

ACCEPTANCE

APR 10 9 05 AM 1981
REG. CLERK
AUDITOR
ORE.

Portland, Oregon, April 10 1981

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. 151382, passed by the Council April 9, 1981, granting a revocable permit to the Portland Rose Festival Association to use portions of the City-State-owned property east of and adjacent to the east curb line of Front Avenue to hold their annual carnival and exhibition from May 29th, 1981, through June 17th, 1981 and to vend and sell festival paraphernalia, novelties and certain food items from June 5th through June 14th, 1981, waiving the fees for permits and inspection, code requirements for construction of booths, 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,

PORTLAND ROSE FESTIVAL ASSOCIATION

* *Clayton W. Hannon*

Clayton W. Hannon, Executive Manager

One SW Columbia, Portland, OR 97201

Address

[CORPORATE SEAL]

APPROVED AS TO FORM

Christopher P. Thomas
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. 151382

An Ordinance granting a revocable permit to the Portland Rose Festival Association to use portions of the City-State-owned property east of and adjacent to the east curb line of Front Avenue to hold their annual carnival and exhibition from May 29th, 1981, through June 17th, 1981 and to vend and sell festival paraphernalia, novelties and certain food items from June 5th through June 14th, 1981, waiving the fees for permits and inspection, code requirements for construction of booths, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Rose Festival Association, through Clayton W. Hannon, Executive Manager, has applied for permission to use a portion of the City-State-owned property east of and adjacent to the east curb line of Front Avenue to hold their annual carnival and exhibition in connection with the Rose Festival events, and also for permission to vend and sell items of festival paraphernalia, novelties, ice cream, ice milk products, popcorn, peanuts, caramel corn, cotton candy, cold drinks, coffee, hot dogs, and other foods on the City-State property.
2. The carnival, exhibitions, and vending are part of the Rose Festival.
3. The granting of said permission under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. All permit and inspection fees and code requirements for construction of booths hereby are waived and a revocable permit granted to the Portland Rose Festival Association, permittee to use portions of City-State-owned property, the boundaries of which are generally described as the Willamette River seawall, the north curb line of SW Jefferson Street extended, the east curb line of Front Avenue and the south curb line of NW Glisan extended, for purpose of installing tents and holding their annual carnival and exhibitions and also to vend and sell items of festival paraphernalia, novelties, ice cream, ice milk products, popcorn, peanuts, caramel corn, cotton candy, cold drinks, coffee, hot dogs, and other foods on City-State-owned property within the boundaries as above described, subject to the following conditions:

- (1) Areas of SW Front may be used as approved by the Bureau of Traffic Engineering.
- (2) Entrances and exits to the area shall be limited as designated by the Bureau of Police, the Bureau of Parks, and the Bureau of Traffic Engineering.
- (3) That additional limited access to the carnival and exhibition site in connection with Rose Festival Activities may be obtained as early as May 24, 1981 with approval of the Bureau of Parks, Bureau of Police, and Bureau of Traffic Engineering.
- (4) Opening and closing hours daily shall be from 11:00 AM to 12 midnight.
- (5) Utmost care shall be taken to preserve the trees, shrubs and grass, sprinkler systems, improvements and furnishings within the area, especially no nails shall be driven into the trees or branches trimmed without approval of the Bureau of Parks. The permittee shall reimburse the City for the restoration of trees, shrubs, grass, sprinkler systems, improvements, and furnishings and other surfaces made necessary by use pursuant of this permit.
- (6) The permittee shall provide sufficient sanitary facilities to provide service for the public in attendance. Such facilities shall be maintained in a sanitary condition to meet the requirements of the Environmental Health Section of the Multnomah County Department of Public Health.
- (7) Nothing contained herein shall be deemed to grant any vested right in the Rose Festival Association in the use and occupancy of said area and the right of the Bureau of Fire or the Bureau of Police to stop or limit such use any time during the permit period shall not be impaired.
- (8) This permit is for the use of the said public area only and shall not exempt the permittee from taking out any license or obtaining any permit required by existing City Codes, or Ordinances, for any operations or maintenance performed under the permit hereby granted, nor shall this permit waive any provisions of any City Code or Ordinance or City Charter except as herein stated.
- (9) There shall be no vending or selling within any portion of Front Avenue except for sale of rose pins.

- (10) 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.
- (11) The use of the area as herein authorized shall, in addition, be subject to the following regulations as required by the Bureau of Police, the Bureau of Fire, and the Bureau of Traffic Engineering:
- (a) Maintain an emergency lane, to be designated by the Bureau of Traffic Engineer, at all times throughout the period of the permit.
 - (b) Restrict the delivery of the goods and services by vehicles to specific hours of the day.
 - (c) Restrict parking to only those areas designated as such and to only those types of vehicles designated to use such areas, providing identification of such vehicles for the area assigned.
- (12) No alcoholic beverages will be allowed or sold on the premises granted for use by this permit.
- (13) Temporary license fees will be paid as required by Sections 7.08.080 and 7.08.090 of the City Code.
- (41) 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 rights.

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.

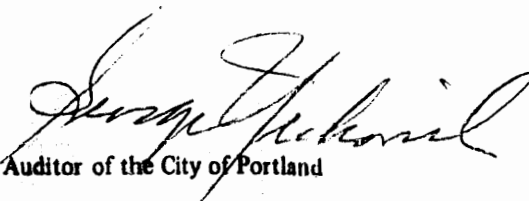
ORDINANCE No.

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 use portions of City-State property adjacent to Front Avenue and to vend and sell; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 9 1981**

Commissioner Mike Lindberg
John Brandt:mmc
March 24, 1981

Attest:


Auditor of the City of Portland

Calendar No. 1108

ORDINANCE No. 151382

Title

An Ordinance granting a revocable permit to the Portland Rose Festival Association to use portions of the City-State-owned property east of and adjacent to the east curb line of Front Avenue to hold their annual carnival and exhibition from May 29th, 1981, through June 17th, 1981 and to vend and sell festival paraphernalia, novelties and certain food items from June 5th through June 14th, 1981, waiving the fees for permits and inspection, code requirements for construction of booths, and declaring an emergency.

THURSDAY

Filed APR 2 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

George Crall
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Jordan	1	
Lindberg	1	
Schwab	1	
Strackan	1	
Ivancie	1	

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works *ML/MO*

BUREAU APPROVAL

Bureau: Street & Structural Engineering

Prepared By: John Brandt:mmc Date: 3-24-81

Budget Impact Review:

Completed Not required

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

CALENDAR

Consent Regular

NOTED BY

City Attorney

City Auditor

City Engineer Approved: John M. Lang

By: *[Signature]*