

JUL 10 9 15 AM 1981  
GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

151687

## ACCEPTANCE

BY \_\_\_\_\_

Portland, Oregon, June 5 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. 151687, passed by the Council June 4, 1981, granting a revocable permit to School District No. 1 to maintain existing retaining walls in the street area of NE Bryce Street, at a fee of \$10.00, repealing Ordinance No. 150661,

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 #1

[CORPORATE  
SEAL]

631 NE Clackamas St., Portland, OR 97232

Address

APPROVED AS TO FORM  
Approved as to form: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.

ORDINANCE NO. 151687

An Ordinance granting a revocable permit to School District No. 1 to maintain existing retaining walls in the street area of N.E. Bryce Street, at a fee of \$10.00, repealing Ordinance No. 150661, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. School District No. 1, owner of the property at 4043 N.E. Fremont Street, has requested permission to maintain existing concrete retaining walls extending 2 feet into the street area from the property line.
2. The granting of this permit under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

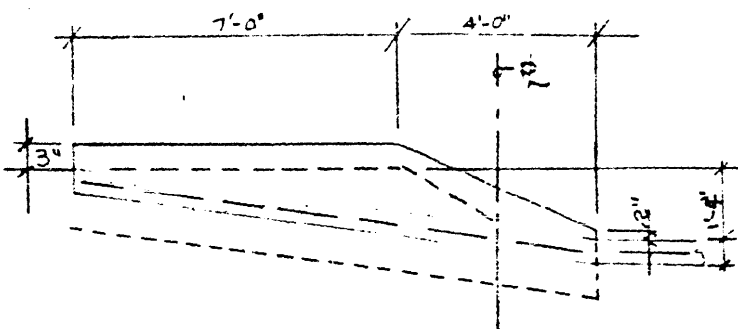
- a. A revocable permit is granted to School District No. 1, 631 N.E. Clackamas Street, permittee, to maintain existing concrete retaining walls extending 2 feet into the street area, adjacent to Blocks 1 and 2, Whiterose Addition, located as shown on the plan marked "Exhibit A", attached to this Ordinance and by this reference made part hereof, 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 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 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 retaining walls from the street area as directed by and to the satisfaction of the City Engineer.

# EXHIBIT - "A"

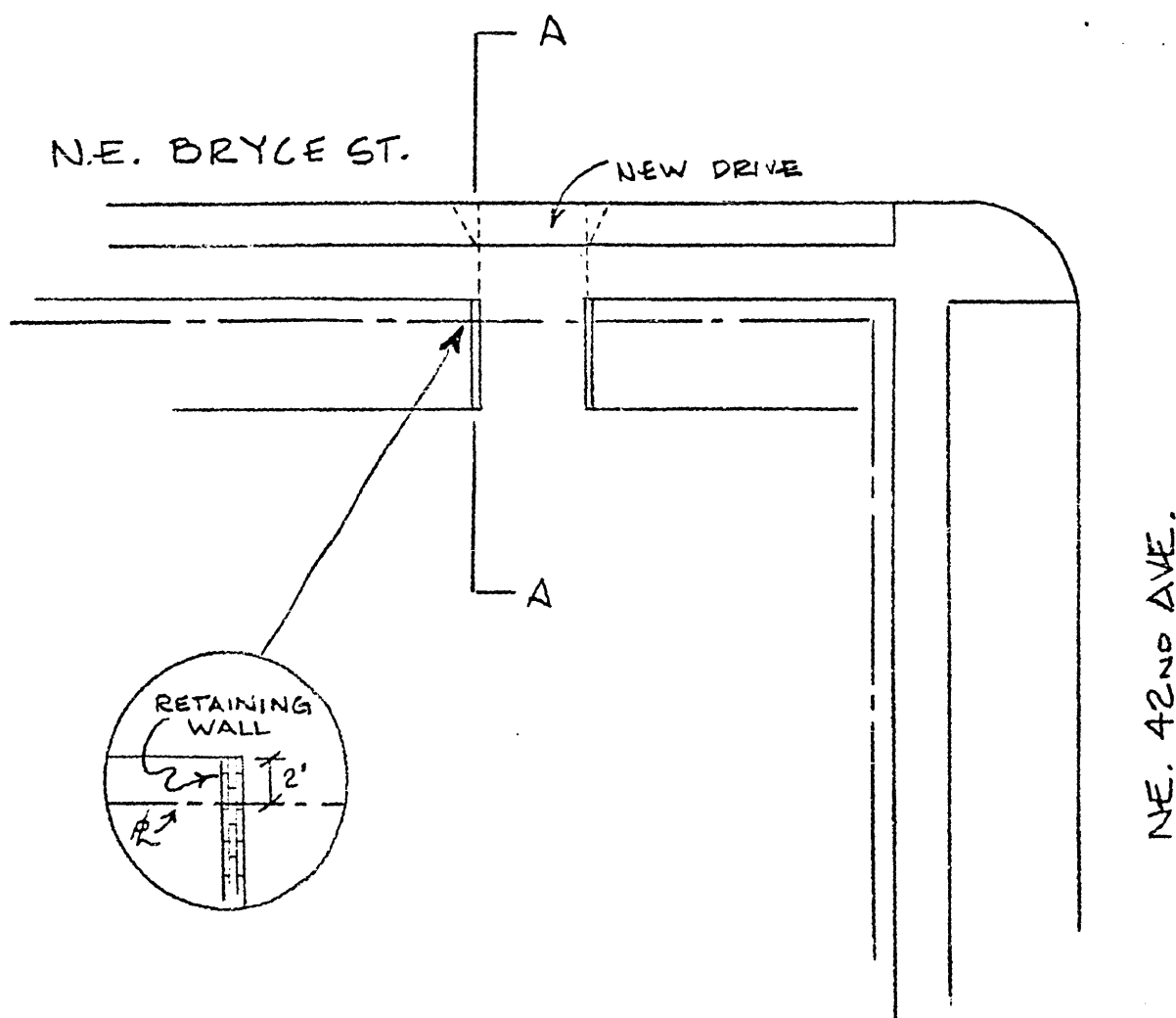
151687

To maintain existing retaining walls  
in the street area

For: School District No. 1  
631 N.E. Clackamas Street  
Portland, Oregon 97232



SECTION A-A



APPROVED

DRAWN BY: SSK  
CHECKED BY: HGS

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

## ORDINANCE No.

- (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. 150661 entitled "An Ordinance granting a revocable permit to School District No. 1 to maintain existing retaining walls in the street area of N.E. Bryce Street, and declaring an emergency." passed by the Council October 29, 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.

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, **JUN 4 1981**

Commissioner Mike Lindberg  
Steve Hazzard:jmh  
May 12, 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. **1801**

## ORDINANCE No. **151687**

### Title

An Ordinance granting a revocable permit to School District No. 1 to maintain existing retaining walls in the street area of NE Bryce Street, at a fee of \$10.00, repealing Ordinance No. 150661, and declaring an emergency.

**THURSDAY**

Filed **MAY 28 1981**

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

By *London Crall*

Deputy

INTRODUCED BY	
COMMISSIONER MIKE LINDBERG	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>ML/MS</i>	
BUREAU APPROVAL	
Bureau: Street & Structural Engineering	
Prepared By:	Date:
Steve Hazzard:jmh	5/12/81
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head: <i>R.O. Schmidt</i> R. O. Schmidt, Chief	
CALENDAR	
Consent	<input checked="" type="checkbox"/> Regular
NOTED BY	
City Attorney	
City Auditor	
City Engineer	Approved:
	John M. Lang, P.E.
By: <i>R.O. Schmidt</i>	