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GEORGE YERKOVICH AUDITOR  
CITY OF PORTLAND, ORE.

# ACCEPTANCE

BY \_\_\_\_\_

Portland, Oregon, January 3, 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. 148985, passed by the Council January 2, 1980, granting a Revocable Permit to Russell E. and Marilyn A. Waddle, deedholders, dba Waddle's Restaurant/Waddle's Drive-In Coffee Shop, to construct a fence within a special setback area, in zone C2; located at NE 82nd Avenue, south of NE Klickitat Street, on Lots 1-18, Block 11, Gregory Heights, under certain conditions, 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,

*Russell E. Waddle*

Russell E. Waddle

*Marilyn A. Waddle*

Marilyn A. Waddle

9020 NE Vancouver, Portland, OR 97211

Address

[CORPORATE  
SEAL]

TO FORM

Approved as to form:

*John P. Thomas*

CITY ATTORNEY

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.

ORDINANCE

**148985**

An Ordinance granting a Revocable Permit to Russell E. and Marilyn A. Waddle, deedholders, dba Waddle's Restaurant/Waddle's Drive-In Coffee Shop, to construct a fence within a special setback area, in zone C2; located at N.E. 82nd Avenue, south of N.E. Klickitat Street, on Lots 1-18, Block 11, Gregory Heights, under certain conditions, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Russell E. and Marilyn A. Waddle, deedholders, dba Waddle's Restaurant/Waddle's Drive-In Coffee Shop, have filed application for a Revocable Permit to construct a fence within a special setback area, in zone C2; located at N.E. 82nd Avenue, south of N.E. Klickitat Street.
2. The legal description of said property is Lots 1-18, Block 11, Gregory Heights.
3. Applicants have paid the proper fee for the filing of such an application.
4. A duly authorized and conducted public hearing has been held by the City's Hearings Officer on December 10, 1979 (Planning Commission File No. 6904R) and the Hearings Officer recommends that a Revocable Permit in order to construct a fence within a special setback area be allowed, under certain conditions.
5. The City Auditor has complied with the notice requirements of the ordinance for the hearing before the Hearings Officer.
6. The City Council after due deliberation in open session adopted the report of the Hearings Officer.
7. Granting the Revocable Permit to allow the fence at this location is in the public interest and not detrimental or injurious to the public health, safety or welfare and will enhance the attractiveness of 82nd Avenue in this area and would not impair the possibility of future further improvement.

NOW, THEREFORE, the Council directs:

- a. That a Revocable Permit be granted to allow construction of a 30 inch high fence within the special setback area along 82nd Avenue; located at N.E. 82nd Avenue, south of N.E. Klickitat Street, on Lots 1-18, Block 11, Gregory Heights.

**ORDINANCE No.**

b. This Revocable Permit is granted under the following conditions:


1. The fence posts shall be no more than approximately 30 inches high.
2. A Building Permit or an Occupancy Permit must be obtained from the Bureau of Buildings, Room 111, City Hall, 1220 S.W. Fifth Avenue, 248-4241, before carrying out this project in order to assure that all conditions imposed here and all requirements of the pertinent Building Codes are met.
3. The Revocable Permit hereby granted is personal to the permittee and may not be transferred, assigned or otherwise disposed of by said permittee.
4. The Revocable Permit hereby granted shall be revocable at the pleasure of the City Council and no expenditures of money hereunder or lapse of time or any act or thing shall operate as an estoppel against the City of Portland, or be held to give the permittees any vested or other right.
5. Permittee shall comply with the provisions of the Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City, whether presently existing or hereafter enacted.

c. Neither this ordinance nor any permit issued hereunder shall be effective until accepted, filed and recorded in accordance with law.


Section 2. The Council declares an emergency exists because there should be no delay in the beneficial use of the above-described property; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JAN 2 1980**

Mayor Connie McCreedy  
George H. Fleerlage/sa  
December 14, 1979

  
PRESIDENT OF THE COUNCIL AND ACTING  
Mayor of the City of Portland

Attest:

  
Auditor of the City of Portland

Calendar No. 25

# ORDINANCE No. 148985

## Title

An Ordinance granting a Revocable Permit to Russell E. and Marilyn A. Waddle, deedholders, dba Waddle's Restaurant/Waddle's Drive-In Coffee Shop, to construct a fence within a special set-back area, in zone C2; located at N.E. 82nd Avenue, south of N.E. Klickitat Street, on Lots 1-18, Block 11, Gregory Heights, under certain conditions, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Filed DEC 14 1979

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By Gordon C. Croll  
Deputy

INTRODUCED BY
MAYOR CONNIE MC CREADY

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

BUREAU APPROVAL
Bureau:
HEARINGS OFFICE
Prepared By: <i>94</i> Date:
George H. Fleece/sa 12/14/79
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head:

NOTED BY
City Attorney
City Auditor <i>94</i>
City Engineer