

OCT 11 2 16 PM '85

157890

ACCEPTANCEJEWEL LANSING, AUDITOR
CITY OF PORTLAND, ORE.

BY _____

Portland, Oregon October 11, 19 85**JEWEL LANSING**Auditor of the City of Portland
Room 202, City Hall
Portland, Oregon 97204

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 157890, passed by the City Council on October 10, 1985, granting a revocable permit to the Port of Portland to construct and maintain a private stormwater sewer in and under the street area of N. Rivergate Boulevard at a fee of \$ 27.50,

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,

PORT OF PORTLAND



EXECUTIVE DIRECTOR

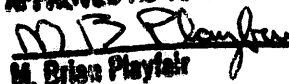
P.O. Box 3529 (08)

Address

APPROVED AS TO FORM
Approved as to form.

CITY ATTORNEY

APPROVED AS TO LEGAL SUFFICIENCY:



M. Brian Playfair

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

ORDINANCE NO. 157890

An Ordinance granting a revocable permit to the Port of Portland to construct and maintain a private stormwater sewer in and under the street area of N. Rivergate Boulevard at a fee of \$27.50 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

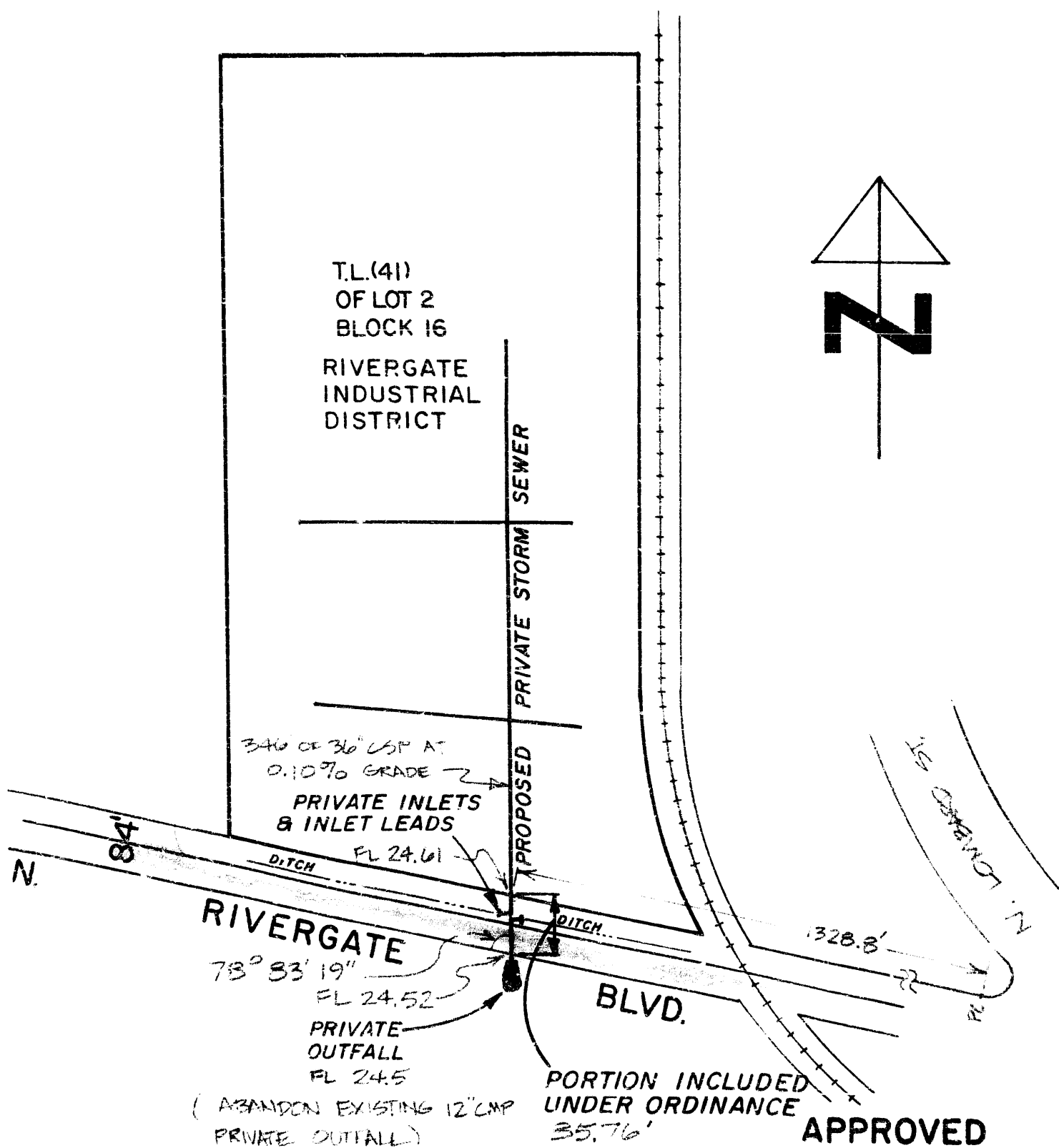
1. That Mr. William Ostby, an Engineer employed by the Port of Portland, P.O. Box 3529, Portland, Oregon 97208, has requested permission to construct and maintain a private stormwater sewer line in and under N. Rivergate Boulevard.
2. That the private sewer is needed to serve the proposed South Rivergate Industrial Yard at 9699 N. Rivergate Boulevard.
3. That the plan for the proposed sewer, attached to this ordinance as "Exhibit A", has been approved by the City Engineer.
4. That the desired private sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to the Port of Portland, PO Box 3529, Portland, Oregon 97208, permittee, to construct and maintain a private stormwater sewer in and under the area of N. Rivergate Boulevard to serve the proposed South Rivergate Industrial Yard on Tax Lot 41 of Lot 2, Block 16, Rivergate Industrial District, as shown on the plan marked "Exhibit A" attached to and by this reference made a part of this Ordinance, subject to the following conditions.
 - (1) This permit is for the use of the street area only, and shall not exempt the permittee from obtaining any license or permit required by the City Code or Ordinances for any act to be performed under this permit, nor shall this permit waive the provisions of any City Code, Ordinance, or the City Charter, except as herein stated.
 - (2) This permit is revocable at any time in the event the public's need requires it and no expenditure or money 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 30 days remove the said private sewer and restore the street areas as required by and to the satisfaction of the City Engineer.

- (3) The permittee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and costs of defending any actions or suits, including any appeals which may result from the use of the street area under this permit.
- (4) The permittee shall pay the permit fee of \$27.50 required by Section 17.24.020 of the City Code.
- (5) The permittee shall, a minimum of two (2) working days prior to beginning construction, notify the Inspection Division office (796-7148) of the proposed work schedule for construction of the private storm sewer.
- (6) Before construction begins, the permittees shall obtain from the Traffic Engineer his requirements as to hours of work, traffic control, and the placing of necessary signs and barricades.
- (7) If during construction under this permit it becomes necessary or expedient to modify the location of the plan for the private sewer as to size or type of material, the permittee shall first obtain the approval of the City Engineer on revised plans filed in duplicate with the City Engineer. One copy of the approved plans showing the change shall be filed by the City Engineer with the City Auditor to become a part of this Ordinance.
- (8) The laying of said private stormwater sewer within the street area shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said installation within the street area shall be attended to by the permittee immediately at his own cost as directed by and to the satisfaction of the City Engineer. The permittee shall also maintain surface of the streets in the affected area to the satisfaction of the City Engineer.
- (9) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Tax Lot 41 of Lot 2, Block 16, Rivergate Industrial District, their heirs and assigns as long as such permit shall remain in effect.
- (10) The City Auditor shall cause a certified copy of this Ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the permittee shall reimburse the City of Portland for the cost of such recording.

EXHIBIT A



1/4 SEC 1719

DRAWN BY: SANDERS

CHECKED BY: PWS

DATE 9-18-85

BY

City Engineer

ORDINANCE No.

- (11) The permittees hereby covenant and agree that said property owned by them 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 covenant and agree 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.

Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance together with documents and fees required are not on file with the City Auditor within sixty (60) calendar days of the passage of this Ordinance.

Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicant as to the status of the requested permit for construction of a private sewer in the street area of N. Rivergate Boulevard; therefore this Ordinance shall be in force and effect after its passage by the Council.

Passed by the Council.
Commissioner Dick Bogle
D. Shires:em
September 26, 1985
Consent Calendar

OCT 10 1985

Jewel Lansing
Auditor of the City of Portland

By *Louis E. Johnson*
Deputy

| THE COMMISSIONERS VOTED AS FOLLOWS: | | |
|--|------|------|
| | Yeas | Nays |
| BOGLE | | |
| LINDBERG | | |
| SCHWAB | | |
| STRACHAN | | |
| CLARK | | |

| FOUR-FIFTHS CALENDAR | |
|----------------------|--|
| BOGLE | |
| LINDBERG | |
| SCHWAB | |
| STRACHAN | |
| CLARK | |

Calendar No. **2035**

ORDINANCE No. 157890

Title

An Ordinance granting a revocable permit to Mr. William Ostby representing the Port of Portland to construct and maintain a private stormwater sewer in and under the street area of N. Rivergate Boulevard at a fee of \$27.50 and declaring an emergency.

OCT 3 1985

Filed OCT 3 1985

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By Dennis Nelson
Deputy

| | |
|---|----------------------------------|
| INTRODUCED BY | |
| Commissioner Bogle | |
| NOTED BY THE COMMISSIONER | |
| Affairs | |
| Finance and Administration | |
| Safety | |
| Utilities | |
| Works <u>Dick Bogle</u> | |
| BUREAU APPROVAL | |
| Bureau: Environmental Services | |
| Prepared By: | Date: |
| D. Shires/L. Kiewer:em | 9/26/85 |
| Budget Impact Review: | |
| <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required | |
| Bureau Head: <u>John Lang</u> J. Lang, Administrator | |
| CALENDAR | |
| Consent <input checked="" type="checkbox"/> | Regular <input type="checkbox"/> |
| NOTED BY | |
| City Attorney | |
| City Auditor | |
| City Engineer: <u>Richard J. Schaudt</u> | |