

Order 266-04/05

Passed 5/16/05 8-0 (Carr absent)

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

**ORDER APPROVING USE OF LINCOLN PARK
BY PORTOPERA FOR ITS 5TH ANNUAL PRESIDENT'S DINNER**

ORDERED, that the use of Lincoln Park by *PORTopera* for its 5th Annual President's Dinner (the "Event") on Wednesday, July 27, 2005, from 5 to 7:30 p.m., as described in the Application to use Public Space dated April 15, 2005, attached hereto, is hereby approved, subject to the following conditions:

1. That *PORTopera* shall defend, indemnify and hold harmless the City of Portland, its officers, agents and employees, from and against all claims for personal injury or property damage, including but not limited to injury or damage to City employees or property, arising out of or resulting from the Event, its activities and/or use of City streets and property for said Event;

2. That *PORTopera* shall procure and maintain comprehensive general liability insurance in the minimum amount of \$400,000, combined single limit, for personal or bodily injury, death or property damage, and covering the obligation of indemnification hereunder, and naming the City of Portland as an additional insured thereon; without limiting the foregoing, *PORTopera* assumes full responsibility for any copyright infringements, charges or royalties that may occur on account of its activities hereunder and agrees to indemnify and hold the City of Portland harmless from any and all claims, losses or expenses incurred with regard thereto, including legal fees;

3. That the sale of alcohol during the Event shall be permitted solely in the area of the Park approved by the City, and *PORTopera* shall provide evidence of liquor liability insurance covering the sale and consumption of alcoholic beverages, and naming the City as an additional insured thereon;

4. That *PORTopera* shall obtain at its cost all required city permits for such event, including but not limited to food, alcohol and tent permits, and tents, tables and chairs shall be placed in the Park in the manner and location approved by the City; and

5. That *PORTopera* shall provide security as required by the City at its own cost and expense and shall be responsible for set-up and removal of its property from the Park at the conclusion of the Event; and shall further reimburse the City for all expenses incurred by City Departments in connection with the Event, including but not limited to any clean-up or repair costs incurred as a result of the Event.