

JUL 7 8 53 AM 1980

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

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. 149438, passed by the Council April 10, 1980, granting a revocable permit to Allen L. Johnson and Mary L. Johnson to maintain an existing 26 inch high concrete block wall extending not more than 6 inches into the street area of SE 76th Avenue near SE Franklin 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,

[CORPORATE
SEAL]X Allen L. Johnson
Allen L. Johnson* Mary L. Johnson
Mary L. Johnson

3305 SE 76th Avenue, Portland, OR, 97206

Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

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. **149438**

An Ordinance granting a revocable permit to Allen L. Johnson and Mary L. Johnson to maintain an existing 26 inch high concrete block wall extending not more than 6 inches into the street area of SE 76th Avenue near SE Franklin Street at a fee of \$10.00 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Allen L. Johnson and Mary L. Johnson, 3305 SE 76th Avenue, Portland, Oregon 97206, have requested permission to maintain an existing 26 inch high concrete block wall extending into the street area of SE 76th Avenue not more than 6 inches from the property line of Lot 6, Block 12, Powell St. Add.
2. That the wall was constructed to provide for filling behind the wall to eliminate the slope and make the front yard all the same height.
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 Allen L. Johnson and Mary L. Johnson, grantees, to maintain an existing 26 inch high concrete block wall in the street area of SE 76th 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 wall from the street area, the said removal to be as directed by and to the satisfaction of the City Engineer.

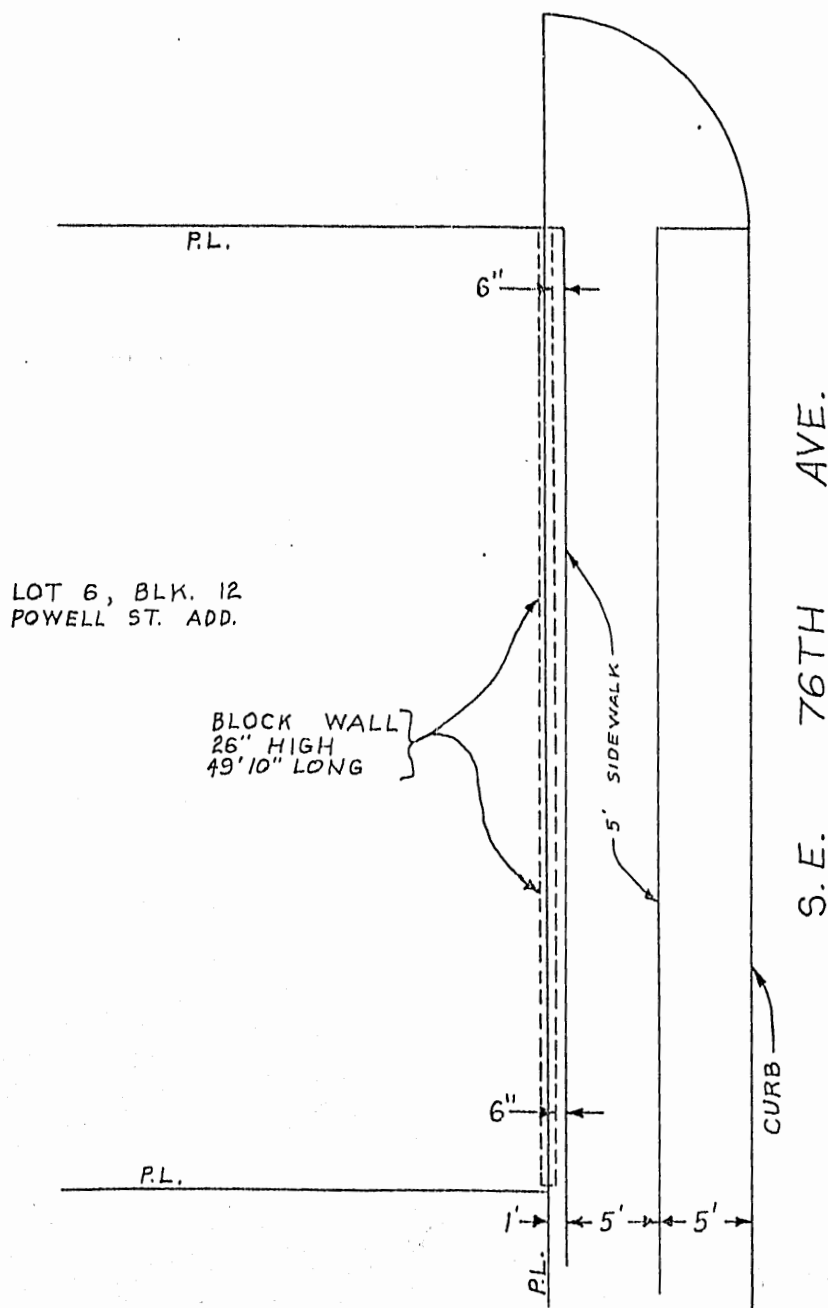
EXHIBIT - "A"

149438

To maintain an existing 26 inch high concrete block wall in the street area of SE 76th Avenue

For: Allen L. Johnson and
Mary L. Johnson
3305 SE 76th Avenue
Portland, Oregon 97206

S.E. FRANKLIN ST.



APPROVED

SCALE 1" = 10'
DRAWN BY L.L.B
CHECKED BY

1/4 SEC. 3338, SEC. 8, T.1 S., R.2 E. W.M.

By *Robert Huang*
Acting City Engineer
Reg. Prof. Engr.

ORDINANCE No.

- (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.

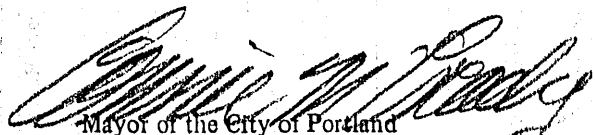
Section 2. This Ordinance will not become effective until the grantees have filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

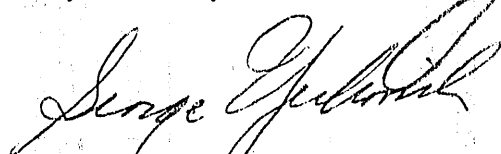
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicants as to the status of the requested permit to maintain a wall in the street area; therefore, this Ordinance shall be in force and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

Passed by the Council, APR 10 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
March 14, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No 1288

ORDINANCE No. 149438

Title

An Ordinance granting a revocable permit to Allen L. Johnson and Mary L. Johnson to maintain an existing 26 inch high concrete block wall extending not more than 6 inches into the street area of SE 76th Avenue near SE Franklin Street at a fee of \$10.00 and declaring an emergency.

THURSDAY

Filed APR 4 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

5

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY

COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

ML/SA

BUREAU APPROVAL

Bureau:

Street & Structural Engineering

Prepared By:

Date:

Harry Hendrickson:jmh 3/14/80

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head:

David J. Vargas, Acting Chief

NOTED BY

City Attorney

City Auditor

City Engineer

Approved:

John M. Lang, Acting City Engr.

By:

John Lang