

158752

RECEIVED

AUG 20 1986

OFFICE OF THE
CITY AUDITOR

ACCEPTANCE

Portland, Oregon July 14, 19 86

JEWEL LANSING
Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 158752, passed by the Council July 10, 1986 granting a revocable permit to L & G Ltd. Partnership to construct and maintain concrete steps, metal railings, and two (2) concrete planters extending not more than three (3) feet into the street area of NW Flanders Street between NW 22nd Avenue and NW 23rd Avenue, at a fee of \$88.75,

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,

L & G Ltd. Partnership

Thomas E. Levitt, President

c/o Thomas E. Levitt Company
120 Lakeside Avenue, Suite 240
Seattle, Washington 98112

Address

Approved as to form:



City Attorney

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO.

158752

An Ordinance granting a revocable permit to L & G Ltd. Partnership to construct and maintain concrete steps, metal railings, and two (2) concrete planters extending not more than three (3) feet into the street area of NW Flanders Street between NW 22nd Avenue and NW 23rd Avenue, at a fee of \$88.75, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. L & G Ltd. Partnership, c/o Thomas E. Levitt Co., 120 Lakeside Avenue, Suite 240, Seattle, Washington 98112, has requested permission to construct and maintain concrete steps, metal railings, and two (2) concrete planters extending not more than three (3) feet into the street area of NW Flanders Street between NW 22nd Avenue and NW 23rd Avenue adjacent to Lot 14, Block 2, Meads Add (Building Permit Application #4522A for 1986 and revisions; property address 2285 NW Flanders St.).
2. The steps and railings are needed to provide for access to a new building being constructed on the permittees' property and the 2 planters need to be constructed in order that the building entrance will be defined and better eliminate a hazard to handicapped persons.
3. The plan showing the location for the steps, railings, and planters attached to this ordinance as "Exhibit A" has been approved by the City Engineer.
4. That the granting of this permission, 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 L & G Ltd. Partnership, permittees, to construct and maintain the steps, railings and planters extending not more than 3 feet into the street area described in Section 1-1 above and located as shown on the plan 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 permittees 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 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 permittees any vested or other right. Upon revocation of this permit by the Council, the permittees shall, within 30 days, remove the steps, railings and planters and restore that street area as required by and to the satisfaction of the City Engineer.

- (3) The permittees shall pay the permit fee of \$88.75 required by Section 17.24.020 of the City Code.
- (4) Before construction begins, the permittees shall obtain from the Traffic Engineer his requirements as to hours of work, traffic control, and the placing of necessary signs and barricades.
- (5) This permit shall run with the land, and the same rights and conditions shall apply to each successive property owner. Each new property owner shall be required to provide insurance to the City Auditor, upon assumption of title, as referenced in Clauses (6) and (7) below. Any changes or modifications made to the structures and related appurtenances permitted herein shall be reviewed and approved by the City Engineer before such changes and modifications may take place.
- (6) The permittees shall hold the City of Portland, the City Engineer, and each and all of the officers and employees of the City free and harmless from any claims for damages to persons or property, which may be occasioned by any construction, maintenance and/or use of the street under the permit hereby granted.
- (7) The permittees shall protect the City of Portland, its officers, agents, and employees by providing insurance as follows:

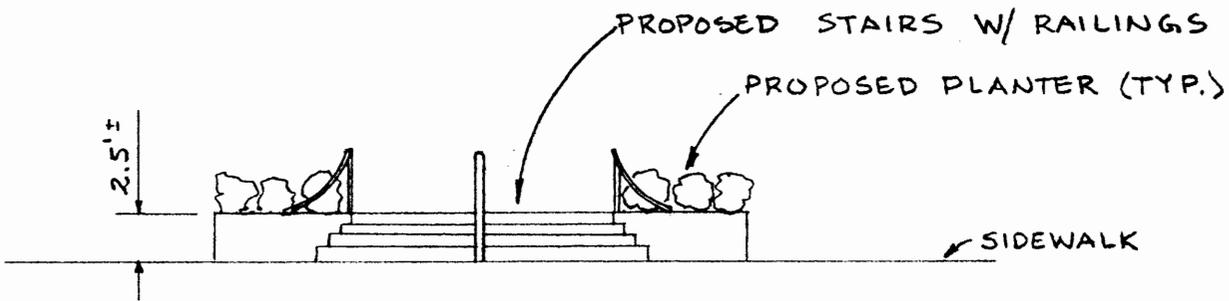
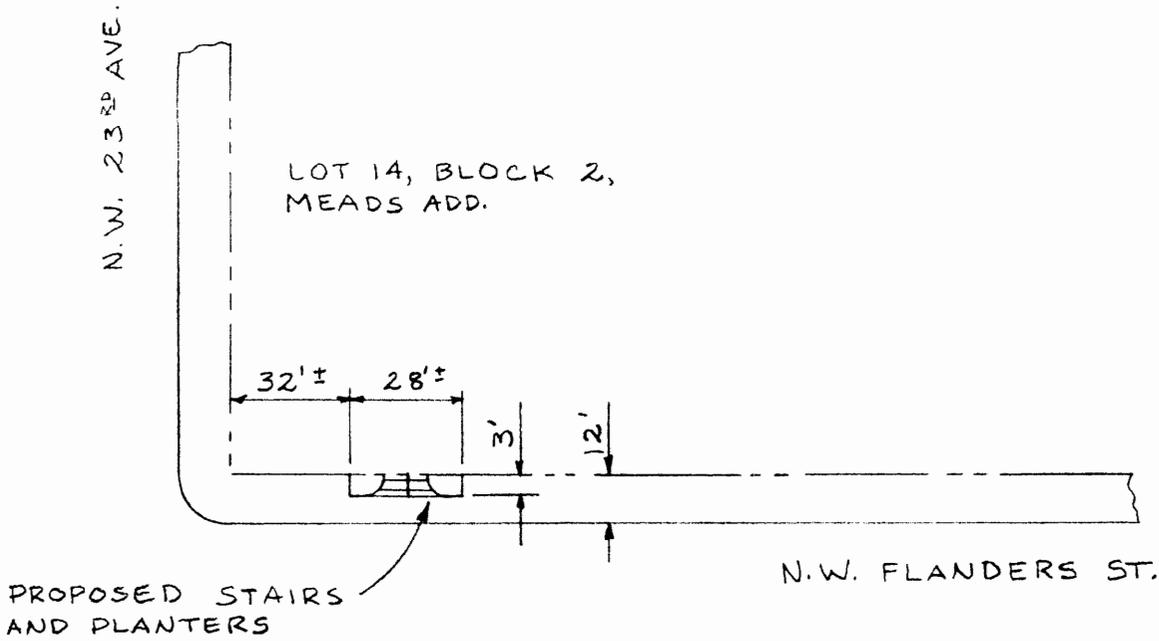
Bodily injury \$100,000 for one claimant and \$300,000 for one occurrence, property damage \$50,000 for one claimant and \$300,000 for one occurrence, said insurance to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is cancelled, or for any other reason becomes inoperative.
- (8) The permittees 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.

Section 2. This Ordinance will not become effective until the permittees have 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.

EXHIBIT A

To construct and maintain concrete steps, metal railings, and two (2) concrete planters in the street area of NW Flanders Street between NW 22nd Avenue and NW 23rd Avenue

For: L & G Ltd. Partnership
c/o Thomas E. Levitt
120 Lakeside Ave Suite 240
Seattle, Wa 98112

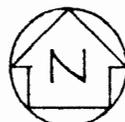


ELEVATION LOOKING NORTH

APPROVED

DRAWN BY: JER
CHECKED BY: HAH
DATE 24 JUNE 86

¼ SEC. 3027



N.T.S.

BY R.O. Schmidt
City Engineer

ORDINANCE No.

158752

Section 3. 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 applicants as to the status of the requested permit to construct and maintain encroachments in the street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUL 10 1986**

Commissioner Margaret D. Strachan
Harry A. Hendrickson/sdg
June 26, 1986
15983442/0126/834

Jewel Lansing
Auditor of the City of Portland
By *Doris E. O'Leary*
Deputy

Calendar No. 1395

ORDINANCE No. 158752

Title

An Ordinance granting a revocable permit to L & G Ltd. Partnership to construct and maintain concrete steps, metal railings, and two (2) concrete planters extending not more than three (3) feet into the street area of NW Flanders Street between NW 22nd Avenue and NW 23rd Avenue, at a fee of \$88.75, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LINDBERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SCHWAB	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STRACHAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CLARK	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Filed JUL 1 1986

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Eana Cowen
Deputy

INTRODUCED BY

Commissioner Margaret D. Strachan

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities MDS/JP

Works

BUREAU APPROVAL

Bureau:

Transportation Engineering

Prepared By:

Date:

Harry A. Hendrickson 6/26/86

Budget Impact Review:

Completed

Not required

Bureau Head: R. O. Schmidt
R. O. Schmidt, P.E.

CALENDAR

Consent

XXX

Regular

NOTED BY

City Attorney

City Auditor

City Engineer

Approved:

Richard O. Schmidt, P.E.

By R. O. Schmidt