

JAN 6 10 02 AM 1981

ACCEPTANCE

GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

BY *[Signature]*

Portland, Oregon, January 2, 1981

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. 150905, passed by the Council December 31, 1980, granting a revocable permit to Warren Rosenfeld to construct and maintain a private sewer line in and under the street area of NW 23rd Place from NW Reed Street to a point 65 feet south, and in NW Reed Street from NW 23rd Place to a point 12 feet east, at a fee of \$19.25, 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,

Warren Rosenfeld

* Warren Rosenfeld

[CORPORATE SEAL]

P. O. Box 10067, Portland, OR 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.

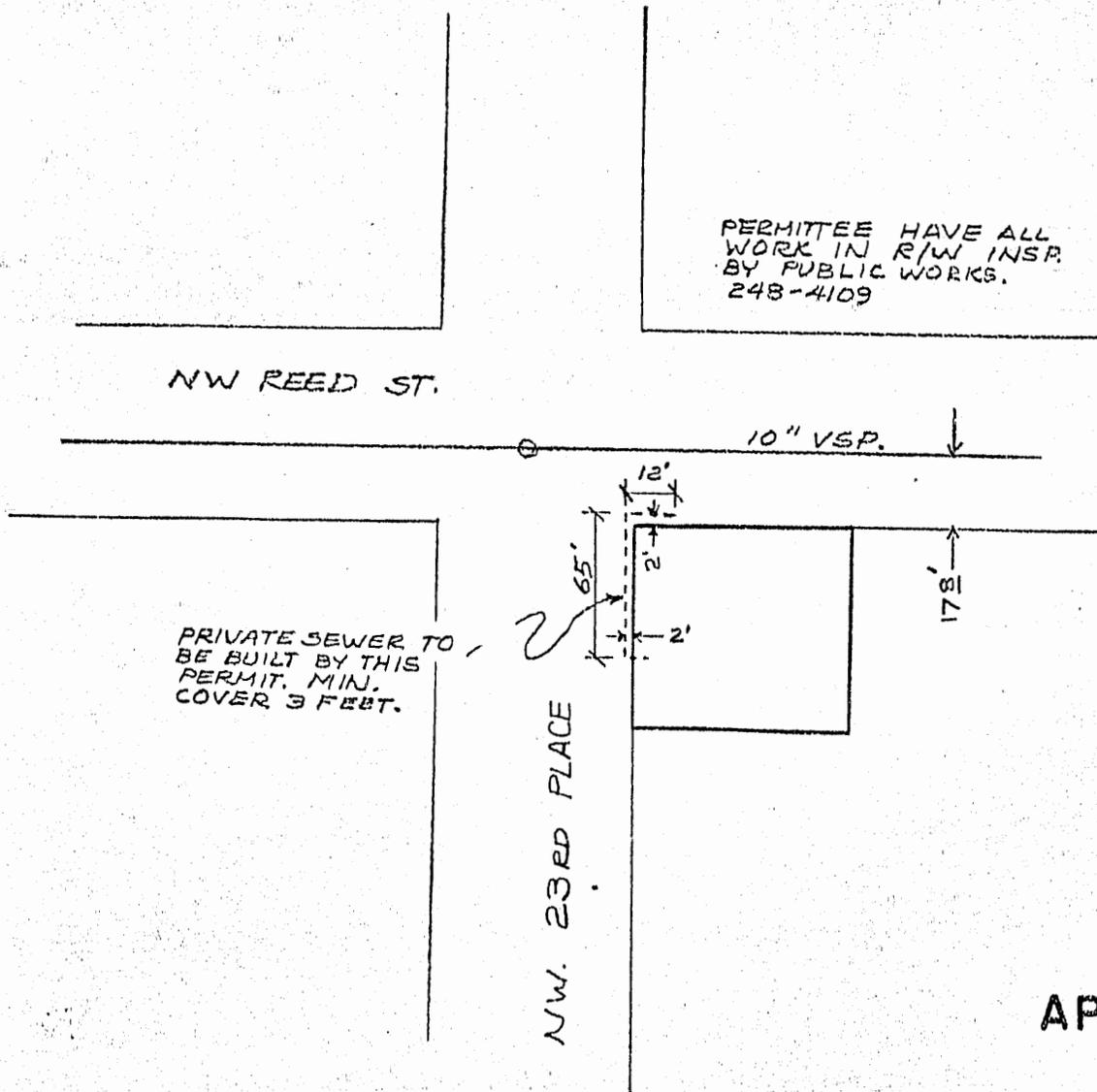
- (2) This permit is revocable at any time at the pleasure of the Council and no expenditure of money or lapse of time, or other act or thing, shall operate as an estoppel against the City of Portland, or be held to give the permittee any vested or other right. Upon revocation of this permit by the Council, the permittee shall within 30 days remove the said private sewer and restore the street area as required by and to the satisfaction of the City Engineer.
- (3) 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.
- (4) The permittee shall pay the permit fee of \$19.25 required by Section 17.24.020 of the City Code.
- (5) If, during construction under this permit, it becomes necessary or expedient to modify the location or the plan for the private sewer as to size or type of material, the permittee 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.
- (6) The laying of said private sanitary sewer 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 permittee immediately at his own cost as directed by and to the satisfaction of the City Engineer.
- (7) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Tax Lot 3 of Lots 10 and 11, Block 11, Doscher's 2nd Addition, their heirs and assigns as long as such permit shall remain in effect.
- (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 permittee shall reimburse the City of Portland for the cost of such recording.

EXHIBIT - "A"

150905

To construct and maintain a private sewer in the street area of N.W. 23rd Place and N.W. Reed Street, adjacent to Tax Lot 3 of Lots 10 and 11, Block 11, Doscher's 2nd Addition, 1/4 2827.

For: Warren Rosenfeld
P.O. Box 10067
Portland, Oregon 97210



APPROVED

DRAWN BY: SSH
CHECKED BY: HGS
1/4 2827

By John P. [Signature]
City Engineer
Reg. Prof. Engr.

ORDINANCE NO. **150905**

An Ordinance granting a revocable permit to Warren Rosenfeld to construct and maintain a private sewer line in and under the street area of N.W. 23rd Place from N.W. Reed Street to a point 65 feet south, and in N.W. Reed Street from N.W. 23rd Place to a point 12 feet east, at a fee of \$19.25, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Warren Rosenfeld, owner, P.O. Box 10067, Portland, Oregon, 97210, has requested permission to construct and maintain a private sanitary service in and under N.W. 23rd Place from N.W. Reed Street to a point 65 feet south, and in N.W. Reed Street from N.W. 23rd Place to a point 12 feet east.
2. That the private sanitary sewer is needed to serve a new lavatory located against the west wall. Structural content of the building prevents placement of the pipe inside the structure.
3. That the plan for the proposed sewer, attached to this Ordinance as "Exhibit A", has been approved by the City Engineer.
4. That the desired private sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Warren Rosenfeld, permittee, to construct and maintain a private sanitary sewer in and under the street area of N.W. 23rd Place and N.W. Reed Street adjacent to Tax Lot 3 of Lots 10 and 11, Block 11, Doscher's 2nd Addition, 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 for the use of the street area only, and 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.

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.

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 construction of a private sewer in the street area of N.W. 23rd Place and N.W. Reed Street; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

ORDINANCE NO. 120805

Council No. 4300

1111

DEC 3 1 1980

GEORGE KROVATZ

APPROVED BY CITY CLERK

Passed by the Council, **DEC 3 1 1980**

Commissioner Mike Lindberg
 Steve Hazzard:jmh
 December 5, 1980

Attest:

George Krovatz
 Auditor of the City of Portland

Calendar No. 4520

ORDINANCE No. 150905

Title

An Ordinance granting a revocable permit to Warren Rosenfeld to construct and maintain a private sewer line in and under the street area of N.W. 23rd Place from N.W. Reed Street to a point 65 feet south, and in N.W. Reed Street from N.W. 23rd Place to a point 12 feet east, at a fee of \$19.25, and declaring an emergency.

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

FOUR-FIFTHS CALENDAR	
Jordan	
Lindberg	
Schwab	
Ivancie	

INTRODUCED BY
 COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER

Affairs
 Finance and Administration
 Safety
 Utilities
 Works *ML/MS*

BUREAU APPROVAL

Bureau:
 Sanitary Engineering
 Prepared By: Steve Hazzard:jmh Date: 12/5/80
 Budget Impact Review:
 Completed Not required
 Bureau Head: *Joe P. Niehuser*
 Joe P. Niehuser

CALENDAR

Consent Regular

NOTED BY

City Attorney
 City Auditor
 City Engineer Approved:
 John M. Lang, P.E.
 By: *Joe P. Niehuser*

Filed DEC 23 1980

GEORGE YERKOVICH
 Auditor of the CITY OF PORTLAND

By *Frank Dreyer*
 Deputy

120902