

ORDINANCE NO. 151963

An Ordinance granting a revocable permit to Robert Raber to maintain an overhead electrical line across N.W. Imperial Terrace, at a fee of \$10.00, repealing Ordinance No. 142819, and declaring an emergency,

The City of Portland ordains:

Section 1. The Council finds:

1. Mr. Robert Raber, 2740 N.W. Imperial Terrace, Portland, 97210, has requested permission to maintain an overhead electrical line across N.W. Imperial Terrace.
2. Said electrical line is needed to serve his garage on the opposite side of the street to his house.
3. Imperial Terrace is not in an underground utility area.
4. That the City Engineer has no objection to granting this permission, and under certain conditions, it will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Robert Raber, permittee, to maintain an overhead electrical line across the street area of N.W. Imperial Terrace, adjacent to Lot 7, Block 4, Kings Heights, as approved by the City Engineer, and 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.
 - (2) This permit is personal and shall not run with the land and is revocable at any time and no expenditure of money hereunder, 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 ten (10) days remove the said overhead electrical line from across the street area as required by and to the satisfaction of the City Engineer.

- (3) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (4) The permittee shall hold the City of Portland, its officers, agents, and employees free and harmless from any claims for damage 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) The permittee shall reimburse the City for the cost of filing by the Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

Section 2. Ordinance No. 142819 entitled "An Ordinance granting a revocable permit to Harvey Bell to place and maintain an overhead electrical line across N.W. Imperial Terrace, and declaring an emergency" is hereby repealed.

Section 3. 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.

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Section 4. 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
Larry Barclay:jmh
July 7, 1981

Attest:


Auditor of the City of Portland

Calendar No **2351**

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Title

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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 Joseph C. Hall
Deputy

INTRODUCED BY
COMMISSIONER MIKE LINDBERG

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works <i>ML/MS</i>

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

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

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