

153037

APR 12 8 51 AM 1982

**ACCEPTANCE**

CITY OF PORTLAND, ORE. AUDITOR

*[Signature]*

Portland, Oregon, April 2, 1982

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. 153037, passed by Council April 1, 1982, granting a revocable permit to Oregon Oyster Co., Inc., to close SW Ankeny Street between SW 2nd Avenue and SW 3rd Avenue to conduct an oyster shucking demonstration on May 15, 1982 from 9:30 am to 12:30 pm 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,

OREGON OYSTER CO., INC.

[CORPORATE SEAL]

*[Signature]*

President

208 SW Ankeny St., Portland, OR 97204

Address

APPROVED AS TO FORM  
Approved as to form:

*[Signature]*

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. 153037

An Ordinance granting a revocable permit to Oregon Oyster Co. Inc., 208 S.W. Ankeny Street, Portland 97204, to close S.W. Ankeny Street between S.W. 2nd Avenue and S.W. 3rd Avenue to conduct an oyster shucking demonstration on May 15, 1982 from 9:30 a.m. to 12:30 p.m., at a fee of \$10.00, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. The Oregon Oyster Co. Inc., 208 S.W. Ankeny Street, Portland, Oregon 97204, has applied to close S.W. Ankeny Street between S.W. 2nd Avenue and S.W. 3rd Avenue to conduct an oyster shucking demonstration.
2. The closure is proposed for May 15, 1982 between 9:30 a.m. and 12:30 p.m.
3. The businesses adjacent to the street have given their consent to allow this closure.
4. The event has been held in the past without incident.
5. The closure, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is hereby granted to Oregon Oyster Co. Inc. to close S.W. Ankeny Street between S.W. 2nd Avenue and S.W. 3rd Avenue to hold an oyster shucking demonstration from 9:30 a.m. to 12:30 p.m., subject to the following conditions:
  - (1) Nothing contained herein shall limit the authority of the Bureau of Police in maintaining the public peace and safety, and upon request the permittee shall immediately reopen said street to its normal public use.
  - (2) This permit is for use of the street area only and shall be subject to necessary use by emergency vehicles.
  - (3) This permit shall not exempt the permittee from obtaining any 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.

- (4) This permit is revocable at any time 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 right. Upon revocation of this permit by the Chief of Police or the City Engineer, the permittee shall remove the barricades immediately and restore the street area as required by and to the satisfaction of the City Engineer.
- (5) 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 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 revoked without further action of the Council if this insurance is permitted to lapse, is cancelled, or for any other reason becomes inoperative.
- (6) The permittee shall at his own expense provide barricades, signs, and illumination as required by the City Engineer and Traffic Engineer.
- (7) The permittee shall be responsible to clean the street and sidewalk at the conclusion of the event.
- (8) The permittee shall restore the street and sidewalks to their normal use by 12:30 p.m.
- (9) The permittee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.

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 by 5:00 p.m. May 12, 1982.

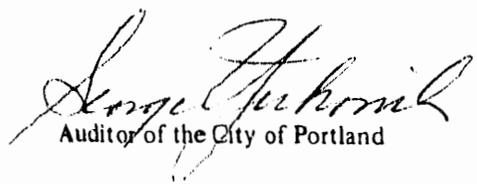
# ORDINANCE No.

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, APR 1 1982

Commissioner Mike Lindberg  
James Cipolla:jmh  
March 16, 1982

Attest:

  
Auditor of the City of Portland

Calendar No. 837

ORDINANCE No. 153037

Title

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THURSDAY

Filed MAR 25 1982

GEORGE YERKOVICH  
Auditor of the CITY OF PORTLAND

By Jordan Powell  
Deputy

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

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

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: James Cipolla:jmh      Date: 3/16/82
Budget Impact Review: <input type="checkbox"/> Completed <input checked="" type="checkbox"/> Not required
Bureau Head: <i>R.O. Schmidt</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>