

ORDINANCE NO. 1440

AN ORDINANCE authorizing the Mayor and Recorder of the City of Albany to enter into a contract with J.L. and Robert L. Colbert for the construction of a lateral sewer beginning at the manhole on Fifteenth Street between Takenah and Liberty Streets in the City of Albany and running thence Northerly through the center of Block 1 in Miller's Addition to said City a distance of 380 feet, by laying an eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter W. Larsen, Engineer of said City filed in the office of the Recorder on the 10th day of February, 1938.

WHEREAS, by Resolution # 19, adopted by the Council 2/23/38, it was ordered that a lateral sewer be constructed beginning at the manhole on Fifteenth Street between Takenah and Liberty Streets in the City of Albany, Oregon, and running thence Northerly through the center of Block 1 in Miller's Addition to said City a distance of 380 feet, by laying an eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter W. Larsen, Engineer of said City, filed in the office of the City Recorder of the City of Albany on the 10th day of February, 1938.

WHEREAS, it was provided by ordinance that the Recorder of the City of Albany give notice for bids for the making of such improvement in the manner provided by law; and

WHEREAS, due notice and advertisement for said bids have been made and given by the Recorder of the City of Albany in accordance with the provisions of said ordinance and in the manner provided by law; and

WHEREAS, J.L. and Robert L. Colbert, on the 23rd day of March, 1938, presented his bid to the Council of said City for the making of said improvement, which said bid was made in due form and in conformity with all the conditions imposed by law and by said ordinance by which said bid the said J.L. and Robt. L. Colbert, proposed to furnish all material and implements and perform all labor necessary to make the above described improvement for the sum of \$400.00; and

WHEREAS, J.L. and Robt. L. Colbert was the lowest bidder for said proposed work and said bid was the lowest and best bid submitted therefor;

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

Section 1. That the bid of the said J.L. and Robt. L. Colbert, for said improvement be and the same is hereby accepted and the Mayor and Recorder of the City of Albany are hereby authorized and directed to enter into an agreement in writing with the said J.L. and Robt. L. Colbert, for the making of said improvement as aforesaid, on behalf of the City of Albany, Oregon, and upon the terms and conditions in said ordinance, advertisement and bid hereinabove mentioned.

Said contract shall provide that the work on said sewer shall commence within ten days after the signing of said contract and shall be prosecuted with such vigor that all the work embraced therein shall be entirely completed on or before the 31st day of May 1938, and the City of Albany shall be deemed to suffer damages to the extent of \$5.00 per day for each and every day the work is delayed beyond said time.

Said contract shall further provide that said J.L. and Robt. L. Colbert, shall promptly as due make payment to all parties supplying to him labor and material for the prosecution of the hereinabove described work and that he will not permit any lien or claim to be prosecuted against the City of Albany for or on account of any labor or material furnished on said work and shall also pay all contributions or amounts due the State Industrial Accident Fund incurred in the performance of said contract.

Said J.L. and Robt. L. Colbert, shall furnish a bond in a sum equal to fifty percent of the contract price with good and sufficient surety thereon to be approved by the Mayor of the City of Albany, Oregon, to secure the faithful performance of all the obligations of said contract on the part of the said J.L. and Robt. L. Colbert, and particularly on account of any lien or claim for labor or material furnished on the part of any person arising out of such contract.

That no person shall be employed for more than eight hours in any one day or forty-eight hours in any one week unless in case of emergency when no other competent labor is available and in such cases such laborer shall be paid double wages for all over time.

Said contract shall further provide that should the said contractor fail, neglect or refuse to make prompt payment of any claim for labor or wages furnished by any person in connection with said contract as said claim becomes due whether said service and labor be performed for said contractor or a

ORDINANCE NO. 1440

sub-contractor, then and in such event the Council of the City of Albany may pay such claim to the person furnishing such labor or service and charge the same against funds due or to become due said contractor by reason of his said contract.

PASSED BY THE COUNCIL, MARCH 23, 1938.

APPROVED BY THE MAYOR, MARCH 23, 1938.

C.R. Ashton
MAYOR

ATTEST *C.R. Ashton*
RECORDER OF THE CITY OF ALBANY, OREGON.

STATE OF OREGON)
COUNTY OF LINN) ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the annexed and foregoing copy of Ordinance #1440, has been by me carefully compared with the original Ordinance Bill # 1553, on file in my office, and that it is a true and correct copy of all of said bill, passed by the Council of the City of Albany, March 23, 1938, and approved by the Mayor March 23, 1938.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 24th day of March, 1938.

K.R. Horton
RECORDER OF THE CITY OF ALBANY, OREGON.