

AUD 50-25-640

RECEIVED

JUN 5 11 28 AM 1981

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

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. 151688, passed by the Council June 4, 1981, granting a revocable permit to U. S. Bancorp to use or authorize its contractor to use tieback shoring extending underground into the street area of West Burnside Street, SW 5th Avenue, and SW 6th Avenue, requiring reimbursement of certain costs incurred by the City,

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,

U.S. BANCORP

(CORPORATE SEAL)

[Handwritten Signature]

P.O. Box 4412, Portland, OR 97208

Address

APPROVED AS TO FORM

Christopher P. Thomas

CITY ATTORNEY

*When an acceptance is required from a firm or corporation the of the firm or corporation stating his or her official title, and c

JEFF SHOLIAN
REAL ESTATE MANAGEMENT OFFICER
BANK PROPERTIES DIVISION



UNITED STATES NATIONAL
BANK OF OREGON
A SUBSIDIARY OF U.S. BANCORP

ORDINANCE NO. 151688

An Ordinance granting a revocable permit to U.S. Bancorp to use or authorize its contractor to use tieback shoring extending underground into the street area of West Burnside Street, S.W. 5th Avenue, and S.W. 6th Avenue, requiring reimbursement of certain costs incurred by the City, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. KPFF Consulting Engineers has submitted plans for approval on the behalf of U.S. Bancorp for the use of tieback shoring for the construction of the U.S. Bank Tower, Building Permit Application 1717 A and B), 520 West Burnside, which extend into the street areas of West Burnside Street, S.W. 5th Avenue, and S.W. 6th Avenue.
2. That said tieback shoring will be located in a manner that should not interfere with present or future utilities.
3. That the granting of the desired permission will not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is hereby granted to U.S. Bancorp, c.o. J. A. Labadie, Vice President, Manager, Bank Properties Division, P.O. Box 4412, Portland, OR 97208, permittee, to use tieback shoring in the street areas shown on the map marked "Exhibit A" attached to and by the reference made a part of this Ordinance, in accordance with plans and specifications approved by the City Engineer and Bureau of Buildings, subject to the following conditions:
 - (1) This permit is for the use of street area only and shall not exempt the permittee from taking out any license or permit required by existing ordinances for any operation or maintenance under the permit hereby granted, nor shall this permit waive the provisions of any general ordinance of the City or its 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.

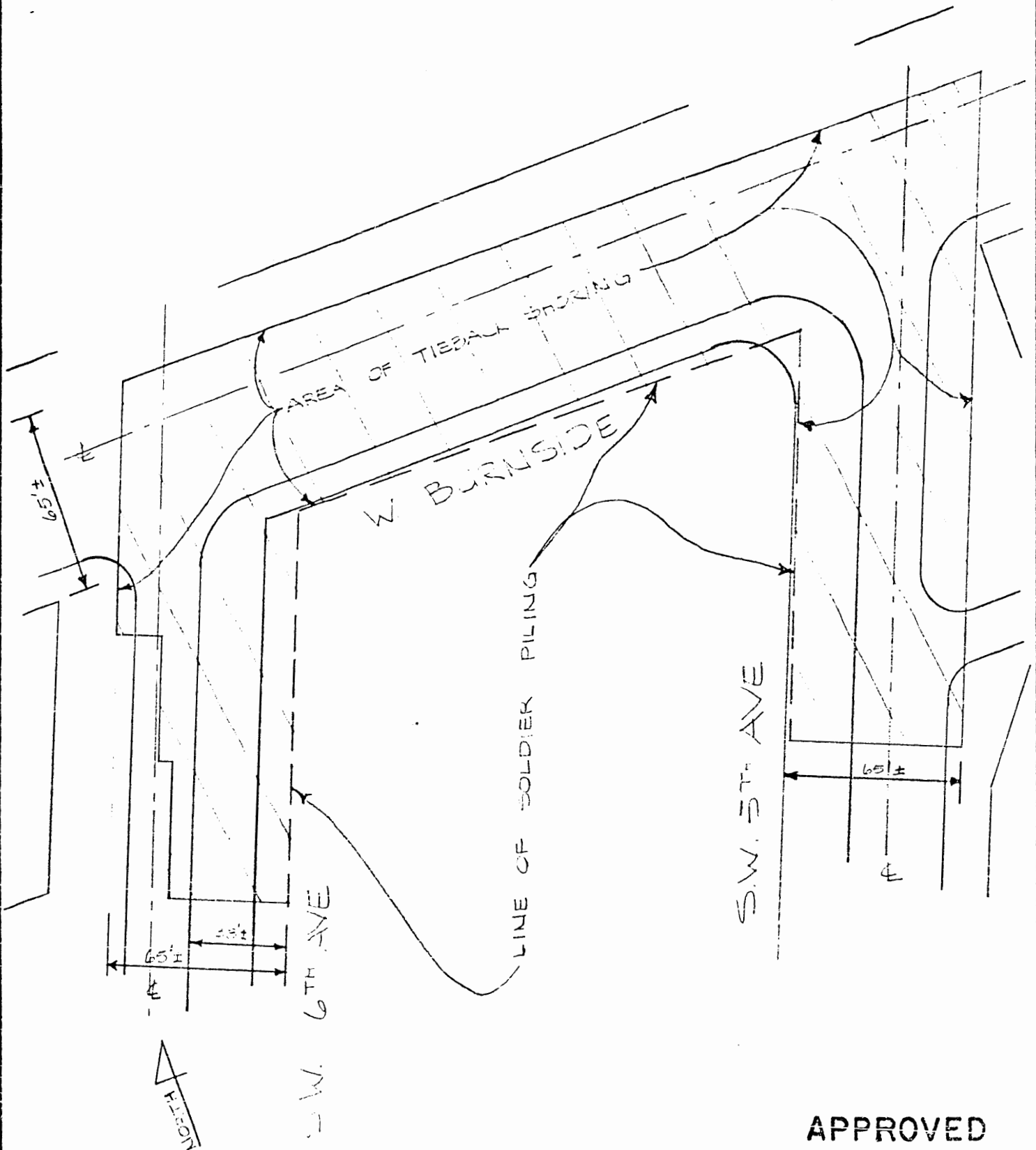
- (3) Upon order of the City Engineer, permittee shall immediately stop work and repair any damage to the street areas or utilities or private property as directed. Resumption of work using tieback shoring shall be at the discretion of the City Engineer.
- (4) The permittee shall protect the City of 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 any actions or suits thereon, including any appeals therefrom, which may result from the granting of this permit. The approval of said plans by the City shall in no way relieve the permittee from any responsibility.
- (5) This permit shall not become effective until the permittee shall have filed with the City Auditor, approved by the City Attorney, an insurance policy in the amount of \$1,000,000.00 or more for combined bodily injury and property damage, naming the City as an additional named insured. The insurance required for Ordinance No. will cover this construction if so stated in the certificate filed with the City Auditor.
- (6) No work will be permitted in the street area until plans for tieback shoring have been submitted and approved by the Bureau of Buildings and the City Engineer. It is understood by permittee that such plan approval shall not work as an estoppel nor shall it be constructed as a defense to permittee's guarantee to reimburse the City for damage or destruction of utilities as set forth in paragraph 7 below.
- (7) The permittee guarantees to the City the cost for any repairs or replacement of utilities damaged or destroyed, caused in whole or in part by activities in, or installation of, the tieback shoring. Permittee further agrees to guarantee all costs incurred by the City in ascertaining the extent of damage or destruction to utilities. The permittee recognizes and agrees that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the City and furnished the permittee in approving the plans may be incorrect; and permittee further agrees to be responsible for any and all damage or destruction caused by the use of tieback shoring, although such damage or destruction may have resulted in whole or in part because of the City's mislocation or misinformation in relation to the utilities.
- (8) No work will be permitted in the street area until a television inspection of all sewers in the affected area has been made.

- (9) The said sewers shall also be inspected by television after the tiebacks are installed and their tension set. Inspection after the tiebacks are tensioned shall be done after each quarter block is completed. In the event that sewer repairs are necessary, the tiebacks will be detensioned until such repairs are completed. The permittee shall notify the City Engineer as each quarter block of tiebacks are tensioned. The City Engineer may require additional television inspections if there is evidence to indicate a problem with a sewer. The permittee shall pay the cost of all television inspections and will be billed by the Bureau of Maintenance.
- (10) The permittee shall detension the top row of tiebacks as soon as construction permits and immediately notify the City Engineer.
- (11) The permittee shall cut off soldier piles at least 36 inches below gutter grade of adjacent streets.
- (12) The permittee shall reimburse the City for the extra cost of repairing existing sewers and construction of new sewers adjacent to said Block 11 resulting from having to remove said tiebacks. Said cost shall be determined by the City Engineer.
- (13) The permittee shall be billed for the plan review costs incurred by the City Engineer's Office, Section 548.030 of the City Code.
- (14) Permittee will obtain consents from property owners of property in adjacent blocks when tiebacks extend past right of way center lines.

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"

151023



APPROVED

By _____
City Engineer
Reg. Prof. Engr.

DRAWN BY: JAH
SCALE: NONE
CHECKED BY:
APR 23 2029
DATE: 5/22/18

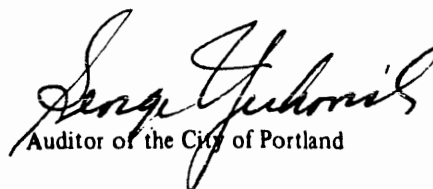
ORDINANCE No.

Section 3. The Council declares an emergency exists because it is necessary that the permit herein granted shall be issued without delay in order to allow permittee to immediately proceed with plans for construction; 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
Harlan G. Scott:jmh
May 21, 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. 1803

ORDINANCE No. 151688

Title

An Ordinance granting a revocable permit to U.S. Bancorp to use or authorize its contractor to use tieback shoring extending underground into the street area of West Burnside Street, S.W. 5th Avenue, and S.W. 6th Avenue, requiring reimbursement of certain costs incurred by the City, and declaring an emergency.

THURSDAY

Filed MAY 28 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*

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:
Harlan G. Scott:jmh	5/21/81
Budget Impact Review:	
LI 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>	

Calendar No. 1800

ORDINANCE No. 151688

Title

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THURSDAY

Filed MAY 28 1981

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *Jordan Cravell*
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/ms</i>

BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: Harlan G. Scott:jmh
Date: 5/21/81
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 <input type="checkbox"/>

NOTED BY
City Attorney
City Auditor
City Engineer Approved: John M. Lang, P.E.
By: <i>R.O. Schmidt</i>