

ACCEPTANCE

RECEIVED

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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, July 6 1981
BY [Signature]

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. 151908, passed by the Council July 2, 1981, granting a temporary permit to Mr. Jack Nunes, 8727 N. Lombard Street, for pedestrian and vehicular access from the St. Johns Racquet Center parking lot, under certain conditions,

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: Jack Nunes]

Jack Nunes
[Signature]

[CORPORATE
SEAL]

10301 N. Oregonian St., Portland, OR 97203

Address

APPROVED AS TO FORM
Approved as to form:

[Signature]

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. 151908

An Ordinance granting a temporary revocable permit to Mr. Jack Nunes, 8727 N. Lombard Street, for pedestrian and vehicular access from the St. Johns Racquet Center parking lot, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Mr. Jack Nunes owner of certain property located at 8727 N. Lombard Street, zoned C-3, which is situated in the St. Johns business district, contiguous at its rear to the Bureau of Parks, St. Johns Racquet Center parking lot.
2. That the owner desires to further develop this property as a restaurant and has submitted plans and permit application to the City of Portland, Bureau of Buildings, requesting permission to complete such improvements.
3. That the Bureau of Buildings has determined granting of the building permit would require that the owner provide at least two public exits from the building into a public way.
4. That the rear of the owners lot are not accessible to any public right of way, but is surrounded on two sides by property owned privately, and on one side by the City of Portland, thus landlocking the area and greatly limiting its use.
5. That the provision of an employee only parking area and an area for light deliveries, estimated at 6 per day, associated with the operation of the restaurant would greatly enhance its use and would reduce problems related to traffic circulation and parking in the immediate area.
6. That vehicular and pedestrian access to the rear of the Nunes property could be provided by the granting of a temporary revocable permit allowing for the use of the St. Johns Racquet Center parking lot at a point of entry and exit to the Nunes property.

7. That, upon certain conditions, access to the Nunes property from the St. Johns Racquet Center parking lot could be accommodated on a temporary basis with a minimum of convenience and interference to the operation of the Racquet Center.
8. That Mr. Nunes has requested the Bureau of Parks grant a temporary revocable permit providing conditions for use of the St. Johns Racquet Center parking lot for access over a period of no more than two years or until alternative access can be provided from the contiguous private properties.
9. That the request is endorsed by the St. Johns Boosters and the Portland Development Commission and is in concert with the commercial revitalization of St. Johns business district.
10. That the Bureau of Parks has requested that a temporary revocable permit be granted to Nunes for a conditioned access to the owners property.

NOW, THEREFORE, the Council directs:

- a. That a temporary revocable permit be granted to Mr. Jack Nunes to access the rear of the property at 8727 N. Lombard from the south parking lot of the St. Johns Racquet Center.
- b. That Nunes submit plans and specifications related to the access and improvements to the rear of the owners property to the Bureau of Parks for their approval prior to the construction of any improvements required to provide safe and proper access.
- c. That Nunes shall, at the termination of the permit, remove all improvements and restore the site to its original state at the time of the granting of the permit.
- d. That the revocable permit hereby granted is personal to the owner Nunes and may not be transferred, assigned, or otherwise disposed of by Nunes.
- e. That Nunes shall comply with the provisions of the code of the City of Portland, Oregon, and all other applicable ordinances, provisions, and regulations of the City, whether presently existing or later enacted and agrees to indemnify the Council for any damages caused by the violation thereof.

ORDINANCE No.

- f. That the permit is granted to provide vehicular access for employee parking and light deliveries associated with the operation of business and pedestrian access only. That access is not to be used for customer use.
- g. That the owner, Nunes, shall make certain improvements to the rear of the property, including building and lands, to improve the visual appearance of the property as viewed from the St. Johns Racquet Center.
- h. The permit shall be in effect for a period of two years from the date of the adoption of this ordinance.
- i. The owner, Nunes, shall be responsible for and shall repair any damages done to existing improvements.
- j. The owner, Nunes, will, at all times, indemnify and keep indemnified the City Council, its officers, agents, and employees, and hold and save them harmless against any and all actions or causes of action, claims, demands, liabilities, loss, damage or expense of whatsoever kind in nature, including attorney fees which they shall or may, at any time, sustain or incur by reason or in consequence of the granting of this permit, and shall provide liability insurance coverage covering said work in an amount not less than \$300,000/\$300,000 for bodily injury, and \$300,000 property damage, which insurance shall name as additional insureds, the City Council, its officers, agents, and employees for the period of this permit, and provide for a ten (10) day cancellation notice to the Commission.

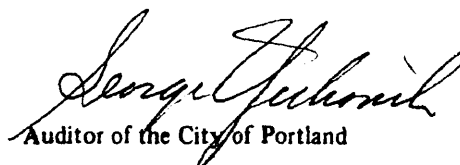
Section 2. This Ordinance will not become effective until the grantee has filed with the City Auditor both documents accepting the terms and conditions thereof, and the evidence of insurance, each of which has been approved by the City Attorney.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in unnecessary hardship of uncertainty for the applicant on the status of the requested permit for the use of the areas; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUL 2 1981

Commissioner Jordan
Scott Reese:lw
June 26, 1981

Attest:


Auditor of the City of Portland

Calendar No. **2212**

ORDINANCE No. 151908

Title

An Ordinance granting a temporary revocable permit to Mr. Jack Nunes, 8727 N. Lombard Street, for pedestrian and vehicular access from the St. Johns Racquet Center parking lot, under certain conditions, and declaring an emergency.

THURSDAY

JUN 26 1981

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By _____

Deputy

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY
Commissioner Jordan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety <i>Charles Jordan H.L.</i>
Utilities
Works

BUREAU APPROVAL
Bureau: Parks and Recreation
Prepared By: <i>SR</i> Date: 6/26/81
Scott Reese:lw
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>W.V. Owen</i>

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

NOTED BY
City Attorney
City Auditor
City Engineer