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## ACCEPTANCE

GEORGE YERKOVICH  
CITY AUDITOR  
PORTLAND, ORE.

BY

Portland, Oregon, February 12, 1981

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

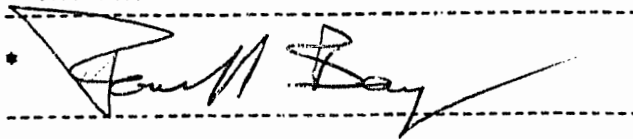
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 151087, passed by the Council February 12, 1981, granting a revocable permit to Tri-Met to install, use, and maintain a road supervisor's telephone call box in the northerly side of SW Ankeny Street at SW 5th Avenue, at a fee of \$10.00,

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,

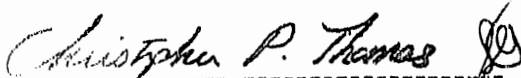
TRI-MET

[CORPORATE  
SEAL]


4012 SE 17th Avenue, Portland, OR 97202

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.

## ORDINANCE NO. 151087

An Ordinance granting a revocable permit to Tri-Met to install, use, and maintain a road supervisor's telephone call box in the northerly side of S.W. Ankeny Street at S.W. 5th Avenue at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Tri-Met, 4012 S.E. 17th Avenue, Portland 97202, has, through Dave Kuehn, Construction Manager, requested permission to install a road supervisor's telephone call box in the northerly street area of S.W. Ankeny Street at S.W. 5th Avenue.
2. The purpose for the telephone call box is to provide communication to bus drivers who wait for route assignments during peak rush hours on S.W. Ankeny between S.W. 4th and S.W. 5th Avenues.
3. The granting of this request will not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted Tri-Met, permittee, to install, use, and maintain a road supervisor's telephone call box in S.W. Ankeny Street at S.W. 5th Avenue located as shown on the plan marked "Exhibit A" attached to and by this reference made part of this Ordinance 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 revocation of this permit by the Council, the permittee shall within 30 days remove the road supervisor's telephone call box and restore the street area as required by and to the satisfaction of the City Engineer.

- (3) 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 structural driveway, portion of retaining wall, and structural walkway within 90 days from the street area as directed by and to the satisfaction of the City Engineer.
- (4) 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.
- (5) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

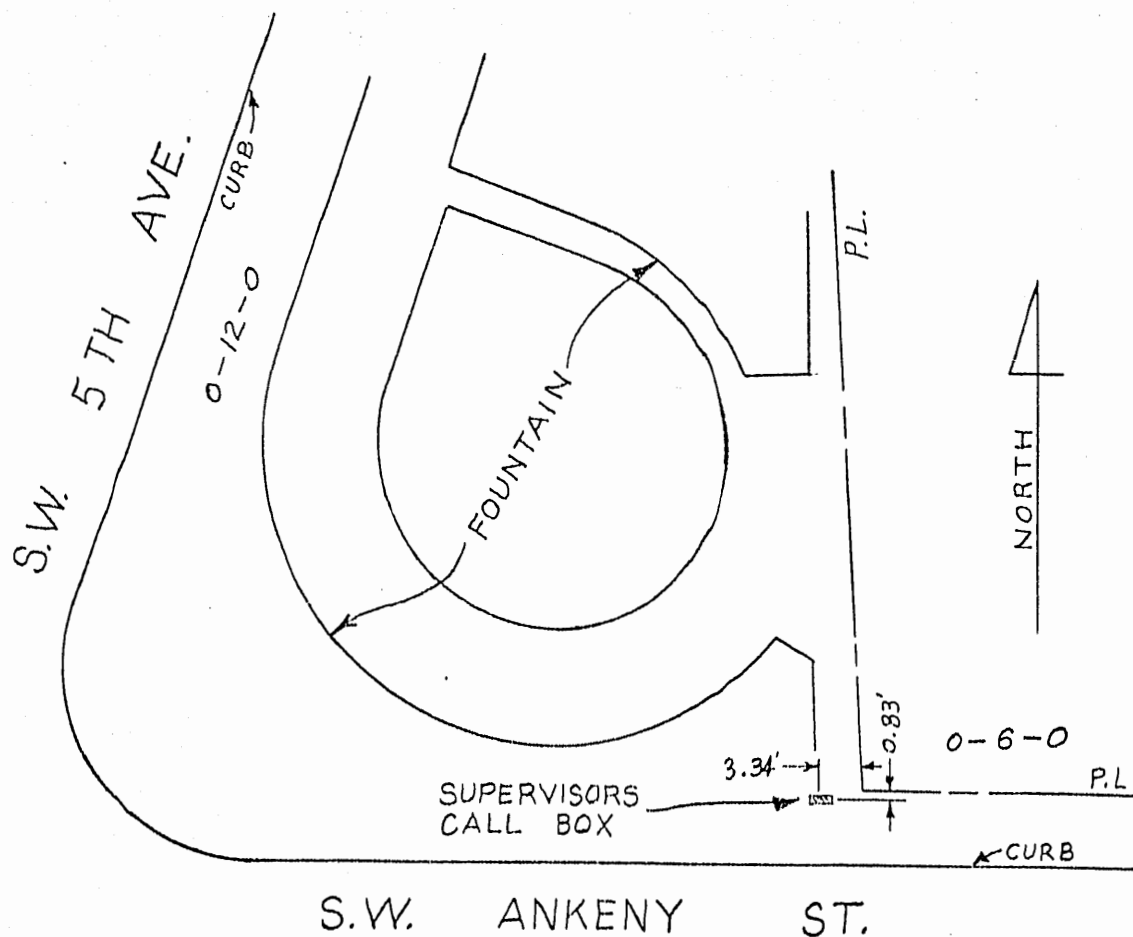
Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof. This Ordinance shall be automatically revoked without further consideration by the Council if the terms and conditions are not accepted within sixty (60) calendar days of the passage of this Ordinance.

# EXHIBIT - "A"

151087

To install, maintain and use a road supervisor's telephone call box in the northerly side of S.W. Ankeny Street at S.W. 5th Avenue.

For: Tri-Met  
4012 S.E. 17th Ave.  
Portland, Oregon 97202



APPROVED

SCALE NONE  
DRAWN BY L.L.B.  
CHECKED BY  
1/4 SEC.

By John M. Lang  
City Engineer  
Reg. Prof. Engr.

# ORDINANCE No.

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 to install and maintain a road supervisor's call box within the street area of S.W. Ankeny Street; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

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BRANDS

Winnipeg, 1900

Passed by the Council, FEB 12 1981

Commissioner Mike Lindberg  
Harlan G. Scott:jmh  
January 29, 1981

**Attest:**

**Auditor of the City of Portland**

Calendar No. 413

# ORDINANCE No. 151087

## Title

An Ordinance granting a revocable permit to Tri-Met to install, use, and maintain a road supervisor's telephone call box in the northerly side of S.W. Ankeny Street at S.W. 5th Avenue at a fee of \$10.00, and declaring an emergency.

THURSDAY

Filed FEB 5 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

*George Yerovich*  
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 <i>ML/MS</i>

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: Harlan G. Scott:jmh
Date: 1/29/81
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas</i>
David J. Vargas, Acting Chief

CALENDAR
Consent <input checked="" type="checkbox"/> Regular

NOTED BY
City Attorney
City Auditor
City Engineer
Approved: John M. Lang, P.E.
By: <i>David J. Vargas</i>