

# ACCEPTANCE

RECE

APR 28 8 03 AM 1980

GEORGE YERKOV  
CITY OF PORT  
AUDITOR  
RE.

Portland, Oregon, April 24 1980  
BY \_\_\_\_\_

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. 149501 granting a revocable permit to Ralph E Wiser II and Patricia F Wiser to construct and maintain a private pressure sanitary sewer in and under SW Buddington Street near SW 47th Avenue, providing for acceptance of conditions,

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,

*Ralph E Wiser II*  
-----

\* Ralph E Wiser II

*Patricia F Wiser*  
-----

Patricia F Wiser

4615 SW Coronado Street Portland, OR 97219

Address

[CORPORATE  
SEAL]

Approved as to form:

*Christy Ann Williams*

-----  
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.

An Ordinance granting a revocable permit to Ralph E. Wiser II and Patricia F. Wiser to construct and maintain a private pressure sanitary sewer in and under S.W. Buddington Street near S.W. 47th Avenue, providing for acceptance of conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

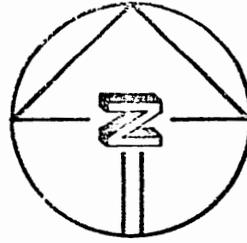
1. Ralph E. Wiser II and Patricia F. Wiser, 4615 S.W. Coronado Street, Portland, Oregon 97219, have requested permission to construct and maintain a private pressure sanitary sewer in and under S.W. Buddington Street near S.W. 47th Avenue to serve Lots 9 and 10, Block 65, West Portland Park.
2. The private pressure sanitary sewer is needed to a proposed single family residence (4626 S.W. Buddington Street).
3. The private pressure sanitary sewer is needed to provide service to a proposed single family residence (4626 S.W. Buddington Street).
4. The private pressure sanitary sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Ralph E. Wiser II and Patricia F. Wiser, grantees, to construct and maintain a private pressure sanitary sewer on and under S.W. Buddington Street near S.W. 47th Avenue to serve Lots 9 and 10, Block 65, West Portland Park, 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 act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
  - (2) This permit is revocable at any time at the pleasure of the Council and no expenditure of money 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 30 days remove the said private sewer and restore the street area as required 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 costs of defending any actions or suits, including any appeals which may result from the use of the street area under this permit.
- (4) The grantees shall pay the permit fee of \$44.65 required by Section 17.24.020 of the City Code.
- (5) Before construction begins, the grantees shall obtain from the Traffic Engineer his requirements as to hours to work, traffic control, and the placing of necessary signs and barricades.
- (6) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the private sewer as to size or type of material, the grantees shall first obtain the approval of the City Engineer on revised plans filed in duplicate with the City Engineer. One copy of the approved plans showing the change shall be filed by the City Engineer with the City Auditor to become a part of this Ordinance.
- (7) The laying of said private pressure sanitary sewer within the street area shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said installation within street area shall be attended to by the grantees immediately at their own cost as directed by and to the satisfaction of the City Engineer. The grantees shall also maintain surface of the street in the affected area to the satisfaction of the City Engineer.
- (8) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Lots 9 & 10, Block 65, West Portland Park, their heirs and assigns as long as such permit shall remain in effect.
- (9) Grantees hereby covenant and agree that said property owned by them shall be counted in favor of any sewer lines which shall be planned by the City of Portland for serving the property described above, and further



1/4 SEC. 4124, SEC. 31 T. 1 S., R. 1 E. W. M.

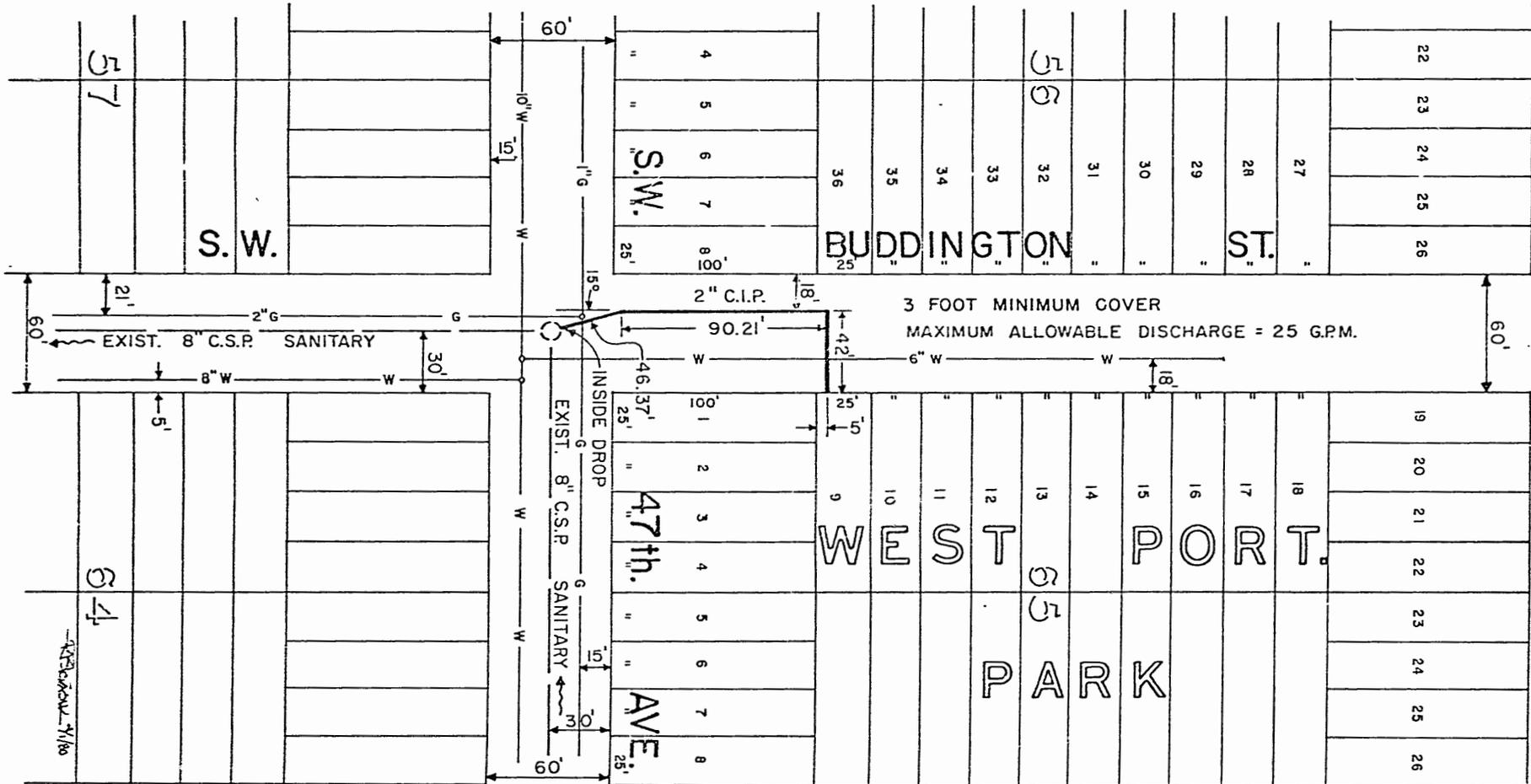


EXHIBIT 'A'

APPROVED BY *[Signature]*  
 ACTING CITY ENGINEER  
 REG. PROF. ENGR.

To construct and maintain a private pressure sanitary sewer in S.W. Buddington Street to serve Lots 9 & 10, Block 65, West Portland Park

For: Ralph E. Wiser II & Patricia F. Wiser  
 4626 S.W. Buddington Street  
 Portland, Oregon 97219

149501

ORDINANCE No.

covenants and agrees not to remonstrate against the construction of any such sewer line and the assessment of said property for its proportionate portion of the cost thereof.

- (10) The City Auditor shall cause a certified copy of this Ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the grantees shall reimburse the City of Portland for the cost of such recording.

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

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 for construction of a private sewer in the street area of S.W. Buddington Street; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 24 1980

Commissioner Mike Lindberg  
Harry Hendrickson:jmh  
April 15, 1980

*Annex McCreary*  
Mayor of the City of Portland

Attest:

*George Johnson*  
Auditor of the City of Portland

Calendar No. 1431

ORDINANCE No. 149501

Title

An Ordinance granting a revocable permit to Ralph E. Wiser II and Patricia F. Wiser to construct and maintain a private pressure sanitary sewer in and under S.W. Buddington Street near S.W. 47th Avenue, providing for acceptance of conditions, and declaring an emergency.

THURSDAY

Filed APR 17 1980

GEORGE YERKOVICH Auditor of the CITY OF PORTLAND

By John Cruell Deputy

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 <u>MLISA</u>

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: Harry Hendrickson:jmh Date: 4/15/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: Joe P. Niehuser <u>Joe Niehuser</u>

NOTED BY
City Attorney
City Auditor <u>JL</u>
City Engineer Approved: John M. Lang, Acting City Engr.
By: <u>John M. Lang</u>