

ACCEPTANCE

RECEIVED

APR 9 8 54 AM 1982

GEORGE YERKOVICH, AUDITOR

Portland, Oregon, April 2 1982

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. 153040, passed by Council April 1, 1982, granting a revocable permit to Art Goldman to construct and maintain a private pressure sanitary sewer in and under the street area of SW Hume Street, SW Front Avenue and an unnamed street right-of-way to serve a proposed residence on Tax Lot (5) of Block X, Carson Heights,

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: Art Goldman]

• Art Goldman

[CORPORATE
SEAL]

6639 NE Glisan St., Portland, OR 97213

Address

APPROVED AS TO FORM

Approved as to form:

[Signature: Stephen P. Thomas]

[Signature]
City Attorney

ARTHUR GOLDMAN INVESTMENTS

6639 N.E. GLISAN
PORTLAND, OR 97213

*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. 153040

An Ordinance granting a revocable permit to Art Goldman to construct and maintain a private pressure sanitary sewer in and under the street area of SW Hume Street, SW Front Avenue and an unnamed street right-of-way to serve a proposed residence on Tax Lot (5) of Block X, Carson Heights, providing for acceptance of conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Art Goldman, 6639 NE Glisan Street, Portland, Oregon, 97213, has requested permission to install and maintain a private pressure sanitary sewer in and under the street areas of SW Hume Street, SW Front Avenue and an unnamed street right-of-way.
2. The private sewer is needed to provide necessary service to a proposed residence on Tax Lot (5) of Block X, Carson Heights.
3. The plan for the private sanitary sewer, attached to this Ordinance as "Exhibit A", has been approved by the City Engineer.
4. The desired private sanitary sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit to run with the land is granted to Art Goldman to construct and maintain a private pressure sanitary sewer in and under the street areas of SW Hume Street, SW Front Avenue, and an unnamed street right-of-way as shown on the map marked "Exhibit A" attached to and by this reference made a part of this Ordinance subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the grantee 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 or lapse of time, or other act or thing, shall operate as an estoppel against the City of Portland, or be held to give the grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 30 days remove the said private sewer and restore the street areas as required by and to the satisfaction of the City Engineer.

- (3) The grantee 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 areas under this permit.
- (4) The grantee shall pay the permit fee of \$90.25 required by Section 17.24.020 of the City Code.
- (5) Before construction begins, the grantee shall obtain from the Traffic Engineer his requirements as to hours to work, traffic control, and the placing of necessary signs and barricades.
- (6) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the private sewer as to size or type of material, the grantee shall first obtain the approval of the City Engineer on revised plans filed in duplicate with the City Engineer. One copy of the approved plans showing the change shall be filed by the City Engineer with the City Auditor to become a part of this Ordinance.
- (7) The laying of said private sanitary sewer within the street areas shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said installation within street areas shall be attended to by the grantee immediately at their own cost as directed by and to the satisfaction of the City Engineer. The grantee shall also maintain surface of the streets in the affected area to the satisfaction of the City Engineer.
- (8) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Tax Lot (5) of Block X, Carson Heights, their heirs and assigns as long as such permit shall remain in effect.
- (9) Grantee hereby covenants and agrees that said property owned by it shall be counted in favor of any sanitary sewer line which shall be planned by the City of Portland for servicing the property described above, and further covenants and agrees not to remonstrate against the construction of the sewer line and assessment of said property for its proportionate share of the cost thereof.
- (10) The City Auditor shall cause a certified copy of this Ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the grantee shall reimburse the City of Portland for the cost of such recording.

Section 2. This Ordinance will not become effective until the grantee has filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof.

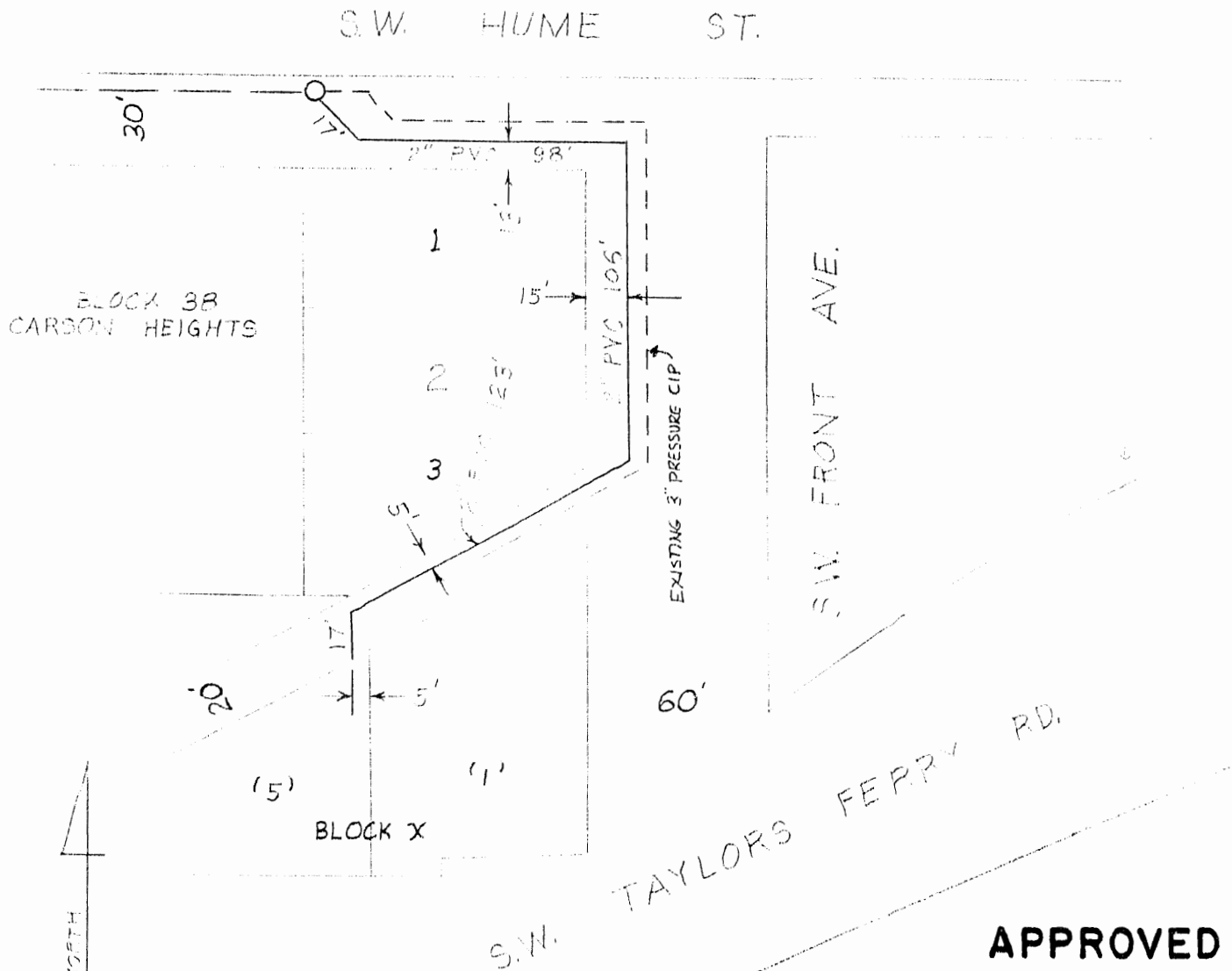
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship

EXHIBIT - "A"

To construct and maintain a private pressure sanitary sewer in and under the street areas of SW Hume Street, SW Front Avenue and an unnamed street right-of-way, 1/4 section 3829

For: Art Goldman
6639 NE Glisan Street
Portland, Oregon 97213

To serve T.L. (5) of Block X, Carson Heights.



APPROVED

SCALE NONE
DATE 3-17-1982
BY L.L.B.
1/4 SEC. 3829

By *[Signature]*
City Engineer
Reg. Prof. Engr.

ORDINANCE No.

on the part of the applicant as to the status of the requested permit for construction of a private sewer in the street areas of SW Hume Street, SW Front Avenue and an unnamed street right-of-way; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **APR 1 1982**

Commissioner Mike Lindberg
Randy Countryman:es
March 10, 1982

Attest:


Auditor of the City of Portland

Calendar No. 840

ORDINANCE No. 153040

Title

An Ordinance granting a revocable permit to Art Goldman to construct and maintain a private pressure sanitary sewer in and under the street area of SW Hume Street, SW Front Avenue and an unnamed street right-of-way to serve a proposed residence on Tax Lot (5) of Block X, Carson Heights, providing for acceptance of conditions, and declaring an emergency.

THURSDAY

Filed MAR 25 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN		
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 Public Works <i>ML/mb</i>

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: <i>Art</i> R. C. Countryman Date: 3/10/82
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>Joe Niehuser</i> J. P. Niehuser

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

NOTED BY
City Attorney
City Auditor
City Engineer John Lang, P.E.
<i>John Lang</i>