

ORDINANCE No. 99056

An Ordinance granting a revocable permit to J. Donald Kroeker, Pailing Building, to drill, use and maintain a well in the street area of S.W. Hamilton Street approximately 11 feet east of the east line of S.W. Corbett Avenue, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. The Council finds that J. Donald Kroeker has applied for permission to drill, use and maintain a well in the street area adjacent to Lot A, Block 3, Portland Homestead, said well to be located in the sidewalk area of S.W. Hamilton Street approximately 11 feet east of the east property line of S.W. Corbett Avenue, the said well being needed for heating and air conditioning of a building now being erected on said Block 3, and it being impractical to construct said well on privately owned property; therefore, a revocable permit is hereby granted to J. Donald Kroeker (hereinafter referred to as the grantee) to drill, use and maintain a well in the street area of S.W. Hamilton Street as heretofore set forth; provided that said drilling, use and maintenance shall be in accordance with the requirements hereinafter set forth.

(a) A permit for the drilling of said well shall be obtained from the Bureau of Buildings as required by Section 10-501 of the Plumbing Code; no explosives shall be used in connection with the drilling of the said well; the sidewalk or other street area shall not be obstructed more than reasonably necessary for the purpose of such drilling and maintenance; pumping and piping installation shall be in accordance with the City ordinances; the drilling and installation shall be completed promptly and the well capped in such manner as to obviate any danger of caving, settling or injury to the public; the cap shall be of a permanent durable substance so as to meet the approval of the City Engineer; when the drilling and capping is completed, the sidewalk area shall be restored so that full use of such area may be available to the public. The plans and specifications for said drilling and installation of pipe and other facilities shall be submitted to and approved by the City Engineer and a copy thereof filed with the Bureau of Buildings. Said work shall be carried on subject to inspection by the City Engineer, and in accordance with such methods and during such hours as he may deem reasonably necessary for the public safety and convenience.

(b) A bond in the sum of \$10,000 shall be provided to protect the City and all its officers and employees against any damage or claim resulting from the work herein mentioned; or in lieu of such bond a certified copy of an independent contractor's liability insurance policy or liability insurance of said grantee covering said work which meets the approval of the City Attorney as to form will be acceptable.

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(c) In addition thereto said grantee shall within ten (10) days after the taking effect of this ordinance file with the City Auditor an acceptance of the terms and provisions hereof and his covenant and agreement to keep and perform each and all of said terms and provisions, and also during the continuance of this permit to protect and save harmless the City of Portland, its officers and employes against any and all damage and claims that may result from the drilling, use and/or maintenance of said well and to pay for any damage that may be done to any water main or pipe, sewer main or pipe, or conduit of any public utility, or any other occupancy of any street area which may result from the granting of this permit, and said grantee shall further covenant and agree that the discharge of water shall be stopped and discontinued at any time upon notice from the City Engineer or the Council of said city, and that any and all sewer user charges which may be established by the Council shall be promptly paid by the grantee on all water from said well which may be discharged into the city sewers.

(d) This permit is strictly revocable and nothing contained herein shall be taken or deemed to create a vested right and no act or expenditure of money, or other thing shall estop or prevent the City Council from at any time revoking this permit and requiring a discontinuance of said well and the filling of the same at the expense of said grantee.

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 said well may be drilled 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,

AUG 27 1953

Fred L. Peterson
Mayor of the City of Portland

Attest:

Will Gibson

Auditor of the City of Portland

S. L. Felker
CHIEF DEPUTY

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	/	
Peterson	/	

FOUR-FIFTHS CALENDAR	
Bean	
Boody	
Bowes	
Earl	
Peterson	

Calendar No. 4703

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Title

An Ordinance granting a revocable permit to J. Donald Kroeker, Failing Building, to drill, use and maintain a well in the street area of S.W. Hamilton Street approximately 11 feet east of the east line of S.W. Corbett Avenue, and declaring an emergency.

THURSDAY

Filed AUG 21 1953

Will Gibson.
Auditor of the CITY OF PORTLAND

By R. S. IVEY
Deputy

INTRODUCED BY	
Wm. A. Bowes	
DRAWN BY	
h3G chv	
Date	August 14, 1953
NOTED BY THE COMMISSIONER	
Affairs	
Finance	
Safety	
Utilities	
Works	WAB
City Attorney	
NOTED FOR CITY AUDITOR	
RSI	
JHL	
APPROVED	
Date	8-14-53
By	L. G. Apperson City Engineer
Date	
By	