

121995

RECEIPT

No. 50225

OFFICE OF
SI COHN, COUNTY CLERK
MULTNOMAH COUNTY, OREGON

RECORDING DEPARTMENT

NAME

City Auditor

FILE NO.

DOCUMENT

PARTIES

C/C

Ord #121995

Geo

Recorded 3-24-66
Book 478
page 123

ACCEPTANCE

372

Portland, Oregon, March 5, 1966

RAY SMITH
Auditor of the City of Portland,
Room 202, City Hall
Portland 4, Oregon
Dear Sir:

This is to advise the City of Portland, Oregon, that I hereby accept the terms and provisions of Ordinance No. 121995 granting a revocable permit to Western Pacific Development Company, 1600 N. E. 66th Avenue, to lay, use and maintain a six-inch concrete private sewer line in and under S. W. California Street and in and under and across S. W. 35th Avenue to connect into a manhole on an existing City sewer, providing conditions, 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]

WESTERN PACIFIC DEVELOPMENT COMPANY

By *J. W. Burford*
J. W. Burford, Secretary-Treasurer
1600 N.E. 66th Avenue, Portland, Ore. 97213

Approved as to form:

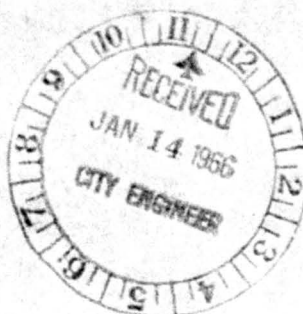
W. C. Crashing
Chief Deputy City Attorney

RECEIVED
MAR 23 8 50 AM '66
CITY OF PORTLAND, ORE.

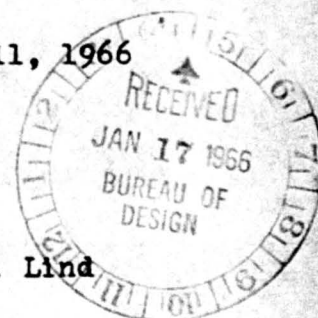
*When an acceptance is required from a firm or corporation the Acceptance must be signed by an officer of the firm or corporation stating his or her official title, and corporations must affix the corporate seal.

121995

6538



January 11, 1966



Norman R. Drulard
City Engineer
City Hall
Portland, Oregon

Attention To: William S. Lind

Gentlemen:

We would like to make a request through your office to construct a private sewer line for a residence located at 3519 S.W. California St.

We have checked the methods through your office of installing a sewer line from this residence to an existing sewer trunk that the City of Portland now has at 35th Avenue and find that the most feasible and economical way would be to run in the parking about 90'-0" on S.W. California St. to the City right of way on S.W. 35th Avenue and thence to the manhole across the street which is about 12'-0" deep at this point. It was suggested and we agreed to use 6" concrete sewer pipe.

We are making this request because there are no other houses or lots available between S.W. 35th and S.W. 36th Avenue on S.W. California St. which means that if the City of Portland made us run a main trunk sewer line in the street at this time, we would be the only house served. We have agreed by signing a waiver that if the City of Portland ever installs a trunk line on said S.W. California St. that we will not resist or object to it. However, we have been told that none will be built in the foreseeable future.

Attached, you will find a sketch showing how we propose to install the prior mentioned 6" sanitary sewer line. I hope this meets with your approval.

Very truly yours,

Western Pacific Development Co.

W. Burford Sec.-Treas.
1600 NE 66th

ORD. WRITTEN
2-15-66
KFP

NO.	6538	SUBJECT	Sewers General
DEPARTMENT OF PUBLIC WORKS			
FOR YOUR ATTEN.	NRD/	WSL	
ACK.			
REC'D			
FORW'D	WTM		
REC'D			
SENT TO FILES BY	KFP	DATE	2-16-66

See Steve Sabat
Street area possibly
WSL 1/14/66

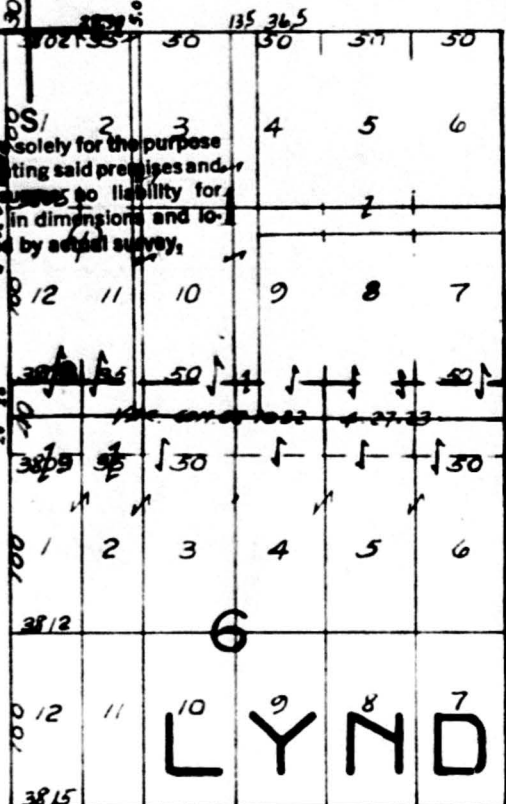
RD. N^o 2005

RD. N^o 2005

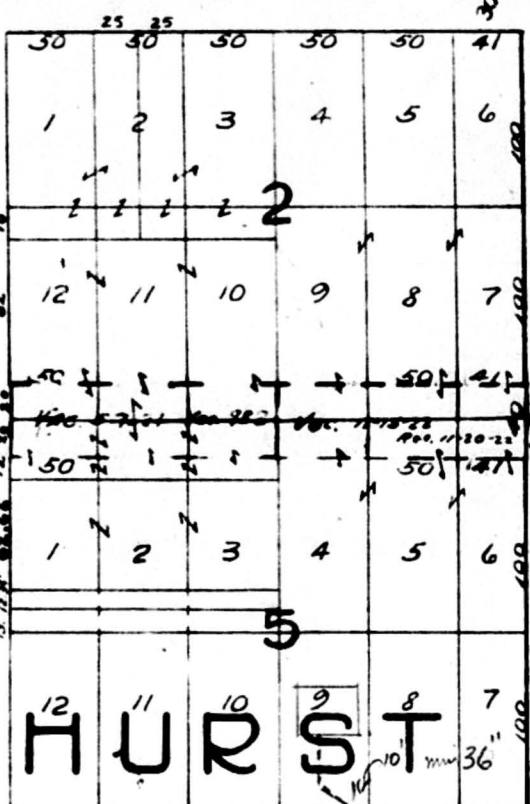
N. 89° 07' W.

1/4 Cor.

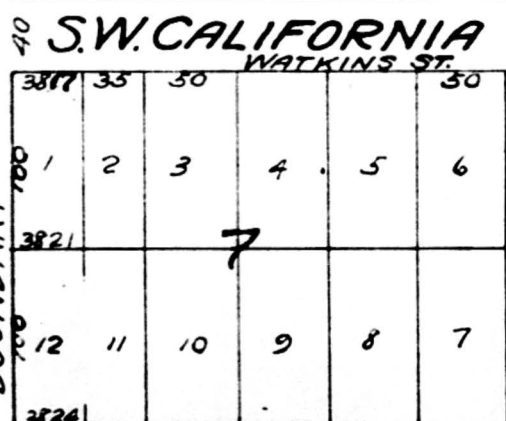
This print is made solely for the purpose of assisting in locating said premises and the company assumes no liability for variations, errors in dimensions and location ascertained by actual survey.



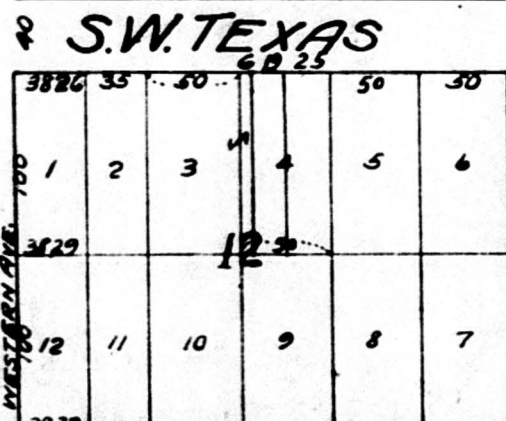
AVE.



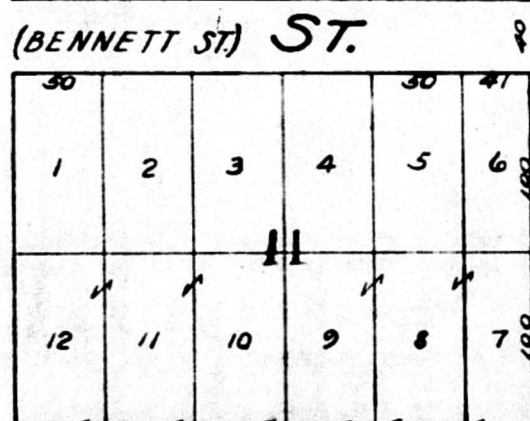
AVE



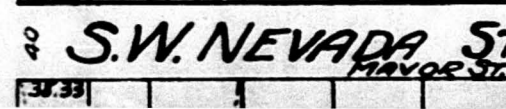
ROAD-1333-50



S.W. 36TH



GAYMON BLVD



8C.5P.
M.H.
D=12.2

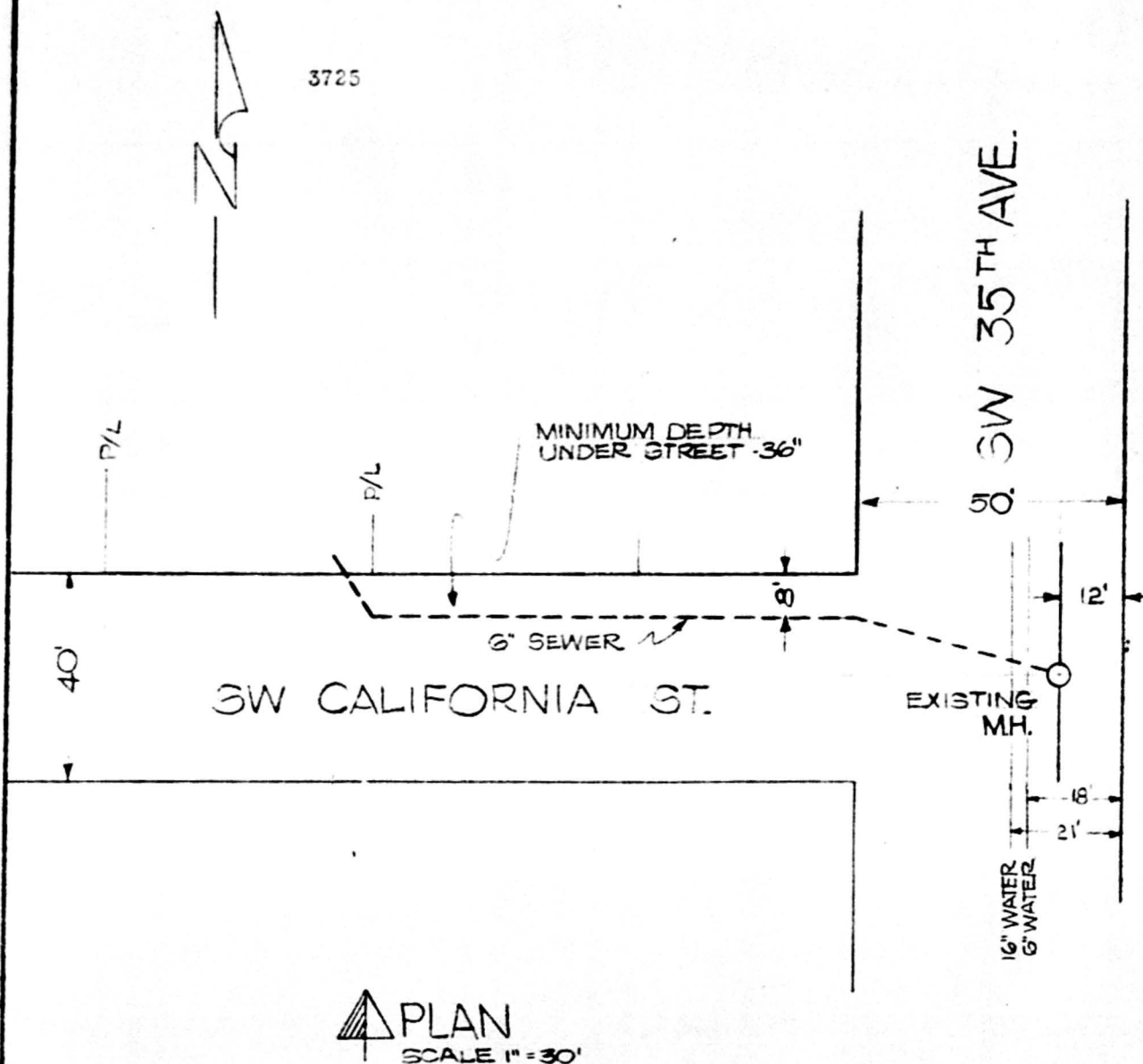
3725

EXHIBIT - "A"

To construct and maintain a 6-in. private sewer line in the street area of SW California St. between SW 36th Ave. and the east line of SW 35th Ave., adjoining lots 9, 8, and 7, Block 5, Lyndhurst Add.

For: Western Pacific Development Co.
1600 NE 66th Ave.

3725



PLAN
SCALE 1" = 30'

APPROVED
AS TO LOCATION OF SEWER LINE IN PLACE
NOTIFICATION TO THE CITY OF SEWERAGE
AND WATER DEPARTMENT

FEB 2 1966

N. J. BRULARD, P.E., 1956, CITY ENGINEER

APPROVED
AS TO WATER MAINS
NOTIFY WATER OPERATIONS
DIVISION PRIOR TO CONST.
R. KENNETH ANDERSON
CHIEF ENGINEER

2-2-66

APPROVED

By *[Signature]*
City Engineer
Reg. Prof. Engr. 5468

DRAWING BY: KEP CHECKED BY: WSL

ORDINANCE NO.

121995

An Ordinance granting a revocable permit to Western Pacific Development Company, 1600 N. E. 66th Avenue, to lay, use and maintain a six-inch concrete private sewer line in and under S. W. California Street and in and under and across S. W. 35th Avenue to connect into a manhole on an existing City sewer, providing conditions, and declaring an emergency.

The City of Portland ordains:

Section. The Council finds that the Western Pacific Development Company has, through J. W. Burford, Secretary-Treasurer, made written application for permission to lay, use, and maintain a six-inch concrete private sewer line in and under S. W. California Street and in and under and across S. W. 35th Avenue, connecting a residence on Lot 9, Block 5, Lynd Hurst, with an existing City sewer in S. W. 35th Avenue, that said lot would be the only lot served by a sewer on S. W. California Street between S. W. 35th Avenue and S. W. 36th Avenue, and the City has no plans at the present time for extending a trunk line on the aforementioned street, that said sewer is needed, and that the granting of the desired permission, under certain conditions will not be detrimental to the public interest; now, therefore, a revocable permit is hereby granted to Western Pacific Development Company to lay, use and maintain a six-inch concrete private sewer line as a bove described, and as shown on the attached plan marked Exhibit "A" and hereby made a part of this Ordinance, this permit being granted subject to the following conditions:

(a) This permit is for the use of the street area only and shall not exempt the grantee from taking out any license or permits required by any existing Ordinance for any operation or maintenance under the permit hereby granted nor for making arrangements satisfactory to any public utility involved for the use of its facilities or equipment.

(b) The grantee shall warrant that all materials and workmanship under this permit shall comply with all regulations of the City Sewer Department and the Plumbing Code.

(c) 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 30 days remove the said sewer pipe line from the street area and restore the said street to a condition comparable to adjacent portions of said street as required by and to the satisfaction of the City Engineer. Such removal and restoration to be entirely at the grantee's own expense.

(d) The grantee shall hereby covenant and agree that since the said permit is strictly revocable and may be cancelled at any time, when a sewer is installed which is designed for furnishing said property or if the sewer to which connection is to be made hereunder becomes overloaded, and as owner of said property, the grantee further agrees that said property shall be counted as in favor of any sewer which shall be planned by the City of Portland for serving the property first above described and further covenants and agrees not to remonstrate against the making of such a sewer and assessing said property for its portion of the cost thereof; the covenants herein contained are to and with the City of Portland, a municipal corporation under the laws of Oregon, and said covenants shall be taken and construed as running with the land first above described.

ORDINANCE No.

(e) 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 occasioned by any construction, maintenance or operation of said pipe lines.

(f) The grantee shall maintain the surface of the street area around the said pipe line from settlement and, in the event that it shall become necessary for the City of Portland to make street repairs or fills on account of such settlement, the grantee shall agree to reimburse the said City for any cost incurred in connection therewith.

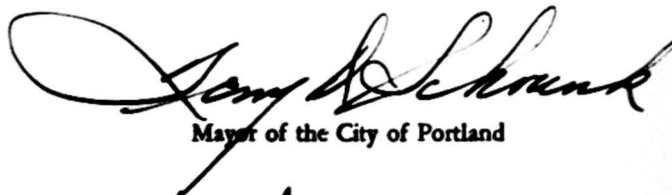
(g) This permit is conditioned that the grantee will at its own cost and expense during the exercise of the privileges hereby granted pave, repave, repair or otherwise improve, maintain, and adjust in like manner or as directed by the City Engineer any part or parts of the roadway and sidewalk area as well as catchbasins, inlets, underground construction, and any other construction within the street lines which by reason of the construction of the above-mentioned sewer shall in the opinion of the City Engineer require repairs, adjustments or construction. The grantee shall pay to the City any additional costs of construction, reconstruction, altering, repairing, or maintaining any municipal utility now existing, or which may hereafter be built, caused by the construction and maintenance of said sewer, the equitable amount of such cost to be determined by the City Engineer

(h) 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 to be effective until such reimbursement of cost has been made.

(i) The grantee shall file with the City Auditor a document satisfactory to the City Attorney accepting the terms and conditions hereof.

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 installation of this needed pipe line will be made 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, MAR 3 - 1966


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
Bean	/	
Bowes	/	
Earl	/	
Grayson	/	
Schrunk	/	

FOUR-FIFTHS CALENDAR	
Bean	
Bowes	
Earl	
Grayson	
Schrunk	

Calendar No. 800

ORDINANCE No. 121995

Title

An Ordinance granting a revocable permit to Western Pacific Development Co, 1600 N. E. 66th Avenue, to lay, use and maintain a six-inch concrete private sewer line in and under S. W. California Street, and in, and under and across S. W. 35th Avenue to connect into a manhole on an existing City sewer, providing conditions, and declaring an emergency.

THURSDAY

Filed FEB 23 1966

RAY SMITH

Auditor of the CITY OF PORTLAND

By *Robert C. Cagle*
Deputy

INTRODUCED BY
Commissioner Wm. A. Bowes

DRAWN BY
KFP: rb
Date 2-15-66

NOTED BY THE COMMISSIONER
Affairs
Finance
Safety
Utilities
Works <i>WAB</i>

City Attorney

NOTED FOR CITY AUDITOR
<i>DA</i>
<i>MC</i>

APPROVED
Date <i>2/16/66</i>
By <i>N. R. Drulard</i> City Engineer
Date N. R. DRULARD, P.E.
By