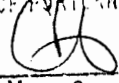


ACCEPTANCE

JUL 7 8 53 AM 1980

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.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. 149601, passed by the Council May 8, 1980, granting a revocable permit to Lurene John to use in connection with operating the Linden Tree Deli a portion of the sidewalk area adjacent to 1432 NE Broadway, for a sidewalk cafe, at a fee of \$10.00, expiring on December 31, 1980,

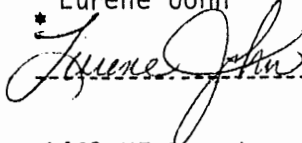
and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

[CORPORATE
SEAL]

THE LINDEN TREE DELI

Lurene John



1432 NE Broadway, Portland, Oregon 97232

Address

APPROVED AS TO FORM

Approved as to form:



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 NO. 149601

An Ordinance granting a revocable permit to Lurene John to use in connection with operating the Linden Tree Deli a portion of the sidewalk area adjacent to 1432 N.E. Broadway, for a sidewalk cafe, at a fee of \$10.00, expiring on December 31, 1980, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Lurene John, dba The Linden Tree Deli, 1432 N.E. Broadway, Portland, Oregon 97232, has requested permission to use a portion of the sidewalk area adjacent to said Deli on N.E. Broadway, for a sidewalk cafe.
2. The City Engineer has determined a utilization of the sidewalk, under certain conditions, will not interfere with the free pedestrian use of the sidewalk in this particular area.
3. The granting of said permission, under certain conditions, will not be detrimental to the public interest and will contribute to the commercial revitalization and continued investment in this portion of Portland.

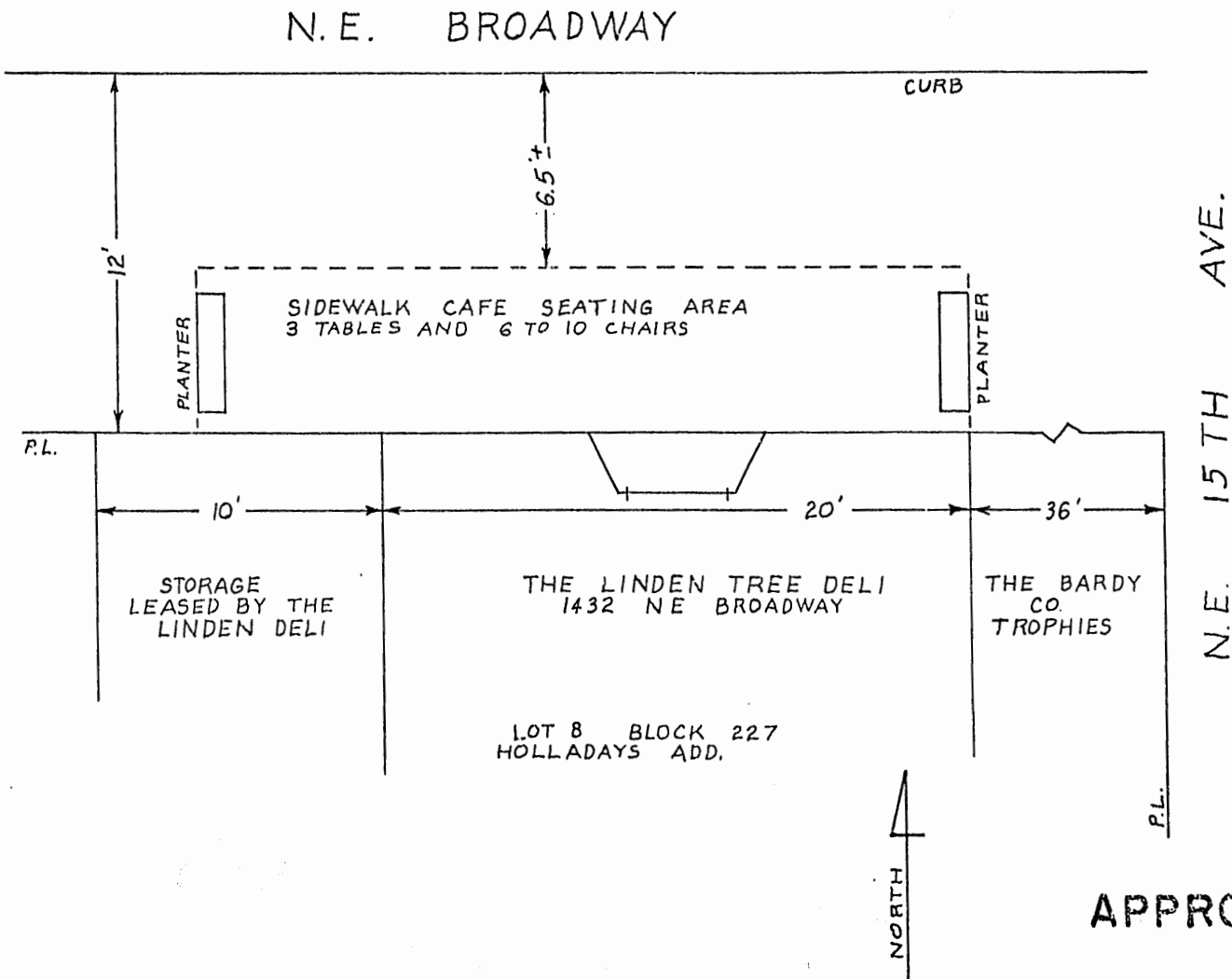
NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Lurene John, grantee, dba The Linden Tree Deli, to use and occupy a portion of the fronting sidewalk on N.E. Broadway adjacent to said Deli, in order to have a sidewalk cafe, as shown on the plan attached to this Ordinance as "Exhibit A", under the following terms and conditions, and expiring on December 31, 1980.
 - (1) All activities in the sidewalk area shall be supervised by the grantee.
 - (2) 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.

EXHIBIT - "A"

To use a portion of the sidewalk area of
N.E. Broadway for a sidewalk cafe

For: Lurene John
Lindin Tree Deli
1432 N.E. Broadway
Portland, Oregon 97232



APPROVED

SCALE NONE
DRAWN BY L.L.B.
CHECKED BY
1/4 SEC. 2832 SEC. 26 T.1N., R.1E. W.M.

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

- (3) That service of wine, beer or other alcoholic beverages will not be permitted in the sidewalk cafe until the grantee has obtained approval from the Oregon Liquor Control Commission and this approval has been furnished to the City and further that this permit may be revoked if a disturbance to the public is being created as a result of the use of the sidewalk.
- (4) The grantee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (5) The permit hereby granted is personal to the grantee and may not be transferred, assigned, or otherwise conveyed.
- (6) 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 immediately remove all tables and chairs and cease operating the sidewalk cafe portion of the business.
- (7) The grantee is specifically limited to use of the sidewalk as diagrammed in "Exhibit A".
- (8) Grantee shall use positive action to assure that its use of the sidewalk in no way interferes with or embarrasses sidewalk users or limits their free and unobstructed passage.
- (9) That the grantee shall notify the City Engineer when operation of the sidewalk cafe will begin in 1980 and again when the operation will be discontinued prior to the expiration of this permit on December 31, 1980.
- (10) The sidewalk and all things placed thereon shall at all times be maintained in a clean and attractive condition. The sidewalk shall not be marked or marred in any manner, and at such times that the grantee is not utilizing the sidewalk as authorized herein, all things shall be removed therefrom.

Section 3. 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 Engineer.

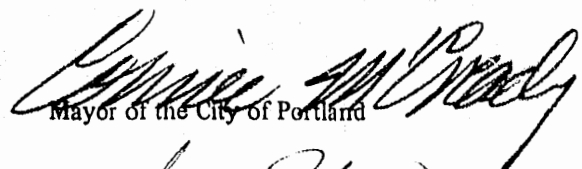
ORDINANCE No.


Section 4. The Council declares that an emergency exists because delay in the enactment of this Ordinance will result in an unnecessary hardship or uncertainty on the part of the applicant as to the status of the requested permit to use a portion of the sidewalk area of S.W. Stark Street and S.W. 2nd Avenue; 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 25, 1980

Attest:


Mayor of the City of Portland


Auditor of the City of Portland

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

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

Calendar No. **1602**

ORDINANCE No. 149601

Title

An Ordinance granting a revocable permit to Lurene John to use in connection with operating the Linden Tree Deli a portion of the sidewalk area adjacent to 1432 N.E. Broadway, for a sidewalk cafe, at a fee of \$10.00, expiring on December 31, 1980, and declaring an emergency.

THURSDAY

Filed MAY 2 1980

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By Gordon D. Hall

Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG
NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/SA</i>
BUREAU APPROVAL
Bureau:
Street & Structural Engineering
Prepared By: Harry Hendrickson:jmh
Date: 4/25/80
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
John M. Lang, Acting City Engr.
By: <i>David J. Vargas</i>