

APR 21 12 45 PM 1981

# ACCEPTANCE

REC'D CITY AUDITOR  
CITY OF PORTLAND

BY ER

Portland, Oregon, April 16 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. 151421, passed by the Council April 16, 1981, granting a revocable permit to Newville and Newville, a registered partnership, to maintain an existing brick wall and steps and to install a handrail on top of the wall, at a permit 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,

NEWVILLE AND NEWVILLE  
-----  
*[Handwritten Signature]*  
-----

(CORPORATE SEAL)

2740 SW 2nd Ave., Portland, OR 97201  
-----  
Address

**APPROVED AS TO FORM**  
Approved as to form:  
*Christopher P. Thomas*  
-----  
**CITY ATTORNEY**  
City Attorney

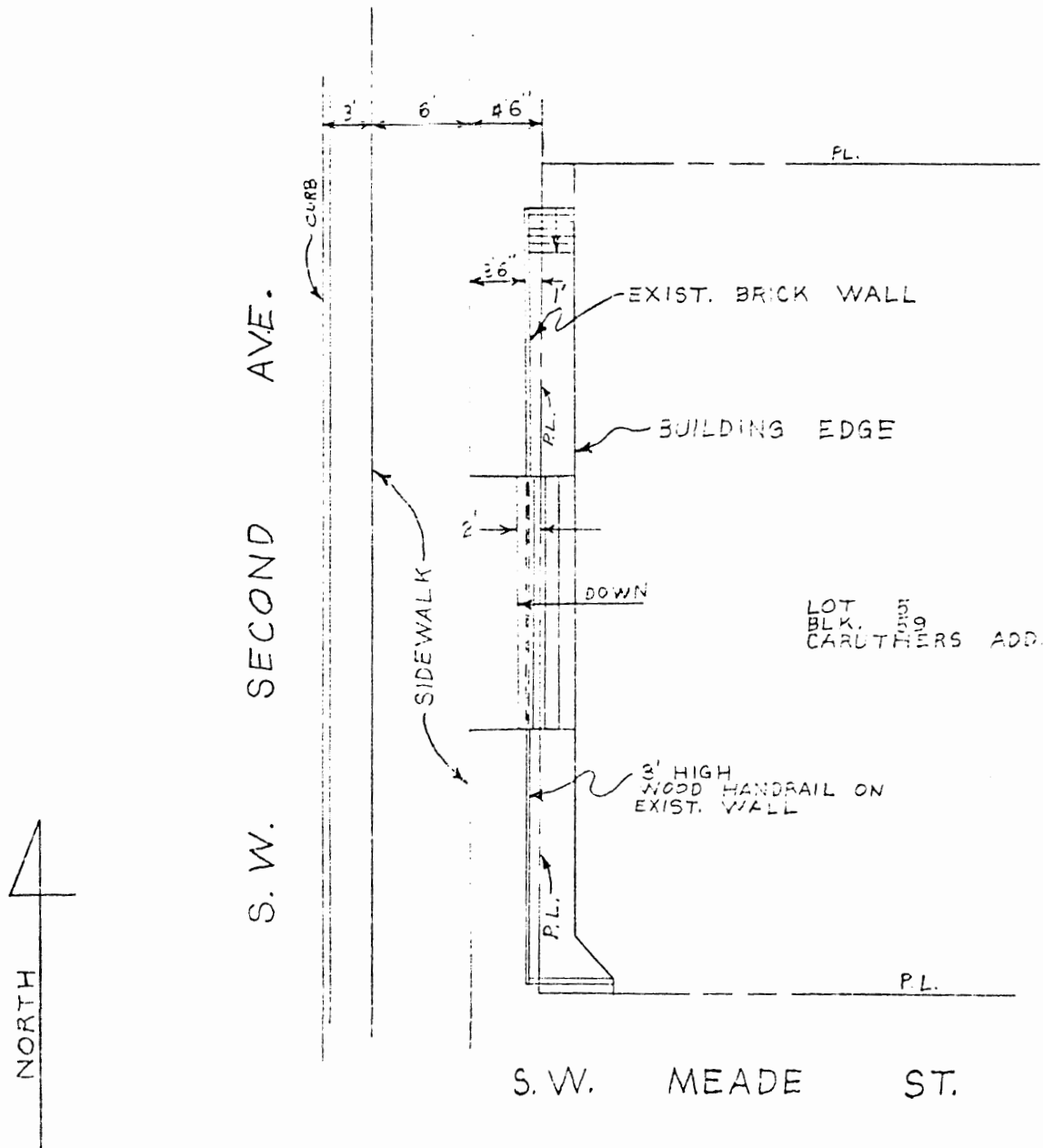
\*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

# EXHIBIT - "A"

151421

To maintain an existing brick wall, two stairways, and to install and maintain a handrail upon the wall adjacent to the west 44 feet of Lot 5, Block 59, Caruthers Addition to Caruthers Addition

For: Newville and Newville  
2740 S.W. 2nd Ave.  
Portland, OR 97201



**APPROVED**

SCALE NONE  
DRAWN BY L.L.B.  
CHECKED BY  
1/4 SEC. 3329

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

ORDINANCE NO. 151421

RECORDED: 4/22/81

BOOK: 1518

PAGE: 1627

An Ordinance granting a revocable permit to Newville and Newville, a registered partnership, to maintain an existing brick wall and steps and to install a handrail on top of the wall, at a permit fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Newville and Newville, owners of the property at 2734 and 2740 S.W. 2nd Avenue, have requested permission to maintain an existing brick wall which encroaches within the right of way of S.W. 2nd Avenue approximately one foot, a stairway which descends into the well formed between the wall and the foundation of the building, and a stairway which extends from the building, across the well into the street area two feet more or less.
2. The purpose of this request is to restore the area adjacent to the building as closely as possible to its original condition.
3. The granting of this permit will not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Newville and Newville, 2740 S.W. 2nd Avenue, Portland, OR 97201, to maintain an existing brick wall, two stairways, and to install and maintain a handrail upon the wall adjacent to the west 44 feet of Lot 5, Block 59, Caruthers Addition to Caruthers Addition and located as shown on the plan marked "Exhibit A" attached to and by this reference made a 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 permittees 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 permittees

any vested or other right. Immediately upon the expiration of this permit, or upon its sooner revocation by the Council, the permittees shall remove said wall, steps and handrail from the street area as directed by and to the satisfaction of the City Engineer.

- (3) The permittees 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 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.
- (4) 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 30.270 or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as additional insured.
- (5) The permittees shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (6) The permittees shall reimburse the City for the cost of filing by the City Auditor a certified copy of this Ordinance with the Records Division of Multnomah County.

Section 2. This Ordinance will not become effective until the permittees have 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 for maintenance of existing encroachments and installation of a handrail in S.W. 2nd Avenue; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 16 1981**

Commissioner Mike Lindberg  
Harlan G. Scott:jmh  
March 30, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. 1198

**ORDINANCE No. 151421**

**Title**

An Ordinance granting a revocable permit to Newville and Newville, a registered partnership, to maintain an existing brick wall and steps and to install a handrail on top of the wall, at a permit fee of \$10.00, and declaring an emergency.

**THURSDAY**

Filed APR 9 1981

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Gordon Crnell*  
Deputy

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Strachan	
Ivancie	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harlan G. Scott:jmh      Date: 3/30/81
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>