

ORDINANCE NO. 1144

A BILL FOR AN ORDINANCE Authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with the State of Oregon, through its State Highway Commission and the County of Linn, a municipal corporation, concerning the construction of a bridge across the Willamette River from the City of Albany to the Benton County side of said Willamette River and authorizing and agreeing to pay the sum of Thirty-five Thousand Dollars (\$35,000) toward the construction of said bridge and providing the time and manner of the payment of the same, and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. The Mayor and Recorder of the City of Albany, Linn County, Oregon, be and they are hereby authorized and directed to enter into a contract with the State of Oregon by its State Highway Commission and Linn County, Oregon, a municipal corporation, which said contract is substantially in words and figures as follows, to-wit:

THIS AGREEMENT Made and entered into this ____ day of July, 1924, by and between the State of Oregon, through its State Highway Commission, party of the first part, and the County of Linn, a political subdivision of the State of Oregon, by and through its County Court, party of the second part, and the City of Albany, a municipal corporation, by and through its Mayor and City Recorder:

W I T N E S S E T H:

THAT WHEREAS, that certain highway, beginning at Albany, in the county of Linn, and ending at Corvallis in the County of Benton, is a state highway, and is a party of a system of state highways, which the State Highway Commission is authorized by law to permanently construct and improve;

AND WHEREAS, in the construction and improvement of said highway it has been found necessary to construct a bridge over the Willamette River at Albany, consisting in general of four 200 foot steel spans on concrete piers and concrete approaches, said bridge to be located on Ellsworth Street, North of First Street, in said City of Albany, and more particularly described as follows: Beginning at a point 70 feet North of the intersection of the center lines of First and Ellsworth Streets in Albany (Engineer's Station 0 / 70), and extending 1223 feet on a tangent which coincides with the center of Ellsworth Street, bearing North 8°03' West to Engineer's station 12 / 93, which is the end of the structure.

AND WHEREAS, it has been determined that said bridge shall be constructed under the direction, supervision and control of the State Highway Commission, and that the cost of the entire construction of said bridge, including the approaches, between the aforesaid Engineer's Stations 0 / 70 and 12 / 93, shall be paid as follows;

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| Linn County | \$112,500.00 |
| City of Albany | 35,000.00 |
| Oregon Electric Railway Company | 1,042.14 |
| Southern Pacific Railway Company | 1,042.14 |

State of Oregon to pay the balance necessary to complete the structure in accordance with plans and specifications.

AND WHEREAS, Linn County has provided for its portion of said improvements by a bond issue of \$112,500 authorized and approved by a general vote of the qualified voters of Linn County; and the City of Albany has provided for its portion of said improvement, by a bond issue of \$35,000 authorized and approved by a general vote of the qualified voters of the City of Albany; and the Public Service Commission of Oregon, in their Order No. 1074, dated April 16, 1924 has assessed the Oregon Railway and the Southern Pacific Company the sum of \$1,042.14 each, as their respective shares of the additional cost of constructing an overhead structure over their tracks:

NOW, THEREFORE, the premises being in general as above stated, IT IS HEREBY AGREED by and between the State of Oregon through its State Highway Commission, hereinafter called the State, and the county of Linn, by and through its county court and the City of Albany, by and through its Mayor and City Recorder that there shall be constructed under the direction, supervision and control of the State Highway Commission, a bridge across the Willamette River at Albany, Oregon, said bridge to be built according to the plans and specifications prepared by the State Highway Engineer and approved by the parties to this agreement, on the aforesaid location, previously agreed upon, pursuant to bids called for by the Highway Commission as required by law:

IT IS FURTHER AGREED AND UNDERSTOOD, that the County of Linn will pay as its share of the cost of the structure, the total sum of \$112,500; said sum to be paid in monthly installments as the work progresses, in the ratio that said co-operative share bears to the total estimated cost on estimates certified to by the State Highway Engineer, until the full amount is paid.

IT IS FURTHER AGREED AND UNDERSTOOD, That the City of Albany will pay as its share of the cost of the structure the total sum of \$35,000; said sum to be paid in monthly installments as the work progresses, in the ratio that said co-operative share bears to the total estimated cost, on estimates certified to by the State Highway Engineer, until the full amount is paid.

IT IS FURTHER AGREED AND UNDERSTOOD, That the Oregon Electric Railway Company will pay as its share of the cost of said construction the sum of \$1042.14, said sum to be paid upon the completion of the structure.

IT IS FURTHER AGREED AND UNDERSTOOD, THAT THE Southern Pacific Company will pay as its share of the cost of said construction the sum of \$1042.14 said sum to be paid upon the completion of the structure.

IT IS FURTHER AGREED AND UNDERSTOOD that the share to be paid by the State of Oregon shall be paid in monthly installments as the work progresses, said balance being the amount due the contractor after deducting the share paid by the

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County of Linn and the City of Albany on each monthly estimate.

IT IS FURTHER AGREED AND UNDERSTOOD, that the design, plan and specifications of said structure do not provide for or include the necessary lifting mechanism for a draw span, but with respect to this feature, it is mutually agreed, that if and in the event the War Department of the Government shall subsequently require in the interest of navigation that said structure be modified or reconstructed so as to provide for a draw span, then and in that event each of the co-operative parties hereto, excepting said railroad companies and the City of Albany shall contribute to the cost of such modification or reconstruction of said structure in order to make the same harmonize with the requirements of the War Department, a sum which bears the same relation to the total cost of said reconstruction or improvement as the original co-operative shares bear to the total cost of the original project except the share due from the City of Albany.

IT IS FURTHER AGREED AND UNDERSTOOD, BY and between the parties hereto, that the State, through the State Highway Commission, shall pay all of the engineering costs incident to the construction of said bridge, and that none of said engineering costs shall be considered in determining the costs to be paid by the aforesaid county, city or railroads,

IT IS FURTHER AGREED AND UNDERSTOOD, that the electric wiring and lighting fixtures will be installed as a part of the structure,

IT IS UNDERSTOOD AND AGREED, that the construction of said bridge shall be commenced during the 1924 season and the work thereon prosecuted without unnecessary delay until the final completion of the same.

IN WITNESS WHEREOF, the parties hereto have subscribed their signatures and attached their respective official seals the day and year first above written.

STATE OF OREGON

BY ITS STATE HIGHWAY COMMISSION

By _____ Chairman
_____ Commissioner
_____ Commissioner"

Section 2. WHEREAS, It is necessary for the public peace, health and safety of the people of the City of Albany that the foregoing described improvement be immediately constructed and therefore an emergency exists, and one is hereby declared to exist and this ordinance shall go into full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council, July 11th. 1924.

Approved by the Mayor, July 11th. 1924.

J. G. Hall,

Mayor protem

Attest: D. H. Rodine,
Recorder of the City of Albany, Oregon.

