

150853

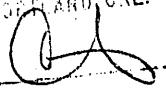
AUD 50-25-640

RECEIVED

JAN 8 9 13 AM 1981

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

**ACCEPTANCE**

BY 

Portland, Oregon, December 11, 1980

GEORGE YERKOVICH  
Auditor of the City of Portland,  
Room 202, City Hall  
Portland, Oregon 97204

Dear Sir:

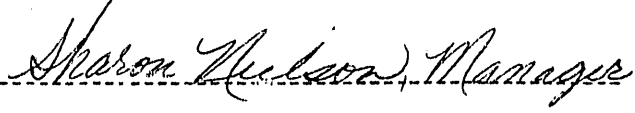
This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 150853, passed by the Council December 11, 1980, granting a revocable permit to Portland Saturday Market, Inc. to use certain portions of W. Burnside Street beneath the west end of the Burnside Bridge on December 22, 23 and 24, 1980 between the hours of 6:30 a.m. and 6:30 p.m., providing additional hours each day for the unloading and loading of materials and equipment, at a fee of \$75.00,

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,

PORTLAND SATURDAY MARKET, INC.

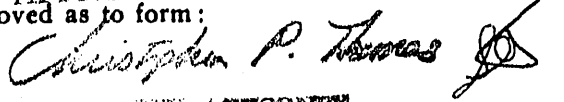
[CORPORATE SEAL]

\*  Sharon Nelson, Manager

108 West Burnside, Portland, OR 97208

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.

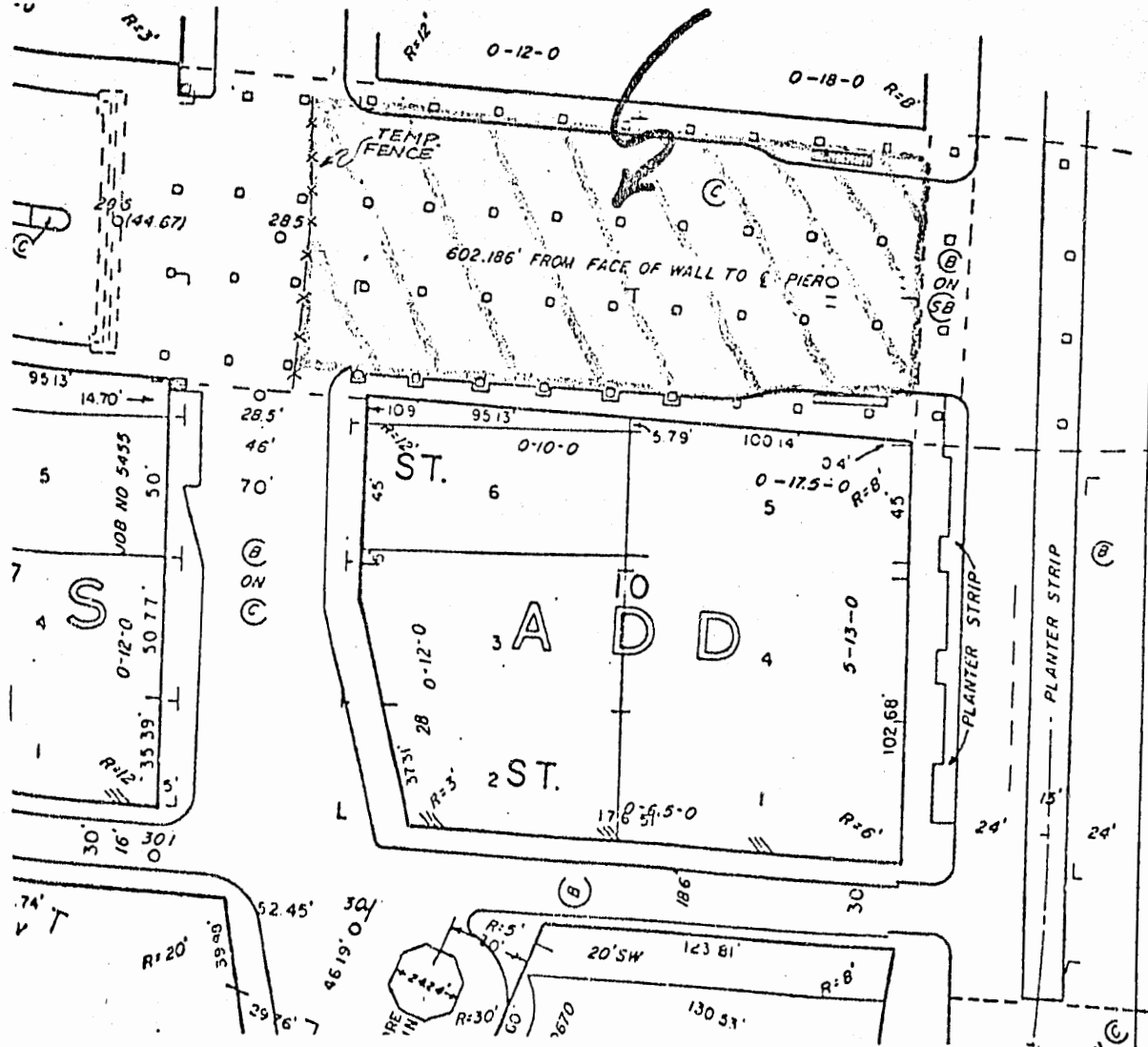
# EXHIBIT- "A"

To allow use of the street area under the west end of the Burnside Bridge for the purpose of conducting a crafts market.

150853

For: Portland Saturday Market, Inc.  
108 West Burnside  
Portland, Oregon 97209

## AREA COVERED BY THIS PERMIT



**APPROVED**

DRAWN BY: SSH  
CHECKED BY: HGS  
SCALE: NTS.

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

An Ordinance granting a revocable permit to Portland Saturday Market, Inc. to use certain portions of W. Burnside Street beneath the west end of the Burnside Bridge on December 22, 23 and 24, 1980 between the hours of 6:30 a.m. and 6:30 p.m., providing additional hours each day for the unloading and loading of materials and equipment, at a fee of \$75.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Portland Saturday Market, Inc., 108 West Burnside Street, has requested permission, through its manager Sharon Nielson, to use the area beneath the west end of the Burnside Bridge authorized for use by the Portland Saturday Market on Saturdays and Sundays by Ordinance No. 147424, passed by the Council March 28, 1979, on Monday, Tuesday, and Wednesday, December 22, 23 and 24, 1980, between the hours of 6:30 a.m. and 6:30 p.m. and to be allowed the hours of 6:30 to 9:30 a.m. and 5:00 to 6:30 p.m. each of these days to unload and load equipment and materials for use and sale by those participating in the extended days of operation.
2. That the adjacent property owners, the Portland Police Bureau, the Fire Bureau, the Park Bureau, the Maintenance Bureau and the Bureau of Traffic Engineering have approved the proposed street use and closure, and Street Light Engineering of the Bureau of Street and Structural Engineering agrees that the cost of energy used by street lights will be billed as a separate item for the operating period named herein.
3. That the granting of the above requests, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is hereby granted to Portland Saturday Market, Inc., permittee, to close and use that portion of West Burnside Street between N.W. 1st Avenue and N.W. Front Avenue as shown on the plan marked "Exhibit A" attached to and by this reference made a part thereof on Monday, Tuesday, and Wednesday, December 22, 23 and 24, 1980, between the hours of 6:30 a.m. and 6:30 p.m. and to use the hours of 6:30 a.m. to 9:30 a.m. and 5:00 p.m. and 6:30 p.m. to unload and load equipment and materials for use and sale the dates named above, subject to the following conditions:

- (1) That N.W. and S.W. 1st Avenue traffic not be interrupted any more than normal for that area.
- (2) That a physical barrier such as a temporary cyclone fence be installed before 6:00 a.m. Monday, December 22, 1980 and retained in position throughout the market operation on Wednesday the 24th. The position of this fence to begin at the most northerly pier of the Burnside Bridge that divides the two center traffic lanes on the west from the remainder of the street and pedestrian walking area on the east, continuing south to approximately 10' to 15' south of the most southern bridge pier in this line of bridge piers (approximately 110'-115').
- (3) That because of the sight hazard recognized for pedestrians crossing 1st Avenue within the area of the bridge piers, Saturday Market would devise their operations so to discourage crossing in this area.
- (4) Loading, unloading of Saturday Market merchants not be permitted to interfere with traffic or commerce in the area of 1st Avenue.
- (5) That the operations of all other merchants that might be affected be realized and adjustments Saturday Market operations be made to minimize any impact.
- (6) That parking meters, specified by the Traffic Engineer be hooded for clearance purposes.
- (7) This permit is contingent on there being a minimum disturbance to the public. If any of the adjacent property owners withdraw their approval, adequate sanitary facilities are not provided, cleanliness not maintained, or for any reason the City Engineer or the Bureau of Police feels that it is not in the best interest of the public to continue, the permittee shall cease the operations authorized by this permit and may, if he wishes, appeal the City Engineer's or the Police Bureau's decision to 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 permittee any vested or other right upon such revocation.
- (8) That all booths, stands, platforms, etc., either profit or non-profit, will be located only in the street areas designated under this permit.

- (9) The permittee shall obtain from the Bureau of Traffic Engineering, all necessary parking meter hoods, and the written permit for allowing the temporary parking of vehicles during certain hours and at certain locations, for the purpose of unloading or loading goods for the Market operation.
- (10) The permittee shall, at his own expense, provide necessary signs, barricades and illumination as required by the Bureau of Traffic Engineering and, further, the permittee shall reimburse the City for any additional cost of enforcing traffic and parking regulations resulting from activities of the Market operation.
- (11) 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.
- (12) That open pedestrian walkways be maintained at all times in that portion of the street area under the Burnside Bridge.
- (13) That the permittee shall pay a fee of \$75.00 for the 3 day event, as required by Ordinance No. 147424.
- (14) The Portland Saturday Market, Inc. agrees to pay the electrical costs for street lighting of the area covered by this permit when billed.
- (15) That vehicle loading and unloading will take place only during the hours of 6:30 a.m. to 9:30 a.m. and 5:00 p.m. to 6:30 p.m.
- (16) This permit 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.

ORDINANCE No.

150853

Section 2. This Ordinance will not become effective until the permittee 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.

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 for said use of street area; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Council Meeting

ORDINANCE NO. 150853

DATE

Emergency, ...

THRU

DEC 4 1980

Approved by the City of Portland and George J. Ashmun

in Dec 4 1980

Passed by the Council, DEC 11 1980

Commissioner Mike Lindberg Steve Hazzard:jmh December 3, 1980

Attest:

Signature of Auditor of the City of Portland

Auditor of the City of Portland

Calendar No. 4348

ORDINANCE No. 150853

Title

An Ordinance granting a revocable permit to Portland Saturday Market, Inc. to use certain portions of W. Burnside Street beneath the west end of the Burnside Bridge on December 22, 23 and 24, 1980 between the hours of 6:30 a.m. and 6:30 p.m., providing additional hours each day for the unloading and loading of materials and equipment, at a fee of \$75.00, and declaring an emergency.

THURSDAY

Filed DEC 4 1980

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By *George Cruell*  
Deputy

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>704/ms</i>

BUREAU APPROVAL
Bureau: Street & Structural Engineering
Prepared By: Steve Hazzard:jmh      Date: 12/3/80
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>David J. Vargan</i> David J. Vargas, Acting Chief

CALENDAR
Consent <input checked="" type="checkbox"/> Regular

NOTED BY
City Attorney
City Auditor
City Engineer      Approved: John M. Lang, P.E.
By: <i>David J. Vargan</i>

Calendar No. **4348**

**ORDINANCE No. 150853**

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**THURSDAY**

Filed DEC 4 1980

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

By *Garland Croell*  
Deputy

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

FOUR-FIFTHS CALENDAR	
Name	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

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CALENDAR
Consent <input checked="" type="checkbox"/> Regular

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