

JUN 19 9 08 AM 1981

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, JUNE 26 _____ 19 81

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. 151853, passed by the Council June 25, 1981, granting a revocable permit to Lone Star Industries, Inc., to use and maintain a gate across SE Caruthers Street, adjacent to their property near the Willamette River, repealing Ordinance No. 142357, 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,

LONE STAR INDUSTRIES, INC. _____

[CORPORATE
SEAL]

See attached.

* *A.K. Muller* Division Manager
Pacific Region - Northwest Division
240 SE Caruthers St., Portland, OR 97214

Address

Approved as to form: _____

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.

LONE STAR INDUSTRIES, INC.

Certificate

I, T. M. Curtin, Secretary of Lone Star Industries, Inc., a Delaware corporation (the "Company"), hereby certify that the Executive Committee of the Board of Directors of the Company at a meeting duly called and held on August 10, 1971, at which a quorum was present and acting throughout, duly adopted the following resolutions which remain in full force and effect as at the date hereof. I further certify that the Executive Committee of the Board of Directors had full power and authority to adopt said resolutions:

RESOLVED, that the Regional Vice Presidents, Regional Controllers and Division Managers of the Corporation's Central, Eastern, Pacific and Southwest Regions, be, and each of them hereby is, authorized and empowered on behalf of the Corporation to execute and deliver any and all contracts, applications, leases, easements, deeds and other documents which relate to the business, operations, vehicles, vessels and properties, real and personal of his respective Region or Division, on such terms and conditions as the officer executing may approve with his execution of any such documents being conclusive proof of his approval of the terms thereof;

FURTHER RESOLVED, that each of said Regional or Divisional officers, be, and each of them hereby is, authorized and empowered to attest any and all contracts, applications, leases, easements, deeds and other documents executed by any of the officers indicated in the foregoing resolution when acting pursuant to such resolutions and to affix the seal of the

7110080486

DIRECTOR
RECORDS & ELECTRONICS
KING COUNTY, WASH.

1971 OCT 8 PM 2 44

RECORDED
VOL
PAGE
OF REQUEST

FILED for Record at Request of

Name LONE STAR IND.

Address P.O. Box 2047
Seattle, Wash 98111

FILED

1971 OCT 7 AM 10 46

DIRECTOR - RECORDS &
ELECTRONICS - KING CO. WN.
DEPUTY

1-60
FF
000697110075003
151-771 000697110075003

Corporation thereto with the same force
and effect as if the seal of this Corporation
were affixed thereby by the Secretary or any
Assistant Secretary of the Corporation.

IN WITNESS WHEREOF, I have executed this Certificate
and affixed the seal of the Company this 10th day of August
1971.

M. C. [Signature]



ORDINANCE NO. **151853**

An Ordinance granting a revocable permit to Lone Star Industries Inc. to use and maintain a gate across S.E. Caruthers Street, adjacent to their property near the Willamette River, repealing Ordinance No. 142357, at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Lone Star Industries Inc., 240 S.E. Caruthers Street, Portland, Oregon 97214, requested permission to use and maintain a gate across S.E. Caruthers, adjacent to their property, Tax Lot 5 of Block 30, Stephens Addition.
2. That the gate is desirable to improve security and discourage vandalism in this area.
3. That all property owners in the immediate area have no objections to allowing the gate.
4. That it is not desirable to vacate this street because of potential future public access to the river.
5. That the City Engineer, Traffic Engineer and Fire Marshal have no objection to granting the said permission, and under certain conditions, granting of the requested permission will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Lone Star Industries Inc. to use and maintain a gate across S.E. Caruthers Street adjacent to their property, located as approved by the City Engineer, subject to the following conditions:
 - (1) The Bureau of Fire shall be provided keys to the gate; however, the permittee will not hold the City responsible for any damage to the gate as a result of having to force entry to the area.
 - (2) 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.

- (3) 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 gate from the street area as directed by and to the satisfaction of the City Engineer.
- (4) 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 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) This permit is a burden upon the property and runs with the land and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in O.R.S. No. 30.270 or as it may be required by subsequent amendment and naming the City, its officers, agents, and employees as additional insured.
- (6) 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.
- (7) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

Section 2. Ordinance No. 142357 entitled "An Ordinance granting a revocable permit to Knappton Tow Boat Company to construct and maintain a gate across S.E. Caruthers Street, adjacent to their property near the Willamette River, under certain conditions, and declaring an emergency." passed by the Council August 5, 1976, 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 accepted 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 use and maintain a gate 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 25 1981

Commissioner Mike Lindberg
Steve Hazzard:jmh
June 16, 1981

Attest:


Auditor of the City of Portland

Calendar No. **2111**

ORDINANCE No. 151853

Title

An Ordinance granting a revocable permit to Lone Star Industries Inc. to use and maintain a gate across S.E. Caruthers Street, adjacent to their property near the Willamette River, repealing Ordinance No. 142357, at a fee of \$10.00, and declaring an emergency.

THURSDAY

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|-------------------------------------|------|------|
| | Yeas | Nays |
| JORDAN | 1 | |
| LINDBERG | | |
| SCHWAB | 1 | |
| STRACHAN | 1 | |
| IVANCIE | 1 | |

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

Filed **JUN 18 1981**

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *Gordon A. Hall*
Deputy

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|----------------------------|
| INTRODUCED BY |
| COMMISSIONER MIKE LINDBERG |

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| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance and Administration |
| Safety |
| Utilities |
| Works <i>MSL/MS</i> |

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|---|
| BUREAU APPROVAL |
| Bureau: Street & Structural Engineering |
| Prepared By: Steve Hazzard:jmh Date: 6/16/81 |
| Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required |
| Bureau Head: <i>R.O. Schmidt</i> R. O. Schmidt, Chief |

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|---|
| CALENDAR |
| Consent <input checked="" type="checkbox"/> Regular |

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