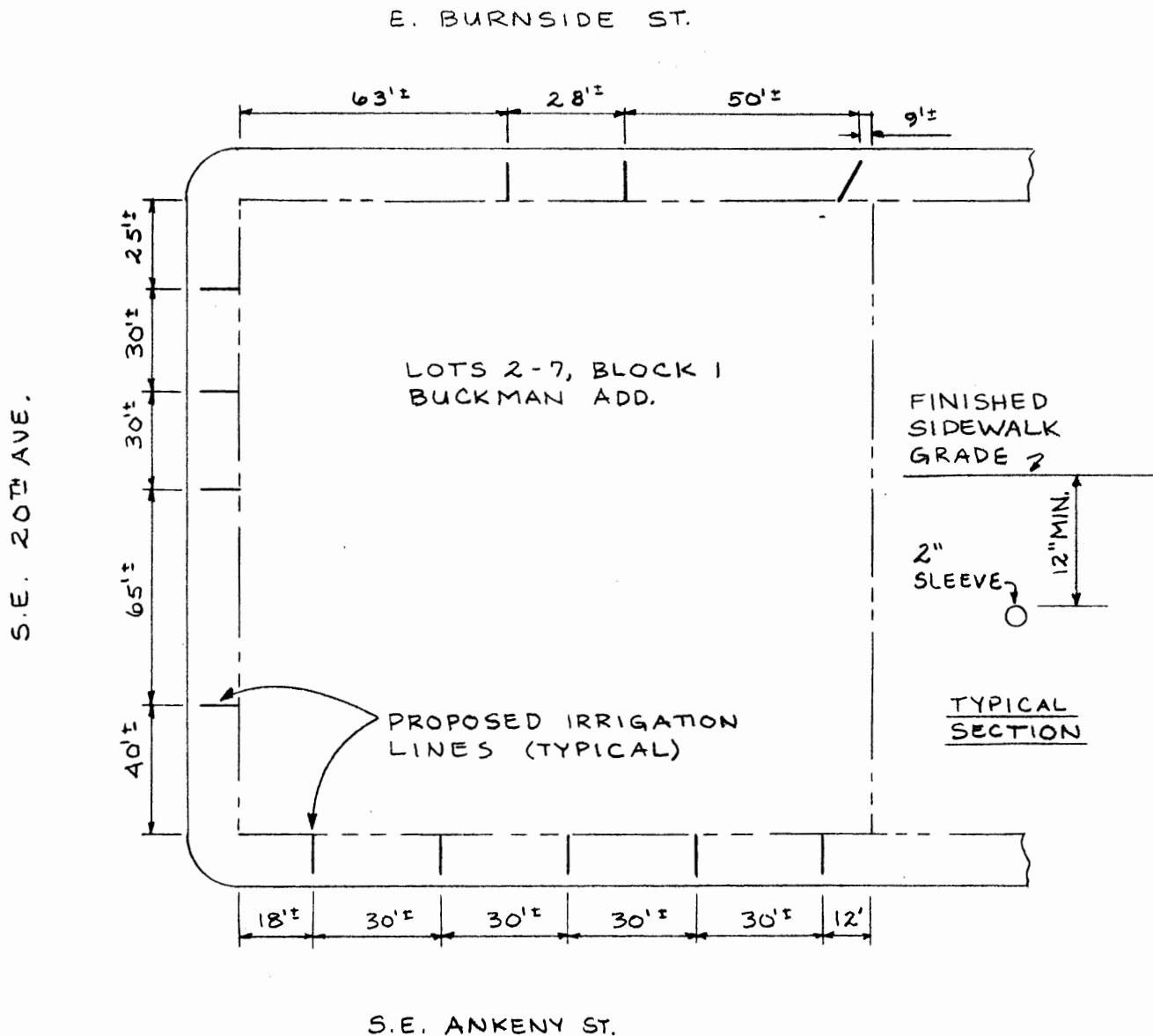


EXHIBIT A

To install, use, and maintain a private irrigation system and pipe sleeves in the street area of East Burnside Street, SE 20th Avenue, and SE Ankeny Street.

For: Mobil Oil Corp.
P.O. Box 3268
Kirkland, WA 98038

**APPROVED**

DRAWN BY: JER
CHECKED BY: HAH
DATE 7 AUG 86

1/4 SEC 3032



BY R. C. Schmidt
City Engineer

ORDINANCE NO.

158922

An Ordinance granting a revocable permit to Mobil Oil Corporation to install, use, and maintain a private irrigation system and pipe sleeves in the street area of East Burnside Street, SE 20th Avenue, and SE Ankeny St., at a fee of \$196, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Mobil Oil Corporation, P.O. Box 3268, Kirkland, Washington 98038, c/o MIKE A. STANDLEY, has requested permission install, use, and maintain a private irrigation system and pipe sleeves in the street area of East Burnside Street, SE 20th Avenue, and SE Ankeny St., adjacent to a portion of Block 1, Buckman's Add. (Building permit application #4834 and revisions for 1986).
2. The private irrigation system and pipe sleeves proposed to be installed is part of the work to be done in conjunction with development of their adjacent property and would be used to irrigate the trees to be planted in the tree wells being installed in the sidewalk.
3. The plan showing the location of the private irrigation system and pipe sleeves attached to this Ordinance as "Exhibit A" has been approved by the City Engineer.
4. 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 Mobil Oil Corporation, permittee, to install, use, and maintain the private irrigation system and pipe sleeves in the street area described in Section 1-1 above and located as shown on the plan marked "Exhibit A" attached and by this reference made part of this Ordinance, subject to the following conditions:
 - (1) The private irrigation system and pipe sleeves shall be installed according to the plans approved by the City Engineer, and the top of the 2 inch pipe sleeves to be installed in the street area shall be a minimum of 12 inches below the finished grade of the sidewalk.
 - (2) The permittee shall, a minimum of two (2) working days prior to beginning installation of the irrigation system and pipe sleeves, notify the Inspection Division (796-7148) of the proposed work schedule for their installation.
 - (3) Before installation begins, the permittee shall obtain from the Traffic Engineer his requirement as to hours of work, traffic control, and the placing of necessary signs and barricades.

- (4) The permittee acknowledges the existence of public and private utilities in this area and agrees to provide access for any utility construction, maintenance, repair and/or operation, and further that the City, utility company, or their contractors will not be responsible for restoration or payment for any improvements, including the private irrigation system and pipe sleeves in the public right-of-way if such things are damaged or destroyed by the City, utility, or their contractor in the course of maintenance or replacement of existing sewer, water facilities, and/or utilities.
- (5) This permit is for the 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 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.
- (6) This permit is revocable at any time at the pleasure of the Council, 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. Within thirty (30) days from the revocation of this permit, the permittee shall remove the said installations from the street area as directed by and to the satisfaction of the City Engineer.
- (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 cost 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.
- (8) The permit granted is personal to the permittee only and cannot be transferred, assigned or otherwise conveyed, 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.
- (9) The permittee shall pay the permit fee of \$196 required by Section 17.24.020 of the City Code.
- (10) If during installation under this permit it becomes necessary or expedient to modify the location or plan for the irrigation system and pipe sleeves, the permittee shall first obtain the approval of the City Engineer on revised plans filed with the City Engineer.

ORDINANCE No.

- (11) 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.

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. 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 for installation, use and maintenance of the private irrigation system and pipe sleeves in the street area of East Burnside St., SE 20th Ave., and SE Ankeny St.; 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/sg
August 8, 1986
15983442/0126/834

Jewel Lansing
Auditor of the City of Portland
By *Doris E. Chelley*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
CLARK		—

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. 1723

ORDINANCE No. 158922

Title

An Ordinance granting a revocable permit to Mobil Oil Corporation to install, use, and maintain a private irrigation system and pipe sleeves in the street area of East Burnside Street, SE 20th Avenue, and SE Ankeny St., at a fee of \$196, and declaring an emergency.

Filed AUG 14 1986

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Nancy Dunford
Deputy

INTRODUCED BY
Commissioner 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	8/8/86
Budget Impact Review:	
<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Not required
Bureau Head:	R.O. Schmidt, P.E.

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

NOTED BY	
City Attorney	
City Auditor	
City Engineer	
R.O. Schmidt, P.E.	R.O. Schmidt