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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

BY \_\_\_\_\_

Portland, Oregon, \_\_\_\_\_ May 28 \_\_\_\_\_ 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. 151615, passed by the Council May 27, 1981, granting a revocable permit to School District No. 1 to maintain an existing non-standard sidewalk in the street area of S.E. 13th Avenue adjacent to and for Llewellyn School, at a fee of \$10.00, repealing Ordinance No. 150631,

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,

SCHOOL DISTRICT No. 1

\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_

501 N. Dixon St., Portland, OR 97227

Address

[CORPORATE SEAL]

APPROVED AS TO FORMS TO FORM  
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. **151615**

An Ordinance granting a revocable permit to School District No. 1 to maintain an existing non-standard sidewalk in the street area of S.E. 13th Avenue adjacent to and for Llewellyn School, at a fee of \$10.00, repealing Ordinance No. 150631, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. H. Lou Crowell, Production Coordinator, Architectural Department, Portland Public Schools, 501 N. Dixon Street, Portland, 97227, has requested permission on behalf of School District No. 1 to maintain an existing non-standard sidewalk between the curb and the sidewalk of S.W. 13th Avenue between S.E. Henry and S.E. Carlton Streets for the Llewellyn School, 6301 S.E. 14th Avenue.
2. That the existing non-standard sidewalk constructed out of macadam pavement was installed to provide sidewalk between the curb and the sidewalk and the sidewalk and the property line.
3. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, ~~T~~HEREFORE, the Council directs:

- a. A revocable permit is granted to Multnomah County School District No. 1, permittee, for the Llewellyn School, to maintain an existing non-standard sidewalk in the street area of S.E. 13th Avenue as described above, subject to the following conditions:
  - (1) That the permittee shall maintain the existing non-standard sidewalk as required by the City Engineer and further that should any portion of the existing non-standard sidewalk allowed to remain under this permit fail to be properly maintained for any other reason, in the opinion of the City Engineer, become detrimental to the safety of the public, that portion shall be replaced by the City with a standard finish concrete sidewalk and the cost of so doing assessed to the property.
  - (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 non-standard sidewalk from the street area as directed by and to the satisfaction of the City Engineer.

- (3) The permittee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claim for damages to persons or property, including legal fees and costs of defending any action or suit, including any appeal which may result from the use of the street area under this permit. This shall not result in a recovery in any action or suit which is in excess of that provided for by the Oregon Tort Claims Act.
- (4) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (5) 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. Ordinance No. 150631 entitled "An Ordinance granting a revocable permit to Multnomah County School District No. 1 to maintain an existing non-standard sidewalk in the street area of S.E. 13th Avenue adjacent to and for Llewellyn School, and declaring an emergency." passed by the Council October 23, 1980, hereby is repealed.

Section 3. 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 met and the acceptance together with documents and fees required are not on file with the City Auditor within sixty (60) calendar days of the passage of this Ordinance.


**ORDINANCE No.**

Section 4. 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 existing retaining walls in the street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **MAY 27 1981**

Commissioner Mike Lindberg  
Steve Hazzard:jmh  
May 13, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. **1638**

**ORDINANCE No. 151615**

**Title**

An Ordinance granting a revocable permit to School District No. 1 to maintain an existing non-standard sidewalk in the street area of S.E. 13th Avenue adjacent to and for Llewellyn School, at a fee of \$10.00, repealing Ordinance No. 150631, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN		
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE	/	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed     **MAY 19 1981**    

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

By     *Franklin*      
Deputy

<b>INTRODUCED BY</b>	
COMMISSIONER MIKE LINDBERG	
<b>NOTED BY THE COMMISSIONER</b>	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works	<i>ML/jms</i>
<b>BUREAU APPROVAL</b>	
Bureau: Street & Structural Engineering	
Prepared By: Steve Hazzard:jmh	Date: 5/13/81
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head: <i>R.O. Schmidt</i> R. O. Schmidt, Chief	
<b>CALENDAR</b>	
Consent	<input checked="" type="checkbox"/> Regular
<b>NOTED BY</b>	
City Attorney	
City Auditor	
City Engineer	Approved: John M. Lang, P.E.
By: <i>R.O. Schmidt</i>	