

ORDINANCE NO. 1658

A BILL FOR:

AN ORDINANCE authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with Leonard & Slate Crexon Ltd for the construction of lateral sewers as follows:

Project No. 1: Beginning at a point on the main sewer to be constructed on Elm Street nearest the Northeast corner of Block 1 of Linnmont Addition to the City of Albany, Oregon, and running thence Westerly to the Northeast corner of said Block and along the North line of Lots 13, 1, 2, 3, and 4 of said Block a distance of 250 feet.

Project No. 2: Beginning at a point on the main sewer now in place on Elm Street which is East of the Southeast corner of Lot 2 in Block 9 in Linnmont Addition to the City of Albany and thence running westerly along the south end of Albany and thence running westerly along the south end of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 a distance of 550 feet.

Project No. 3: Beginning at a point on the Twelfth Street main sewer immediately north of the center line of the alley running through Block 1 of Rosemont Addition to the City of Albany and running thence southerly along the center line of said alley through Blocks 1, 6 and 7 in said Addition a distance of 1450 feet and westerly along the north line of Lots 9, 10, 11, in Block 7 a distance of 125 feet.

Project No. 4: Beginning at a point on the main sewer located on Thirteenth Street in Rosemont Addition to the City of Albany equi-distant between Walnut and Maple Streets and running thence northerly in the center line of the alley in Block 2 in said Addition a distance of 439 feet; and beginning at the point aforesaid on the main sewer in Thirteenth Street equi-distant between Maple and Walnut Streets and running thence southerly along the center line of the alley and through Blocks 5 and 8 a distance of 784 feet to the south line of Lots 5 and 6 Blocks 8 and easterly along the north line of Lots 10, 11, and 12, Block 8, 110 feet and westerly along the north line of Lots 7, 8 and 9, Block 8 a distance of 110 feet.

Project No. 5: Beginning at a point on the main sewer located on Thirteenth Street and equi-distant between Walnut and Elm Street and running thence Northerly in the center of the alley through Block 3 in said Addition a distance of 490 feet; also beginning at said point on said main sewer equi-distant between Walnut and Elm Streets and running thence southerly along the center line of the alley through Blocks 4 and 9 in said Addition a distance of 765 feet, and a distance of 90 feet easterly along the north line of Lots 8 and 9 in Block 9.

By laying an eight inch vitrified terra cotta sewer pipe in said project in accordance with the plans and specifications of Walter W. Larsen, City Engineer, of the City of Albany, filed in the office of the Recorder of the said City on the 26th day of September, 1945.

Whereas, by Resolution No. 76 adopted by the Council the 26th day of September, 1945, it was ordered that lateral sewers be constructed as follows:

Project No. 1: Beginning at a point on the main sewer to be constructed on Elm Street nearest the Northeast corner of Block 1 of Linnmont Addition to the City of Albany, Oregon, and running thence westerly to the Northeast corner of said Block and along the north line of Lots 13, 1, 2, 3, and 4 of said Block a distance of 250 feet.

Project No. 2: Beginning at a point on the main sewer now in place on Elm Street which is East of the southeast corner of Lot 2 in Block 9 in Linnmont Addition to the City of Albany and thence running westerly along the south end of Albany and thence running westerly along the south end of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 13 a distance of 550 feet.

Project No. 3: Beginning at a point on the Twelfth Street main sewer immediately north of the center line of the alley running through Block 1, of Rosemont Addition to the City of Albany and running thence southerly along the center line of said alley through Blocks 1, 6 and 7 in said Addition a distance of 1450 feet and westerly along the north line of Lots 9, 10, 11, in Block 7 a distance of 125 feet.

Project No. 4: Beginning at a point on the main sewer located on Thirteenth Street in Rosemont Addition to the City of Albany equi-distant between Walnut and Maple Streets and running thence northerly in the center line of the alley in Block 2 in said Addition a distance of 439 feet; and beginning at the point aforesaid on the main sewer in Thirteenth Street equi-distant between Maple and Walnut Streets and running thence southerly along the center line of the alley and through Blocks 5 and 8 a distance of 784 feet to the south line of Lots 5 and 6 Blocks 8 and easterly along the north line of Lots 10, 11, and 12, Block 8, 110 feet and westerly along the north line of Lots 7, 8 and 9, Block 8 a distance of 110 feet.

Project No. 5: Beginning at a point on the main sewer located on Thirteenth Street and equi-distant between Walnut and Elm Street and running thence northerly in the center of the alley through Block 3 in said Addition a distance of 490 feet; also beginning at said point on said main sewer equi-distant between Walnut and Elm Streets and running thence southerly along the center line of

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the alley through Blocks 4 and 9 in said addition a distance of 766 feet, and a distance of 90 feet easterly along the north line of Lots 8 and 9 in Block 9, all said lateral sewers to be constructed of eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter V. Larsen, Engineer of said City, filed in the office of the Recorder of said City on the 26th day of September, 1945.

Whereas, it was provided in and by Ordinance No. 1654 passed by the Council on the 24th day of October, 1945, and approved by the Mayor on the same date that the Recorder 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, Leonard & Slate Oregon Ltd., on the 7th day of November 1945, presented their 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 bid the said Leonard & Slate Oregon Ltd. proposed to furnish all material, and implements and to perform all the labor necessary to make the above described improvement for the sum of \$7030.75; and

Whereas, Leonard & Slate Oregon Ltd., was the lowest bidder for said proposed work and said bid was the lowest and best bid submitted therefor.

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

Section 1. That the bid of the said Leonard & Slate Oregon Ltd 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 Leonard & Slate Oregon Ltd 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 construction 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 1st day of January 1946, and the City of Albany shall be deemed to suffer damages to the extent of \$25.00 per day for each and every day the work is delayed beyond such time.

Said contract shall further provide that the said Leonard & Slate Oregon Ltd 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.

Section 2. The said Leonard & Slate Oregon Ltd shall furnish a bond in a sum equal to fifty per cent of the contract price with good and sufficient surety thereon to be approved by the Mayor of the City of Albany, to secure the faithful performance of all the obligations of said contract on the part of the said bidder and particularly on account of any lien or claim for labor or material furnished on the part of any person or persons arising out of such contract.

Said contract shall further provide that should the said contractor fail, neglect or refuse to make prompt payment of any claim for labor, wages or materials furnished by any person in connection with said contract as said claim becomes due, whether said labor, wages or materials be furnished for said contractor or any sub-contractor, then and in such event the Council of the City of Albany may pay such claims to the proper claimants and charge the same against funds due or to become due said contractor by reason of said contract.

Passed by the Council, November 14, 1945.

Approved by the Mayor, November 14, 1945.

G. C. KNOELL
Mayor

Attest:
C. R. ASHTON, Recorder.

I, C. R. Ashton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the above copy of Ordinance No. 1658 has been by me carefully compared with the original Ordinance Bill No. 1779, was passed by the Council, November 14, 1945, and approved by the Mayor on the 14th day of November, 1945.

Witness my hand and official signature and seal of the City of Albany, Oregon, on this 15th day of November, 1945.

C. R. Ashton
Recorder of the City of Albany, Oregon.