

124196

6.00

MAR-17-67 JOHN D. WELDON VI A

DIRECTOR OF RECORDS

RECEIPT AND ELECTIONS No. 37025

OFFICE OF

ST COHN, COUNTY CLERK

MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Aud

FILE NO.

DOCUMENT	PARTIES	
CC	Ord 124196	6

275

RECEIVED
FEB 26 1967

MAR 16 9 44 AM '67

RAY SMITH, AUDITOR
CITY OF PORTLAND, ORE.

BY llt

ACCEPTANCE

Portland, Oregon, March 13, 1967

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. 124196, passed by the Council March 9, 1967, granting a revocable permit to Calaroga Terrace, 1520 N. E. 2nd Avenue, Portland, Oregon, to use and maintain an existing private 10-inch sewer in the street area of N. E. 2nd Avenue between N. E. Halsey Street and N. E. Clackamas 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,

[CORPORATE SEAL]

CALAROGA TERRACE
* By Theron L. Hedgpeth, Trustee
Theron L. Hedgpeth, Trustee
By Hal [unclear] Agent

1520 N.W. 2nd Avenue, Portland, Oregon 97209

Approved as to form:

[Signature]

CHIEF DEPUTY 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"

To construct and maintain a 10-in. private sewer in the street area of NE Second Ave. between NE Clackamas St. and NE Halsey St. adjoining Lots 3 thru 8, Block 61, and in the street area of NE First Ave. between NE Clackamas St. and NE Wasco St. adjoining Lot 1, Block 62, Holladay's Add.

For: Calaroga Terrace
1400 NE 2nd Ave.

NE HALSEY ST.
(VACATED)

NE FIRST AVE.
(VACATED)

NE CLACKAMAS
(VACATED)

NE SECOND AVE.

TEE
DEPTH 9'

PROPERTY LINE

NEW 10" SEWER

DEPTH 6'
NEW M.H.

EXISTING M.H.

PLAN
SCALE 1" = 40'

APPROVED
AS TO WATER MAINS
NOTIFY WATER OPERATIONS
DIVISION PRIOR TO WORK
H. KENNETH ANDERSON
CHIEF ENGINEER
By *[Signature]* 2-21-67

APPROVED

By *[Signature]*
City Engineer
Reg. Prof. Engr. 5456

ORDINANCE NO. 124196

An Ordinance granting a revocable permit to Calaroga Terrace, 1520 N. E. 2nd Avenue, Portland, Oregon to use and maintain an existing private 10-inch sewer in the street area of N. E. 2nd Avenue between N. E. Halsey Street and N. E. Clackamas Street, and declaring an emergency.

The City of Portland ordains:

Section 1. It appearing to the Council that Calaroga Terrace has through Theron L. Hedgpeth, as trustee, made application to use and maintain an existing 10-inch private sewer line in the street area of N. E. 2nd Avenue between N. E. Halsey Street and N. E. Clackamas Street adjacent to Lots 5 through 8, Block 61 and Lot 8, Block 62, Holladay's Addition, that said sewer line was inadvertently laid in the street area described without a proper permit from the City of Portland, that said location of the said private sewer in the street has the approval of the Bureau of Design of the Office of City Engineer and the location of the said sewer on private property has the approval of the Plumbing Division of the Bureau of Buildings, that said private sewer line will drain overflow of water from well used in connection with the air conditioning unit of Calaroga Terrace, a retirement home, and that the granting of the desired permission under certain conditions will not be detrimental to the public interest; now, therefore, a revocable permit is hereby granted to Calaroga Terrace (hereinafter referred to as the grantee) to use and maintain an existing private 10-inch sewer in the street area of N. E. 2nd Avenue, as previously described and as shown on the attached plan marked "Exhibit A", which plan is hereby made a part of this Ordinance, this permit being granted subject to the following conditions:

(a) Grantee hereby covenants and agrees that said property owned by it shall be counted in favor of any sanitary sewer, storm sewer, or combination sanitary and storm sewer, 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 or sewers 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) Any maintenance required by any portion of said sewer line within street area shall be attended to by the grantee immediately at his own cost as directed by and to the satisfaction of the City Engineer.

ORDINANCE No.

(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.

(e) The grantee shall hold the City of Portland, the City Engineer and each and all of the officers and employees 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.

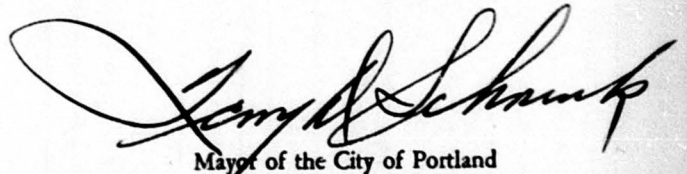
(f) This permit is revocable at any time at the discretion of the Council, and no expenditure of money hereunder, or lapse of time or other thing shall operate as an estoppel against the City of Portland or be held to give the grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall, within thirty (30) days, remove said sewer 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 County Clerk of Multnomah County in the appropriate record of deeds in his 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.

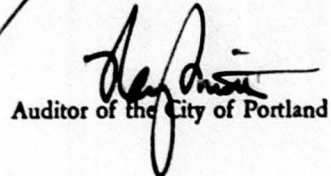
(h) This permit shall not become effective until the grantee shall have filed with the City Auditor a document satisfactory to the City Auditor accepting the terms and conditions hereof.

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 needed sewer 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, MAR 9 - 1967


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

Calendar No.

887

ORDINANCE No. 124196

Title

An Ordinance granting a revocable permit to Calaroga Terrace, 1520 N. E. 2nd Avenue, Portland, Oregon to use and maintain an existing private 10-inch sewer in the street area of N. E. 2nd Avenue between N. E. Halsey Street and N. E. Clackamas Street, and declaring an emergency.

THURSDAY

Filed MAR 3 1967

RAY SMITH

Auditor of the CITY OF PORTLAND

By

Robert Kyle
Deputy

INTRODUCED BY

Wm. A. Bowes, Commissioner

DRAWN BY

GAG:aw

Date 2-28-67

NOTED BY THE COMMISSIONER

Affairs

Finance and Administration

Safety

Utilities

Works

W.Q.B.

City Attorney

NOTED FOR CITY AUDITOR

R. C. H.

mc

APPROVED

Date

By

Date

By

3/3/67
W. A. Drulard
City Engineer
N.R. DRULARD

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bowes	1	
Earl	1	
Grayson	1	
Ivancie	1	
Schrunk	1	

FOUR-FIFTHS CALENDAR

Bowes	
Earl	
Grayson	
Ivancie	
Schrunk	