

RECEIVED 13017

308

MAR 13 1 30 PM 1970

ACCEPTANCE

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY: RS

Portland, Oregon, December 12, 1969

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 130175, passed by the Council December 11, 1969, granting a revocable permit to the Commission of Public Docks to construct and maintain a sewer line and sampling manhole in N. St. Johns Avenue, 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,

COMMISSION OF PUBLIC DOCKS

*BY: E.H. Smith Asst Sec
Thomas P. Guerin E.H. Smith

[CORPORATE SEAL]

3070 NW Front Av Address

Approved as to form:

[Signature]
City Attorney

APPROVED AS TO FORM
White, Sutherland & Gilbertson
By: [Signature]
COUNSEL FOR THE COMMISSION OF PUBLIC DOCKS

*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.

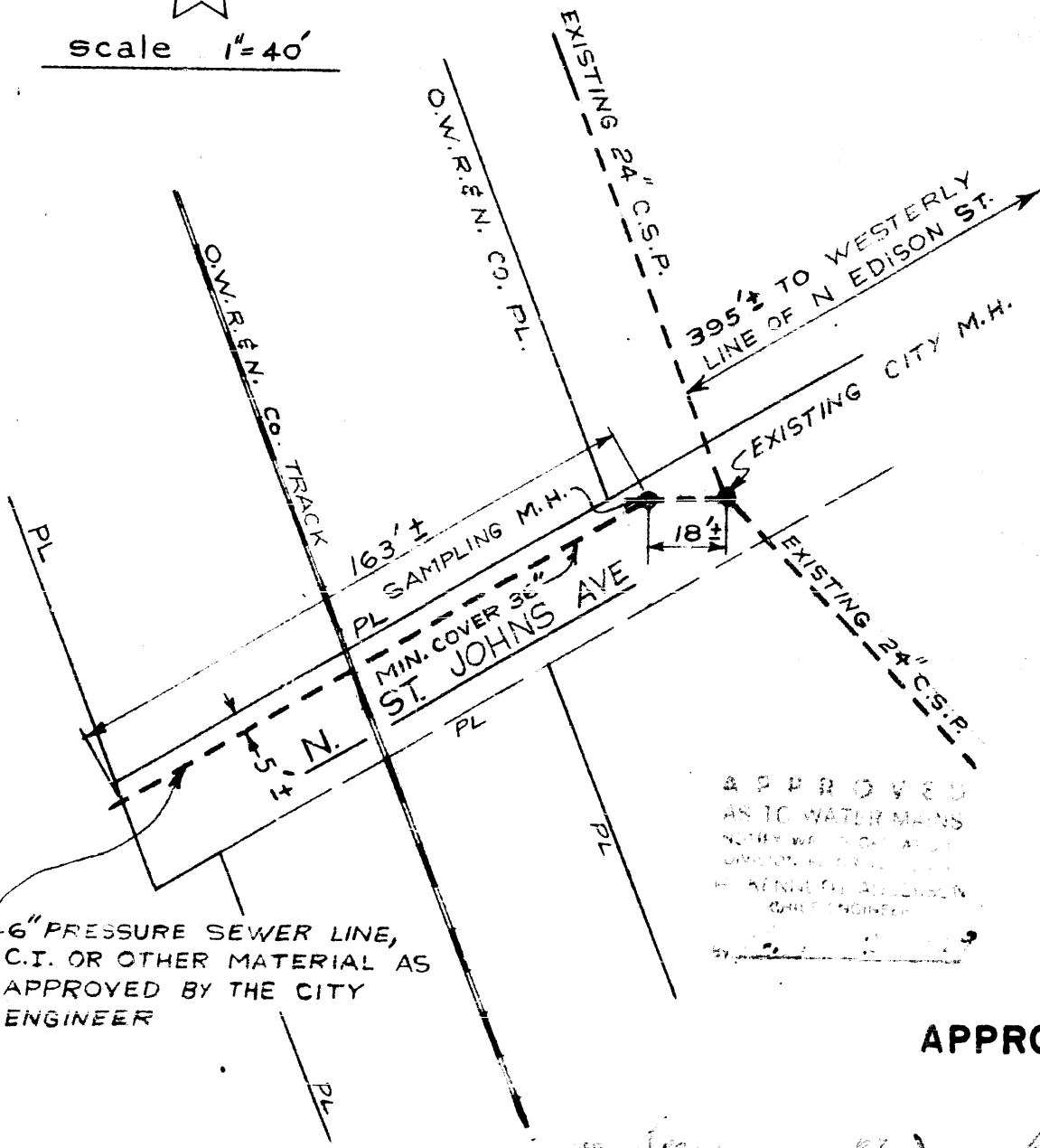
EXHIBIT - "A"

To construct and maintain a 6in pressure sewer line and manhole, in the street area of N St Johns Ave. between the Westerly end of N St Johns Ave. and N Edison St. adjacent to tax lots 39 and 63, Sec. 2, T 1N, R 1W. $\frac{1}{4}$ Sec 2020

For; Commission of Public Docks
3070 N W Front Ave.



scale 1" = 40'



APPROVED
AS TO WATER MAINS
BY _____
CITY ENGINEER

APPROVED

By John H. Brown
City Engineer
Reg. Prof. Eng. 3544

DWN. by GY, CK. by JS

BUREAU OF PUBLIC WORKS

An Ordinance granting a revocable permit to the Commission of Public Docks to construct and maintain a sewer line and sampling manhole in N. St. Johns Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that the Commission of Public Docks has requested permission to construct and maintain a sewer line and sampling manhole in N. St. Johns Avenue near the westerly end of said street, that said sewer line will facilitate the pumping of sewage for the expansion of Terminal No. 4 being constructed on Tax Lots 39 and 63 of Section 2, 1N. 1W. W.M., and, under certain conditions, will not be detrimental to the public interest, therefore a revocable permit is hereby granted to the Commission of Public Docks (hereinafter referred to as the grantee) to construct and maintain a sewer line and sewer sampling manhole in N. St. Johns Avenue as described above and shown on the attached plan marked "Exhibit A" and made a part hereof by reference, subject to the following conditions:

(a) Grantee hereby covenants and agrees that said property owned by it shall be counted in favor of any sewer line which shall be planned by the City of Portland for serving the property described above, and further covenants and agrees not to remonstrate against the construction of any such said sewer line and the assessment of said property for its proportionate portion of the cost thereof.

(b) This permit is for the use of street area only and shall not exempt the grantee from taking out any license or permit required by existing ordinance for any operation or maintenance under the permit hereby granted, nor shall this permit waive the provisions of any general ordinance of the City or its Charter.

(c) The laying of said sewer line within street area shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said sewer line within street area shall be attended to by the grantee immediately at its own cost as directed by and to the satisfaction of the City Engineer. If, as construction progresses, it is determined a change in location other than shown on attached "Exhibit A" is desirable, such changes shall be as approved by the City Engineer and the original Exhibit A on file with the Auditor shall be corrected accordingly.

(d) This permit is personal to the grantee, and does not run with the land, nor may the same be transferred, assigned or otherwise disposed of by said grantee.

ORDINANCE No.

(e) The grantee shall, from its funds, indemnify and hold harmless the General Fund of the City of Portland for any damages to person or property for which the City becomes liable as a result of the installation or maintenance of said sewer line, testing manhole and appurtenances.

(f) This permit is revocable at any time at the discretion of the Council, and no expenditure of money hereunder, or lapse of time or other 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 said sewer line from the street area, said removal to be as directed by and to the satisfaction of the City Engineer.

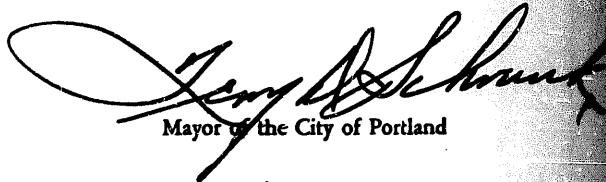
(g) The City Auditor shall cause a certified copy of this Ordinance to be recorded by the Department of Records and Elections of Multnomah County in the appropriate record of deeds in their office, and the grantee shall reimburse the City of Portland for such recording, this permit not to be effective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

(h) The grantee shall notify the affected railway before crossing their tracks, and shall construct the portion of sewer line under said tracks in accordance with the railroad's standards for such construction.

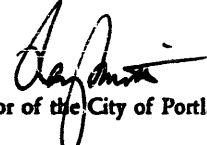
Section 2. This permit shall not become effective until the grantee shall have filed with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

Section 3. 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 needed sewer line and sampling manhole may be constructed 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, **DEC 11 1969**


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Commissioner Lloyd E. Anderson
JK:tl
12-1-69

Calendar No. 5075

ORDINANCE NO. 130175

Title

An Ordinance granting a revocable permit to the Commission of Public Docks to construct and maintain a sewer line and sampling manhole in N. St. Johns Avenue, and declaring an emergency.

THURSDAY

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yes	Nays
<i>Johnson</i> Bowers	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

INTRODUCED BY
Commissioner of Public Works

DRAWN BY

JK:tl

Date 12-1-69

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

Johnson

City Attorney

NOTED FOR CITY AUDITOR

McCoy

APPROVED

Date 12-3-69

By *James L. Apperson*
City Engineer

Date JAMES L. APPERSON, PE

By

Calendar No. 5075

ORDINANCE NO. 130175

Title

An Ordinance granting a revocable permit to the Commission of Public Docks to construct and maintain a sewer line and sampling manhole in N. St. Johns Avenue, and declaring an emergency.

THURSDAY

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	

INTRODUCED BY
Commissioner of Public Works

DRAWN BY

JK:tl

Date 12-1-69

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

Johnson

City Attorney

NOTED FOR CITY AUDITOR

McCoy

APPROVED

Date 12-3-69

By *James L. Apperson*
City Engineer

Date JAMES L. APPERSON, PE

By

Filed DEC 5 1969

RAY SMITH
Auditor of the CITY OF PORTLAND

By *George Schunk*
Deputy