

ORDINANCE NO. 151617

An Ordinance granting a revocable permit to Market Industries, LTD., to maintain two private floodlights, a private light standard, and a private electrical conduit under and attached to the light standard above the ground in the street area of S.E. 9th Avenue south of S.E. Division Place, at a fee of \$10.00, repealing Ordinance No. 145110, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Market Industries, LTD., 110 N. Marine Drive, Portland, 97217, has requested permission to maintain two private floodlights, a private light standard, and a private electric conduit under and attached to the light standard above the ground in the street area of S.E. 9th Avenue south of S.E. Division Place, adjacent to Tax Lot (98), Section 11, T1S, R1E, W.M.
2. Said lights, light standard and electrical conduit are needed to provide for illumination of the parking area on their property.
3. That the City Engineer has no objection to granting this permission, and under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Market Industries, LTD., permittee, to maintain two private floodlights, a private light standard, and a private electrical conduit under and attached to the light standard above the ground in the street area of S.E. 9th Avenue south of S.E. Division Place, adjacent to Tax Lot (98), Section 11, T1S, R1E, W.M., and located as shown on the attached plan marked "Exhibit A" 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 permittee from taking out any license or obtaining any permit required by existing City Codes or Ordinances for any operation or maintenance performed under this permit hereby granted, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.

- (2) This permit is personal and shall not run with the land and is revocable at any time and no expenditure of money hereunder, 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 ten (10) days remove the said floodlights, light standard and electrical conduit from within the street area as required by and to the satisfaction of the City Engineer.
- (3) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (4) The permittee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for damage 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 reimburse the City for the cost of filing by the 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 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.

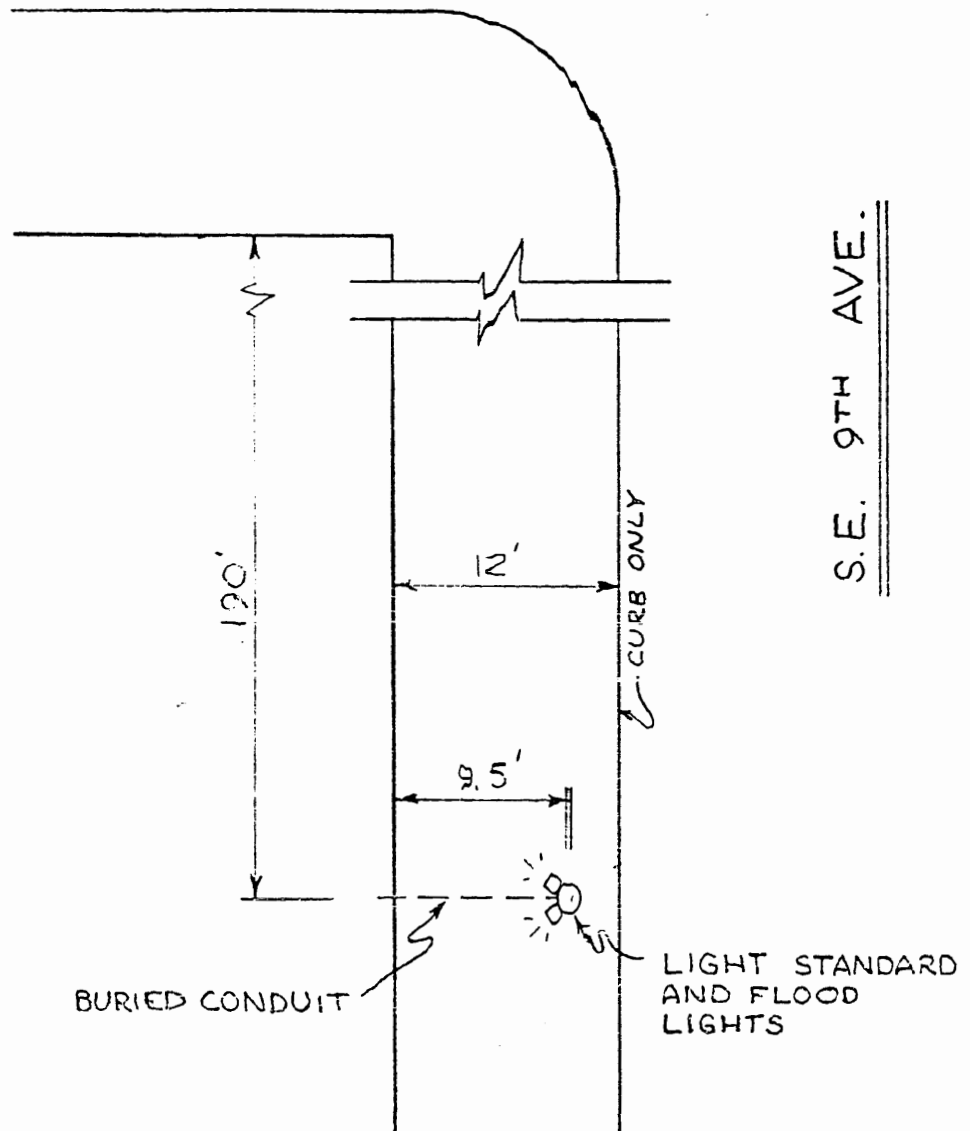
EXHIBIT - "A"

151617

To maintain two private Flood lights, a private light standard, and a private electrical conduit under and attached to the light standard above the ground in the street area of SE 9th Avenue south of SE Division Place, adjacent to Tax Lot (98), Section 11, T.1S, R.1E., W.M. $\frac{1}{2}$ Section 3331.

For: Exley Express, Inc.
2610 SE 8th Avenue 97202

S.E. DIVISION PL.



SCALE : 1" = 10'

APPROVED

1 - 27 - 78

18 JAN. 78
DR. BY: A.L.E. CK. BY: H.A.H.

By Constance Milligan
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 unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit for said floodlights, light standard, and electrical conduit; 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 11, 1981

Attest:


Auditor of the City of Portland

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

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| JORDAN | |
| LINDBERG | |
| SCHWAB | |
| STRACHAN | |
| IVANCIE | |

Calendar No. **1640**

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Title

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Filed MAY 19 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Frank Dufay
Deputy

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:

Date:

Steve Hazzard:jmh

5/11/81

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head:

R. O. Schmidt, Chief

CALENDAR

Consent

X

Regular

NOTED BY

City Attorney

City Auditor

City Engineer

Approved:

John M. Lang, P.E.

By:

R.O. Schmidt