

## ORDINANCE No. 95122

An Ordinance granting a revocable permit to R. G. Fischer, 4139 N.E. Ainsworth St., to landscape the west side of N.E. 42nd Avenue from N.E. Ainsworth Street to 102 feet northerly therefrom, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. It appearing to the Council that R. G. Fischer has applied for permission to landscape the west side of N.E. 42nd Avenue between N.E. Ainsworth Street and 102 feet northerly therefrom, adjoining Lot 4, Block 1, Ainsworth Park Addition, and that the said portion of said street is not presently being used for public travel, and that the granting of the desired permit under certain conditions will not be detrimental to the public interest; therefore, a revocable permit is hereby granted to R. G. Fischer (hereinafter referred to as the grantee) to landscape the west side of N.E. 42nd Avenue at the location heretofore set forth, this permit being granted subject to the following conditions:

(a) The landscaping herein authorized shall be done in such a manner that there will be sufficient space adjoining the roadway in said street which shall be unobstructed and useable for pedestrian travel.

(b) This permit is for landscaping only and shall not be construed as authorization for construction of fences, buildings, or other improvements in said area nor shall it be authorization for materially changing the grade of said street area.

(c) 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 any claims for damages to persons or property, or from any liability of any character whatsoever arising or growing out of the use of the street area authorized by this permit.

(d) This permit is revocable at any time at the pleasure of the Council, and no expenditure of money hereunder, 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, the grantee shall within thirty (30) days remove all shrubbery and other obstructions of whatever nature which may have been placed in the street as required by and to the satisfaction of the City Engineer and cease to use the said portion of said street for landscaping purposes.

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(e) Within ten (10) days from the date hereof, the grantee shall file with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

(f) The City Auditor shall cause a certified copy of this ordinance to be recorded in the appropriate deed record files in the office of the County Clerk for Multnomah County, and this permit shall not become effective until the grantee shall have paid to the City of Portland the required fee for such filing.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that the privileges herein granted may be available to the grantee without undue delay; therefore, an emergency is hereby declared to exist, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, SEP 27 1951

*Dorothy McCullough Lee*  
Mayor of the City of Portland  
*Will Gibson*

Attest:

Auditor of the City of Portland

Calendar No. 5005

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### Title

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THURSDAY

Filed..... SEP 20 1951'

*Will Gibson.*  
Auditor of the CITY OF PORTLAND

By..... ROBERT L. McCOY  
Deputy

### THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Bennett	/	
Bowes	/	
Peterson	/	
Lee	/	

### FOUR-FIFTHS CALENDAR

Bean	
Bennett	
Bowes	
Peterson	
Lee	

### INTRODUCED BY

Wm. A. Bowes

### DRAWN BY

GJL chv

Date September 19, 1951

### NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works

WM.A.BOWES V

City Attorney

### NOTED FOR CITY AUDITOR

RSI

JHL

### APPROVED

Date

By

Chief Civil Engineer

Date

By

City Engineer