

ORDINANCE NO.

150522

Accepted NOV 7 1980

NOV 7 1980

An Ordinance granting a revocable permit to M. A. Sher Construction, Inc. to construct and maintain a building and a walkway at 4821-37 SW Beaverton-Hillsdale Highway over an easement for an 18" diameter City sewer and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. M. A. Sher Construction, Inc., 995 SW Sher Lane, Lake Oswego, has requested permission to construct and maintain a building and walkway over an easement for an existing 18" diameter City sewer in private property, Lots 16-19, Block 8, Fairvale.
2. Under certain conditions allowing construction will not be detrimental to the public interest.

NOW, THEREFORE, the Council directs:

A revocable permit is granted to M. A. Sher Construction, Inc. (hereinafter known as the grantee) to construct and maintain a building and a walkway over 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 that before any construction begins, plans for the proposed building and walkway shall be approved by the City Engineer.
- b. 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 building and walkway.
- c. The grantee agrees to pay extra costs for repair, maintenance, reconstruction, or replacement due to the existence of the building and/or walkway.
- d. The grantee assumes all risk for damages to the building and walkway or to any personal property located in said building resulting directly or indirectly from failure of the sewer during or at any time following construction of the building and walkway and to assume loss of business due to interruption because of maintenance or failure of the said sewer.
- e. The grantee agrees that the City has the right of access to maintain, repair, reconstruct, renew or replace said sewer where it

## ORDINANCE No.

traverses the property provided that in exercising said rights, the City acts in a reasonable and prudent manner.

- f. The grantee agrees that the covenants and agreements hereinbefore mentioned are made in an 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.
- g. 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 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 building and walkway from over the easement as directed by and to the satisfaction of the City Engineer.
- h. 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 persons 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 shall have filed with the City Auditor a document satisfactory to the City Attorney and 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 for M. A. Sher Construction to build their facilities it is necessary to construct a building and walkway over the sewer, therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council. OCT 2 1980

Commissioner Mike Lindberg  
RCC:es  
September 23, 1980  
BUC No. 14621610

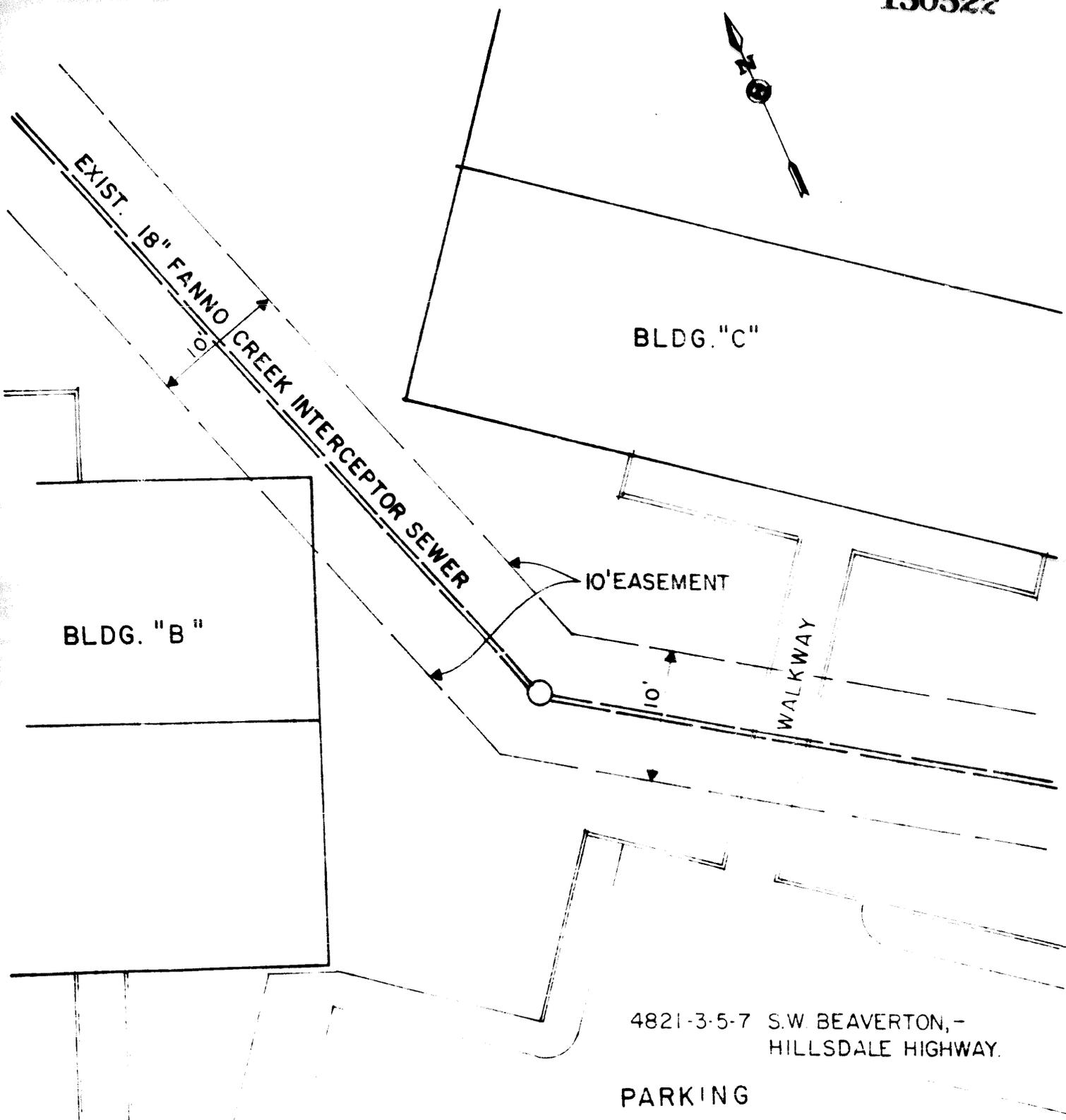
Attest:

Auditor of the City of Portland

*George Yerhovich*

# EXHIBIT - "A"

150522



SCALE: 1" = 10'

**APPROVED**

DRAWN BY T.A.R. CHECKED BY R.C.C.

9-16-80

1/4 SEC. 3524 LOT 16-19 BLOCK 8, FAIRVALE.

By \_\_\_\_\_  
City Engineer  
Reg. Prof. Engr.

AUD 50-25-640

RECEIVED

Nov 6 9 55 AM 1980

# ACCEPTANCE

GEORGE YERKOVICH, AUDITOR  
CITY OF PORTLAND, ORE.

BY [Signature]

Portland, Oregon, October 9, 1980 1980

GEORGE YERKOVICH  
Auditor of the City of Portland.  
Room 202, City Hall  
Portland, Oregon 97204

Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 150522, passed by the Council October 8, 1980, granting a revocable permit to M.A. Sher Construction, Inc. to construct and maintain a building and a walkway at 4821-37 SW Beaverton-Hillsdale Highway over an easement for an 18" diameter City sewer and declaring an emergency,

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,

[CORPORATE SEAL]

M.A. Sher Construction, Inc.

[Signature] (PRESIDENT)

995 SW Sher Lane

Address

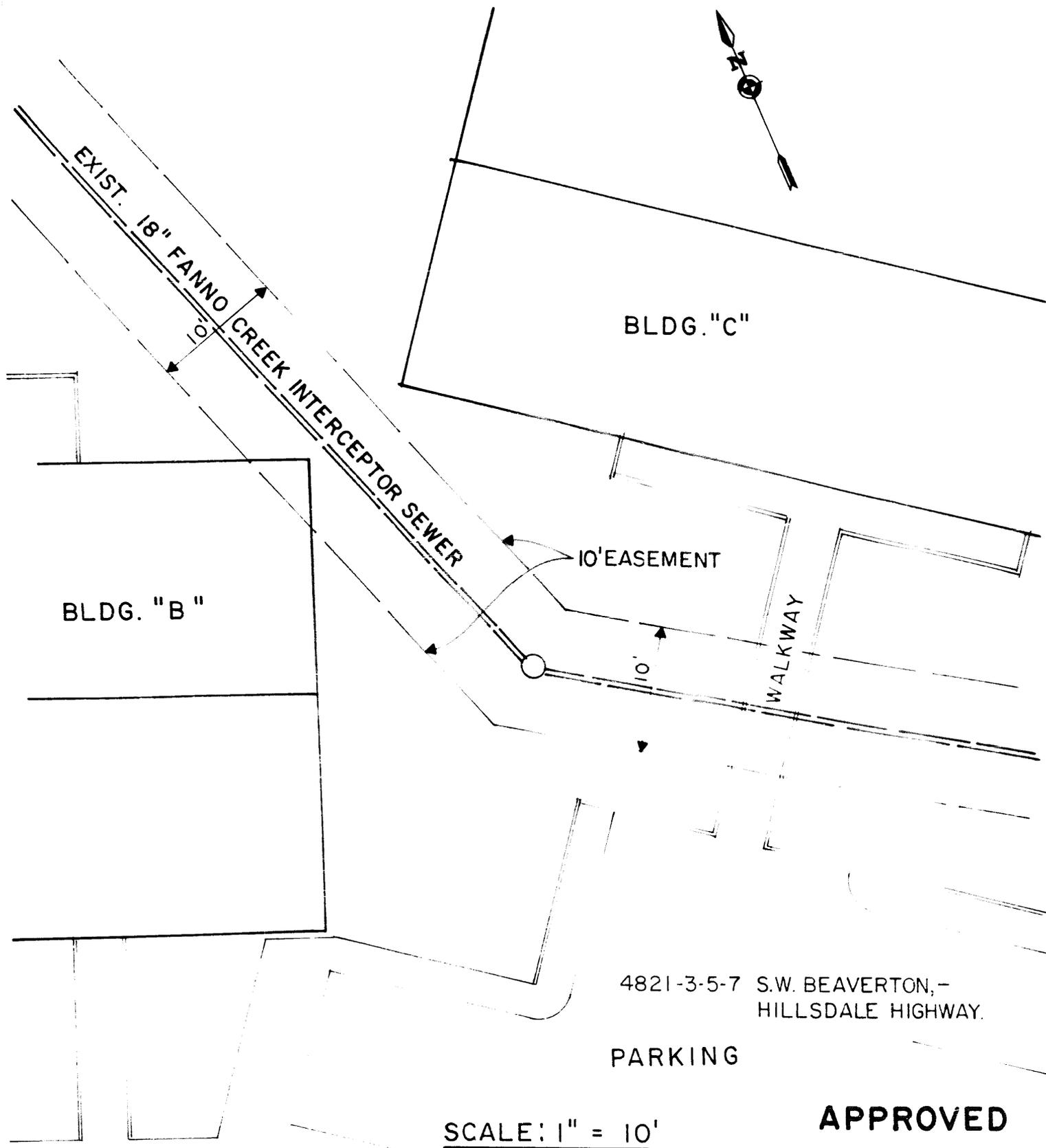
Approved as to form: TO FORM

[Signature]  
CITY ATTORNEY

11-4-80  
Please see Ordinance # 150656  
dated 10-29-80  
[Signature]

\*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

# EXHIBIT - "A"



4821-3-5-7 S.W. BEAVERTON, -  
HILLSDALE HIGHWAY.

PARKING

SCALE: 1" = 10'

**APPROVED**

DRAWN BY T.A.R. CHECKED BY R.C.C.  
9-16-80

1/4 SEC. 3524 LOT 16-19 BLOCK 8, FAIRVALE.

By \_\_\_\_\_  
City Engineer  
Reg. Prof. Engr.

Amended by  
Ord No 150656

150522

ORDINANCE NO. 150522

An Ordinance granting a revocable permit to M. A. Sher Construction, Inc. to construct and maintain a building and a walkway at 4821-37 SW Beaverton-Hillsdale Highway over an easement for an 18" diameter City sewer and declaring an emergency.

The City of Portland ordains:

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# ORDINANCE No.

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- g. 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 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 building and walkway from over the easement as directed by and to the satisfaction of the City Engineer.
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Passed by the Council, **OCT 8 1980**

Commissioner Mike Lindberg  
RCC:es  
September 23, 1980  
BUC No. 14621610

Attest:

  
Auditor of the City of Portland

3607

Calendar No. 8597

# ORDINANCE No. 150522

## Title

An Ordinance granting a revocable permit to M. A. Sher Construction, Inc. to construct and maintain a building and a walkway at 4821-37 SW Beaverton-Hillsdale Highway over an easement for an 18" diameter City sewer and declaring an emergency.

**THURSDAY**

**OCT 2 1980**

CONTINUED TO **OCT 8 1980**

Filed **SEP 25 1980**

**GEORGE YERKOVICH**  
Auditor of the CITY OF PORTLAND

*George Yerkovich*  
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Ivancie	/	
Jordan	/	
Lindberg	/	
Schwab	/	
McCready	/	

FOUR-FIFTHS CALENDAR	
Ivancie	
Jordan	
Lindberg	
Schwab	
McCready	

INTRODUCED BY
Commissioner Mike Lindberg

NOTED BY THE COMMISSIONER
Affairs
Finance and Administration
Safety
Utilities
Works Public Works <b>ML/MS</b>

BUREAU APPROVAL
Bureau: Sanitary Engineering
Prepared By: Date: <b>9/23/80</b>
R.G. Countryman
Budget Impact Review: <input type="checkbox"/> Completed <input type="checkbox"/> Not required
Bureau Head: <i>J. P. Mehuser</i>

CALENDAR
Consent <input checked="" type="checkbox"/> Regular

NOTED BY
City Attorney
City Auditor
City Engineer <i>John Lang</i> <b>John M. Lang</b>