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ACCEPTANCE

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149893

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY _____

R. A. HEINTZ CONSTRUCTION CO.

Portland, Oregon, June 30, 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. 149893, passed by the Council June 26, 1980, granting a revocable permit to R.A. Heintz Construction Company to construct and maintain an oversize driveway in the street area adjacent to 2321 NE Argyle Street,

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,

R.A. HEINTZ CONSTRUCTION COMPANY

[CORPORATE SEAL]

[Signature]

P.O. Box 11005, Portland, Oregon 97211

Address

APPROVED AS TO FORM
Approved as to form:

Christopher P. Thomas

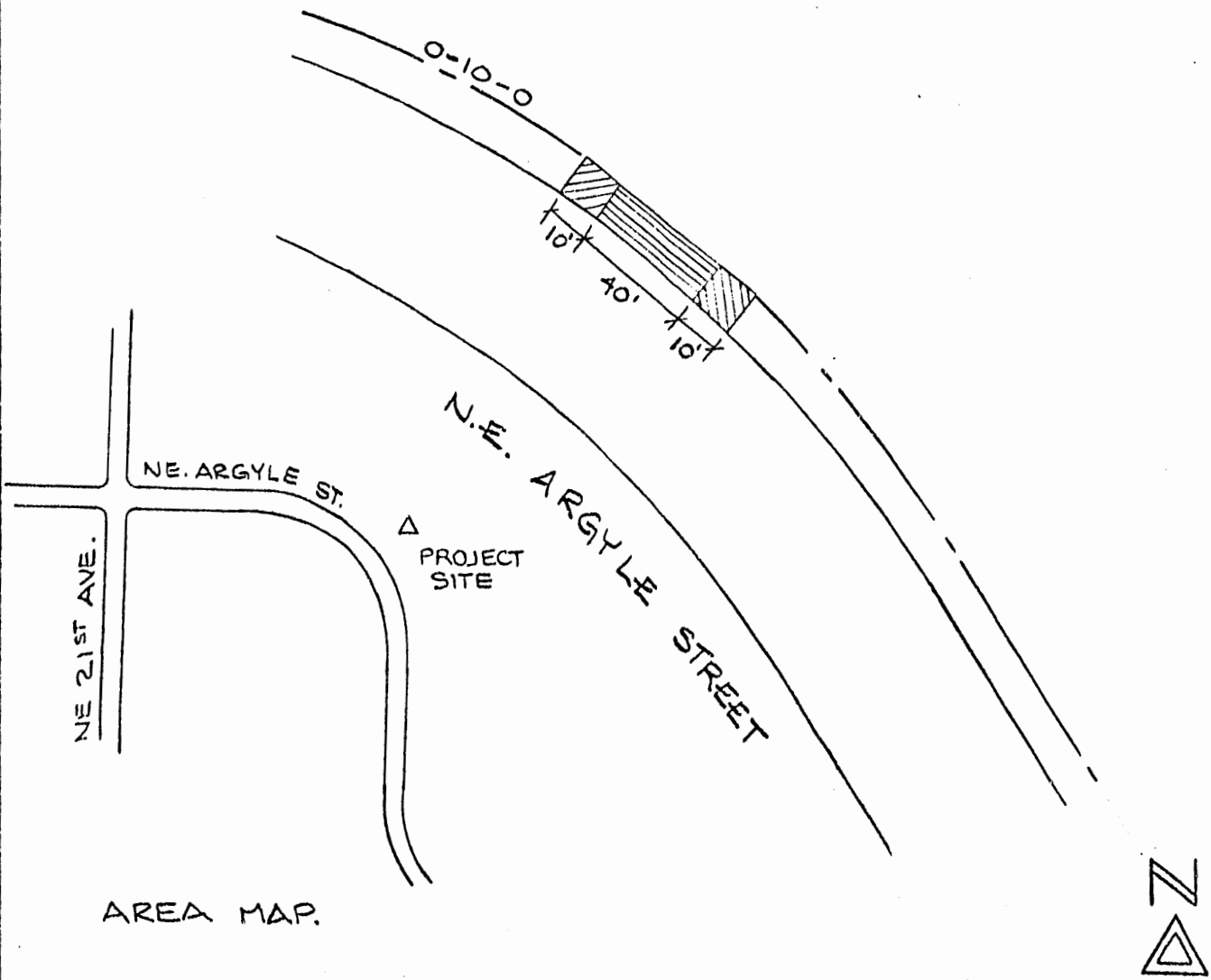
CITY ATTORNEY
City Attorney

*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.

EXHIBIT - "A"

TO: Construct and maintain an oversize concrete service driveway in the street area adjacent to TL '35' Section 12, 1N, 1E WM, 1/4 2232

FOR: R. A. Heintz Construction Co.
P.O. Box 11005
Portland, Oregon 97211



AREA MAP.

SCALE 1" = 40'
DRAWN BY S.S.H.
CHECKED BY H.G.S. JUNE 18, 1980

APPROVED

By *M. Vargas*
for City Engineer
Reg. Prof. Engr.

ORDINANCE NO. **149893**

An Ordinance granting a revocable permit to R. A. Heintz Construction Co. to construct and maintain an oversize driveway in the street area adjacent to 2321 N.E. Argyle 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. R. A. Heintz Construction Co., who is the owner of the property at 2321 N.E. Argyle Street, has requested permission to construct and maintain an oversize concrete service driveway in the street area adjacent thereto.
3. Said driveway is to provide access to a new warehouse complex.
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 R.A. Heintz Construction Co., P.O. Box 11005, Portland, Oregon 97211, permittee, to construct and maintain an oversize concrete service driveway in the street area adjacent to TL '35' Section 12, 1N, 1E WM, 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.
 - (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 permittee shall within 30 days remove the driveway and restore the street area as required by and to the satisfaction of the City Engineer.

ORDINANCE No.

- (3) The permittee shall pay the permit fee of \$150.00 required by Section 17.24.020 of the City Code.
- (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 oversized driveway; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUN 26 1980**

Commissioner Mike Lindberg
 Steve Hazzard:jmh
 June 18, 1980

Steve Hazzard
 Auditor of the City of Portland

Calendar No. 2293

ORDINANCE No. 149893

Title

An Ordinance granting a revocable permit to R. A. Heintz Construction Co. to construct and maintain an oversize driveway in the street area adjacent to 2321 N.E. Argyle Street, and declaring an emergency.

| 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 | |

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|----------------------------|
| INTRODUCED BY |
| COMMISSIONER MIKE LINDBERG |

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|----------------------------|
| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works <i>ML/S</i> |

| | |
|--|---------------|
| BUREAU APPROVAL | |
| Bureau: | |
| Street & Structural Engineering | |
| Prepared By: Steve Hazzard:jmh | Date: 6/18/80 |
| Budget Impact Review: | |
| <input type="checkbox"/> Completed <input type="checkbox"/> Not required | |
| Bureau Head: <i>D. Vargas</i> | |
| David J. Vargas, Acting Chief | |

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|-----------------------------|
| NOTED BY |
| City Attorney |
| City Auditor |
| City Engineer |
| Approved: <i>J. M. Lang</i> |
| By: <i>J. M. Lang</i> |

Filed JUN 19 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *Gordon*
Deputy