

*Repealed
by
148026*ORDINANCE NO. **147912**

An Ordinance granting a revocable permit to Meier & Frank Co., Inc., to continue their on-street loading, unloading operations in a portion of SW Alder Street between SW 5th Avenue and SW 6th Avenue adjacent to their property, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. Meier & Frank Co., Inc., 621 SW 5th Avenue, Portland, Oregon 97204, has requested permission to continue their on-street loading, unloading operations for the purposes of transporting goods, materials, and equipment to and from the store, and for temporary storage of these goods while in transit in the sidewalk area of SW Alder Street adjacent to Block 173, Portland, as long as the store remains in operation under the present owners and occupants.
2. That the granting of this continuing use of the street area, under certain conditions, will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

- a. Permission hereby is granted on a revocable basis to Meier & Frank Co., Inc., grantee, to continue using a portion of SW Alder Street adjacent to their property for their on-street loading, unloading operations of goods, materials and equipment over and across the sidewalk area and for temporary storage of these said goods in the sidewalk while in transit, subject to the following conditions:
 - (1) Vehicles being loaded or unloaded shall be parked in a manner that will not block normal passage of other vehicle traffic on SW Alder Street.
 - (2) That the grantee shall, at all times, provide for the passage of pedestrians in the sidewalk area adjacent to their property.
 - (3) This permit shall not exempt the grantee 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.

- (4) This permit is revocable at any time at the pleasure of the Council 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 grantee any vested or other right.
- (5) The grantee 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 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 automatically revoked without further action by the Council if this insurance is permitted to lapse, is cancelled or, for any other reason, becomes inoperative.
- (6) The grantee shall pay the permit fee of \$10.00 required by Section 17.24.020 of the City Code.
- (7) This permit is personal to the grantee and shall not run with the land, nor may the same be transferred, assigned or otherwise disposed of by the grantee.
- (8) The grantee shall reimburse the City for the cost of filing by the City Auditor of a certified copy of this Ordinance with the Records Division of Multnomah County.

Section 2. This Ordinance will not become effective until the grantee has filed with the City Auditor both a document accepting the terms and conditions hereof, and the evidence of insurance, each of which has been approved by the City Attorney.

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 to continue on-street loading, unloading operations; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 20 1979

Commissioner Connie McCready
Harry Hendrickson:mmc
June 5, 1979

Attest:


Mayor of the City of Portland


Auditor of the City of Portland