


RECEIVED

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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.



BY _____ June 30, _____ 1980

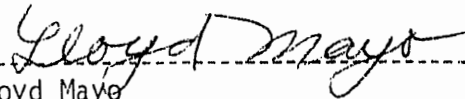
GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

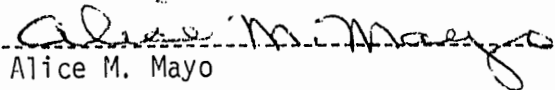
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 149917, passed by the Council June 26, 1980, granting a revocable permit to Lloyd and Alice M. Mayo to construct a railroad tie retaining wall not more than 24 inches in height and to erect a 42 inch chain link fence upon the retaining wall that extends not more than 1 foot into the street area of NE 25th Avenue and NE Sumner 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,



* Lloyd Mayo



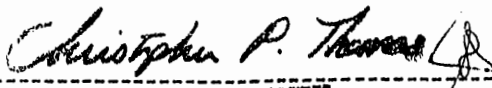
Alice M. Mayo

2505 NE Sumner St., Portland, Oregon 97211

Address

[CORPORATE
SEAL]

Approved as to form APPROVED AS TO FORM



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. **149917**

An Ordinance granting a revocable permit to Lloyd and Alice M. Mayo to construct a railroad tie retaining wall not more than 24 inches in height and to erect a 42 inch chain link fence upon the retaining wall that extends not more than 1 foot into the street area of N.E. 25th Avenue and N.E. Sumner Street, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Lloyd and Alice M. Mayo, 2505 N.E. Sumner Street, Portland, Oregon 97211, have requested permission to construct and maintain a 2 foot high railroad tie wall and fence extending into the street area of N.E. 25th Avenue and N.E. Sumner Street not more than 1 foot from the property line of west 1/2 of Lots 9 and 10, Block 9, Ina Park Addition.
2. That the retaining wall is needed as they would fill behind the wall to make the yard all the same level.
3. That the granting of said permission, under certain conditions, would not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Lloyd and Alice M. Mayo, grantees, to construct and maintain a 2 foot high railroad tie wall and fence in the street area of N.E. 25th Avenue and N.E. Sumner Street as above described, 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 block wall from the street area, the said removal to be as directed by and to the satisfaction of the City Engineer.

ORDINANCE No.

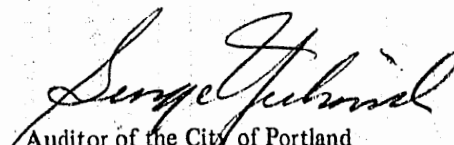
- (3) The grantees shall hold the City of Portland, its officers, agents and employees free and harmless from any claims for damages to persons or property, including legal fees and cost of defending any actions or suits, including any appeals which may result from the use of the street area under this 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 construct and maintain a wall and fence 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, **JUN 26 1980**

Commissioner Mike Lindberg
Steve Hazzard:jmh
June 11, 1980


Auditor of the City of Portland

2336

Calendar No. ~~2116~~

ORDINANCE No. 149917

Title

An Ordinance granting a revocable permit to Lloyd and Alice M. Mayo to construct a railroad tie retaining wall not more than 24 inches in height and to erect a 42 inch chain link fence upon the retaining wall that extends not more than 1 foot into the street area of N.E. 25th Avenue and N.E. Sumner Street, and declaring an emergency.

THURSDAY

CONTINUED TO JUN 26 1980

Filed JUN 12 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *Gordon Hall*
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: Steve Hazzard:jmh	Date: 6/11/80
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: <i>[Signature]</i> John M. Lang, City Engineer
By: <i>David J. Vargas</i>