

## ORDINANCE NO. 151088

An Ordinance granting a revocable permit to Arlene A. Stafford to construct and maintain a rock retaining wall in the street area of S.W. Custer Street, at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Arlene A. Stafford, owner of the property at 7602 S.W. 37th Avenue, Portland, Oregon 97219, has requested permission to construct and maintain a rock retaining wall 16 feet into the street area of S.W. Custer Street.
2. That this retaining wall makes it possible to have a level side yard.
3. That 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 Arlene A. Stafford, 7602 S.W. 37th Avenue, permittee, to construct and maintain a rock retaining wall in the street area adjacent to the north 1/2 of Lots 5 and 6, and the north 1/2 of the west 1/2 of Lot 4, Block 6, Queensland Addition, located as shown on the plan marked "Exhibit A", attached to and by this reference made a part hereof, 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 rock retaining wall from the street area as directed by and to the satisfaction of the City Engineer.

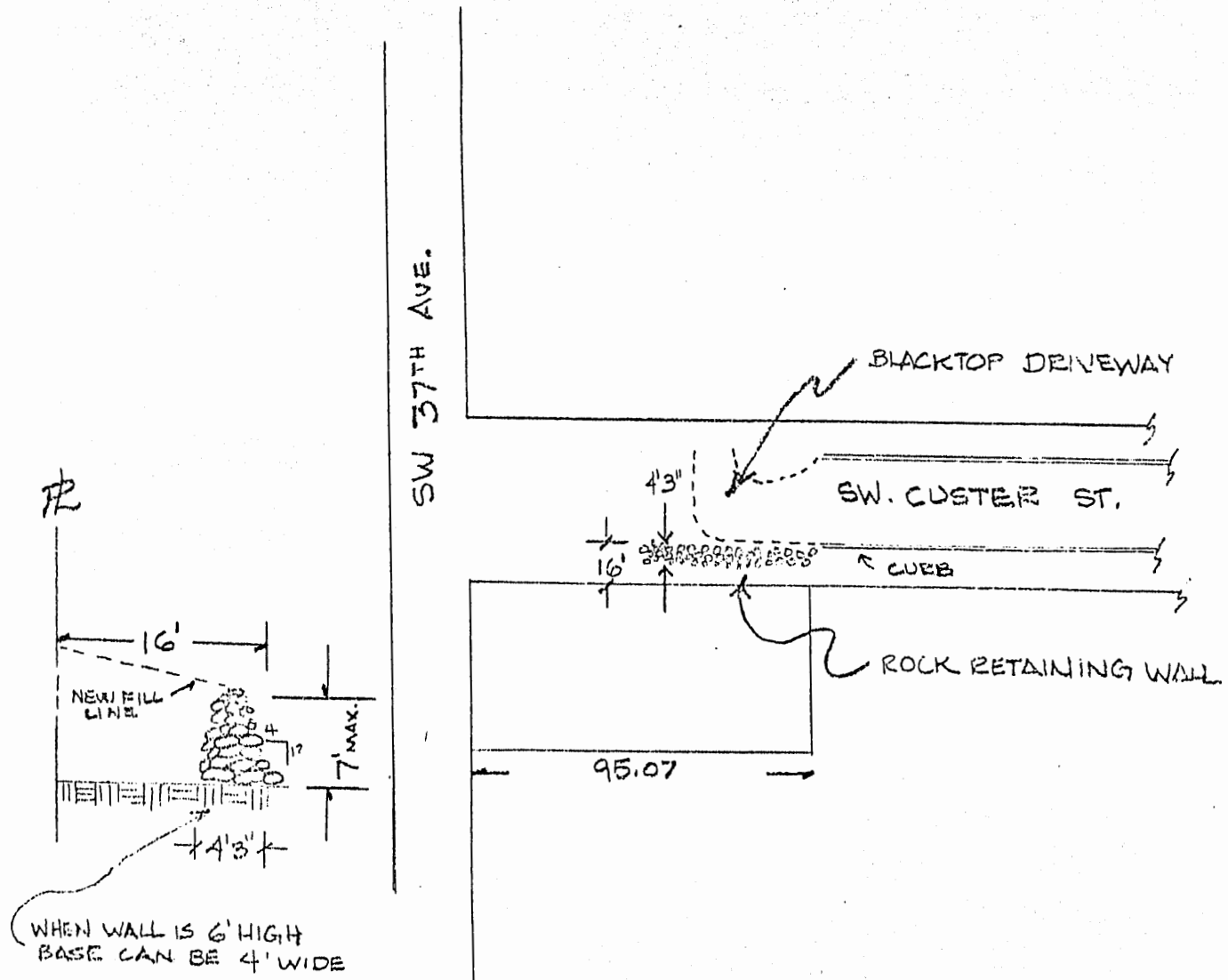
- (3) In the event S.W. Custer Street is improved to City standards westerly from the present improvement which terminates approximately 170 feet west of the west line of S.W. 36th Avenue, the permit herein authorized shall be revoked and the permittee shall have removed at the permittee's expense said rock retaining wall.
- (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) 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.
- (6) 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 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"

To construct and maintain a rock retaining wall in the street area adjacent to the north 1/2 of Lots 5 and 6 and the north 1/2 of the west 1/2 of Lot 4, Block 6, Queensland Addition, 1/4 3725 se.

For: Arlene A. Stafford  
7602 S.W. 37th Ave.  
Portland, Oregon 97219



APPROVED

DRAWN BY: SSH  
CHECKED BY: HGS  
SCALE: NTS

By John M. Long  
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 maintain a retaining wall; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 12088

JLB

THURSDAY

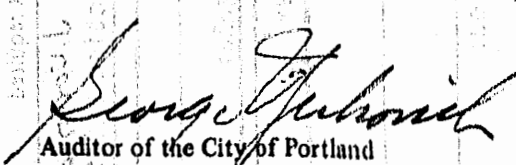
FEB 2 1981

 VERNON W. HARRIS, Mayor  
 GEORGE J. HARRIS, Mayor

Passed by the Council, FEB 12 1981

 Commissioner Mike Lindberg  
 Steve Hazzard:jmh  
 January 30, 1981

Attest:

  
 Auditor of the City of Portland

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

Calendar No. 414

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### Title

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THURSDAY

Filed FEB 5 1981

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/mc</i>

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: Steve Hazzard:jmh
Date: 1/30/81
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>