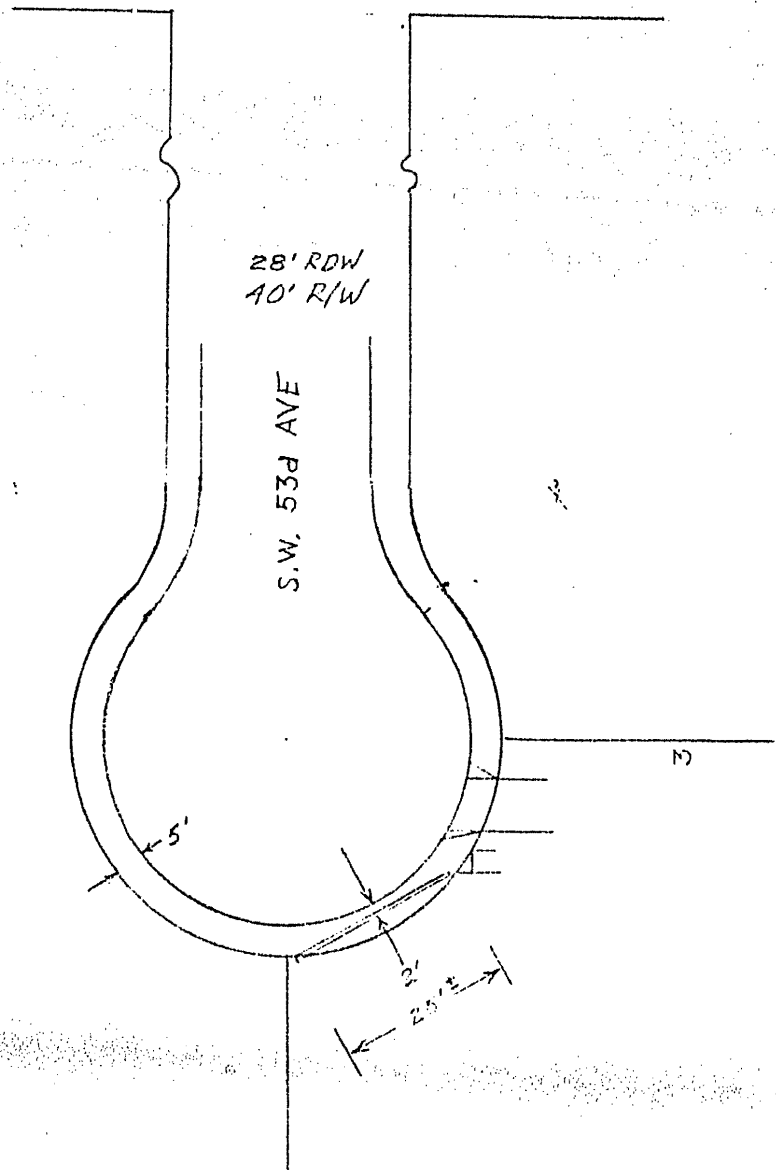


EXHIBIT - "A"

To maintain an existing retaining wall in the street areas of SW 53rd Avenue and south of SW Kanan Street

For: Dan MacNaughton
5920 SW 53rd Ave.
Portland, OR
lot 3 exc. N 75', block 6
Westhampton Addition $\frac{1}{4}$ 3624

S. W. Kanan St.



Not to scale
Drawn by H.G.S.
VA 3624

APPROVED

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

ORDINANCE NO. 150146

An Ordinance granting a revocable permit to Dan MacNaughton to maintain an existing retaining wall in the street areas of SW 53rd Avenue and south of SW Kanan Street, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Dan MacNaughton, owner of the property at 5920 SW 53rd Avenue, has requested permission to maintain an existing concrete retaining wall that is 2 feet into street area from property line of SW 53rd Avenue.
2. 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 Dan MacNaughton, 5920 SW 53rd Avenue, permittee, to maintain an existing retaining wall in the street area, adjacent to Lot 3, excepting North 75 feet thereof, Block 6, Westhampton Addition, located as shown on the plan marked "Exhibit A", attached to this Ordinance any 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 30 days remove said retaining wall 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 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

ORDINANCE No.

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

ORDINANCE NO. 3011

CITY OF PORTLAND

CITY OF PORTLAND

Passed by the Council, **JUL 31 1980**

Commissioner Mike Lindberg
Harlan Scott/tw
July 16, 1980

Attest:

Serge J. Fickman
Auditor of the City of Portland

Calendar No. 2777

ORDINANCE No. 150146

Title

An Ordinance granting a revocable permit to Dan MacNaughton to maintain an existing retaining wall in the street areas of SW 53rd Avenue and south of SW Kanan Street, and declaring an emergency.

THURSDAY

Filed JUL 24 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: Gordon Crall
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 *MLmgf*

BUREAU APPROVAL

Bureau:
Street & Structural Engineering

Prepared By: Harlan Scott/tw Date: July 16, 1980

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*