

ORDINANCE NO. 149966

An Ordinance granting a revocable permit to the Republican Co. to use tieback shoring in the street area of S.W. 18th Avenue, S.W. Yamhill Street, and S.W. 17th Avenue adjacent to the west one-half of Block 321, Portland, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Austin Company has requested on behalf of the Republican Co. to use tieback shoring extending underground to the street areas of the following:
 - a. S.W. Yamhill Street between S.W. 17th and S.W. 18th Avenues,
 - b. S.W. 17th Avenue from S.W. Yamhill Street to 100 feet south,
 - c. S.W. 18th Avenue from S.W. Yamhill Street to 100 feet south,for construction of a building.
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 Republican Co., permittee, c.o. Fred Stickel, President and Publisher, The Oregonian Publishing Company, 1320 S.W. Broadway, Portland 97201, and/or its contractor, to use tieback shoring in the street areas described above in accordance with plans approved by the City Engineer and the Bureau of Buildings, the permit being granted 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) The permittee 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 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. The insurance required for Ordinance No. will cover this construction if so stated in the certificate filed with the City Auditor.
- (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 to 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.

ORDINANCE No.

- (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 cut off soldier piles at least 36 inches below gutter grade of adjacent streets.
- (12) The permittee shall reimburse the City for the extra cost of repairing existing sewers and construction of new sewers adjacent to said Block 11 resulting from having to remove said tiebacks. Said cost shall be determined by the City Engineer.
- (13) The permittee shall be billed for the plan review costs incurred by the City Engineer's Office, Section 548.030 of the City Code.

ORDINANCE NO. 149266

CITY OF PORTLAND

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.

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.

Passed by the Council, **JUL 3 1980**

Commissioner Mike Lindberg
Harlan G. Scott:jmh
June 16, 1980

George J. Johnson
Auditor of the City of Portland

Calendar No. 2441

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Title

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THURSDAY

JUN 27 1980

Filed

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By: *Gordon Crall*
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 *MLKA*

BUREAU APPROVAL

Bureau: Street & Structural Engineering
Prepared By: Harlan G. Scott:jmh Date: 6/16/80
Budget Impact Review: Completed Not required
Bureau Head: *D. Vargat*
David J. Vargas, Acting Chief

NOTED BY

City Attorney
City Auditor
City Engineer Approved: John M. Lang, City Engineer
By: *JV*