

RESOLUTION NO. 5176-13

RESOLUTION AUTHORIZING A REVOCABLE PERMIT TO ALLOW THE LIVING SAVIOR LUTHERAN CHURCH A WALL, PAVERS, AND LANDSCAPING IN A PUBLIC SANITARY SEWER EASEMENT

WHEREAS the Revocable Permit (attached and incorporated - Exhibit 1) is for the purpose of allowing the Living Savior Lutheran Church a wall, pavers, and landscaping (shown on the attached and incorporated Landscape Plan - Exhibit 2) in a public sanitary sewer easement; and

WHEREAS an Architectural Review (AR 12-08) allowed reconstruction of the Living Savior Lutheran Church after a fire on the southwest corner of SW 86th Avenue and SW Sagert Street; and

WHEREAS the approved Architectural Review is for the reconstruction of an existing structure after a fire; and

WHEREAS the property owner, Living Savior Lutheran Church, requests the use of an existing 15-foot wide public sanitary sewer easement adjacent to the west property line for a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken); and

WHEREAS the type, location, and size of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will not harm the existing 15-foot wide public sanitary sewer line; and

WHEREAS if the City needs to make use of the existing 15-foot wide public sanitary sewer easement in any way, removal and replacement of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will be the burden of the Living Savior Lutheran Church; and

WHEREAS the City will not be liable for damage the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) as a result of pipe damage/failure, maintenance, or repair of the existing public sanitary sewer line within the existing 15-foot wide public sanitary sewer easement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The attached Revocable Permit is approved and the City Manager is authorized to sign the permit for the purposes stated in this resolution.

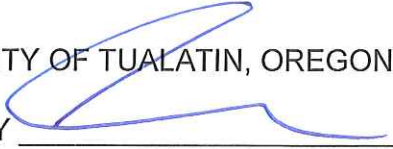
Section 2. This Revocable Permit will be automatically revoked if the City Council determines the existing 15-foot wide public sanitary sewer line may become inaccessible or damaged due to the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken).

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this 9th day of December, 2013.

CITY OF TUALATIN, OREGON

BY

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM

BY

  
\_\_\_\_\_  
City Attorney

ATTEST:

BY

  
\_\_\_\_\_  
City Recorder

## REVOCABLE PERMIT

The City of Tualatin, Oregon ("City") grants a revocable permit to the Living Savior Lutheran Church ("Permittee") for the purposes of and subject to the conditions stated.

This permit is granted for the purpose of allowing a 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) west of the reconstructed Living Savior Lutheran Church within an existing 15-foot wide public sanitary sewer easement. The locations of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) are shown on the attached Landscape Plan.

This permit is granted subject to the following conditions:

- (1) Permittee shall keep and maintain the areas free from all conditions that create a risk of injury or damage to those lawfully using the area and shall indemnify and hold the City, its officers, agents, and employees harmless from any claims for injury, damage, or loss of whatsoever nature arising out of or related to the use of the permit area.
- (2) At all times during the term of this permit, Permittee shall obtain and continue to carry public liability and property damage insurance in a responsible company with limits of not less than \$700,000.00 for injury to one person, \$2,000,000.00 for injury to two or more persons in one occurrence, and \$100,000.00 for damage to property (or, a single premium and limits policy providing the same coverages) issued by a company or companies authorized to issue such policies in Oregon and naming the City as an insured on said policy or policies of insurance. Certificates evidencing such insurance and bearing endorsements requiring ten (10) days written notice to City prior to any change or cancellation shall be furnished to the City prior to Permittee's occupancy of the permit area.
- (3) Permittee shall obtain applicable permits at Permittee's expense.
- (4) The areas allowed for the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) are shown on the attached Landscape Plan.
- (5) If the City needs to make use of the existing 15-foot wide public sanitary sewer easement in any way, removal and replacement of the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) will be the burden of the Permittee.
- (6) The City will not be liable for damage the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken) as a result of pipe damage/failure, maintenance, or repair of the existing public sanitary sewer line within the existing 15-foot wide public sanitary sewer easement.

This Permit may be revoked by the City upon:

- (1) A determination of the City Council that the Permittee has violated or failed to satisfy any of the conditions of this permit, or
- (2) If the City Council determines the existing 15-foot wide public sanitary sewer line may become inaccessible or damaged due to the 2-foot tall stacked block wall and 18-inch seating wall, 16-inch square concrete landscape pavers, and arborvitae and small shrubs (otto luyken), the City Council shall provide written notice of revocation that shall be effective, without further action of either party, 120 days after the date of the notice.


If the City Council declares a revocation of this permit under subparagraph (1), the written declaration shall be mailed to Permittee at the Permittee's address shown on the records of the Washington County Department of Assessment and Taxation. The revocation shall be effective ten (10) days after the date of the written declaration. All rights and interests of the Permittee shall automatically terminate upon the effective date of the revocation.

Prior to the effective date of revocation of this permit, the Permittee, at its expense, shall cause all improvements to be removed from the permit area if so requested in the Declaration of Revocation and re-establish area to its pre-existing condition.


This Permit is granted for the benefit of and the heirs, successors in interest and assigns of the Permittee who shall be bound by the conditions of this Permit.

IN WITNESS WHEREOF, the parties have executed this instrument on the date indicated below.

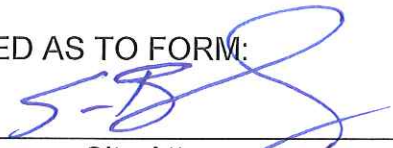
CITY OF TUALATIN, OREGON

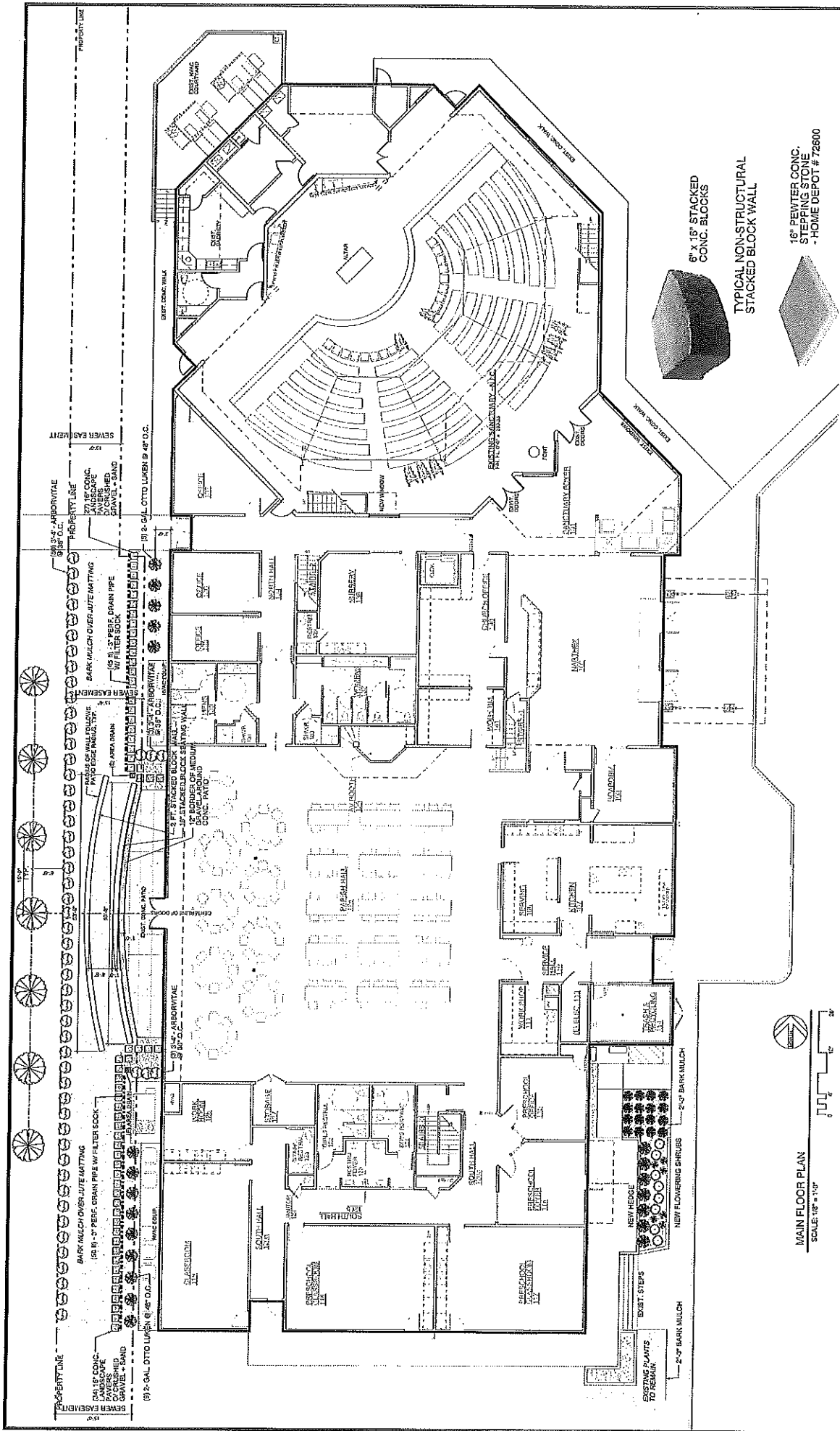
BY   
City Manager  
12/19/13  
Date

LIVING SAVIOR LUTHERAN CHURCH

BY   
Pastor Nathan Brandt  
12/11/2013  
Date

APPROVED AS TO FORM:

BY   
City Attorney  
12/9/2013  
Date



**Rebuilding the Parish Hall & Education Center for Living Savior Lutheran Church**  
8740 SW Sagert Street Tualatin, Oregon 97062

**dmata**  
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ARCHITECTURE  
1100 SW 10th Street, Suite 100, Tualatin, OR 97062  
PH: 503.261.1100 FAX: 503.261.1101  
WWW.DMATARCH.COM

**REGISTERED ARCHITECT**  
STATE OF OREGON

Project Name	Living Savior Lutheran Church
Project Address	8740 SW Sagert Street, Tualatin, OR 97062
Project No.	2018-001
Scale	1/8" = 1'-0"
Sheet No.	ASI-44
Revision	1
Author	DMATA
Checker	DMATA
Approver	DMATA
Date	08/20/2018

**LANDSCAPE PLAN**