

tube forgings

OF AMERICA INC.

FOOT OF S. W. GIBBS • PORTLAND, OREGON 97201

AREA CODE 503, PHONE: 228-3381 • TWX: 910-464-1576 • CABLE: 'TUBEWELD'

July 29, 1980

Mr. George Yerkovich, City Auditor
City of Portland, Oregon
City Hall
Portland, Oregon

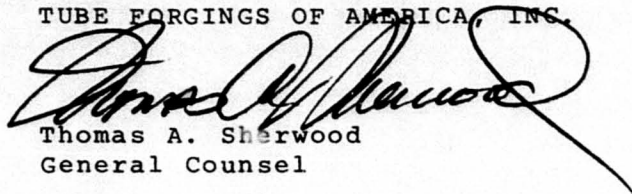
Subject: Ordinance No. 150095

Dear Mr. Yerkovich:

In conformity with the requirements of Section 2 of the above-referenced Ordinance No. 150095 and in consideration of the terms and provisions therein contained and set forth, please be advised that Tube Forgings of America, Inc., hereby acknowledges, accepts and agrees to each and all of the conditions, restrictions and covenants set forth in said Ordinance and binds itself, its successors in interest, lessees and assigns to full and faithful performance of all obligations on its part to be performed thereunder.

Respectfully,

TUBE FORGINGS OF AMERICA, INC.



Thomas A. Sherwood
General Counsel

TAS/lsw

APPROVED AS TO FORM



ATTORNEY

560095

ACCEPTANCE

Portland, Oregon, ----- July 25, 1980

GEORGE YERKOVICH
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. 150095, passed by the Council July 24, 1980, granting a revocable permit to Tube Forgings of America, to construct and maintain improvements for public parking in the street area of NW Front Avenue, establishing a fee of ten dollars for this permit,

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,

TUBE FORGINGS OF AMERICA

*

[CORPORATE
SEAL]

5200 NW Front Ave., Portland, Or. 97210

Address

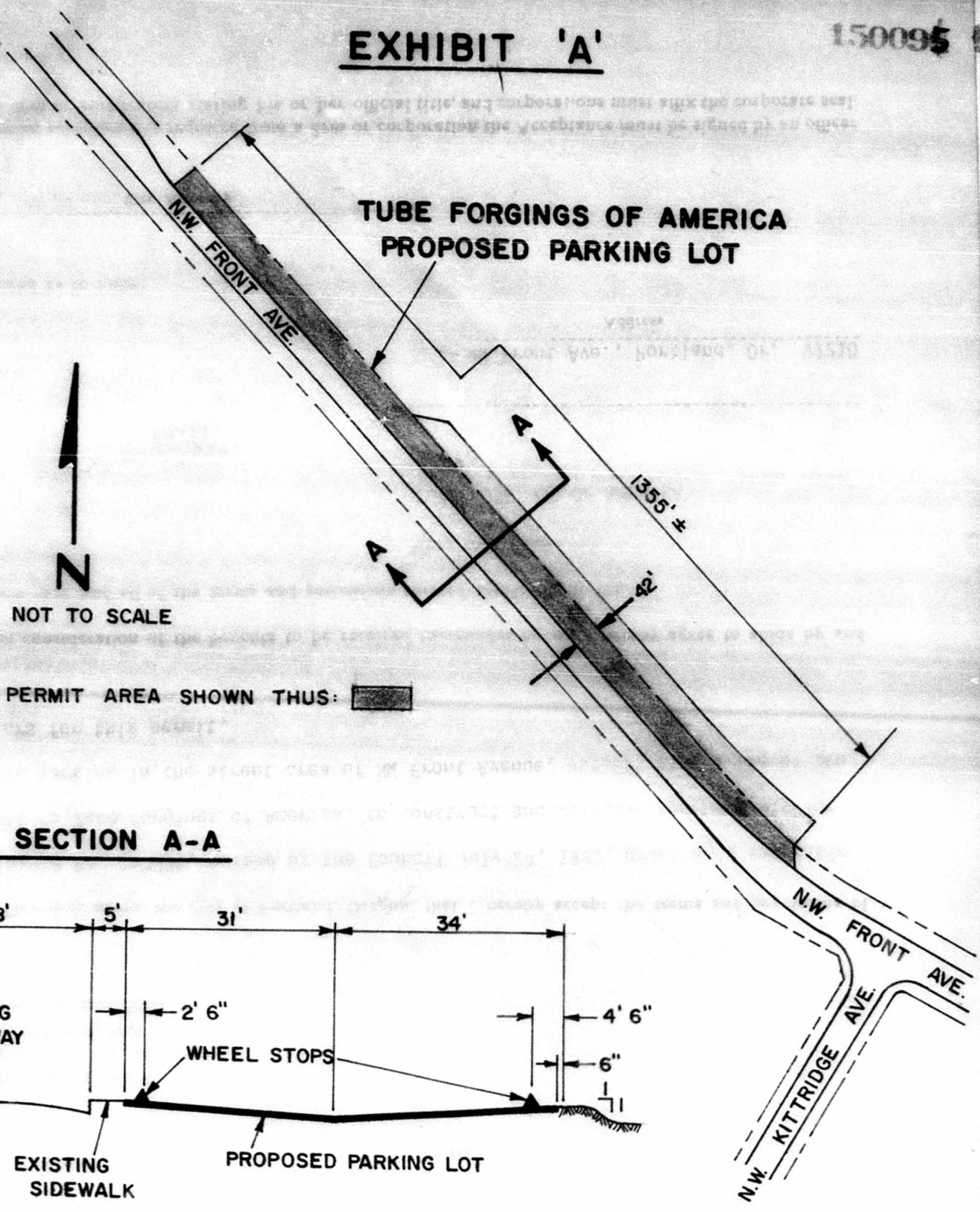
Approved as to form :

City Attorney


*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'

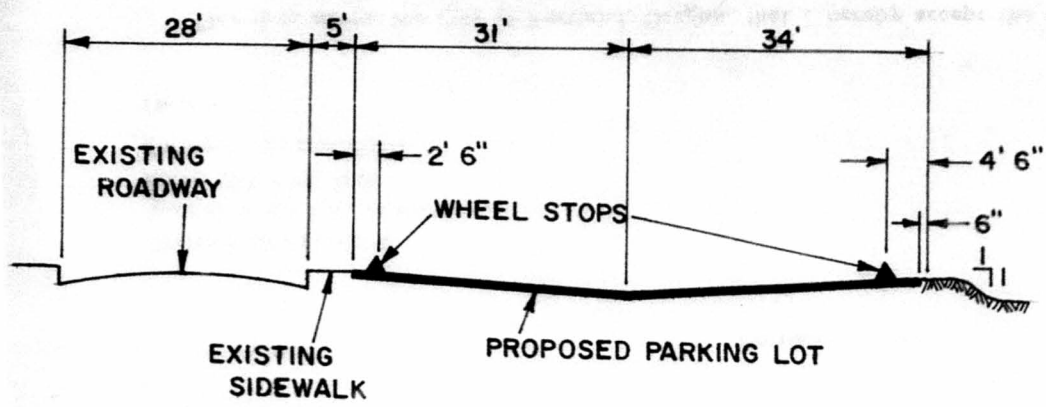
150095

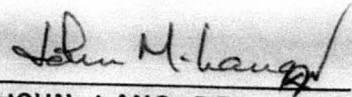


NOT TO SCALE

PERMIT AREA SHOWN THUS: 

SECTION A-A



APPROVED: 
JOHN LANG, P.E.
CITY ENGINEER

ORDINANCE NO. **150095**

An Ordinance granting a revocable permit to Tube Forgings of America, to construct and maintain improvements for public parking in the street area of NW Front Avenue, establishing a fee of ten dollars for this permit, and declaring an emergency.

The City of Portland ordains:

Section 1. Tube Forgings of America, Portland, Oregon, has through Jay Zidell, President, requested permission to construct and maintain paving, drainage, and other related parking improvements for public parking between the northerly curb and property line of NW Front Avenue adjacent to their property.

1. The proposed reconstruction of NW Front Avenue will remove public parking now being provided within the public right-of-way.
2. Parking improvements in this area are desirable to provide public parking, to facilitate use and maintenance of the area, and to permit easier access to Tube Forgings of America on the adjoining property.
3. The City Engineer and City Traffic Engineer have no objections to the construction of the desired public parking improvements, and such improvements would not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. In order to provide needed public parking along NW Front Avenue any conflicting provisions of the City Code, Chapter 16.20 Parking, are hereby waived and a revocable permit is hereby granted to Tube Forgings of America, its successors, lessees and assigns (hereinafter referred to as grantee) to construct and maintain paving, drainage, and related parking improvements (hereinafter referred to as parking improvements) in NW Front Avenue located adjacent to their property and as shown on the attached plan marked "Exhibit A" subject to the following conditions:
 1. The grantee shall provide plans showing the exact grade and location of all parking improvements which shall be compatible with the public improvement of NW Front Avenue; such plans shall be approved by the City Engineer before construction begins.
 2. The grantee shall surface the parking improvements with a hard surface pavement having a minimum structural section of, or equivalent to, 3 inches of asphalt concrete on 6 inches of compacted crushed rock.

3. The grantee shall complete the parking improvements by January 1, 1981.
4. The grantee shall, for as long as this permit is in force, maintain, repair, and replace to the satisfaction of the City Engineer, all parking improvements placed in this area.
5. The grantee shall pay all costs for necessary relocation of existing poles, wires, conduits or other appurtenance belonging to utility companies resulting from construction or use of the said parking improvements. Before any work is done under this permit, the grantee shall come to an agreement with such utility companies about the relocation of said facilities and provide the City Engineer with documentation of this process.
6. This permit so granted to Tube Forgings of America, its successors, lessees and assigns by this ordinance shall not in any manner interfere with or prevent the City of Portland from granting permits or easements to utility companies for the construction, maintenance, and/or operation of other facilities crossing the area and parking improvements which may be constructed under this ordinance.
7. The grantee shall be aware of existing public and private utility improvements in this area and agrees to provide access for any utility construction, maintenance, repair, and/or operation.
8. Nothing in this ordinance shall be construed to imply that the City is relinquishing any of its street rights. This permit is conditioned that the grantee will reimburse the City for all additional costs for engineering, construction, reconstruction, alteration, repair, or maintenance of any municipal utility, street, or any other public improvement which may hereafter be built within the present boundaries of NW Front Avenue, resulting from said parking improvements being located in Front Avenue.

9. The permit is revocable at any time at the pleasure of the Council and no expenditure of money or lapse of time or other act or things shall operate as an estoppel against the City of Portland or to be held to give the grantee any vested or other rights. Upon revocation of this permit by the Council, the grantee shall remove said parking improvements from the street area within the time specified and as required by and to the satisfaction of the City Engineer.
10. This permit shall not exempt the grantee from obtaining any license or permit required by the City Code or Ordinance for any act to be performed under this permit. Nor shall this permit waive the provisions of any City Code, Ordinance or City Charter except as herein stated.
11. The grantee, its successors, lessees and assigns hereby agree and covenant to indemnify and save harmless the City of Portland, its officers and employees against all claims for damages to persons or property, cost and expenses whatsoever to which it or they may be subject in consequence of any act or neglect of said grantee, its successors, lessees or assigns, its agents or servants, including legal fees and costs of defending any actions, or suits including appeals which may result from the use of the street area under this permit.
12. The grantee shall protect the City of Portland, its officers, agents and employees by suitable insurance in the amount of \$100,000 for any single injury, \$300,000 for any one accident and \$300,000 property damage, said insurance to be kept in full force and effect at all times and this permit revoked without further action by the Council if said insurance is permitted to lapse, or for any reason lapse, or be cancelled or for any other reason become inoperative.
13. The grantee shall pay a permit fee of \$10.00 in accordance with Section 17.24.020 of the Code of the City.
14. The grantee 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 grantee has filed with the City Auditor a document accepting the terms and conditions hereof which has been approved by the City Attorney.

Calendar No. 2692

ORDINANCE No. 150095

Title

An Ordinance granting a revocable permit to Tube Forgings of America, to construct and maintain improvements for public parking in the street area of NW Front Avenue, establishing a fee of ten dollars for this permit, and declaring an emergency.

THURSDAY

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Ivancie	1	
Jordan	1	
Lindberg	1	
Schwab	1	
McCready		1

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed

JUL 18 1980

GEORGE YERKOVICH

Auditor of the CITY OF PORTLAND

By *Gordon Croell* Deputy

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works
<i>ML Lang</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: V.F. Rhodes:lj
Date: 7-16-80
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>D Vargas</i>
David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <i>J. Lang</i>
John M. Lang