

ACCEPTANCE

158795
RECEIVED
JUL 22 1986
OFFICE OF THE
CITY AUDITOR

Portland, Oregon July 18, 19 86

JEWEL LANSING
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. 158795, granting a revocable permit to Charles M. Nance and D. Dustin Posner, to construct and maintain a private sewer in and under the street area of NW Quimbly Street at a fee of \$31.00,

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,


CHARLES M. NANCE



D. DUSTIN POSNER

2815-A NW Cornell Road

Address

PORTLAND, OREGON 97210

Approved as to form. **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.

ORDINANCE NO. **158795**

An Ordinance granting a revocable permit to Charles M. Nance and D. Dustin Posner, to construct and maintain a private sewer in and under the street area of NW Quimby Street at a fee of \$31.00 and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That D. Dustin Posner, 2815-A NW Cornell Rd., Portland, OR, 97210, has requested permission to construct and maintain a private sewer line in and under NW Quimby St.
2. That the private sewer is needed to serve a proposed house.
3. That the plan for the proposed sewer, attached to this ordinance as "Exhibit A", has been approved by the City Engineer.
4. That the desired private sewer, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. A revocable permit is granted to Charles M. Nance and D. Dustin Posner, 2815-A NW Cornell Rd., Portland, OR 97210, permittee, to construct and maintain a private sewer in and under the area of NW Quimby Street to serve a proposed house on TL 5, Block A, Fordham Heights, as shown on the plan 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 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.
 - (1a) A separate sewer connection permit for this work will be required in accordance with Chapter 17.24 of the City Code, the Charter of the City of Portland and the Standard Construction Specifications of the City of Portland.
 - (2) This permit is revocable at any time in the event the public's need requires it and no expenditure or 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 grantee any vested or other right. Upon revocation of this permit by the Council, the grantee shall within 30 days remove the said private sewer and restore the street areas as required by and to the satisfaction of the City Engineer.

- (3) 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 the use of the street area under this permit.
- (4) The permittee shall pay the permit fee of \$31.00 required by Section 17.24.020 of the City Code.
- (5) 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 construction of the private sewer.
- (6) Before construction begins, the permittees shall obtain from the Traffic Engineer his requirements as to hours of work, traffic control, and the placing of necessary signs and barricades.
- (7) If during construction under this permit it becomes necessary or expedient to modify the location of the plan for the private sewer as to size or type of materials, 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 laying of said private sewer within the street area shall be as directed by and to the satisfaction of the City Engineer. Any maintenance required by any portion of said installation within the street area shall be attended to by the permittee immediately at his own cost as directed by and to the satisfaction of the City Engineer. The permittee shall also maintain surface of the streets in the affected area to the satisfaction of the City Engineer.
- (9) This permit shall run with the land as to the conditions and obligations herein imposed and shall be binding upon the present owner or owners of Tax Lot 5, Block A, Fordham Heights Addition, their heirs and assigns as long as such permit shall remain in effect.
- (10) The City Auditor shall cause a certified copy of this Ordinance to be recorded by the Clerk of Multnomah County in the appropriate Records of Deeds in his office, and the permittee shall reimburse the City of Portland for the cost of such recording.

ORDINANCE No.

- (11) The permittees hereby covenant and agree that said property owned by them shall be counted in favor of any sewer line which shall be planned by the City of Portland for serving the property described above, and further covenant and agree not to remonstrate against the construction of any such said sewer line and the assesment of said property for its proportionate portion of the cost thereof.

Section 2. This Ordinance will not become effective until the permitte 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.

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 construction of a private sewer in the street area of NW Quimby Street; therefor this Ordinance shall be in force and effect after its passage by the Council.

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

Commissioner Dick Bogle
D. Shires : sjs
July 1, 1986
Consent Calendar
BUC 14584170/0041/841

Jewel Lansing

Auditor of the City of Portland

By

Eana Cervera

Deputy

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

FOUR-FIFTHS CALENDAR	
BOGLE	
LINDBERG	
SCHWAB	
STRACHAN	
CLARK	

Calendar No. **1468**

ORDINANCE No. **158795**

Title

An Ordinance granting a revocable premit to Charles M. Nance and D. Dustin Posner, to construct and maintain a private sewerin and under the street area of N.W. Quimby Street at a fee of \$31.00 and declaring an emergency.

Filed **JUL 9 1986**

JEWEL LANSING
Auditor of the CITY OF PORTLAND

By *Edna Crocca*
Deputy

INTRODUCED BY	
Commissioner Bogle	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	
Safety	
Utilities	
Works <i>Dick Bogle</i>	
BUREAU APPROVAL	
Bureau: Environmental Services	
Prepared By:	Date:
D. Shires:sjs	July 1, 1986
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>John Lang</i> J.M. Lang, Administrator <i>WCS</i>	
CALENDAR	
Consent	Regular
NOTED BY	
City Attorney	
City Auditor	
City Engineer <i>Richard O. Schmitt</i>	