

ORDINANCE NO. **158794**

An Ordinance granting a revocable permit to Cornerstone Development Company or to authorize their contractor, to place soldier piling underground in the street area of SW Montgomery Street easterly of the easterly line of SW Harbor Way, establishing conditions, at a fee of \$177.50, and declaring an emergency

The City of Portland ordains:

Section 1. The Council finds:

1. Ratti Fossatti Associates, P.S., consulting engineers, has submitted plans for approval on behalf of Cornerstone Development Company, 1011 Western Avenue #500, Seattle, Washington 98104, record owners of Lot 4 and Lot 5, Block 103, Portland Add, to place soldier piling underground in the street area of SW Montgomery Street easterly of the easterly line of SW Harbor Way adjacent to said Lots 4 & 5, in conjunction with the proposed construction of the River Place Office and Residential Building (Building permit application #4625B and revisions for 1986).
2. That the said soldier piling will be located in a manner that should not interfere with present or future utilities located in the above named street adjacent to said Lots 4 & 5.
3. That the granting of the desired permission, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

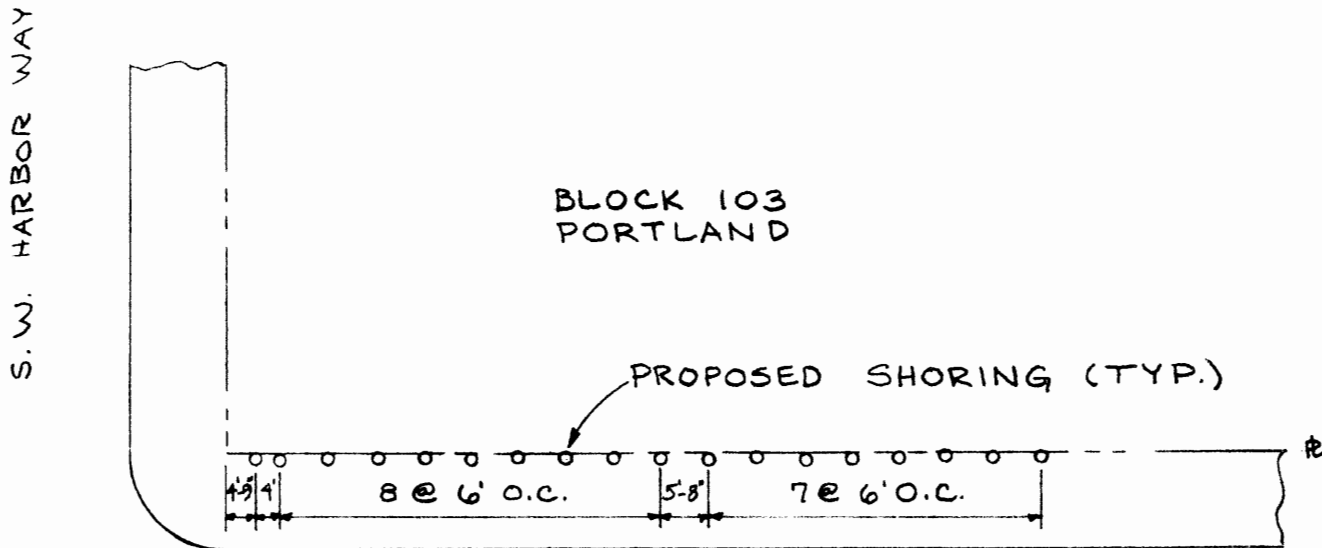
- a. A revocable permit is granted to Cornerstone Development Company, permittees, to place soldier piling underground in the street area described in Section 1-1 above and located as shown on the map marked "Exhibit A", attached to and by reference made a part of this Ordinance, subject to the following 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.
  - (2) This permit is revocable at any time at the pleasure of the 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.
  - (3) The permittees shall pay the permit fee of \$177.50 required by Section 17.24.020 of the City Code.

- (4) The permittees shall protect 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 thereon, including any appeals therefrom which may result from the granting of this permit. The approval of said plans by the City shall in no way relieve the permittees from any responsibility.
- (5) This permit shall not become effective until the permittees shall have filed with the City Auditor an insurance policy which has been approved by the City Attorney in the amount of \$1,000,000 or more for combined bodily injury and property damage with cross liability, naming the City as an additional named insured.
- (6) The plans for the soldier piles have been submitted and approved by the City Engineer. It is understood by permittees that such plan approval shall not work as an estoppel nor shall it be construed as a defense to the permittees' guarantee to reimburse the City for damage or destruction of utilities or private property as set forth in paragraph 7 below.
- (7) The permittees guarantee to the City the cost of any repairs or replacement of utilities or private property damaged or destroyed caused in whole or in part by activities in, or installing of, the soldier piles. Permittees further agree to guarantee all costs incurred by the City in ascertaining the extent of damage or destruction to utilities or private property. The permittees recognize and agree that the City cannot guarantee the accuracy of location of utilities in the street, and that the information used by the by City and furnished the permittees in approving the plans may be incorrect; and permittees further agree to be responsible for any and all damage caused by the use of soldier piles, although such damage or destruction may have resulted in whole or in part because of the City's mislocation or misinformation in relation to the utilities.
- (8) The Bureau of Buildings shall inspect the construction allowed under this permit and further that any changes that may be required during construction shall first be approved by the City Engineer before work resumes.
- (9) The permittees shall provide the City Engineer with a final, revised, complete set of plans after excavation, construction, and installation of the soldier piles. The plans shall accurately represent the soldier piles as built, shall show the exact location of all installations within the public right-of-way, and shall be certified by the Building Bureau Inspector to be a true and accurate representation thereof.
- (10) Upon order of the City Engineer, permittees shall immediately stop work and repair any damage to the street areas or utilities or private property as directed. Resumption of work using soldier piles shall be at the discretion of the City Engineer.
- (11) The permittees shall cut off soldier piles at least 5 feet below gutter grade when soldier piles are placed in the public right-of-way unless specifically approved otherwise by the City Engineer.

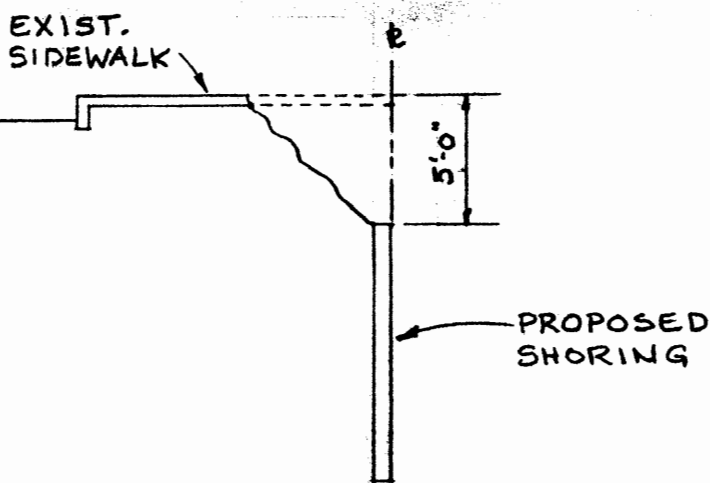
**EXHIBIT A**

To place soldier piling underground in the street area of SW Montgomery Street easterly of the east line of SW Harbor Way.

For: Cornerstone Development Co.  
1011 Western Avenue #500  
Seattle, Wa 98104



S.W. MONTGOMERY ST.



TYPICAL SECTION

DRAWN BY: JER

CHECKED BY: \_\_\_\_\_

DATE 9 JULY 86

1/4 SEC 3229



N.T.S.

**APPROVED**

BY R. O. Schmitt  
City Engineer *OC*

**ORDINANCE No.**

- (12) Permittee's contractor shall fill all voids as they occur in the back of the shoring with approved materials and by procedures approved by the City Engineer.

Section 2. This Ordinance will not become effective until the permittees have 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.

Section 3. The Council declares that an emergency exists because it is necessary that the permit herein granted shall be issued without delay in order to allow the permittees to immediately proceed with plans for construction; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **JUL 17 1986**

Commissioner Margaret D. Strachan  
Harry A. Hendricksonsdg  
July 9, 1986  
15983442/6831/834

**Jewel Lansing**  
Auditor of the City of Portland

By

*Eana Cervera* Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
BOGLE	1	
LINDBERG	1	
SCHWAB		
STRACHAN	1	
CLARK	1	

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. **1467**

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### Title

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Filed JUL 10 1986

JEWEL LANSING  
Auditor of the CITY OF PORTLAND

By Edna Torres  
Deputy

INTRODUCED BY
Commissioner Margaret D. Strachan

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities <i>MDS/jp</i>
Works

BUREAU APPROVAL
Bureau:
Transportation Engineering
Prepared By: Date:
Harry A. Hendrickson 7/9/86
Budget Impact Review:
<input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>R. O. Schmidt</i>
R. O. Schmidt, P.E. <i>Exc</i>

CALENDAR
Consent XXX Regular

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