

ORDINANCE No. 91295

An Ordinance granting a revocable permit to Arthur E. Glennon, 0220 S.W. Custer Street, to construct and maintain a dry masonry wall projecting into the street area of S.W. Kelly Avenue between S.W. Custer Street and S.W. Canby Street, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. It appearing to the Council that Arthur E. Glennon has applied for permission to construct and maintain a dry masonry wall projecting into the street area of S.W. Kelly Avenue between S.W. Custer Street and S.W. Canby Street, adjacent to Lot 7, Block 70, Sulton Park, and that the said wall will replace an existing wall at said location which has partially collapsed, and that because of a high embankment at the property line it is not practical to set the wall on private property, and that the granting of the desired permit under certain conditions will not be detrimental to the public interest; therefore, a revocable permit is hereby granted to Arthur E. Glennon (hereinafter referred to as the grantee) to construct and maintain a dry masonry wall projecting to the sidewalk in S.W. Kelly Avenue at the location heretofore set forth, which sidewalk is two feet from the east property line of said lot, this permit being granted subject to the following conditions:

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

(b) That 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 wall from the street area as required by and to the satisfaction of the City Engineer.

(c) 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.

ORDINANCE No. 91295

(d) That within ten (10) days from the date hereof, the grantee shall file with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

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 embankment in front of said lot may be supported 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, MAR 9 1950

Leo M. Gallagher
Mayor of the City of Portland
Will Gibson

Attest:

Auditor of the City of Portland

ORDINANCE No. 91295

Title

An Ordinance granting a revocable permit to Arthur E. Glennon, 0220 S.W. Custer Street, to construct and maintain a dry masonry wall projecting into the street area of S.W. Kelly Avenue between S.W. Custer Street and S.W. Canby Street, and declaring an emergency.

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|-------------------------------------|------|------|
| | Yeas | Nays |
| Bean | / | |
| Bowes | / | |
| Cooper | / | |
| Peterson | | |
| Lee | / | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|----------|
| Bean | ORB MAG |
| Bowes | BOWES |
| Cooper | KLC MAG |
| Peterson | |
| Lee | DMCL WJW |

Filed..... MAR 11 1950

Will Gibson.
Auditor of the CITY OF PORTLAND
ROBERT L. MCCOY

By.....
Deputy

| |
|---------------------------|
| INTRODUCED BY |
| Wm. A. Bowes |
| DRAWN BY |
| GJL chv |
| Date March 7, 1950 |
| NOTED BY THE COMMISSIONER |
| Affairs |
| Finance |
| Safety |
| Utilities |
| Works BOWES |
| City Attorney |
| NOTED FOR CITY AUDITOR |
| RSI |
| APPROVED |
| Date |
| By |
| Chief Civil Engineer |
| Date 3 -7 - 50 |
| By |
| L. G. Apperson |
| City Engineer |