

RECEIVED

ACCEPTANCE MAY 23 8 55 AM 1980

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.BY May 14 1980
Portland, Oregon, _____

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. 149586, passed by the Council May 8, 1980, granting a revocable permit to the Board of Hospital Trustees of the Diocese of Oregon (Good Samaritan Hospital) to construct and maintain a planter in the street area of NW Lovejoy Street, a loading area turnout, to install and maintain bollard street lights and necessary electrical conduits, to construct and maintain a canopy over a portion of the street area, a curbed landscaped area together with private water lines in the westerly side of NW 22nd Avenue between NW Lovejoy and NW Marshall Streets,

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,

Chester L. Stocks

[CORPORATE
SEAL]

* Chester L. Stocks, Executive Vice
-----President
Good Samaritan Hospital & Medical Center
1015 N.W. 22nd Avenue, Portland, Oregon
-----97210
Address

APPROVED AS TO FORM

Approved as to form

Christopher 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.

An Ordinance granting a revocable permit to the Board of Hospital Trustees of the Diocese of Oregon (Good Samaritan Hospital) to construct and maintain a planter in the northerly street area of N.W. Lovejoy Street westerly from N.W. 22nd Avenue and to construct and maintain a loading area turnout, to install and maintain bollard street lights and necessary electrical conduits, to construct and maintain a canopy over a portion of the street area, to construct and maintain a curbed landscaped area together with private water lines in the westerly side of N.W. 22nd Avenue between N.W. Lovejoy and N.W. Marshall Streets, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Moffat, Nichol and Bonney Inc. have applied on the behalf of the Board of Hospital Trustees of the Diocese of Oregon, 1200 N.W. 23rd Avenue, Portland 97210, for a permit to reconstruct the westerly 20 feet more or less of N.W. 22nd Avenue from the northerly curb line of N.W. Lovejoy Street to approximately 235 feet north thereof by:
 - a. Relocating the existing curb line 8 feet east of present location.
 - b. Constructing a loading area turnout with a 6 foot landscaped area with curbs to act as a barrier for vehicles using the loading area turnout.
 - c. Installing a 34 foot wide canopy which will extend across the loading area turnout to provide overhead protection to the loading area turnout users during inclement weather.
 - d. Constructing and maintaining a public sidewalk on private property.
 - e. Installing and maintaining private bollard street lights and the necessary electrical conduits in the public sidewalk area.
 - f. Installing and maintaining a landscaped area together with private water lines for irrigation purposes in the public street area.
 - g. Constructing and maintaining a 3 foot high planter which will extend into N.W. Lovejoy 2 feet and be located against the back of the sidewalk from the west line of N.W. 22nd Avenue to approximately 50 feet west.
2. The purpose of items a through g above is to provide protected loading and unloading of vehicle passengers arriving at and departing from the Good Samaritan Hospital and to provide a more aesthetic appearance to the total area.

3. The permit requested with the work described in 1 a through f would not be detrimental to the public interest under certain conditions.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to the Board of Hospital Trustees of the Diocese of Oregon, permittee, to:
 - (a) Construct and maintain a loading area turnout in the sidewalk area of N.W. 22nd Avenue and public sidewalk on private property adjacent to Block 304, Couch's Addition;
 - (b) Construct and maintain a 6 foot wide landscaped area with curbs and private water lines in the street area adjacent to the aforesaid loading area turnout;
 - (c) Install and maintain a 36.5 foot wide canopy over a portion of the aforesaid loading area turnout, landscaped area and a street area with appropriate height warning signs approved by the Traffic Engineer of the City of Portland;
 - (d) Install and maintain bollard street lighting and necessary electrical conduits in the public sidewalk area of N.W. 22nd;
 - (e) Construct and maintain a 3 foot high planter in the street area of N.W. Lovejoy Street located against the back of the northerly sidewalk in said street and extending westerly 50 feet more or less to join an existing planter;
 - (f) Construct and maintain a public sidewalk not less than 6 feet in width on private property;

in accordance with plans and specifications approved by the City Engineer and located 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 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.
- (2) This permit is only for the purpose stated in "a" above and shall not exempt the grantee from obtaining any license or permit required by 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.

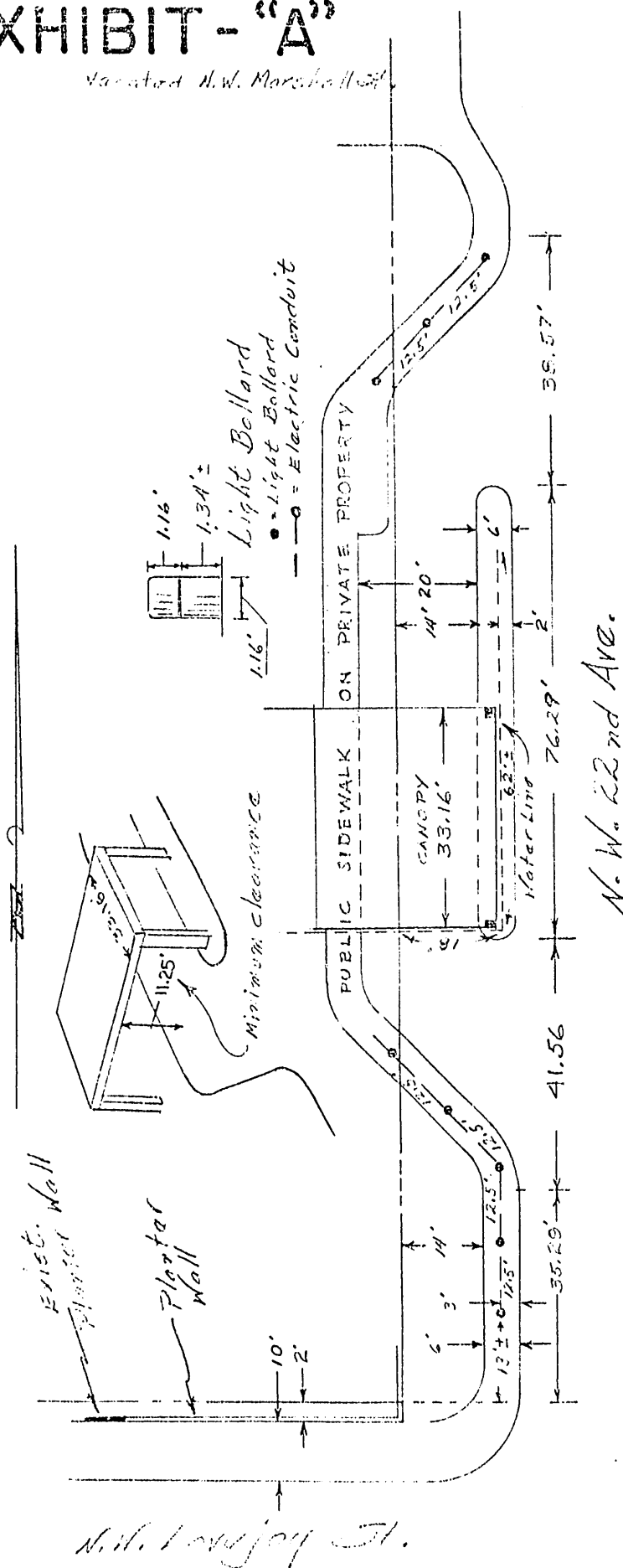
- (3) This permit is revocable at any time at the pleasure of the Council and no expenditure of money or lapse of time, or other act or thing, shall operate as an estoppel against the City of Portland, or be held to give the grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 30 days remove the loading area turnout, the bollard street light, landscaped area, and canopy, and restore the street area as required by and to the satisfaction of the City Engineer.
- (4) 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 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.
- (5) If at any time the public sidewalk area shown on said City Street Job Plan No. 6011, is obstructed by or through said permittee, the permit granted by this Ordinance shall be revoked.
- (6) The permittee has placed on deposit with the City the required engineering fee for City Street Job No. 6011.
- (7) The permittee shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

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.

EXHIBIT - "A"

Vacated N.W. Marshall St.

149586



To: (a) Construct and maintain a loading area turnout in the sidewalk area of N.W. 22nd Avenue and public sidewalk on private property adjacent to Block 304, Couch's Addition; (b) Construct and maintain a 6 foot wide landscaped area with curbs and private water lines in the street area adjacent to the aforesaid loading area turnout; (c) Install and maintain a 36.5 foot wide canopy over a portion of the aforesaid loading area turnout, landscaped area and a street area with appropriate height warning signs approved by the Traffic Engineer of the City of Portland; (d) Install and maintain bollard street lighting and necessary electrical conduits in the public sidewalk area of N.W. 22nd; (e) Construct and maintain a 3 foot high planter in the street area of N.W. Lovejoy Street located against the back of the northerly sidewalk in said street and extending westerly 50 feet more or less to join an existing planter.

For: Board of Hospital Trustees of the
Diocese of Oregon
1200 N.W. 23rd Avenue
Portland, Oregon 97210

Drawing not to scale
Drawn by 1165
1/4 Section 2927

APPROVED

By *David J. Vorp*
City Engineer
Reg. Prof. Engr.

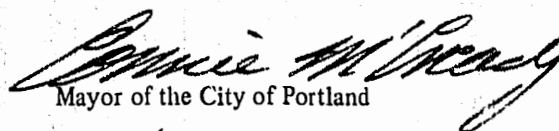
ORDINANCE No.


Section 3. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship of uncertainty on the part of the applicant as to the status of the requested permit; 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
Harlan Scott:jmh
April 24, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

Calendar No. 1586

ORDINANCE No. 149586

Title

An Ordinance granting a revocable permit to the Board of Hospital Trustees of the Diocese of Oregon (Good Samaritan Hospital) to construct and maintain a planter in the northerly street area of N.W. Lovejoy Street westerly from N.W. 22nd Avenue and to construct and maintain a loading area turnout, to install and maintain bollard street lights and necessary electrical conduits, to construct and maintain a canopy over a portion of the street area, to construct and maintain a curbed landscaped area together with private water lines in the westerly side of N.W. 22nd Avenue between N.W. Lovejoy and N.W. Marshall Streets, and declaring an emergency.

THURSDAY

Filed MAY 2 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By

Deputy

INTRODUCED BY

COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs

Finance and
Administration

Safety

Utilities

Works

ML/ST

BUREAU APPROVAL

Bureau:

Street & Structural Engineering

Prepared By:

Date:

Harlan Scott:jmh

4/24/80

Budget Impact Review:

☐ Completed

☒ Not required

Bureau Head:

David J. Vargas, Acting Chief

NOTED BY

City Attorney

City Auditor

City Engineer

John M. Lang, Acting City Engr.

By:

David J. Vargas

THE COMMISSIONERS VOTED
AS FOLLOWS:

	Yeas	Nays
Ivancie		
Jordan		
Lindberg		
Schwab		
McCready		

FOUR-FIFTHS CALENDAR

Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

149586