

161473

ACCEPTANCE

RECEIVED

DEC 28 1988

December 19, 1988

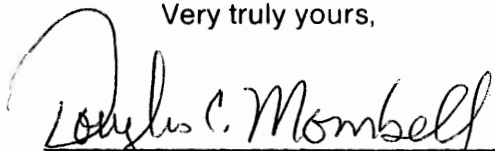
OFFICE OF
CITY AUDITOR

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

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 161473, passed by the Portland City Council on December 15, 1988, granting a Revocable Permit to Douglas C. Mombell to construct and maintain a structure in a City sewer easement,

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,


Douglas C. Mombell

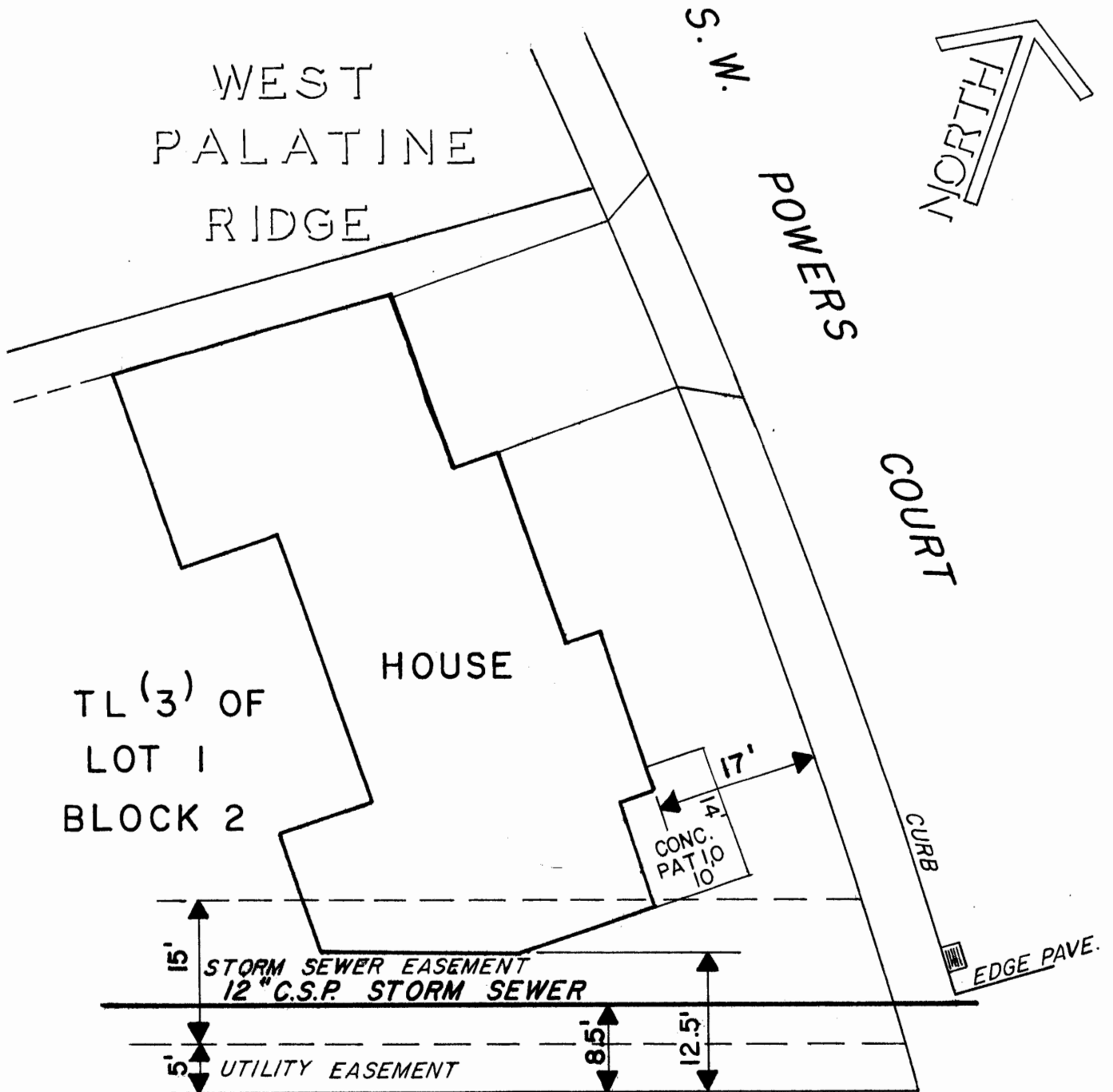
Address: 8215 SE 11th Avenue
Portland, OR 97202

Approved as to form:


City Attorney

*When an acceptance is signed by an officer of a firm or corporation, his or her official title must be stated.

EXHIBIT A



DRAWN BY: JS
CHECKED BY: DWS
DATE 12-6-88

161473

ORDINANCE NO. **161473**

*Granting a revocable permit to Douglas C. Mombell to construct and maintain a structure in a City sewer easement. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Douglas C. Mombell, 8215 SE 11th Avenue, has requested permission to construct and maintain a structure in a City sewer easement on Tax Lot 3 of Lot 1, Block 2, West Palatine Ridge, as shown on Exhibit A which is attached to the Ordinance.
2. Under certain conditions, allowing encroachment in the easement will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

A revocable permit is granted to Douglas C. Mombell (hereinafter known as the Grantee) to construct and maintain a structure in a City sewer easement as heretofore described, and in accordance with the attached plan marked Exhibit "A", subject to the following conditions:

- a. The Grantee agrees to reimburse the City for any repairs, alterations or maintenance of said sewer system required to be made by the City by reason of any damage caused directly or indirectly by the construction, operation or maintenance of said structure.
- b. The Grantee agrees to pay extra costs for repair, maintenance, relocation, reconstruction, or replacement of the sewer due to the existence of the structure.
- c. The Grantee assumes all risk for damages to the structure or to any personal property located in said structure resulting directly or indirectly from failure of the sewer during or at any time following construction of the structure.
- d. The Grantee agrees that the City has the right to access to maintain, repair, reconstruct, renew or replace said sewer where it traverses the property provided that in exercising said rights, the City acts in a reasonable and prudent manner.
- e. The Grantee agrees that the covenants and agreements hereinbefore mentioned are made in adjustment of the mutual relationships arising out of the existing interests of the respective parties in the land above described, and are intended to be and hereby construed as covenants running with the land above described, and as such are to be binding on the Grantee and his successors and assigns.

ORDINANCE No.

- f. This revocable permit is for the use of the sewer easement area only, and shall not exempt the permittees from obtaining any license or permit required by the City Code or Ordinances for 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.
- g. The Grantee agrees that before any construction begins, plans for the proposed structure shall be approved by the Bureau of Environmental Services.
- h. 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 Grantee any vested or other right. Immediately upon the expiration of this permit, or upon its sooner revocation by the Council, the Grantee shall remove said structure from the easement as directed by and to the satisfaction of the City Engineer.
- i. The Grantee shall hold the City of Portland, the City Engineer and each and all of the officers and employees of said City free and harmless from all claims for injury or damage to person or property which may be occasioned by the issuance of this permit, including claims of third parties.

Section 2. This permit shall not become effective until the Grantee has filed with the City Auditor a document satisfactory to the City Attorney and the City Engineer, accepting the terms and conditions thereof.

Section 3. The City Auditor shall cause a certified copy of this Ordinance to be recorded by the County Clerk of Multnomah County in the appropriate record of deeds in his office, and the Grantee shall reimburse the City of Portland for the cost of such recording, this permit not being effective until such reimbursement has been made.

Section 4. The Council declares that an emergency exists because in order to build his structure Douglas C. Mombell must secure permission from the City of Portland allowing encroachment within the sewer easement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **DEC 15 1988**

Commissioner Koch
Don Shires:em
December 6, 1988
BUC 14584170/0041/841

4.4/ORMombell

BARBARA CLARK

Auditor of the City of Portland

By

Mary E Newell Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BLUMENAUER	1	
BOGLE	1	
KOCH	1	
LINDBERG	1	
CLARK	1	

FOUR-FIFTHS CALENDAR	
BLUMENAUER	
BOGLE	
KOCH	
LINDBERG	
CLARK	

Calendar No. **2073**

ORDINANCE No. 161473

Title

~~*Granting a~~ **Revocable permit to Douglas C. Mombell to construct and maintain a structure in a City sewer easement. (Ordinance)**

Filed **DEC 09 1988**

BARBARA CLARK

Auditor of the CITY OF PORTLAND

By Mary L. Howard
Deputy

INTRODUCED BY	
Commissioner Koch	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	BK/3m
Works	
BUREAU APPROVAL	
Bureau: Environmental Services	
Prepared By:	Date:
Don Shires:em	Dec. 6, 1988
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: John Lang, Administrator	
CALENDAR	
Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
NOTED BY	
City Attorney	
City Auditor	
City Engineer	