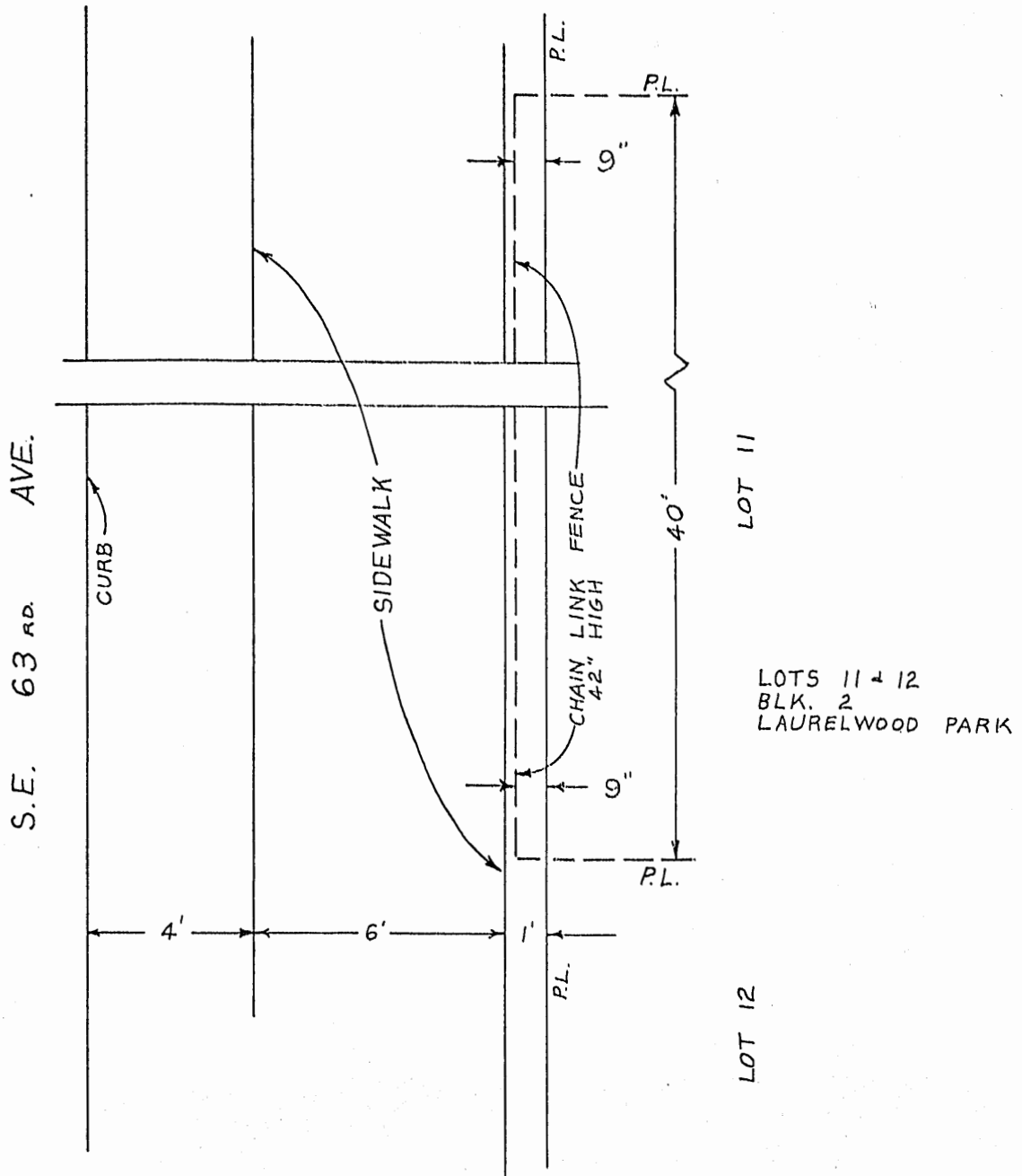
said fence from the street area, the said removal to be as directed by and to the satisfaction of the City Engineer.

- (3) The grantees shall hold the City of Portland, its officers, agents and employees free and harmless from any claims for damages to persons or property, including legal fees and cost of defending any actions or suits, including any appeals which may result from the use of the street area under this permit by providing evidence of insurance protecting the City of Portland, its officers, agents, and employees as follows: Bodily injury \$100,000 for one claimant and \$300,000 for one occurrence, property damage \$50,000 for one claimant and \$300,000 for one occurrence, said insurance to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is cancelled, or for any other reason becomes inoperative.
- (4) The grantees shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (5) This permit is personal to the grantees only and does not run with the land, nor may the same be transferred, assigned, or otherwise disposed of by said grantees.
- (6) The grantees shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

Section 2. This Ordinance will not become effective until the grantees have filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

EXHIBIT - "A"

149429



LOTS 11 + 12
BLK. 2
LAURELWOOD PARK

APPROVED

By John M. Lang
Acting City Engineer
Reg. Prof. Engr.

SCALE NONE
DRAWN BY L.L.B.
CHECKED BY N.A.H.
1/4 SEC. 3437, SEC. 8, T.1 S., R.2 E. W.M.

ORDINANCE No.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicants as to the status of the requested permit to construct and maintain a fence in the street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 149429

MAR 28 1980

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicants as to the status of the requested permit to construct and maintain a fence in the street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

MAR 28 1980

MAR 28 1980

Passed by the Council, APR 10 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
March 19, 1980

Attest:

William M. Walsh
Mayor of the City of Portland

Serge Yelton
Auditor of the City of Portland

1277
Calendar No. ~~1157~~

ORDINANCE No. 149429

Title

An Ordinance granting a revocable permit to V. Duane Elmer and Eileen Elmer to construct and maintain a 42 inch high chain link fence extending not more than 9 inches into the street area of SE 63rd Avenue near SE Rhone Street at a fee of \$10.00, and declaring an emergency.

THURSDAY

APR 3 1980

CONTINUED TO APR 10 1980

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harry Hendrickson:jmh Date: 3/19/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>D. Vargas</i> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: John M. Lang, Acting City Engr.
By: <i>[Signature]</i>

Filed MAR 28 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *[Signature]*
Deputy

105101