

RECEIVED

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ACCEPTANCE

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

BY GC

Portland, Oregon, April 15, 1982

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. 153104, passed by the Council April 15, 1982, being, "An Ordinance granting a revocable permit to The Port of Portland to close N. Lagoon Avenue from the northerly line of N. Dolphin Street to the northerly terminus of N. Lagoon Avenue by erecting a fence with a gate across the roadway thereof, at a fee of \$10.00, and declaring an emergency",

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,

THE PORT OF PORTLAND

(CORPORATE SEAL)

*Lloyd Anderson*  
Lloyd Anderson, Executive Director

P. O. Box 3529, Portland, OR 97208  
Address

Approved as to form AS TO FORM

*Stephen P. Thomas*

CITY ATTORNEY

APPROVED AS TO FORM

*Billy Crawford*  
of Counsel for The Port of Portland

\*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. **153104**

An Ordinance granting a revocable permit to The Port of Portland to close N. Lagoon Avenue from the northerly line of N. Dolphin Street to the northerly terminus of N. Lagoon Avenue by erecting a fence with a gate across the roadway thereof, at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Port of Portland, Box 3529, Portland, OR 97208, through K.N. Weber, Project Manager, has requested permission to close N. Lagoon Avenue from the north line of N. Dolphin Street to the northerly terminus of N. Lagoon Avenue by erecting a fence with a gate across N. Lagoon Avenue near N. Dolphin Street.
2. The Port of Portland has requested that that portion of N. Lagoon Avenue described above be vacated and is owner of the abutting properties.
3. The purpose of this request is to allow better utilization of the area immediately adjacent to the Portland Ship Repair Yard.
4. The granting of this request will not, under certain conditions, be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted hereby to The Port of Portland, permittee, to close N. Lagoon Avenue from the northerly line of N. Dolphin Street to the northerly terminus of N. Lagoon Avenue by erecting a fence with a gate across N. Lagoon Avenue near N. Dolphin Street 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 the City Code or Ordinances for any operation or maintenance to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter.
  - (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 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

the fence and gate authorized herein and restore N. Lagoon Avenue to the use and condition which existed at the time of the passage of this Ordinance.

- (3) The permittee shall comply with the access requirements of the Bureau of Fire.
- (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 ORD 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 pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) The permittee shall reimburse the City for the cost of filing, by the City Auditor, a certified copy of this Ordinance with the Records Division of Multnomah County.
- (8) The permittee shall comply with the conditions of the City Engineer's report relative to the proposed vacation of N. Lagoon Avenue north of N. Dolphin Street.
- (9) The work authorized by this permit is contingent upon pursuing the vacation of N. Lagoon Avenue as described herein to a successful conclusion. Should the vacation of N. Lagoon Avenue be denied the permittee will restore the area to the condition which existed prior to the passage of this Ordinance within 5 days of being notified.

**ORDINANCE No.**

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.

Section 3. This Ordinance shall be automatically revoked without further action by the Council if N. Lagoon Avenue as described herein is vacated.

Section 4. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship 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 15 1982

Commissioner Mike Lindberg  
Harlan G. Scott:jmh  
April 7, 1982

Attest:

  
Auditor of the City of Portland

Calendar No. 996

ORDINANCE No. 153104

Title

An Ordinance granting a revocable permit to The Port of Portland to close N. Lagoon Avenue from the northerly line of N. Dolphin Street to the northerly terminus of N. Lagoon Avenue by erecting a fence with a gate across the roadway thereof, at a fee of \$10.00, and declaring an emergency.

THURSDAY

Filed APR 9 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By Gooden  
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>ML/MS</i>         |

|   |
|---|
| BUREAU APPROVAL   |
| Bureau: Street & Structural Engineering   |
| Prepared By: Harlan G. Scott:jmh  |
| Date: 4/7/82  |
| Budget Impact Review:   |
| <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 <input type="checkbox"/> |

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