

ACCEPTANCE

WHEREAS, by Ordinance No. 120295 dated April 29, 1965 the City of Portland, a municipal corporation of the State of Oregon, has granted to the Wilbur-Ellis Company a revocable permit, subject to terms and conditions therein stated, to construct and maintain a conveyor over and across Northwest Thirteenth Avenue near Northwest Marshall Street, in the City of Portland, from a building on Lot 7, Block 185, to a building on Lot 8, Block 184, Couch's Addition;

NOW, THEREFORE, UNION PACIFIC RAILROAD COMPANY, a Utah corporation, as owner of said Lot 7, Block 185, Couch's Addition to the City of Portland, hereby accepts the terms and conditions of said Ordinance No. 120295, insofar as the same may be applicable to it.

Dated this 11th day of May, 1965.

UNION PACIFIC RAILROAD COMPANY

By [Signature] President

APPROVED AS TO FORM
[Signature]
CHIEF DEPUTY CITY ATTORNEY

RECEIVED
MAY 13 2 37 PM '65
RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.
BY [Signature]

712

ACCEPTANCE

Portland, Oregon, April 30, 1965

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 120295 granting a revocable permit to the Wilbur-Ellis Company, (Lessee), 2460 - 6th Avenue, South, Seattle, Washington 98134, to construct and maintain a conveyor over and across N.W. 13th Avenue near N.W. Marshall Street, 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,

WILBUR-ELLIS COMPANY

[CORPORATE SEAL]

By C.P. Thacher

Vice Pres

2460 - 6th Avenue South, Seattle, Wash. 98134

Approved as to form:

[Signature]
CHIEF DEPUTY City Attorney

RECEIVED
MAY 5 9 36 AM '65
RAY SMITH, AUDITOR
CITY OF PORTLAND, OREGON

*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.

LAW OFFICES

ROBERTS, SHEFELMAN, LAWRENCE, GAY & MOCH

(WETER, ROBERTS & SHEFELMAN)

318 IBM BUILDING

SEATTLE, WASHINGTON 98101

TELEPHONE
MAIN 2-1818
AREA CODE 206

F. M. ROBERTS
JAMES P. WETER (1877-1959)
HAROLD S. SHEFELMAN
VICTOR D. LAWRENCE
JAMES GAY
ROBERT S. MOCH
JAMES C. HARRER
GEORGE M. MACK
BRIAN L. COMSTOCK
TIMOTHY R. CLIFFORD
LARRY M. CARTER

723

I, FRED M. ROBERTS, owner of the East 1/2 of Lot 8, Block 184, Couch's Addition, am familiar with Ordinance No. 120295 passed by the Council of the City of Portland, Oregon on April 29, 1965 permitting the construction of a conveyor from a building on Lot 7, Block 185 of said Addition to the property above described owned by me, and I do hereby accept the terms and conditions thereof and agree to be bound thereby insofar as the property owned by me is concerned.

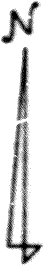
Seattle, Washington. May 5, 1965.

✓ Fred M. Roberts

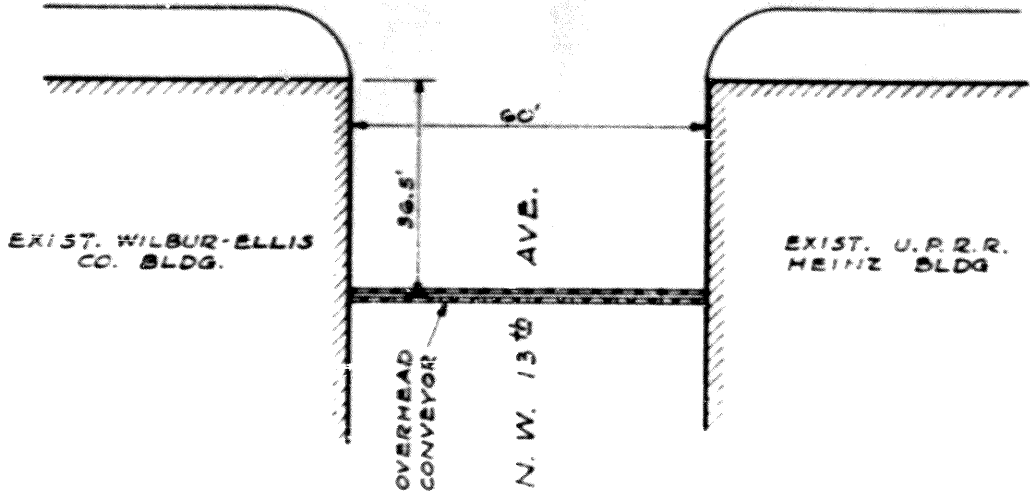
APPROVED AS TO FORM
McWhisker
CHIEF DEPUTY CITY ATTORNEY

EXHIBIT - "A"

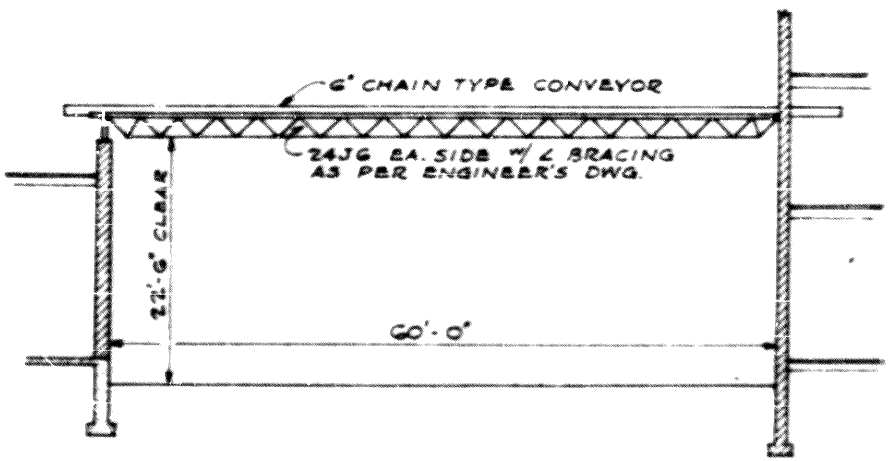
To construct and maintain an overhead conveyor across
 N. W. 13th Ave. between N. W. Marshall and Lovejoy Streets
 adjoining Lot 7, Block 165 and Lot 8, Block 184, Couch's
 Addition.
 For: Wilbur-Ellis Co.



N. W. MARSHALL ST.



PLAN
 SCALE: 1" = 30'



ELEVATION
LOOKING SOUTH
 SCALE: 1/4" = 1'-0"

APPROVED

APR 15 1955

By *[Signature]*
 City Engineer
 Reg. Prof. Eng. 3271

ORDINANCE NO. 120295

An Ordinance granting a revocable permit to the Wilbur-Ellis Company, (Lessee), 2460 - 6th Avenue South, Seattle, Washington 98134, to construct and maintain a conveyor over and across N.W. 13th Avenue near N.W. Marshall Street, and declaring an emergency.

The City of Portland ordains:

Section 1. It appearing to the Council that the Wilbur-Ellis Company, (Lessee) has through E. T. Wadsley made written application for permission to construct a conveyor over and across N.W. 13th Avenue near N.W. Marshall Street, that said conveyor is needed to transfer materials from a building on Lot 7, Block 185 to a building located on Lot 8, Block 184, Couch's Addition, that the conveyor is to be located at a minimum height of 22½ feet which is in accordance with railroad spur track regulations in this area, that the granting of the desired permit in this location under certain conditions will not be detrimental to the public interest; now, therefore, a revocable permit is hereby granted to the Wilbur-Ellis Company, (Lessee) (hereinafter referred to as the grantee) and to construct and maintain a conveyor over and across N.W. 13th Avenue near N.W. Marshall Street as previously described and to be located as shown on the attached plan marked Exhibit "A" and hereby made a part of this ordinance, such permit being subject to the following conditions:

(a) The grantee agrees that the use of the conveyor shall be limited to the movement of materials only.

(b) This permit is for the use of the street area only and shall not exempt the grantee from taking out any licenses or permits required by any existing ordinance for any operation, construction and/or maintenance under the permit hereby granted.

(c) All structural plans, as well as the materials used, their strength, installation and support shall have the approval of the Bureau of Buildings and the City Engineer.

(d) This permit is revocable at any time at the pleasure of the Council, and no expenditure of money hereunder, 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 grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within thirty (30) days remove the said bridge from over the street area as required by and to the satisfaction of the City Engineer.

(e) The grantee shall hold the City of Portland, the City Engineer, and each and all of the officers and employes of said 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 street area under the permit hereby granted.

(f) This permit herein granted shall not become effective until the grantee shall have filed with the City Auditor a document in form

ORDINANCE No.

approved by the City Attorney a policy or certificate of insurance in favor of the City of Portland, its officers and employes, protecting the same against any and all liability for personal injury or damage to property, the said policy to be in the minimum sum of \$100,000 for any any single injury, \$200,000 for any single accident, and \$25,000 for property damage, and that the grantee shall maintain such insurance in force and effect during the life of this permit.

(g) The Wilbur-Ellis Company (Lessee) at the expiration of their lease will immediately remove the said conveyer and appurtenances from the street area.

(h) This permit shall not become effective until the grantee shall have filed with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

(i) This permit shall not become effective until Fred Roberts, 1818 IBM Building, Seattle, Washington, owner of Lot 8, Block 184, Couch's Addition and Union Pacific Railroad, Pittock Block, Portland, Oregon, owner of Lot 7, Block 185, Couch's Addition, shall have filed with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

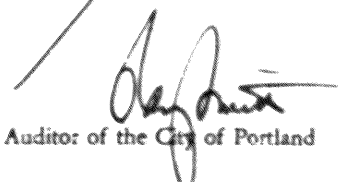
(j) The City Auditor shall cause a certified copy of this ordinance to be recorded by the County Clerk of Multnomah County in the appropriate record of deeds in his office, and the grantee shall reimburse the City of Portland for the cost of such recording, this permit not to be effective until such reimbursement of cost has been made.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that the privileges herein granted may be available to the grantee without undue delay; therefore, an emergency is hereby declared to exist, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, APR 29 1965


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No. 1737

ORDINANCE No. 120205

Title

An Ordinance granting a revocable permit to the Wilbur-Ellis Company, (Lessee), 2460- 6th Avenue South, Seattle, Washington 98134, to construct and maintain a conveyor over and across N.W. 13th Avenue near N.W. Marshall Street, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	1	
Bowes	1	
Earl	1	
Grayson	1	
Schnuck	1	

FOUR-FIFTHS CALENDAR

Bean	<i>C. P. Bean</i>
Bowes	<i>W. P. B.</i>
Earl	<i>W. Earl</i>
Grayson	<i>W. Grayson</i>
Schnuck	<i>W. Schnuck</i>

INTRODUCED BY _____
 Commissioner Bowes

DRAWN BY _____
 WSL/dt
 Date 4-27-65

NOTED BY THE COMMISSIONER

Affairs _____
 Finance _____
 Safety _____
 Utilities _____
 Works *W. P. B.*

City Attorney _____

NOTED FOR CITY AUDITOR

W. P. B.
W. P. B.

APPROVED

Date 4-27-65

By *W. P. B.*
 City Engineer

Date _____
 By _____

Filed APR 28 1965

RAY SMITH
Auditor of the CITY OF PORTLAND

By *Robert L. Smith*
Deputy