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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

BY _____

Portland, Oregon, _____ May 9, _____ 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. 149585, passed by the Council May 8, 1980, granting a revocable permit to the Port of Portland to install and maintain a 48 inch diameter pipe sleeve under and across N. Marine Drive in the Rivergate Industrial District, at a fee of \$15.87,

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.

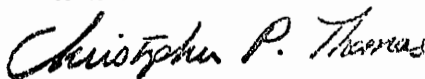
Very truly yours,
PORT OF PORTLAND

[CORPORATE
SEAL]

* 
Lloyd Anderson, Executive Director

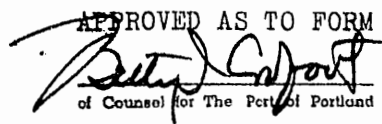
P.O. Box 3529, Portland, Oregon 97208
Address

APPROVED AS TO FORM
Approved as to form:



CITY ATTORNEY

APPROVED AS TO FORM


of Counsel for The Port of Portland

*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 NO. **149585**

An Ordinance granting a revocable permit to the Port of Portland to install and maintain a 48 inch diameter pipe sleeve under and across N. Marine Drive in the Rivergate Industrial District, at a fee of \$15.87, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Port of Portland, P.O. Box 3529, Portland, Oregon 97208, has through Lloyd Anderson, Executive Director, requested permission to install and maintain a 48 inch diameter pipe sleeve under and across N. Marine Drive between Lot 1, Block 23, Rivergate Industrial District and Tax Lot (1), Section 25, T.2N., R.1W., W.M.
2. The pipe sleeve is needed to pump fill material dredged from the river under N. Marine Drive.
3. That the plan for the pipe sleeve has been approved by the City Engineer.
4. The desired pipe sleeve, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

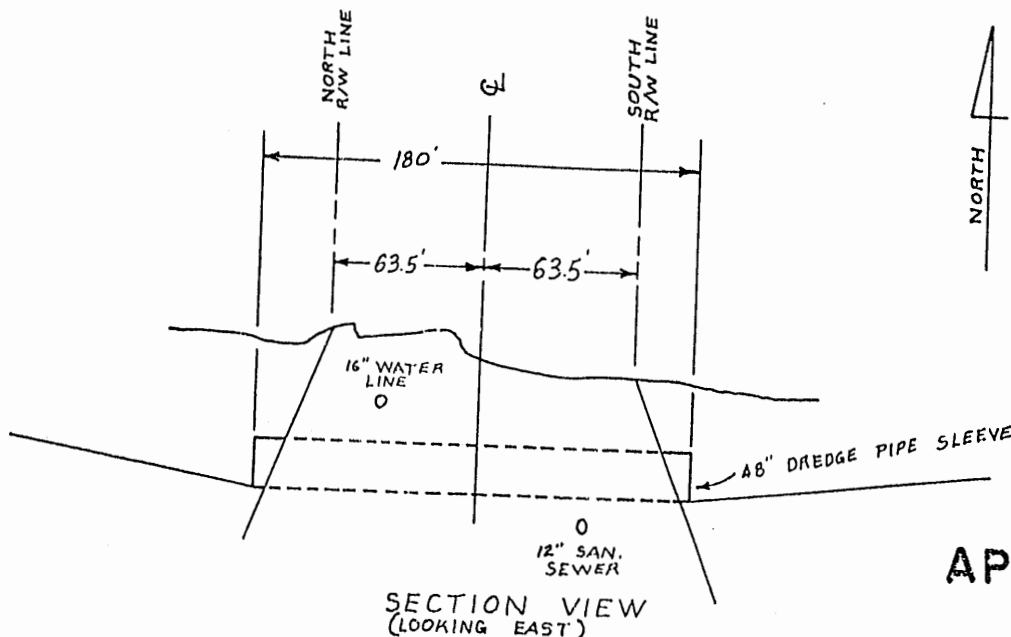
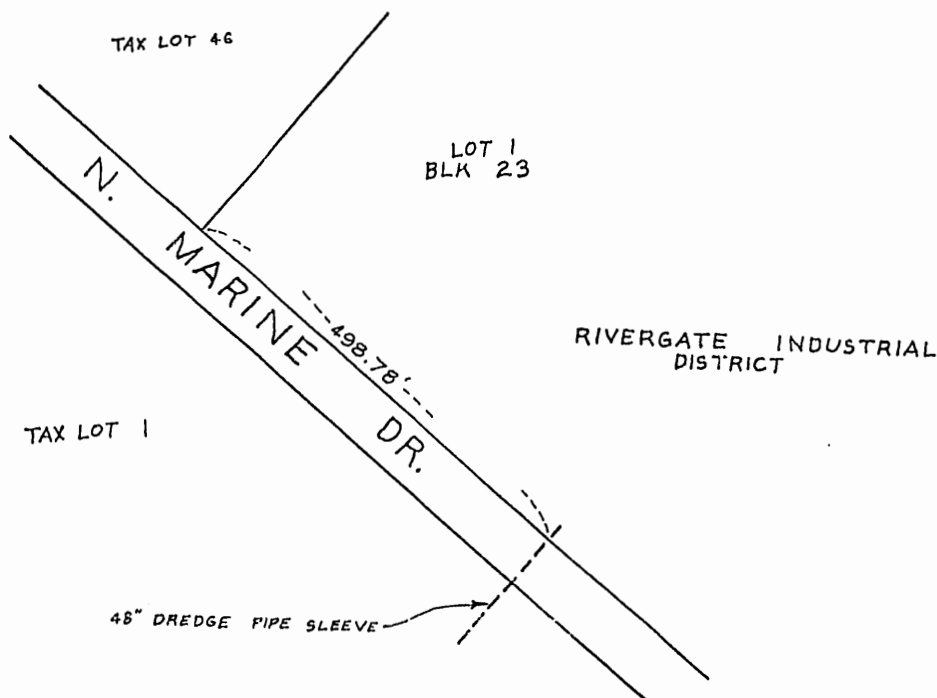
- a. A revocable permit is granted to the Port of Portland to install and maintain a pipe sleeve under and across N. Marine Drive as previously above described and as shown on the plan attached to this ordinance as "Exhibit A", subject to the following conditions:
 - (1) This permit is for the use of the street area only, and shall not exempt the grantee 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 if any City Code, Ordinance, or the City Charter, except as herein stated.
 - (2) This permit is revocable at any time at the pleasure of the Council 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 pipe sleeve and restore the street area as required by and to the satisfaction of the City Engineer.

EXHIBIT - "A"

149585

To install and maintain a 48" dredge pipe sleeve under and across N. Marine Drive

For: Port of Portland
P.O. Box 5329
Portland, Oregon 97208



APPROVED

SCALE NONE
DRAWN BY LLB
CHECKED BY HAH
1/4 SEC. 1521, SEC. 25, T. 2 N., R. 1 W. WM

By John M. Long
Acting City Engineer
Reg. Prof. Engr.

- (3) The grantee 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 by providing evidence of insurance protecting the City of Portland, its officers, agents, and employees as follows:
Bodily injury \$100,000 for one claimant and \$300,000 for one occurrence, property damage \$50,000 for one claimant and \$300,000 for one occurrence, said insurance to be kept in full force and effect at all times. This permit is automatically revoked without further action by the Council if this insurance is permitted to lapse, is cancelled or, for any other reason, becomes inoperative.
- (4) The grantee shall pay the permit fee of \$15.87 required by Section 17.24.020 of the City Code.
- (5) Before construction begins, the grantee shall obtain if necessary from the Traffic Engineer his requirements as to hours to work, traffic control, and the placing of necessary signs and barricades.
- (6) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the pipe sleeve as to size or type of material, the grantee 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.
- (7) The laying of said pipe sleeve 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 street area shall be attended to by the grantee immediately at their own cost as directed by and to the satisfaction of the City Engineer. The grantee shall also maintain surface of the street in the affected area to the satisfaction of the City Engineer.
- (8) 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 grantee shall reimburse the City of Portland for the cost of such recording.

Section 2. This Ordinance will not become effective until the grantee has filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

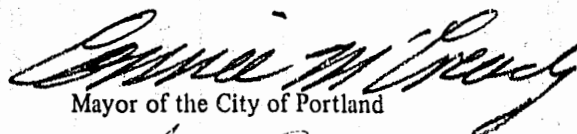
ORDINANCE No.

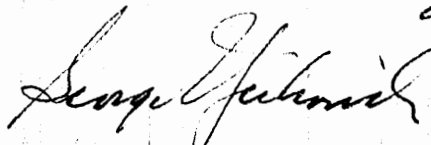
Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship on the part of the applicant as to the status of the requested permit for installation of the pipe sleeve in the street area of N. Marine Drive; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, MAY - 8 1980

Commissioner Mike Lindberg
Harry Hendrickson:jmh
April 23, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	1	
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

1578
Calendar No. ~~1503~~

ORDINANCE No. 149585

Title

An Ordinance granting a revocable permit to the Port of Portland to install and maintain a 48 inch diameter pipe sleeve under and across N. Marine Drive in the Rivergate Industrial District, at a fee of \$15.87, and declaring an emergency.

THURSDAY

MAY 1 1980

CONTINUED TO MAY 8 1980

Filed APR 25 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

Jordan Crace
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Harry Hendrickson:jmh Date: 4/23/80
Budget Impact Review:
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargas</i> David J. Vargas, Acting Chief

NOTED BY
City Attorney
City Auditor
City Engineer Approved: <i>John M. Lang</i> John M. Lang, Acting City Engr.
By: <i>David J. Vargas</i>