

RECEIVED

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ACCEPTANCE

GEORGE YERKOVICH, /
CITY OF PORTLAND

BY GA

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. 150046, passed by the Council July 17, 1980, granting a revocable permit to Susan J. McCune to construct and maintain a fence in the street area on the north side of N. Morgan Street between N. Oatman Avenue and N. Knowles Avenue, also on N. Oatman Avenue between N. Morgan Street and N. Holland 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,

Susan J. McCune

* Susan J. McCune

[CORPORATE
SEAL]

7104 N. Oatman Avenue, Portland, OR. 97217
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. **150046**

An Ordinance granting a revocable permit to Susan J. McCune to construct and maintain a fence in the street area on the north side of N. Morgan Street between N. Oatman Avenue and N. Knowles Avenue, also on N. Oatman Avenue between N. Morgan Street and N. Holland Street, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Susan J. McCune, 7104 N. Oatman Avenue, has requested permission to erect and maintain a fence in the street area of N. Morgan Street and N. Oatman Avenue, adjacent to said address.
2. The fence is needed to prevent here children from going into the street.
3. The said fence, being in an unimproved right of way, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Susan J. McCune, owner of Lot 1 and south half of Lot 2, Block 20, Arbor Lodge Addition, to construct and maintain a fence in the street area, in accordance with regulations of the Bureau of Buildings, and located as shown on the plan marked "Exhibit A", attached to this Ordinance and by this reference made part hereof, subject to the following conditions:
 - (1) This permit is for the use of the street area only, and 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.
 - (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 grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 10 days remove said fence and restore the street area as required by and to the satisfaction of the City Engineer.
 - (3) The grantee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for

EXHIBIT - "A"

BLOCK 20
LOT 1 & S. HALF
OF LOT 2
ARBOR LODGE

N. OATMAN AVE.

11-5-2

LOT 2

LOT 1

R=15'

10'

PROPOSED FENCE

N. MORGAN ST.



SCALE 1"=40'

APPROVED

By John H. Haug
City Engineer
Reg. Prof. Engr.

ORDINANCE No.

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.

- (4) This permit is a burden upon the property and runs with the land and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in Ordinance No. 30.270 or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as additional insured.
- (5) The grantee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

Section 2. This Ordinance will not become effective until the grantee 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 a fence; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUL 17 1980

Commissioner Mike Lindberg
Steve Hazzard/sg
July 2, 1980

Attest:

George Gelman
Auditor of the City of Portland

Calendar No. 2601

ORDINANCE No. 150046

Title

An Ordinance granting a revocable permit to Susan J. McCune to construct and maintain a fence in the street area on the north side of N. Morgan Street between N. Oatman Avenue and N. Knowles Avenue, also on N. Oatman Avenue between N. Morgan Street and N. Holland Street, and declaring an emergency.

THURSDAY

JUL 10 1980

Filed

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

[Signature]
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready	4	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY

COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

MLimgf

BUREAU APPROVAL

Bureau:

Street & Structural Engineering

Prepared By:

Date:

Steve Hazzard

7/2/80

Budget Impact Review:

Completed

Not required

Bureau Head:

[Signature]
David J. Vargas, Acting Chief

NOTED BY

City Attorney

City Auditor

City Engineer

APPROVED:

John M. Lang, P.E.

BY:

[Signature]