

MAR 4 8 52 AM 1981

151075

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY 

Portland, Oregon, February 13, 1981

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

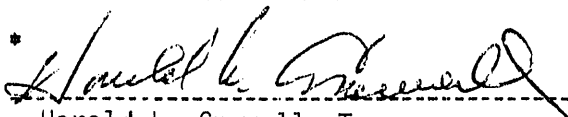
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 151075, passed by the Council February 12, 1981, granting a Revocable Permit to Fraternal Order of Eagles #4, deedholders, to allow construction of a running/jogging track, in zone R7; located east of SW 35th Avenue, between SW Dolph and SW Marigold Streets; Tax Lot 290, Section 29, T1S, R1E,

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,

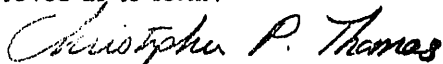
FRATERNAL ORDER OF EAGLES #4

[CORPORATE
SEAL]

Harold L. Crowell, Treasurer

8835 SW 30th Avenue, Portland, OR 97219

Address

APPROVED AS TO FORM
Approved as to form: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.

RECORDED: Mar. 5, 1981
BOOK: 1507
PAGE: 978

ORDINANCE NO. **151075**

An Ordinance granting a Revocable Permit to Fraternal Order of Eagles #4, deedholders, to allow construction of a running/jogging track, in zone R7; located east of S.W. 35th Avenue, between S.W. Dolph and S.W. Marigold Streets; Tax Lot 290, Section 29, T1S, R1E, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Fraternal Order of Eagles #4, deedholders of the property at S.W. 35th Avenue, between S.W. Dolph and Marigold Streets, applied for a Conditional Use to construct a running/jogging track.
2. The legal description of said property is Tax Lot 290, Section 29, T1S, R1E.
3. Applicants have paid the proper fee for the filing of such a petition.
4. A duly authorized and held public hearing has been conducted by the City's Hearings Officer on January 5, 1981 (Planning Commission File No. CU 101-80) and the Hearings Officer recommends that the application for a Conditional Use be denied but that a Revocable Permit be allowed in order to construct a running/jogging track on this site; located east of S.W. 35th Avenue, between S.W. Dolph and S.W. Marigold Streets, subject to certain conditions.
5. The City auditor has complied with the notice requirements of the ordinance for the hearing before the Hearings Officer.

NOW, THEREFORE, the Council directs:

- a. That the facts, findings and recommendation of the Hearings Officer in P.C. File No. CU 101-80 are adopted by City Council.
- b. That a Revocable Permit be granted to allow construction of a running/jogging track; located east of 35th Avenue, between S.W. Dolph and S.W. Marigold Streets.
- c. This Revocable Permit is granted under the following conditions:
 - 1) The track width be developed at least six feet wide and the barkdust surface be three to four inches deep.
 - 2) The nuisance conditions during summer periods be eliminated by ensuring to the Division of Neighborhood Quality that the trail and landscaped area is cut, watered, weeded and that plants, plus vegetative screening, be adequately pruned, and that diseased or dead plants be replaced.

- 3) The existing parking lot on the fraternal organization's property be made available to track users for parking and access.
 - 4) Access to the running/jogging track shall be made available through the parking lot and from S.W. Marigold Street near the southeast corner of the parking lot.
 - 5) Where applicable, requirements of Chapter 70, Excavation and Grading, and requirements for storm water runoff shall be complied with according to the Uniform Building Code.
 - 6) No lighting of the track shall be permitted.
 - 7) A site plan shall be submitted to the Bureau of Planning for review and approval prior to issuance of a Building Permit, showing the track to be developed in accordance with conditions here indicated.
 - 8) A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 S.W. Fifth Avenue, 248-4241, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
 - 9) The Revocable Permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
 - 10) The Revocable Permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money hereunder or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittees any vested or other right.
 - 11) Permittee shall comply with the provisions of the Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City, whether presently existing or hereafter enacted.
- d. Neither this ordinance nor any permit issued hereunder shall be effective until accepted, filed and recorded in accordance with law.

397
Calendar No. ~~384~~

ORDINANCE No. 151075

Title

An Ordinance granting a Revocable Permit to Fraternal Order of Eagles #4, deed-holders, to allow construction of a running/jogging track, in zone R7; located east of S.W. 35th Avenue, between S.W. Dolph and S.W. Marigold Streets, Tax Lot 290, Section 29, T1S, R1E, under certain conditions, and declaring an emergency.

THURSDAY

FEB 5 1981

CONTINUED TO FEB 12 1981

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Filed JAN 9 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon Chase
Deputy

INTRODUCED BY
COMMISSIONER SCHWAB
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works
BUREAU APPROVAL
Bureau:
HEARINGS OFFICE
Prepared By: <i>NO</i> Date: 1/5/81
G.H. Flerlage/sa 1/5/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:
CALENDAR
Consent <input checked="" type="checkbox"/> Regular
NOTED BY
City Attorney
City Auditor
City Engineer