

11/5/87

ORIGINAL TO BE FORWARDED.

ACCEPTANCE

150144
RECEIVED
NOV 6 1987
OFFICE OF THE
CITY AUDITOR

September 25, 1987

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. 160144, passed by the City Council on September 23, 1987, granting a revocable permit to RREEF WEST-VI to install, use and maintain a private irrigation system in and under the street area of NW Westover Road between NW Everett Street and NW Flanders Street, at a fee of \$210

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,

RREEF WEST-VI

Signature:

Carl Deters

Title:

Carl Deters
District Manager

Address: One SW Columbia Street (58)

Approved as to form:

[Signature]
City Attorney

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

ACCEPTANCE

160144
DEC 4 1987

OFFICE OF THE
CITY AUDITOR

November 5, 1987

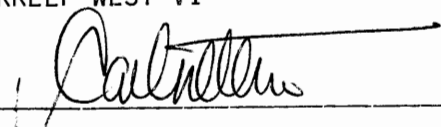
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Room 202, City Hall
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and in consideration of the benefits to be received thereunder by me I hereby agree to abide by and perform each and all of the terms and provisions thereof applicable to me.

Very truly yours,

RREEF WEST-VI

Signature: 

Title:

DISTRICT MANAGER

Address:

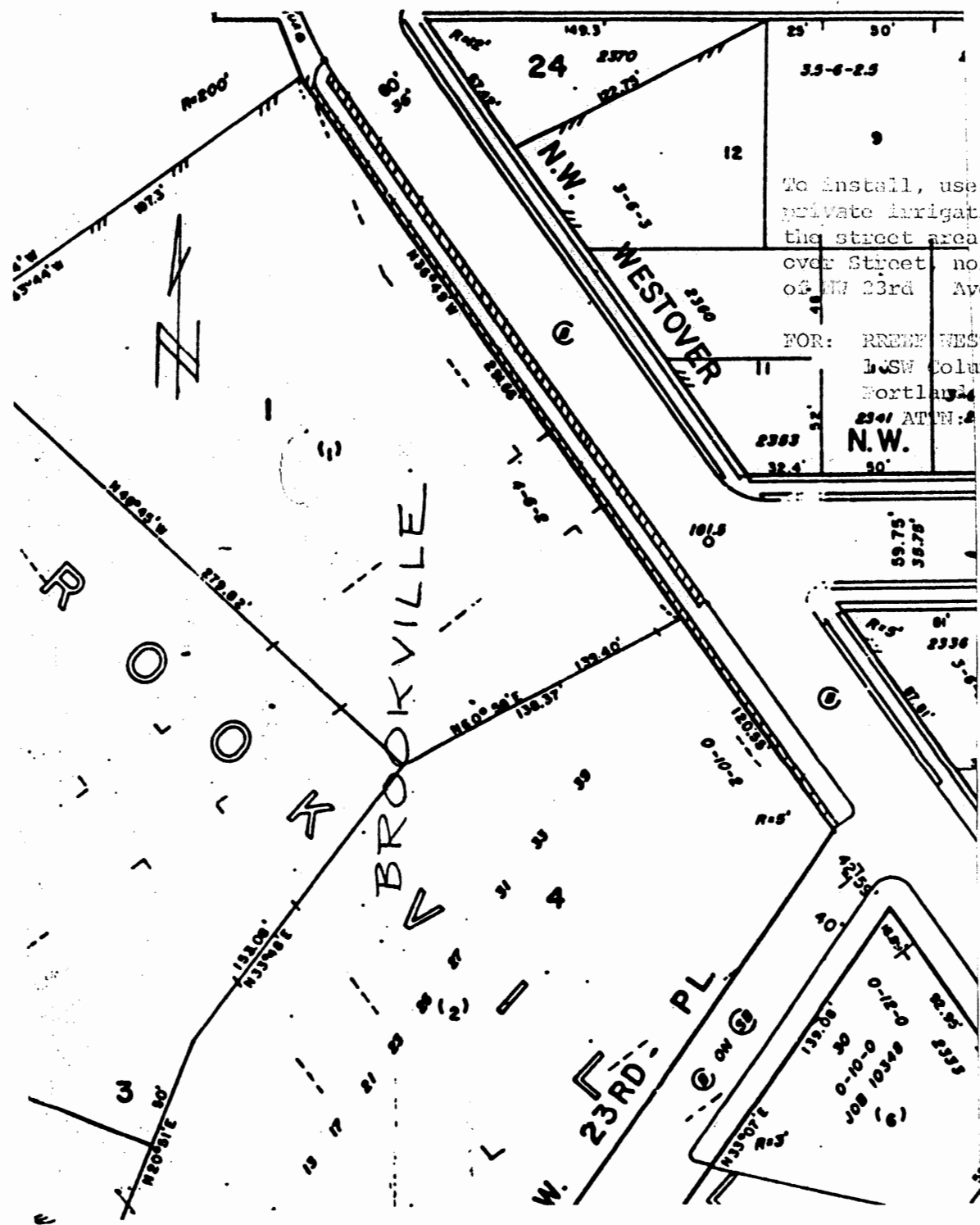
1 SW Columbia
Portland, OR 97258

Approved as to form:

City Attorney

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EXHIBIT A



To install, use and maintain private irrigation system in the street area of NW Westover Street northwesterly of NW 23rd Avenue.

FOR: RRENN WEST-VI
145W Columbia Street
Portland, OR 97258
2541 ATTN: Carl Deters
N.W.

IRRIGATED AREA
NTS

APPROVED

DRAWN BY: STR 3027/4
CHECKED BY: GDM
DATE 9-16-87

BY R.O. Schmitt
City Engineer

ORDINANCE NO. 160144

An Ordinance granting a revocable permit to RREEF WEST-VI to install, use and maintain a private irrigation system in and under the street area of NW Westover Road between NW Everett Street and NW Flanders Street, at a fee of \$210 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That RREEF WEST-VI, a California group trust, through their district manager, Carl Deters (One SW Columbia Street, Portland, OR 97258) have requested permission to install, use and maintain a private irrigation system in and under NW Westover Road between NW Everett Street and NW Flanders Street, adjacent to Tax Lot (1) of Blocks 1 and 4, Brookville, Addition (building permit Application #5643).
2. That the private irrigation system is part of the improvements being made in conjunction with development of a shopping center.
3. That the map showing the location of the private irrigation system, attached to this Ordinance as "Exhibit A", has been approved by the City Engineer.
4. That the desired private irrigation system, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to RREEF WEST-VI, permittees, to install, use and maintain a private irrigation system as described in Section 1-1 above, and located as shown on the map 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 permittees 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 revocable at any time at the pleasure of Council 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 permittees any vested or other right. Within thirty (30) days from the revocation of this permit, the permittees shall remove said irrigation system 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 officer, agents, and employees free and harmless from any claims for damages to persons or property, including legal fees and cost of defending any actions or suits, including any appeals which may result from the use of the street area under this permit.

- (4) The permit is a burden upon the abutting 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. 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) Each new property owner, or owners shall be required to provide proof of insurance to the City Auditor on assumption of title, as referenced in condition (4) above.
- (6) The permittee shall pay the permit fee of \$210 required by Section 17.24.020 of the City Code.
- (7) If, during installation under this permit, it becomes necessary or expedient to modify the location or the plan for the private irrigation system 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.
- (8) The permittee shall, a minimum of two (2) working days prior to beginning construction, notify the Inspection Division office (796-7148) of the proposed work schedule for installation of the private irrigation system..
- (9) Before installation begins, the permittees shall obtain from the Traffic Engineer his or her requirements as to hours of work, traffic control, and the placing of necessary signs and barricades.
- (10) The private irrigation system, except for sprinkler head stand pipes, shall not be installed closer than 1 foot to a curb or front or back of sidewalk and shall be installed a minimum of 18 inches below the top of curb grade adjacent to its location.
- (11) The permittee acknowledges the existence of public and private utilities in this area and agrees to provide access for any utility construction, maintenance, repair and/or operation, and further the City, utility company, or their contractors will not be responsible for restoration or payment for any improvements including the private irrigation system in the public right-of-way if such things are damaged or destroyed by the City, utility, or their contractor in the course of maintenance or replacement of existing sewer, water facilities, utilities, and/or street improvements.
- (12) The permittee shall reimburse the City for the cost of filing by the City Auditor a certified copy of this Ordinance with the Records Division of Multnomah County.

ORDINANCE No.

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

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 installation, use and maintenance of the private irrigation system in the street area of NW Westover Street; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Commissioner Earl Blumenauer
Steve Riddell/rms
September 15, 1987
15983442/0126/834

Passed by the Council, **SEP 23 1987**

BARBARA CLARK

Auditor of the City of Portland

By *Mary E Newell* Deputy

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

FOUR-FIFTHS CALENDAR	
BLUMENAUER	
BOGLE	
KOCH	
LINDBERG	
CLARK	

Calendar No. 1635

ORDINANCE No. 160144

Title

An Ordinance granting a revocable permit to RREEF WEST-VI to install, use and maintain a private irrigation system in and under the street area of NW Westover Road between NW Everett Street and NW Flanders Street, at a fee of \$210 and declaring an emergency.

Filed SEP 18 1987

BARBARA CLARK

Auditor of the CITY OF PORTLAND

By Nancy Dunford Deputy

INTRODUCED BY	
<i>Earl Blumenauer</i>	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>EB/jp</i>	
BUREAU APPROVAL	
Bureau:	
Prepared By:	Date:
S.T. Riddell	9/16/87
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>R.O. Schmidt</i>	
R. O. Schmidt	
CALENDAR	
Consent	Regular
NOTED BY	
City Attorney	
City Auditor	
City Engineer	
R. O. Schmidt	
<i>R.O. Schmidt</i>	