

151055

ACCEPTANCE

FEB 6 0 54 AM 1981
 PORTLAND, OREGON, JANUARY 30, 1981
 CITY OF PORTLAND AUDITOR
 BY _____

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. 151055, passed by the Council January 29, 1981, granting a revocable permit to National Hospital Association to maintain an existing supply well and a disposal well in the sidewalk area of SW Washington Street and SW 6th Avenue, repealing Ordinance No. 135685,

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,

[CORPORATE
SEAL]

NATIONAL HOSPITAL ASSOCIATION

* Robert W. Dunn, Secretary

400 SW 6th Avenue, Portland, OR 97205

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.

151055

ORDINANCE NO.

An Ordinance granting a revocable permit to National Hospital Association to maintain an existing supply well and a disposal well in the sidewalk area of S.W. Washington Street, and S.W. 6th Avenue, repealing Ordinance No. 135685, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. National Hospital Association has requested permission to maintain an existing supply well in northerly sidewalk area of S.W. Washington Street, approximately 95 feet east of the east line of S.W. 6th Avenue, and a disposal well in the easterly sidewalk area of S.W. 6th Avenue, approximately 90 feet north of the north line of S.W. Washington Street, adjacent to Block 175, Portland.
2. That said wells are needed for the air conditioning system for the building located on said property.
3. That granting of said request under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to National Hospital Association to maintain an existing supply well and a disposal well in the street area as 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 in the event the public's need requires it and no expenditure of money hereunder, 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. Immediately upon the expiration of this permit, or upon its sooner revocation by the Council, the permittee shall remove said wells as directed by and to the satisfaction of the City Engineer.

- (3) 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.
- (4) In addition thereto said permittee shall within ten (10) days after the taking effect of this Ordinance file with the City Auditor an acceptance of the terms and provisions hereof and his covenant and agreement to keep and perform each and all of said terms and provisions, and also during the continuance of this permit to hold the City of Portland, the City Engineer, and each and all of the officers and employees of said City free and harmless from any claims for damages to persons or property which may be occasioned by any construction, maintenance and/or use of street area under the permit hereby granted, and to pay for any damage that may be done to any water main or pipe, sewer main or pipe, or conduit of any public utility, or any other occupance of any street area which may result from the granting of this permit, and said permittee shall further covenant and agree that the discharge of water shall be stopped and discontinued at any time upon notice from the City Engineer or the Council of said City, and that any and all sewer user charges which may be established by the Council shall be promptly paid by the permittee on all water from said wells which may be discharged into the City sewers.

Section 2. Ordinance No. 135685 entitled "An Ordinance granting a revocable permit to Schnitzer Investment Co., 3300 N.W. Yeon Ave., Portland, OR, 97210, to use and maintain a supply well and a disposal well in the sidewalk area of SW Washington Street, and SW 6th Avenue, adjacent to Lots 5 and 6, Block 175, Portland, and declaring an emergency" hereby is repealed.

Section 3. This Ordinance will not become effective until the permittee has filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.

ORDINANCE No.

Section 4. 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 allow said wells to remain in the sidewalk area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JAN 29 1981**

Commissioner Mike Lindberg
Steve Hazzard:jmh
January 19, 1981

Attest:

George Fickman
Auditor of the City of Portland

Calendar No. 268

ORDINANCE No. 151055

Title

An Ordinance granting a revocable permit to National Hospital Association to maintain an existing supply well and a disposal well in the sidewalk area of S.W. Washington Street, and S.W. 6th Avenue, repealing Ordinance No. 135685, and declaring an emergency.

THURSDAY

Filed JAN 22 1981

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By: *Gordon Hall*
Deputy

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works ML/MS

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: Steve Hazzard:jmh
Date: 1/19/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: David J. Vargas reg
David J. Vargas, Acting Chief

CALENDAR
Consent X Regular

NOTED BY
City Attorney
City Auditor
City Engineer Approved: John M. Lang, P.E.
By: David J. Vargas reg