

SEP 3 9 08 AM 1980

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY 

Portland, Oregon, August 8, 1980

GEORGE YERKOVICH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

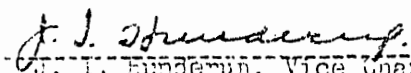
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 150189, passed by the Council August 7, 1980, granting a revocable permit to the State of Oregon, State Board of Higher Education (University of Oregon Health Sciences Center) to construct and maintain a private driveway in the westerly side of SW Sam Jackson Park Road in accordance with City Street Job No. 6087, to landscape portions of the area between the driveway and the sidewalk,

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,

STATE OF OREGON, STATE BOARD OF HIGHER EDUCATION,
UNIVERSITY OF OREGON HEALTH SCIENCES CENTER

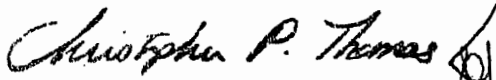
[CORPORATE
SEAL]

*
by  8/15/80
J. I. Hunderup, Vice Chancellor for
Facilities Planning

P.O. Box 3175, Eugene, Oregon 97043

Address

APPROVED AS TO FORM
Approved as to form:



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.



UNIVERSITY OF OREGON
HEALTH SCIENCES CENTER
August 28, 1980

Mr. George Yerkovich
City Auditor
City Hall, Room 202
1220 SW 5th
Portland, Oregon 97204

Subject: Acceptance of Ordinance No. 150189

Dear Sir:

Attached for your record and files is a signed copy executing the "acceptance" of Ordinance No. 150189 which the Portland City Council passed on August 7, 1980. This Ordinance grants a revocable permit to the State Board of Higher Education for the construction and maintenance of a driveway on the westerly side of SW Sam Jackson Park Road in accordance with City Street Job No. 6087.

This Ordinance is in connection with part of the construction of the new Shriners Hospital for Crippled Children.

A check in the amount of \$10.50 has been previously submitted to your office from Mr. Larry Chew of the Architectural Firm of Broome, Oringdulph, O'Toole, Rudolph, & Associates, in payment for the processing of this Ordinance (No. 150189).

In addition, it is my understanding that Mr. Ed Branchfield, the Attorney for the Oregon State Board of Higher Education, has been in contact with the Attorney for the City of Portland to resolve the matter of the insurance requirements with regard to the latest statutory provisions dealing with tort liability as identified in ORS 30.270 (a separate letter has been addressed discussing this item). It appears that the discussion between Mr. Branchfield and the Attorney for the City has resolved the matter relating to commercial insurance for the protection specified in this and similar ordinances of the City.

Very Truly Yours,

R. E. Tuomi
R. E. Tuomi
Asst. Vice President,
Facilities Management

RET/cb

Enclosure

cc: Mr. J. I. Hunderup
James T. McGill, PhD
Mr. Larry Chew

ORDINANCE NO. **150189**

An Ordinance granting a revocable permit to the State of Oregon, State Board of Higher Education (University of Oregon Health Sciences Center) to construct and maintain a private driveway in the westerly side of S.W. Sam Jackson Park Road in accordance with City Street Job No. 6087, to landscape portions of the area between the driveway and the sidewalk, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The State of Oregon (University of Oregon Health Sciences Center), 3181 S.W. Sam Jackson Park Road, by and through the State Board of Higher Education, J. I. Hundernp, Vice Chancellor, Facilities Planning, P.O. Box 3175, Eugene, Oregon 97043, has requested permission to construct and maintain a driveway in the right of way of S.W. Sam Jackson Park Road, adjacent to Tax Lots 46 and 48, Section 9, T.1S., R.1E., W.M., in accordance with City Street Job No. 6087.
2. This driveway is needed to serve the Shrine Hospital for Crippled Children to be constructed adjacent to the University of Oregon Medical School.
3. The proposed driveway would not be detrimental, under certain conditions, to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit to run with the land is granted to the State of Oregon, State Board of Higher Education, permittee, to construct and maintain a driveway in S.W. Sam Jackson Park Road as previously described above, subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the permittee 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 permittee any vested or other right. Upon

ORDINANCE No.

revocation of this permit by the Council, the permittee shall within 30 days remove the driveway and restore the street area as required by and to the satisfaction of the City Engineer.

- (3) The permittee 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.
- (4) The fee for this permit will be paid for as part of the fee collected for City Street Job No. 6087, and this permit is automatically revoked if the work authorized by this Ordinance is not constructed as part of the foregoing named street project.
- (5) The permittee shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

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

Passed by the Council, **AUG 7 1980**

Commissioner Mike Lindberg
Harlan G. Scott:jmh
July 23, 1980

Attest:

Charles Spear
Chief Deputy Auditor of the City of Portland

Calendar No. 2847

ORDINANCE No. 150189

Title

An Ordinance granting a revocable permit to the State of Oregon, State Board of Higher Education (University of Oregon Health Sciences Center) to construct and maintain a private driveway in the westerly side of S.W. Sam Jackson Park Road in accordance with City Street Job No. 6087, to landscape portions of the area between the driveway and the sidewalk, and declaring an emergency.

THURSDAY

JUL 31 1980

Filed

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *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 **ML/mjt**

BUREAU APPROVAL

Bureau:
Street & Structural Engineering

Prepared By: **Harlan G. Scott:jmh** Date: **7/23/80**

Budget Impact Review:
 Completed Not required

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

Consent ✓

NOTED BY

City Attorney

City Auditor

City Engineer Approved:
John M. Lang, P.E.

By: *David J. Vargas*

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