

ACCEPTANCE

RECEIVED

MAY 14 3 05 PM 1982

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

Portland, Oregon, April 9, 1982

BY _____

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. 153074, passed by Council April 8, 1982, granting a revocable permit to Arnold Wheeler, et al, to use and maintain an existing loading dock and to construct a driveway, each located in the easterly side of NW 15th Avenue and extending from the south line of NW Hoyt Street to 100 feet south, establishing conditions, and providing for fees,

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,

Arnold Wheeler

Arnold Wheeler

[CORPORATE
SEAL]

Dale Bradley

Dale Bradley

LaVar Gifford

LaVar Gifford

Approved as to form:

Norbert Hartman

Norbert Hartman

1225 NW Everett, Portland, OR 97209
Address

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. **153074**

An Ordinance granting a revocable permit to Arnold Wheeler, et al, to use and maintain an existing loading dock and to construct a driveway, each located in the easterly side of N.W. 15th Avenue and extending from the south line of N.W. Hoyt Street to 100 feet south, establishing conditions, providing for fees, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That A. Robert Jensen, Architect, 8959 S.W. Barbur Blvd., Portland, OR 97219 has requested on behalf of Arnold Wheeler, et al, owners of 1438 N.W. Hoyt Street, for permission to use and maintain a loading dock on the west side of their building which extends into the right of way of N.W. 15th Avenue a distance of 10 feet, to construct a driveway 12 feet in width adjacent to the west line of their property and extending south 32 feet from the south line of N.W. Hoyt Street, and to reconstruct the southeast round corner of the intersection of N.W. 15th Avenue of N.W. Hoyt Street so that it may be used as a driveway approach.
2. The purpose of this request is to provide a means by which the loading dock may be used for the purposes intended and not have the vehicles being unloaded extending into the roadways of N.W. 15th Avenue or N.W. Hoyt Street.
3. The Traffic Engineer has reviewed this request and has no objections.
4. The City Engineer has no objections providing that the conditions set forth in subparagraph a below are complied with.
5. The granting of this request will not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted hereby to Arnold Wheeler, et al, 1433 N.W. Hoyt Street, Portland, OR 97209, permittee, to use and maintain a loading dock, construct a driveway, and reconstruct a round corner adjacent to Lots 6 and 7, Block 99, Couch's Addition, as shown on the plan marked "Exhibit A" attached to and by this reference made part of this Ordinance, subject to the following conditions:
 - (1) That the permittee reconstruct the round corner and the driveway as shown on the "Exhibit A" in accordance with plans prepared by or approved by the City Engineer.
 - (2) That the permittee pays the Engineering Fees required for the preparation of or approval of said plans.

- (3) That the permittee accepts maintenance responsibilities for the round corner at the southeast corner of N.W. 15th Avenue and N.W. Couch Street.
- (4) 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.
- (5) 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 loading dock from the street area and reconstruct said round corner as directed by and to the satisfaction of the City Engineer.
- (6) 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.
- (7) 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.
- (8) 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.

ORDINANCE No.

- (9) Vehicles using the loading dock described herein will be controlled so as not to block vehicle or pedestrian traffic on N.W. Hoyt 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 required are not on file with the City Auditor and the Engineer fees have not been received by the City Engineer.

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, APR 8 1982

Commissioner Mike Lindberg
 Harlan Scott:jmh
 March 31, 1982

Attest:

Serge Fichon
 Auditor of the City of Portland

Calendar No. **930**

ORDINANCE No. 153074

Title

An Ordinance granting a revocable permit to Arnold Wheeler, et al, to use and maintain an existing loading dock and to construct a driveway each located in the easterly side of N.W. 15th Avenue and extending from the south line of N.W. Hoyt Street to 100 feet south, establishing conditions, providing for fees, and declaring an emergency.

THURSDAY

Filed APR 2 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By: *Anderson*
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>m2/m</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harlan Scott:jmh Date: 3/31/82
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

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

103034