

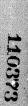
25 May '59

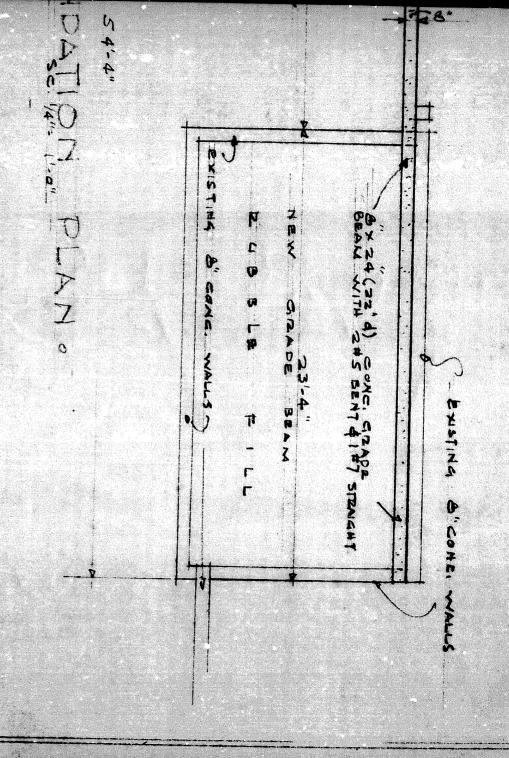
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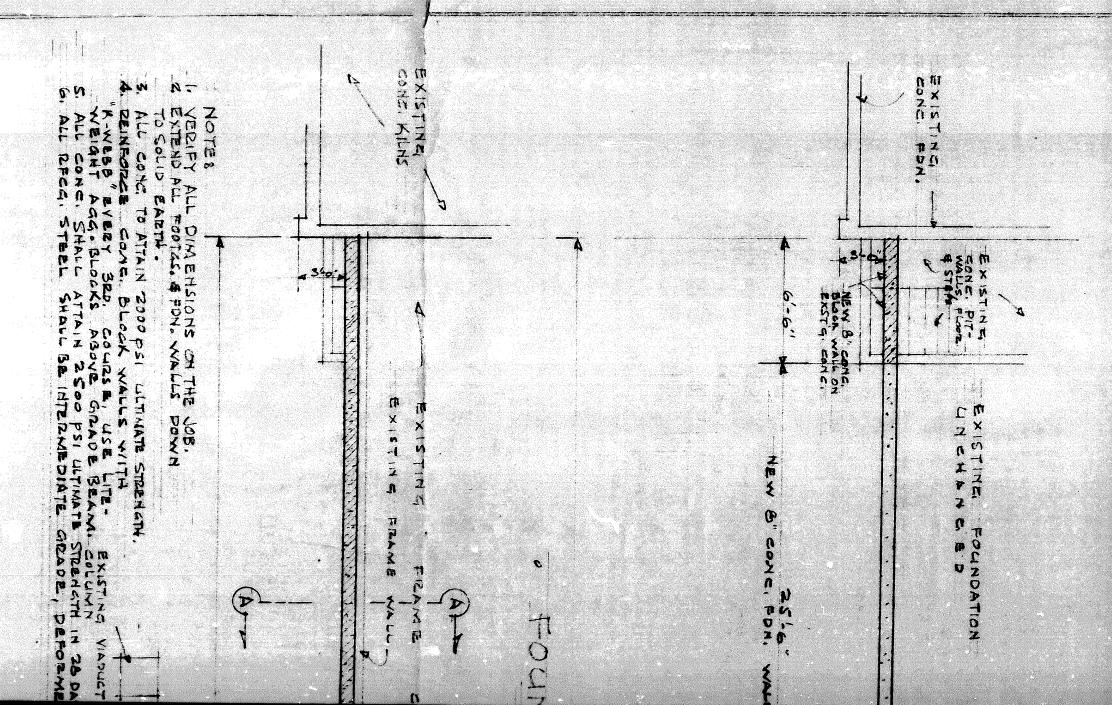
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LAW OFFICES

BLACK, KENDALL & TREMAINE

1200 CASCADE BUILDING

PORTLAND 4. DREGON

TELEPHONE

JOHN W. KENDALL
H. STEWART TREMAINE
FERRIS P. BOOTHE
JOHN J. HIGSINS
JAMES M. BURNS
EDWARD L. FITZGIBBON
MILLIOM B. BORGEON
DAVID J. KRIEGER

GEORGE BLACK, JR.

June 25, 1957 (Dictated June 24, 1957)

SUBJECT

City Ordinance Doernbecher Properties, Inc.



Commissioner William A. Bowes City Hall Portland, Oregon

Dear Commissioner Bowes:

This morning a meeting was held at the plant of Doernbecher Properties, Inc. in connection with the city's bridge on N. F. 28th Avenue and the buildings of Doernbecher Properties, Inc. situate thereunder. Present at such meeting were Fire Marshall Gillman, City Engineer Apperson, Assistant City Engineer Rosenthall, Mr. Benard, the director of the Bureau of Buildings, Manuel and Gilbert Schnitzer of Doernbecher Properties, Inc. and the writer. After an inspection of the bridge and the buildings under it, a general discussion was held, and I believe an understanding was substantially reached as to what should be done by the company in order to meet the objections of the City to the present situation.

It was then suggested that we address a letter to you, with copies to all concerned, presenting a proposal of the company showing what the company will do and what the company is requesting from the city, together with a sketch or map showing the details. Accordingly, I am writing this letter to you setting forth in detail these various matters and attaching herewith a copy of an engineer's drawing of the premises.

Doernbecher Properties, Inc. proposes to do the following things:

- (1) Tear down and remove all of the wooden structure situate under the bridge on N. E. 28th Avenue, including the wooden shed over the spur track at the southerly end.
- (2) Tear down and remove that certain sawtooth building marked with the words "Galv. Iron" and "Old Frame" and situate to the west of the southerly portion of the bridge and to the south of the dry kilns.
- (3) Remove the conveyor system extending through the second story part of the wall marked "A" and close up the hole in such wall, thereby making such wall fireproof.

- (4) Gravel the roofs on the easterly side of the bridge from the edge of the bridge out for a distance of 20 feet, including the roofs of the two dry kiln buildings on the easterly side of the bridge and the roof of the southerly two-story building on the south side of the dry kilms.
- (5) Erect a concrete wall (or concrete block wall) along part of the westerly end of the southerly two-story building, such part being marked "B".
- (6) Erect a concrete wall (or concrete block wall) enclosing that space at the west end of the southerly two story concrete building marked "A" and shown by the broken line.

After the foregoing has been done, the ends of all the buildings abutting on both the easterly and westerly sides of the bridge will be fireproof. Furthermore, there will be no more wooden structures under the bridge and the old frame building on the west side of the bridge will be removed, thereby substantially eliminating the present fire hazards to the bridge.

Doernbecher Properties, Inc. desires to obtain permission from the city to maintain within the street area of N E. 28th Avenue the following structures:

- (1) The easterly walls of the two concrete constructed dry kilns on the westerly side of N. E. 28th Avenue, marked with the initials "E" and "F". These two buildings appear to encreach on 28th Avenue about two feet or less each.
- (2) The westerly walls of the two dry kilns on the easterly side of N. E. 28th Avenue marked "C" and "D" respectively. The wall at "C" appears to encroach four feet or less onto the street area, and the wall at "D" appears to encroach on the street area about 10-1/2 feet or less.
- (3) The westerly wall of the southerly two-story building on the easterly side of N. E. 28th Avenue. This wall appears to extend onto the street area about 14 feet or less, and is marked "0".
- (4) The proposed concrete wall shown by the broken line and marked "A", such proposed wall being an extension of the concrete wall marked "G'
 - (5) Several fire hydrants.

I believe that everyone agreed that the maintenance under the bridge of the walls of the four dry kilns, the same being solid concrete, would not unduly endanger the bridge. Furthermore, I believe it was agreed that the maintenance of the westerly end of the southerly two-story building under the bridge would likewise not endanger the bridge if the part of such wall which is now of wooden construction were replaced with an appropriate concrete section. You will note that this is what Doernbecher Properties. Inc. proposes to do by erecting a concrete wall at the places marked "A" and "B". By allowing Doernbecher Properties, Inc. to maintain the end of these buildings under the bridge. a substantial savings will be effected to Doernbecher Properties, Inc. at little or no extra danger to the bridge.

As we have already advised you. Doernbecher Properties. Inc. has no objection to, and, in fact, desires the adoption of, the ordinance presently before the City Council which repeals all of the several ordinances enacted over the past 25 years dealing with the N.F. 28th Avenue Bridge. All we desire is that simultaneously with the adoption of such ordinance, a companion ordinance also be adopted allowing Doernbecher Properties, Inc. to maintain under the bridge the several parts of the buildings listed above.

I should like to thank you for asking your department heads to again examine the premises and meet with us and for your further considertion of these problems. If you have any questions concerning any of the foregoing, please feel free to call on me at any time.

Very truly yours,

BLACK, KENDALL & TREMAINE

Stewart Tremaine

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cc: Fire Marshall Gillman City Engineer Apperson

Mr. Benard, Director of Bureau of Buildings

June 24, 1957

P.S. I should like to call your attention to the fact that the engineer's drawing was reduced to half-size when it was reproduced, which means that the scale on the enclosed reduction of the engineer's drawing is actually 1/2" equals 30 feet.

S. T.

LAW DEFICES

BLACK, KENDALL & TREMAINE

1200 CASEADE BUILDING

PORTLAND 4, DREGON

June 13, 1959

NO.

TELEPHONE
CAPITOL 6-3245

MILTON C. LANKTON WILLIAM B. BORGESON DAVID J. KRIEGER

GEORGE BLACK, JF

JOHN, W. KENDALL

FERRIS F. BOOTHE

JOHN J. HIGGINS

JAMES M. BURNS

H. STEWART TREMAINE

SUBJECT:

City Ordinance Doernbecher Properties, Inc.

M. A. B.

Commissioner William A. Bowes City Hall Portland, Oregon

Attention: Mr. L. H. Rosenthal

Dear Commissioner Bowes:

FOR YOUR SARATAENT OF PUBLIC W. S.

FOR YOUR OF JUNE 25, 1957, concerning

Please refer to our letter to you of June 25, 1957, concerning the above-captioned matter. A copy thereof is enclosed for your convenience. A negative photostat of the engineer*s drawing therein referred to is likewise enclosed.

As you may recall, and as is mentioned in our said letter, Doernbecher Properties, Inc., successor to Doernbecher Manufacturing Co. Inc., is successor in interest to certain industrial buildings presently existing and maintained partly upon city-owned property beneath the 28th Avenue viaduct in Sullivan's Gulch. Formerly such buildings were permitted to encroach upon the area beneath the viaduct by authority of the City Ordinances, now repealed by the action of the Council on or about June 20, 1957. Other buildings wholly and partly maintained within the area beneath the viaduct likewise were permitted by the Ordinances. These latter buildings have now been removed pursuant to the advice of Messrs. Gilman, Apperson and Rosenthal, as was mentioned in our letter.

We are advised that each of the matters enumerated in our letter have now been accomplished with two exceptions:

- (a) Item 5 mentioned in the third paragraph of page 2; and,
- (b) Item 6 mentioned ir the fourth paragraph of page 2.

These two items have not been completed. Item 6 is now obsolete, it being our present desire to continue the concrete block wall mentioned in Item 5 straight through and cutting off the area formerly enclosed by the dotted line therein designated as "A."

We are advised that it is necessary and appropriate before applying for construction permits for the contemplated improvement to secure Council permission by City Ordinance. Two copies of the plans for the proposed improvement are enclosed. We are advised by our architect that any purpresture, if there be one at all, would amount to substantially less than a foot.

Commissioner William A. Bowes Page 2 June 18, 1959

The areas marked on the enclosed plot plan as "EXISTING BUILDING" and "LOCATION OF NEW WORK" in the lower left area of the plan, designated on the engineer's drawing as purprestures "G," "A," "B," and "C," respectively, are presently occupied by Barker Manufacturing Company, pursuant to a lease from Poernbecher Properties, Inc. Barker Manufacturing Company is a local furniture manufacturer which uses the area for its operations. The remaining areas of purpresture, marked "D," "E," "F," are occupied by Doernbecher Properties, Inc.

We understand that the City Attorney's office will draft the requested Ordinance upon your approval, including therein that it shall constitute a revocable permit, personal in nature and not running with the land, and fixing a liability insurance policy requirement with a specific dollar amount to protect the city and its property.

Upon your advice, we will be pleased to furnish you with any additionally required data.

Thank you kindly for your courtesy in this matter.

Very truly yours,

BLACK, KENDALL & TREMAINE

Edward L. Fitzgibbon

ELF:nc

Enclosures

cc: Miss Marian Rushing, Deputy City Attorney
Dale Gilman, Fire Marshal

L. G. Apperson, City Engineer

W. A. Benard, Director of Bureau of Buildings



