

158 918

158918

ACCEPTANCE

Received \$10.00
Don: [Signature]

Portland, Oregon August 21, 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 An Ordinance granting a revocable permit to Muscular Dystrophy Association, Inc., to use a portion of the landscaped median strip and to close portions of the Northbound and Southbound vehicle lane adjacent to each side of the landscaped median strip on SW Front Avenue between the South curb line of SW Columbia Street and SW Clay Street in front of the Marriott Hotel to place the "Fishbowl" in the median strip from 6:30 p.m. Sunday, August 31, 1986 through 5:00 p.m. Monday, September 1, 1986 to facilitate the annual Jerry Lewis Labor Day Telethon at a fee of \$10,

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,

MUSCULAR DYSTROPHY ASSOCIATION, INC.

[Handwritten Signature]

4800 SW Macadam Avenue, Suite 250

Address

APPROVED AS TO FORM
Approved as to form.

[Handwritten Signature]
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.

158918

An Ordinance granting a revocable permit to Muscular Dystrophy Association, Inc., to use a portion of the landscaped median strip and to close portions of the Northbound and Southbound vehicle lane adjacent to each side of the landscaped median strip on SW Front Avenue between the South curb line of SW Columbia Street and SW Clay Street in front of the Marriott Hotel to place the "Fishbowl" in the median strip from 6:30 p.m. Sunday, August 31, 1986 through 5:00 p.m. Monday, September 1, 1986 to facilitate the annual Jerry Lewis Labor Day Telethon at a fee of \$10, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Muscular Dystrophy Association, Inc., has through Richard Recker, District Director, 4800 SW Macadam Avenue, Suite 250, Portland, Oregon, 97201, requested permission to use a portion of the landscaped median strip for placement of the "Fishbowl" and to close the North 150 feet of the Northbound and Southbound vehicle lane adjacent to each side of the landscaped median strip on SW Front Avenue between the South curb line SW Columbia Street and SW Clay Street to provide for control of vehicle access to the "Fishbowl" to facilitate the annual Jerry Lewis Labor Day Telethon being broadcast from the Marriott Hotel.
2. The Bureau of Traffic Management of the City of Portland has contacted the Oregon State Department of Transportation and they have no objection to the closure of the 2 vehicle lanes during the hours of closure to be granted by this permit.
3. That the Bureau of Parks has no objection to the placement of the "Fishbowl" in the landscaped median strip during the hours of closure to be granted by this permit.
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 is granted to Muscular Dystrophy Association, Inc., permittee, to use a portion of the landscaped median strip and to close portions of the two vehicle lanes in the street area as described in Section 1-1 above and located as shown on the marked map Exhibit "A" attached and by this reference made a part of this Ordinance to facilitate the said Telethon from 6:30 p.m. Sunday, August 31, 1986 through 5:00 p.m. Monday, September 1, 1986, subject to the following conditions:
 - (1) That the Bureau of Traffic Management will arrange for vehicle traffic control and the permittee shall provide barricades, signs, and illumination as required by, and to the satisfaction of the City Traffic Engineer.

- (2) That the permittee shall, at his own expense, restore the landscaped median to the condition it was in prior to the use granted by this permit. That this restoration, if necessary, will be coordinated with the City Park Bureau.
- (3) That pedestrian access to the closed vehicle lanes and landscaped median strip will be allowed only from the signalized pedestrian crosswalk at SW Columbia Street.
- (4) It is assumed in granting this permission that some disturbance will be created. If, in the opinion of the Bureau of Police, this disturbance to the public does not warrant continuing the street closure, it is hereby authorized to cause the permittee to discontinue the street closure activities authorized by this Ordinance until it feels the situation is corrected or the permittee is authorized to continue by the Council.
- (5) This permit is for the use of the street area only, and shall not exempt the permittee from taking out any license or obtaining any permit required by existing City Code or Ordinances for any operation or maintenance performed under the permit hereby granted, nor shall the permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
- (6) The permittee shall pay the fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) 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 \$100,000 for one claimant and \$300,000 for one occurrence, said insurance to be kept in full force and effect at all time. 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.

158918

WATERFRONT
PARK

S.W. COLUMBIA ST.

PEDESTRIAN
WALKWAY

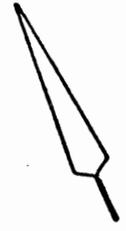
0' S.C.L.

S.W. FIRST AVE.

MARRIOTT
HOTEL

MEDIAN FISH BOWL LOCATION

150'



N

1" = 100'

S.W. CLAY ST.

S.W. MARKET ST.

EXHIBIT "A"

8 AUGUST 86

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 if the acceptance together with documents and fees required are not on file with the City Auditor by 5:00 p.m. Friday, August 29, 1986.

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 to close a portion of a street; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **AUG 21 1986**

Commissioner Margaret D. Strachan
Harry A. Hendrickson:vw
August 8, 1986
15983949/0111/839

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

Calendar No.

1719

ORDINANCE No. 158918

Title

An Ordinance granting a revocable permit to Muscular Dystrophy Association, Inc., to use a portion of the landscaped median strip and to close portions of the Northbound and Southbound vehicle lane adjacent to each side of the landscaped median strip on SW Front Avenue between the South curb line of SW Columbia Street and SW Clay Street in front of the Marriott Hotel to place the "Fishbowl" in the median strip from 6:30 p.m. Sunday, August 31, 1986 through 5:00p.m. Monday, September 1, 1986 to facilitate the annual Jerry Lewis Labor Day Telethon at a fee of \$10, and declaring an emergency.

AUG 14 1986

Filed _____

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Marcy Dumbord
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	✓	
LINDBERG	✓	
SCHWAB	✓	
STRACHAN	✓	
CLARK		

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

INTRODUCED BY

Commissioner Margaret Strachan

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

MOS/JP

Works

BUREAU APPROVAL

Bureau:

Transportation Engineering

Prepared By:
Harry A. Hendrickson

Date:
8/8/86

Budget Impact Review:

Completed Not required

Bureau Head:

R.O. Schmidt, P.E.

CALENDAR

Consent

Regular

NOTED BY

City Attorney

City Auditor

City Engineer

R.O. Schmidt
R.O. Schmidt, P.E.