

JUL 6 9 26 AM 1981

151854

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY [Signature]

Portland, Oregon, June 26 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. 151854, passed by the Council June 25, 1981, granting a revocable permit to Terry Aarnio to install, use, and maintain a private communications cable over and across N.W. Johnson Street near N.W. 15th Avenue, 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]

Terry Aarnio

PRESIDENT

[CORPORATE SEAL]

805 NW 14th Avenue, Portland, OR 97209

Address

APPROVED AS TO FORM

[Signature]

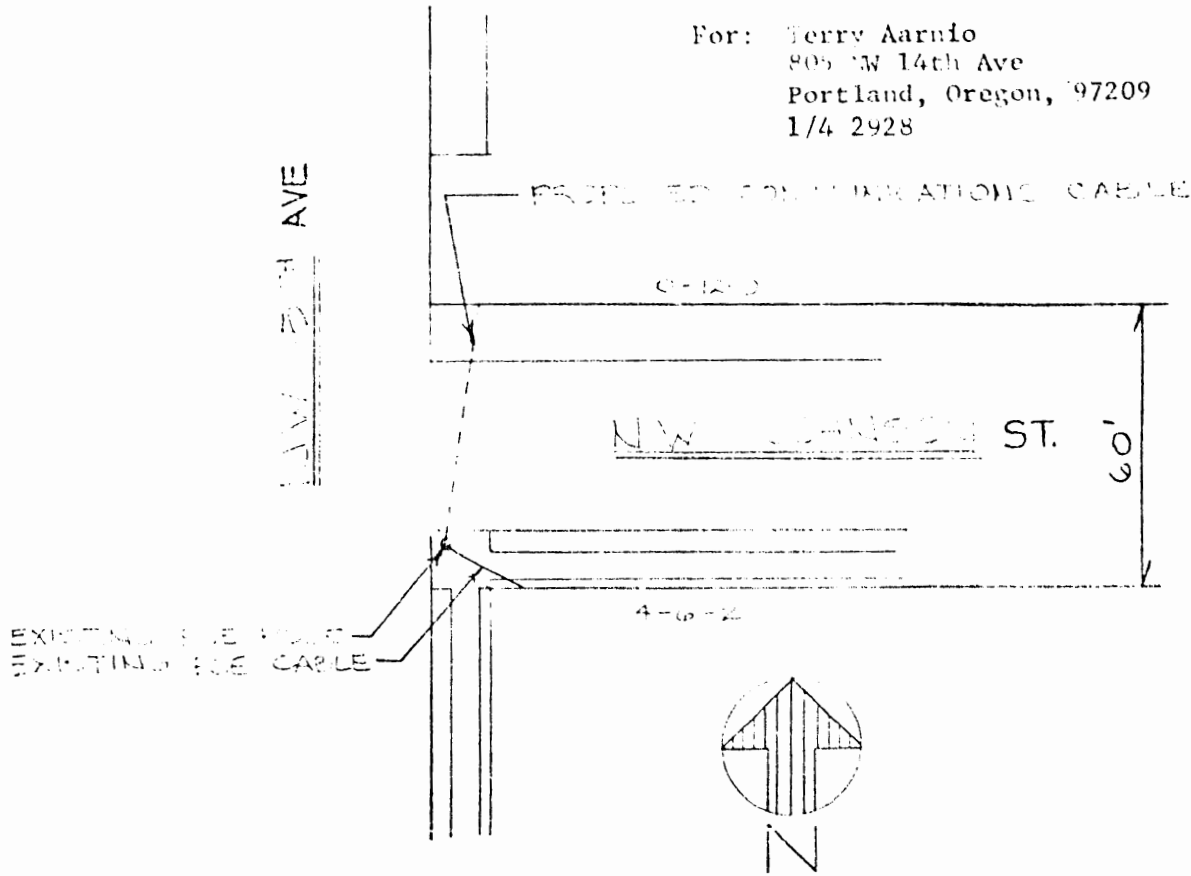
CITY ATTORNEY

\*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.

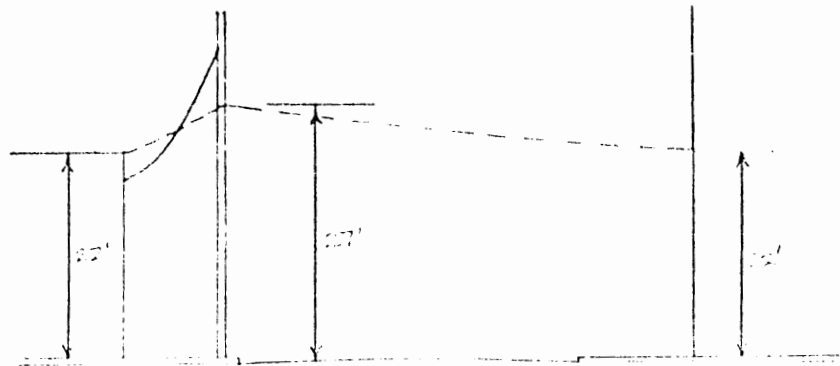
# EXHIBIT - "A"

To install, use and maintain a private communication cable over and across NW Johnson St. adjacent to Lots 1-4, Block 138 Couch's Add.

For: Terry Aarnio  
805 NW 14th Ave  
Portland, Oregon, 97209  
1/4 2928



PLAN VIEW



APPROVED

By \_\_\_\_\_  
City Engineer  
Reg. Prof. Engr.

NO SCALE

**151854**

ORDINANCE NO. **151854**

An Ordinance granting a revocable permit to Terry Aarnio to install, use, and maintain a private communications cable over and across N.W. Johnson Street near N.W. 15th Avenue, at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Terry Aarnio, 805 N.W. 14th Avenue, Portland, Oregon 97209, has requested permission to install, use, and maintain a private communications cable over and across N. Denver Avenue adjacent to Lots 1-4, Block 138, Couch's Addition.
2. That the requested cable is needed to provide for a communications system between the buildings as a part of business operations.
3. That granting of said request under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Terry Aarnio, permittee, to install, use, and maintain a private communications cable over and across N.W. Johnson Street, as described above and 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 use of the street area only, and shall not exempt the permittee from obtaining any license or permit required by 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 communications cable 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 costs of defending 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 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 ORS 30.270 or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as additional insured.
- (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.
- (6) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) The cable must have a clearance of at least 18 feet above the roadway of the street.

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.

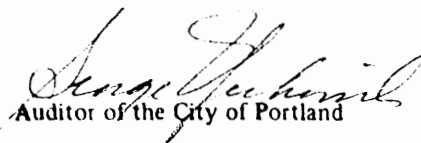
## ORDINANCE No.

Section 3. 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; 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  
John Brandt:jmh  
June 3, 1981

Attest:

  
Auditor of the City of Portland

Calendar No. **2112**

**ORDINANCE No. 151854**

**Title**

An Ordinance granting a revocable permit to Terry Aarnio to install, use, and maintain a private communications cable over and across N.W. Johnson Street near N.W. 15th Avenue, at a fee of \$10.00, and declaring an emergency.

**THURSDAY**

Filed JUN 18 1981

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

*George Yerovich*  
Deputy

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

| 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:<br>Street & Structural Engineering   |
| Prepared By: John Brandt:jmh      Date: 6/3/81   |
| Budget Impact Review:<br><input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required |
| Bureau Head <i>R.O. Schmidt</i><br>R. O. Schmidt, Chief  |

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

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