

RECEIVED

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150043

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

Portland, Oregon, July 18, 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. 150043, passed by the Council July 17, 1980, granting a revocable permit to Moreland Commercial Club to use certain sidewalk areas in the Milwaukie-Bybee area, to close certain portions of SE Milwaukie Avenue, and to place banners across SE 17th Avenue and SE Milwaukie Avenue from July 20th, 1980 through August 2nd, 1980, to facilitate their annual Make-It Moreland Days on August 2nd, 1980, 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,

MORELAND COMMERCIAL CLUB

[CORPORATE SEAL]

Pat Culligan

6572 SE Milwaukie Ave
Address *Port.*

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. 150043

An Ordinance granting a revocable permit to Moreland Commercial Club to use certain sidewalk areas in the Milwaukie-Bybee area, to close certain portions of SE Milwaukie Avenue, and to place banners across SE 17th Avenue and SE Milwaukie Avenue from July 20th, 1980 through August 2nd, 1980, to facilitate their annual Make-It Moreland Days on August 2nd, 1980, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Moreland Commercial Club, through R. A. Mitchell, Mitchell, Marsh & Dillard Insurance, 7011 SE Milwaukie Avenue, Portland, 97202, has requested permission to use the sidewalk areas of SE Milwaukie Avenue between SE Knapp Street and SE Martins Street, and SE Bybee Boulevard between SE 16th Avenue and SE 17th Avenue, to close SE Milwaukie Avenue between the curbs from SE Rural Street to SE Glenwood Street except at the intersection of SE Bybee Boulevard, and to place a banner across the intersection of SE 17th Avenue with SE Bybee Boulevard, and a banner across SE Milwaukie Avenue north of SE Glenwood Street.
2. The sidewalk areas and street closures are desired to facilitate holding their Make-It Moreland Days activities and sales, and the banners to publicize the event.
3. Granting the desired permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. Conflicting provisions of the Code hereby are waived, and a revocable permit is granted to Moreland Commercial Club, grantee, to use sidewalk areas and close street areas as described above, to facilitate their Make-It Moreland Days, including the adjacent merchants, to use the said sidewalk areas for selling goods from tables or booths on Saturday, August 2, 1980, and to place banners across the streets as described above, from July 20, 1980 through August 2, 1980, subject to the following conditions:
 - (1) This permit does not include the blocking of the sidewalk area to the normal pedestrian use.
 - (2) This permit shall not exempt the grantee 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.

- (3) This permit is revocable at any time by the Bureau of Police or the City Engineer, 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 to be held to give the grantee any vested or other right. Upon revocation of this permit the grantee shall immediately cease all Make-It Moreland activities and restore the sidewalk and street area to its normal state to the satisfaction of the Bureau of Police or the City Engineer.
- (4) The banner must have a clearance of at least 18 feet above the roadway of the street.
- (5) That approval for use of utility poles and manner of securing and fastening overhead cables to the poles must be obtained from the utility company involved.
- (6) The grantee 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 costs 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.
- (7) The grantee shall at his own expense provide barricades, signs and illumination as required by the Traffic Engineer.

Section 2. This Ordinance will not become effective until the grantee has 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.

ORDINANCE No.

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 to hang banners and for sidewalk use and street closure; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 120013

Calendar No. 5712

WHEREAS, the City of Portland is in need of an ordinance regarding a temporary banner on West 2nd, 1980, and declaring an emergency, and declaring 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 to hang banners and for sidewalk use and street closure; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

THURSDAY

Line

APPROVED BY THE CITY OF PORTLAND
 GEORGE HERRONICH

Filed
 JUL 10 1980

Passed by the Council, **JUL 17 1980**

Commissioner Mike Lindberg
 Steve Hazzard:jmh
 July 8, 1980

Attest:
George Hazzard
 Auditor of the City of Portland

City of Portland
 Department of Public Works
 Planning & Engineering Division
 1500 4th Ave. S.W.
 Portland, Oregon 97201

Calendar No. 2598

ORDINANCE No. 150043

Title

An Ordinance granting a revocable permit to Moreland Commercial Club to use certain sidewalk areas in the Milwaukie-Bybee area, to close certain portions of SE Milwaukie Avenue, and to place banners across SE 17th Avenue and SE Milwaukie Avenue from July 20th, 1980 through August 2nd, 1980, to facilitate their annual Make-It Moreland Days on August 2nd, 1980, and declaring an emergency.

THURSDAY

JUL 10 1980

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Yerkovich
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/mqz</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Steve Hazzard:jmh Date: 7/8/80
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, City Engineer
By: <i>JV</i>

120043