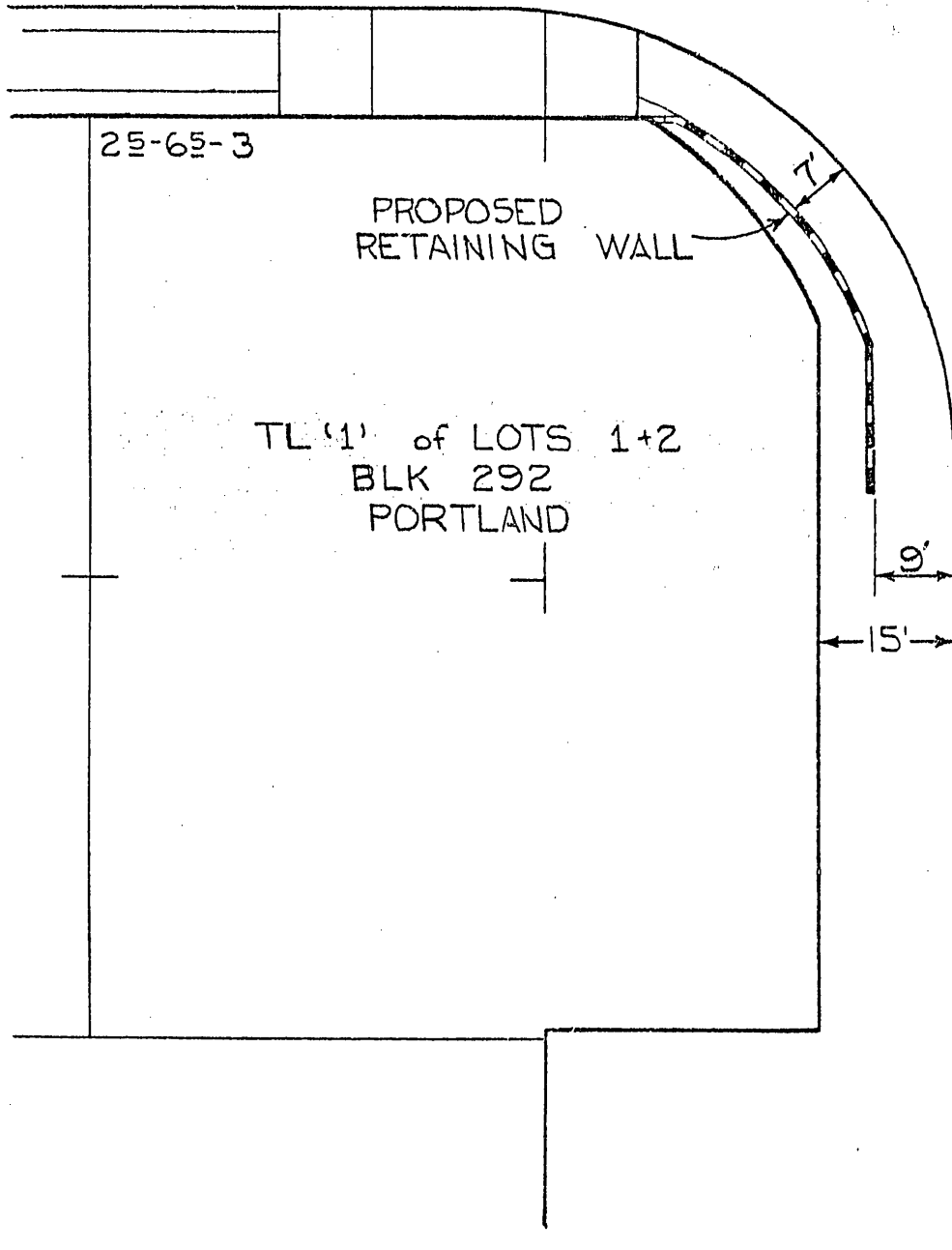


# EXHIBIT - "A"

To construct and maintain a retaining wall in the street areas of SW Hall Street and SW 13th Avenue adjacent to Tax Lot 1 of Lots 1 and 2, Block 292, Portland addition.

For: Albert Starr  
9155 SW Barnes Rd.  
Portland, OR

S.W. HALL ST.



S.W. 13TH AVE.



APPROVED

By Richard E. Johnson  
City Engineer  
Reg. Prof. Engr. *ERP*

## ORDINANCE NO. 150145

An Ordinance granting a revocable permit to Albert Starr to construct and maintain a retaining wall in the street areas of SW Hall Street and SW 13th Avenues, and declaring an emergency.

The City of Portland Ordains:

Section 1. The Council finds:

1. Albert Starr, owner of the property at 1911 SW 13th Avenue, has requested permission to construct and maintain a concrete retaining wall in the street areas of SW Hall Street and SW 13th Avenue.
2. The purpose of this request is to provide more yard area by constructing a retaining wall that is approximately 7 feet behind the curbline.
3. The granting of this permit under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Albert Starr, 9155 SW Barnes Rd. permittee, to construct and maintain a retaining wall in the street area, adjacent to Tax Lot 1 of Lots 1 and 2, Block 292, Portland, in accordance with plans and specifications approved by the City Engineers, 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 licence 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 30 days remove said retaining wall and restore the street area as required by and to the satisfaction of the City Engineer.

ORDINANCE No.

(3) 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 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 ORS 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 retaining wall; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUL 31 1980

Commissioner Mike Lindberg  
Harlan Scott/tw  
July 16, 1980

Attest:

*George Johnson*  
Auditor of the City of Portland

Calendar No. 2776

ORDINANCE No. 150115

Title

An Ordinance granting a revocable permit to Albert Starr to construct and maintain a retaining wall in the street areas of SW Hall Street and SW 13th Avenues, and declaring an emergency.

THURSDAY

JUL 24 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By: *Jordan Powell*  
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 *M. Lindberg*

BUREAU APPROVAL

Bureau:  
Street & Structural Engineering

Prepared By: Harlan Scott/tw      Date: 7-16-80

Budget Impact Review:  
 Completed       Not required

Bureau Head:  
*David J. Vargas*  
David J. Vargas, Acting Chief

NOTED BY

City Attorney

City Auditor

City Engineer  
Approved: John M. Lang

By: *David J. Vargas*