

RECEIVED

149503

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MAY 7 10 33 AM 1980

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY EC

Portland, Oregon, April 25, 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. 149503, passed by the Council on April 24, 1980, granting a revocable permit to United States Bakery to construct and maintain two oversize driveways, one being at the south side of the intersection of NE 11th Ave. and NE Flanders St. and the other at the north side of NE 11th Ave. and NE Davis St.,

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]

UNITED STATES BAKERY

* Joseph E Franz
Joseph E Franz, President

340 NE 11th Ave. Portland, OR 97232
Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. 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. **149503**

An Ordinance granting a revocable permit to United States Bakery to construct and maintain two oversize driveways, one being at the south side of the intersection of N.E. 11th Avenue and N.E. Flanders Street and the other at the north side of N.E. 11th Avenue and N.E. Davis Street, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Section 17.28.110 of the City Code requires Council approval for construction of a driveway larger than the limits set forth therein.
2. Joseph E. Franz, President, United States Bakery, owner of vacated N.E. 11th Avenue between N.E. Flanders Street and N.E. Davis Street, has requested permission to construct and maintain an oversize concrete service driveway in the street area adjacent thereto.
3. The driveways requested are to provide access to the bakery complex and also fulfill conditions of the ordinance which vacated N.E. 11th Avenue.
4. The proposed oversize driveway would not be detrimental to the public interest.

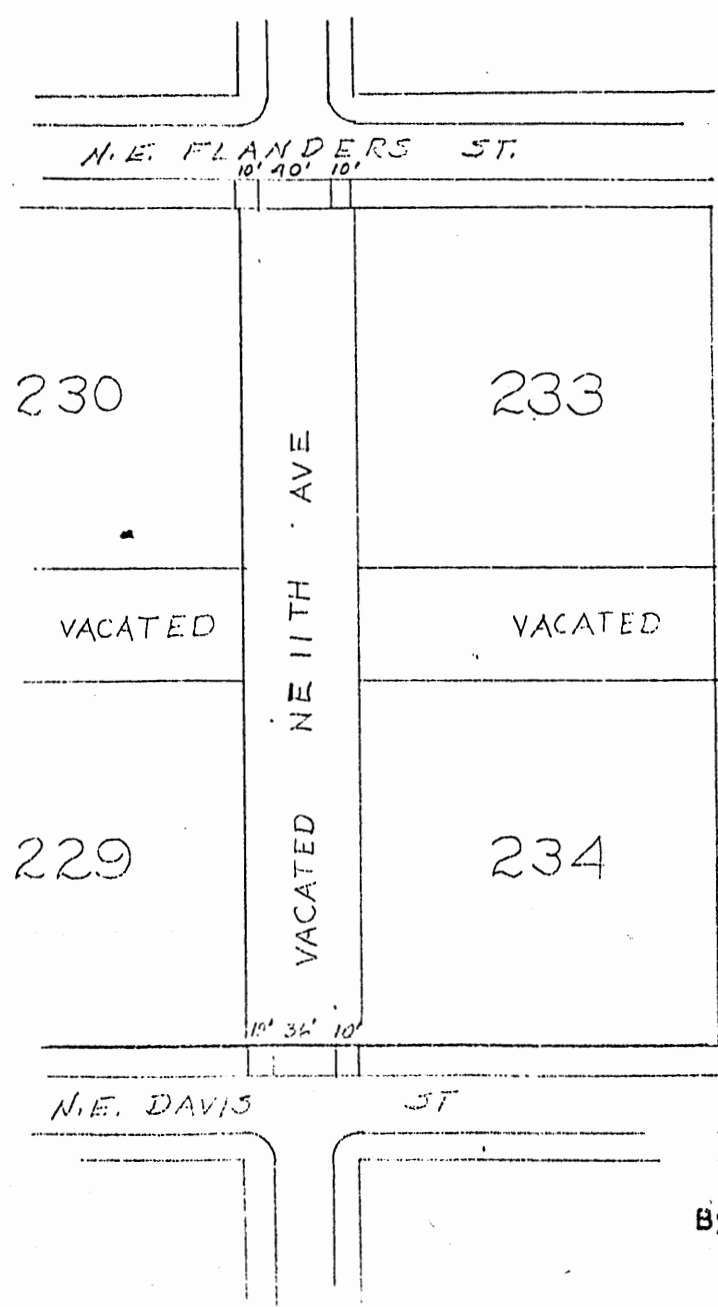
NOW, THEREFORE, the Council directs:

- a. A revocable permit to run with the land is granted to United States Bakery, 340 N.E. 11th Avenue, Portland, 97232, c.o. Joseph E. Franz, President, permittee to construct and maintain two oversize concrete service driveways in the street area adjacent to vacated N.E. 11th Avenue, one at the north side of Blocks 230 and 233, East Portland and one at the south side of Blocks 229 and 234, East Portland and located as shown on the plan marked "Exhibit A" attached to and by this reference made a part of this Ordinance, subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the permittee 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.

EXHIBIT - "A"

To construct and maintain two oversize concrete service driveways on the street area adjacent to vacated N.E. 11th Avenue, one at the north side of Blocks 230 and 233, East Portland and one at the south side of Blocks 229 and 234, East Portland.

For: United States Bakery, 340 N.E. 11th Avenue.
Portland, 97232, c.o. Joseph E. Franz, President



Note To Scale
Drawn by 1165
1/4 Sec 3031

APPROVED

By _____
City Engineer
Reg. Prof. Engr.

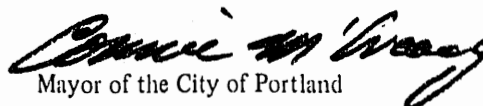
- (2) This permit is revocable at any time at the pleasure of the Council and no expenditure of money or lapse of time, or other act or thing, shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 30 days remove the driveway and restore the street area as required by and to the satisfaction of the City Engineer.
- (3) The permit fee for these driveways was collected by Ordinance No. 149347 which vacated N.E. 11th Avenue between N.E. Flanders and N.E. Davis Streets.
- (4) The permittee 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 permittee has 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 of uncertainty on the part of the applicant as to the status of the requested permit for construction of an oversize driveway; 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
Harlan G. Scott:jmh
April 10, 1980


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 196

ORDINANCE No. 149503

Title

An Ordinance granting a revocable permit to United States Bakery to construct and maintain two oversize driveways, one being at the south side of the intersection of N.E. 11th Avenue and N.E. Flanders Street and the other at the north side of N.E. 11th Avenue and N.E. Davis Street, and declaring an emergency.

THURSDAY

Filed APR 17 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *John M. Lang*
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 <i>ML/SA</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harlan G. Scott:jmh Date: 4/10/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas ref</i> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <i>JM</i> John M. Lang, Acting City Engr.
By: <i>David J. Vargas ref</i>