

RECEIVED
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GEORGE YERKOVICH, AUDITOR
CITY OF PORTLAND, ORE.

ACCEPTANCE

Portland, Oregon, July 16, 1981

BY _____

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. 151958, passed by the Council July 15, 1981, granting a revocable permit to Premier Manufacturing Company to install, use and maintain a private communications cable over and across SE 25th Avenue at a fee of \$10.00,

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,

PREMIER MANUFACTURING COMPANY

(CORPORATE SEAL)

* _____
James H. ...

4434 SE 25th Avenue, Portland, OR 97202

Address

APPROVED AS TO FORM

Christopher P. Thomas

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. **151958**

An Ordinance granting a revocable permit to Premier Manufacturing Company to install, use, and maintain a private communications cable over and across S.E. 25th Avenue near S.E. Holgate Blvd., at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Premier Manufacturing Company, 4434 S.E. 25th Avenue, Portland, Oregon 97202, has requested permission to install, use, and maintain a private communications cable over and across S.E. 25th Avenue, adjacent to Lots 25-28, Block 2, Spantons Addition.
2. That the requested cable is needed to provide a communications system between the buildings as part of their business operation.
3. That the granting of said request under certain conditions will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Premier Manufacturing Company to install, use, and maintain a private communications cable over and across S.E. 25th Avenue as described above and shown on the attached plan marked "Exhibit A", and by this reference made a part of this Ordinance, subject to the following conditions:
 - (1) This permit is for use of the street area only, and shall not exempt the permittee 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.
 - (2) This permit is revocable at any time in the event the public's need requires it and no expenditure of money hereunder, 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. Immediately upon the expiration of this permit, or upon its sooner revocation by the Council, the permittee shall remove said communications cable from the street area as directed 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 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) This permit is a burden upon the property and runs with the land and will require insurance with limits of coverage that will meet the maximum requirements for liability of a public body as set forth in ORS 30.270 or as it may be required by subsequent amendment and naming the City, its officers, agents and employees as additional insured.
- (5) 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.
- (6) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) The cable must have a clearance of at least 18 feet above the roadway of the street.

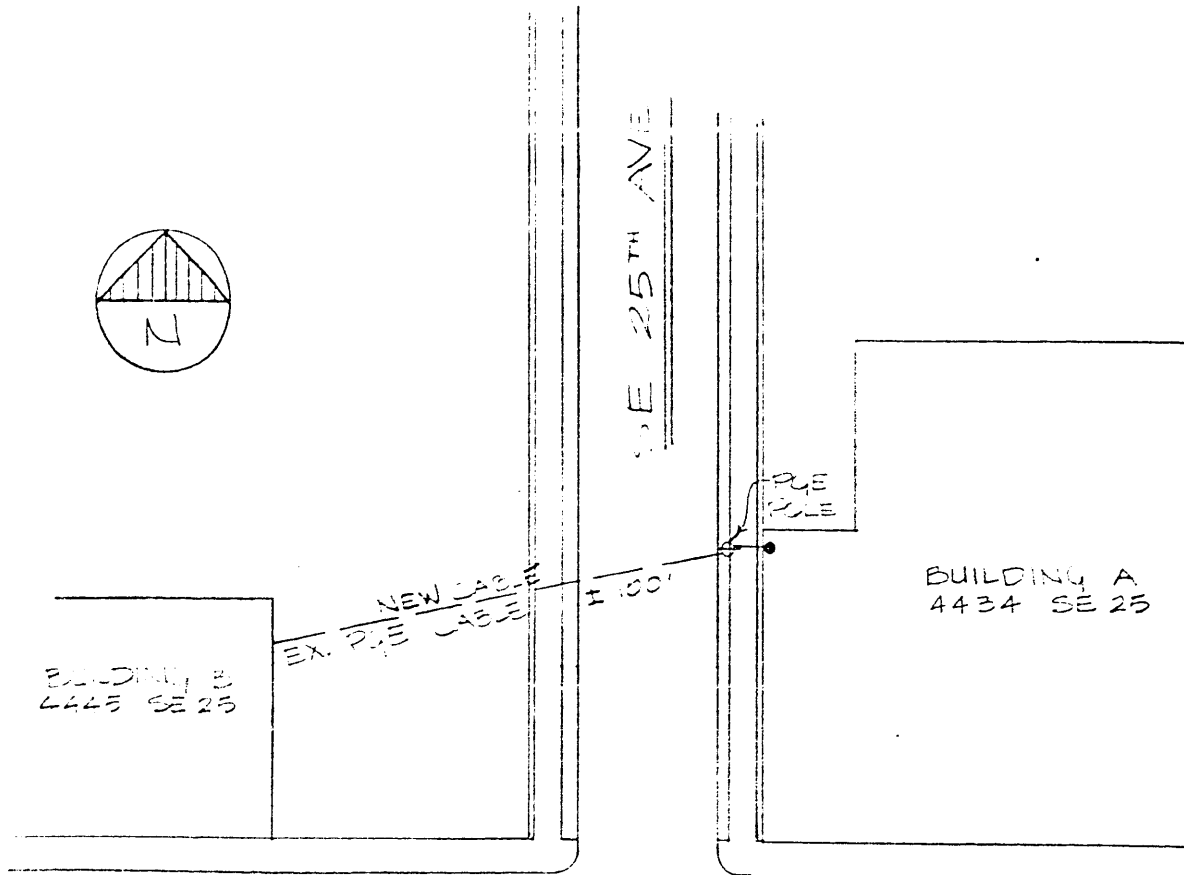
Section 2. This Ordinance will not become effective until the permittee has filed with the City Auditor a document, which has been approved by the City Attorney, accepting the terms and conditions hereof. This Ordinance shall be automatically revoked without further consideration by the Council if the acceptance together with documents and fees required are not on file with the City Auditor within sixty (60) calendar days of the passage of this Ordinance.

EXHIBIT - "A"

157958

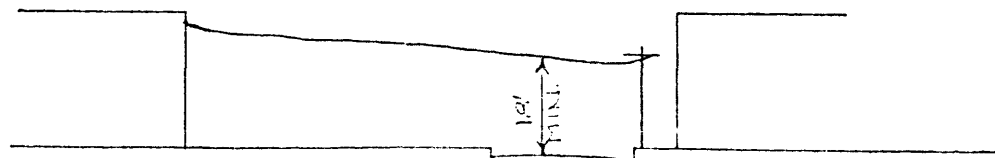
A revocable permit to construct, use, and maintain a private communications cable over and across SE. 25th Avenue, adjacent to Lots 25-28, Block 2, Spantons Addition, 43433

For: Premier Manufacturing Company
4434 SE. 25th Avenue
Portland, OR 97202



SE HOLGATE

SCALE: 1" = 40'



ELEVATION
NO SCALE

APPROVED

By _____
City Engineer
Reg. Prof. Engr.

DRAWN BY: LAM
CHECKED BY:
1/4 SEC. 2433
3 JULY 1981

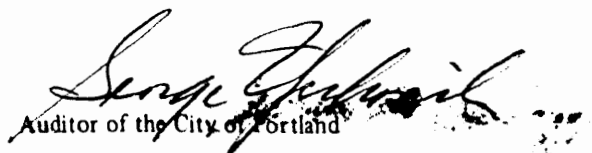
ORDINANCE No.

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, **JUL 15 1981**

Commissioner Mike Lindberg
Steve Hazzard:jmh
July 8, 1981

Attest:


Auditor of the City of Portland

Calendar No. **23-16**

ORDINANCE No. 151958

Title

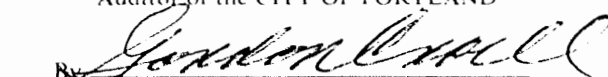
An Ordinance granting a revocable permit to Premier Manufacturing Company to install, use, and maintain a private communications cable over and across S.E. 25th Avenue near S.E. Holgate Blvd., at a fee of \$10.00, and declaring an emergency.

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG		
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed **JUL 10 1981**

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 <i>ML/MS</i>

BUREAU APPROVAL	
Bureau:	
Street & Structural Engineering	
Prepared By: Steve Hazzard:jmh	Date: 7/8/81
Budget Impact Review:	
<input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required	
Bureau Head: <i>R.O. Schmidt asg</i> R. O. Schmidt, Chief	

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

NOTED BY
City Attorney 
City Auditor
City Engineer Approved: John M. Lang, P.E.
By: <i>R.O. Schmidt</i>