

JUN 8 9 10 AM '81

151618

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY *[Signature]*

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. 151618, passed by the Council May 27, 1981, granting a revocable permit to Joan A. Rudd to maintain a variable height wooden fence in the street area of SE Raymond Street, repealing Ordinance No. 148292, at a 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,

[Signature: Joan A. Rudd]

Joan A. Rudd

[CORPORATE
SEAL]

3106 SE 56th Avenue, Portland, OR 97206

Address

Approved by _____ AS TO FORM

[Signature: Christopher P. Thomas]

CITY CLERK

*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. **151618**

An Ordinance granting a revocable permit to Joan A. Rudd to maintain a variable height wooden fence in the street area of S.E. Raymond Street, repealing Ordinance No. 148292, at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Joan A. Rudd, 3106 S.E. 56th Avenue, Portland, Oregon 97206, has requested permission to maintain a wooden fence in the street area of S.E. Raymond Street adjacent to Lot 42 and the south 18 feet of Lot 41, Block 5, Arleta Park No. 3 (4930 S.E. 65th Avenue).
2. That the fence is needed to provide for security and privacy on the property.
3. That the granting of said permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Joan A. Rudd to maintain a wooden fence in the street area of S.E. Raymond Street, as above described and as shown on the 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 obtaining any license or permit required by the City Code or Ordinances for any operation or maintenance to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter.
 - (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 wooden fence 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 claims for damages to persons or property, including legal fees and cost 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.
- (4) This permit is personal to the permittee only and does not run with the land, nor may the same be transferred, assigned, or otherwise disposed of by said permittee.
- (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.

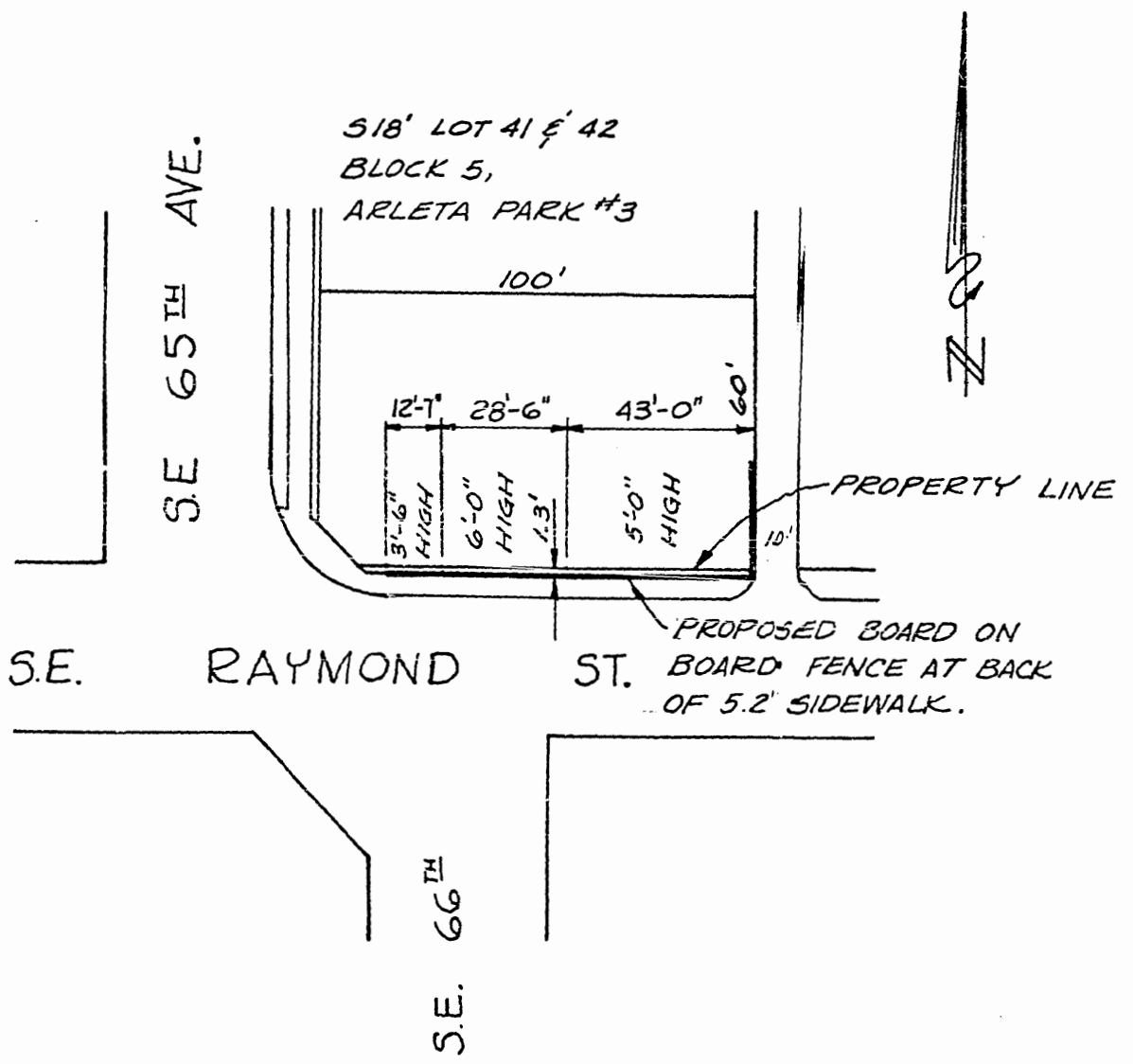
Section 2. Ordinance No. 148292 entitled "An Ordinance granting a revocable permit to Lewis M. Fox and Dorothy C. Fox to construct and maintain a variable height wooden fence not to exceed 6 feet in height and extending not more than 1.3 feet into the street area of S.E. Raymond Street near S.E. 65th Avenue, and declaring an emergency." passed by the Council August 16, 1979, is hereby 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 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"

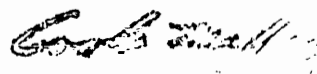
To construct and maintain a variable height wooden fence in the street area of SE Raymond Street.

For: Lewis & Dorothy Fox
4930 SE 65th Avenue



APPROVED

SCALE : 1" = 40'
 DRAWN BY: NR
 CHECKED BY: M.H.H.
 1/4 SEC. 3537 SEC. 17, T. 15., R. 2E., W.M.

By 
 City Engineer
 Reg. Prof. Eng.

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 on the part of the applicant as to the status of the requested permit to maintain the existing wooden fence 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 5, 1981

Attest:


Auditor of the City of Portland

