

RECEIVED
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 ACCEPTANCE
 GEORGE YERKOVICH, AUDITOR
 CITY OF PORTLAND, ORE.
 BY _____

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 149504, passed by the Council April 24, 1980, granting a revocable permit to State of Oregon Department of Transportation to use or authorize its contractor to use tieback shoring extending underground into the street area of SW 2nd and SW 3rd Avenues and SW Main and SW Madison Streets,

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,

STATE OF OR DEPT OF TRANSPORTATION

[CORPORATE SEAL]

* *H. S. Caulton*

State highway Bldg Rm 120 Salem, OR 97310

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. **149504**

An Ordinance granting a revocable permit to State of Oregon Department of Transportation to use or authorize its contractor to use tie-back shoring extending underground into the street area of S.W. 2nd and S.W. 3rd Avenues and S.W. Main and S.W. Madison Streets, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Zimmer, Gunsul, Frasca - Partnership has made written application on the behalf of State of Oregon Department of Transportation to use tieback shoring extending underground into the street areas of the following streets adjacent to Block 25, Portland:
 - a. S.W. 2nd Avenue between S.W. Main and Madison Streets
 - b. S.W. 3rd Avenue between S.W. Main and Madison Streets
 - c. S.W. Main Street between S.W. 2nd and S.W. 3rd Avenues
 - d. S.W. Madison Street between S.W. 2nd and S.W. 3rd Avenues

for the construction of the Multnomah County - City of Portland Justice Building (Building Application No. 583 B).

2. That said tiebacks will be located in a manner that should not interfere with present or future utilities.
3. That the granting of the desired permission under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is hereby granted to State of Oregon Department of Transportation, c.o. R.W. Ellison, State Highway Building, Room 120, Salem, Oregon 97310, herein-after called permittee, to use tieback shorings in the street areas described above in accordance with plans approved by the City Engineer and the Bureau of Buildings, subject to the following conditions:
 - (1) This permit is for the use of street area only and shall not exempt the permittee from taking out any license or permit required by existing ordinances for any operation or maintenance under the permit hereby granted, nor shall this permit waive the provisions of any general ordinance of the City or its Charter.

- (2) This permit is revocable at any time at the pleasure of the Council, and no expenditure of money hereunder or lapse of time or other thing shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right.
- (3) Upon order of the City Engineer, permittee shall immediately stop work and repair any damage to the street areas or utilities or private property as directed. Resumption of work using tieback shoring shall be at the discretion of the City Engineer.
- (4) To the extent permitted by law the permittee and/or its contractor shall protect 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 thereon, including any appeals therefrom, which may result from the granting of this permit. The approval of said plans by the City shall in no way relieve the permittee from any responsibility.
- (5) This permit shall not become effective until the Highway Division of the Oregon Department of Transportation and/or its contractor as permittee shall have filed with the City Auditor, approved by the City Attorney, an insurance policy in the amount of \$1,000,000.00 or more for combined bodily injury and property damage, naming the City as an additional named insured.
- (6) No work will be permitted in the street area until plans for tieback shoring have been submitted and approved by the Bureau of Buildings and the City Engineer. It is understood by permittee that such plan approval shall not work as an estoppel nor shall it be construed as a defense to permittee's guarantee to reimburse the City for damage or destruction of utilities as set forth in paragraph 7 below.
- (7) The permittee guarantees to the City the cost for any repairs or replacement of utilities damaged or destroyed, caused in whole or in part by activities in, or installation of, the tieback shoring. Permittee further agrees to guarantee all costs incurred by the City in ascertaining the extent of damage or destruction of utilities. The permittee recognizes and agrees that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the City and furnished the permittee in approving the plans may be incorrect; and permittee further agrees to be responsible for any and all damage or destruction caused by the use of tieback shoring, although such damage or destruction may have resulted in whole or in part because of the City's mislocation or misinformation in relation to the utilities.

- (8) No work will be permitted in the street area until a television inspection of all sewers in the affected area has been made.
- (9) The said sewers shall also be inspected by television after the tiebacks are installed and their tension set. Inspection after the tiebacks are tensioned shall be done after each quarter block is completed. In the event that sewer repairs are necessary, the tiebacks will be detensioned until such repairs are completed. The permittee shall notify the City Engineer as each quarter block of tiebacks are tensioned. The City Engineer may require additional television inspections if there is evidence to indicate a problem with a sewer. The permittee shall pay the cost of all television inspections and will be billed by the Bureau of Maintenance.
- (10) The permittee shall detension the top row of tiebacks as soon as construction permits and immediately notify the City Engineer.
- (11) The permittee shall reimburse the City for the extra cost of repairing existing sewers and construction of new sewers adjacent to said Block 25 resulting from having to remove said tiebacks. Said cost shall be determined by the City Engineer.
- (12) Soldier piles installed at the curb line of any street will be cut off at three feet below the gutter grade of the street as designed and removed.
- (13) The permittee shall pay a permit fee of \$600.00, Section 548.030 of the City Code.

Section 2. This permit shall not become effective until the permittee shall have filed with the City Auditor, in form approved by the City Attorney, a document accepting the terms and conditions hereof.

ORDINANCE No.

Section 3. The Council declares an emergency exists because it is necessary that the permit herein granted shall be issued without delay in order to allow permittee to immediately proceed with plans for construction; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 149504

Passed by the Council, APR 24 1980

Conni M. Tracy
Mayor of the City of Portland

Commissioner Mike Lindberg
Harlan Scott:jmh
April 15, 1980

Attest:

Seneca Gerbasi
Auditor of the City of Portland

Calendar No. 1437

ORDINANCE No. 149504

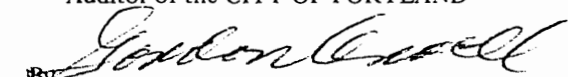
Title

An Ordinance granting a revocable permit to State of Oregon Department of Transportation to use or authorize its contractor to use tieback shoring extending underground into the street area of S.W. 2nd and S.W. 3rd Avenues and S.W. Main and S.W. Madison Streets, and declaring an emergency.

THURSDAY

Filed APR 17 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: 
Deputy


THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready		1

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 Scott:jmh	Date: 4/15/80
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head: <i>David J. Vargas</i> David J. Vargas, Acting Chief	

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

APR 17 1980