

AN ORDINANCE TO DETERMINE THE PROBABLE COST OF CERTAIN CONSTRUCTION OF A LATERAL SEWER WHICH THE COUNCIL OF THE CITY OF ALBANY HAS DETERMINED TO MAKE IN ORDINANCE NO. 2246 ADOPTED BY THE COUNCIL ON DECEMBER 27, 1950, SAID LATERAL SEWER BE APPROXIMATELY 1750 L.F. IN LENGTH, BEGINNING AT THE MANHOLE LOCATED AT THE INTERSECTION OF TWELFTH AVENUE AND 99-E AND RUNNING SOUTHWESTERLY ADJACENT TO THE SOUTH RIGHT-OF-WAY OF 99-E TO A POINT NEAR QUEEN AVENUE; TO ASCERTAIN, ASSESS, DETERMINE AND ~~POST~~ THE PROPORTIONATE SHARE OF THE PROBABLE COST OF SUCH CONSTRUCTION OF SAID SEWER THAT IS ASSESSED UPON EACH LOT OR PART THEREOF ADJACENT TO SAID PART OF SAID SEWER TO BE CONSTRUCTED; TO DIRECT THE RECORDER OF THE CITY TO ENTER A STATEMENT OF SUCH ASSESSMENTS IN THE DOCKET OF CITY LIENS AS PROVIDED BY THE CHARTER OF THE SAID CITY.

WHEREAS, heretofore and under Resolution No. 44 adopted by the City Council on the 9th day of February, 1949, notice of the proposed sewer construction was given by posting on the 11th day of February, 1949, and that such posting was completed and remonstrance was interposed by Southern Pacific Company, and

WHEREAS, thereafter it was agreed by the Engineer of the City of Albany that an 8" lateral sewer would suffice and that such conclusion of the City Engineer is accepted by the Southern Pacific Company and the City of Albany.

WHEREAS, it is determined by ordinance No. 2246 that the improvement shall continue with an 8" lateral; that plans and specifications had heretofore been filed, prior to the date of resolution and notice of publication, and that the amended plans are on file showing the reduction of size from 12" to 8" and that such improvement shall be made in accordance with the amended plan which is now on file in the office of the City Recorder.

WHEREAS, the cost of construction of said lateral sewer shall be paid out of the fund to be collected and arising upon and out of the assessments hereafter to be made, ascertained and declared by the Council of the City of Albany on the Lots and parts of Lots adjacent to said improvement as hereinabove described and especially and particularly benefited thereby as provided by the Charter of the City of Albany, Oregon and specifically by Ordinance No. 2246 passed by the common Council of the City of Albany on the 27th day of December, 1950.

WHEREAS, Ordinance No. 2246 provided for publication of notice to contractors and for the receiving of bids for the proposed construction of said sewer; that notice as provided in the aforementioned ordinance has been given; that the Affidavit of Publication of said notice is now on file in the office of the City Recorder of Albany, Oregon; that bids were opened at a regular Council Meeting on the 24th day of January, 1951, at the City Hall, Albany, Oregon; that by motion duly made and seconded, the award of the contract was postponed from that date; that at a special meeting of the City Council of the City of Albany on the 25th day of January, 1951, notice of said meeting having been duly made and provided as required by the ordinances and charter of the City of Albany, that the low bid of Mr. Henry DenHerder was accepted and the contract was awarded for the construction of the proposed lateral sewer; that the bid accepted was in the sum of \$4725.00.

WHEREAS, the Engineer of the City of Albany has determined proportionate assessments based on a contract price and engineering of said proposed construction and has filed the same with the City Recorder; that said proportioned assessments from the Engineer's office contain deductive change order No. 1, provides for the reduction of the contract price of \$300.00 on the proposed construction; that the cost of engineering as provided by ordinance of the City of Albany has been added thereto; that the total proposed cost of said construction based upon the Engineer's assessments from the contract price and the engineering, including the deductive change order No. 1, is in the sum of \$4867.50

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

Section 1. That an 8" lateral sewer of the approximate length of 1750 l.f., beginning at the manhole located at the intersection of Twelfth Avenue and 99E and running southwesterly adjacent to the south right-of-way of 99E to a point near Queen Avenue, to be constructed all in accordance with the amended plans and specifications for said improvement filed by the City Engineer with the Recorder of the City of Albany, Oregon, on the 5th day of January, 1951.

Section 2. That the probable cost of the construction of the proposed sewer in the manner heretofore determined by Council of Albany, in Ordinance No. 2246, to be paid by the owners of the real property adjacent to said portion of said sewer and computing any surplus or deficit that might arise by reasons of credits or previous work done or additional work that might have been encountered, it is hereby declared to be in the sum of \$4867.50.

Section 3. That the proportionate share of said probable cost of the said improvement of the said street assessed upon each lot or part thereof adjacent to said part of said sewer to be improved as aforesaid and as determined by the said Council in and by said Ordinance No. 2246, it is hereby ascertained and declared to be in the sum set and placed immediately after the separate descriptions of each of said lots or parts thereof as follows:

<u>Parcel I</u>	<u>Owner of Property</u>	<u>Cost</u>
I	A. F. & I. M. Kampfner	312.34

Beginning at an iron rod which is south 8 degrees 58' E., 33.2 feet from the intersection of the east line of Calapooia Street and the southeasterly line of Pacific Highway (U.S. #99E) thence south 59 degrees 36' E., a distance of 104.1 feet, thence along the arc of a curve left, with a radius of 5915.6 feet, a distance of 147.03 feet, thence westerly a distance of 18 feet to an iron pipe, thence north 8 degrees 58' W., a distance of 196.5 feet to point of beginning.

II	G. C. & E. Knodell	273.18
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Beginning at an iron rod, said rod being south 8 degrees 58' E., a distance of 33.2 feet from the intersection of the east line of Calapooia Street and the southeasterly line of the Pacific Highway (U.S. #99E), thence north 8 degrees 58' W., a distance of 33.2 feet, thence north 30 degrees 24' E., a distance of 100 feet, thence south 59 degrees 36' E., 96.88 feet, thence south 18 degrees 00' W., a distance of 128.6 feet, thence north 59 degrees 36' W., - 104.1 feet to place of beginning.

III	L. A. & L. E. Seaton	337.45
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Beginning at a $\frac{1}{2}$ " iron pipe, which pipe is north 30 degrees 24' E., a distance of 100 feet, from the intersection of the east line of Calapooia Street and southeasterly line of Pacific Highway (U.S. #99E), thence north 30 degrees 24' E., to a $\frac{3}{4}$ " iron pipe which is northeasterly a distance of 20 feet from the projected north line of Fourteenth Street, City of Albany, thence south 59 degrees 36' E., a distance of 66.76 feet, thence along the arc of a curve left, with a radius of 5929.65 feet, a distance of 158.96 feet, thence north 59 degrees 36' W., a distance of 96.88 feet to point of beginning.

IV	S. P. R. R.	86.27
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Commencing at the intersection of the easterly prolongations of the northerly line of 14th Street with the southeasterly line of the right-of-way of the Pacific Highway in said City of Albany; thence N. 30 degrees 24' east along said southeasterly line of said Pacific Highway 20.0 feet to the point of beginning of the parcel of land to be described; thence N. 30 degrees 24' E., continuing along said southeasterly line of said Highway 40.0 feet to a point; thence south 59.36' east at right angles to said southeasterly line of said Highway, 59.87' to a point in the northwesterly line of that parcel of land described secondly in deed dated August 6, 1901, in Volume 67 of Deeds, Page 545, records of Linn County; thence southwesterly along last said northwesterly on the arc of a 5915.6 feet radius curve to the left 40.61 feet to a point tangent to said curve at last mentioned point bears 20 degrees 26.26' west; thence north 59 degrees 36' west, 66.76 feet to the point of beginning containing 2532 square feet more or less.

V	W. W. & O. E. McDonald	140.73
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Beginning at a $\frac{5}{8}$ " iron bolt on the southeasterly right-of-way line of the Pacific Highway, said bolt being north 30 degrees 24' E., a distance of 60.00 feet from the intersection of said right-of-way line and the south line of Block 5; of the Central Addition, to the City of Albany, Linn County, Oregon; and running thence N. 30 degrees 24' E., along said right-of-way line a distance of 125.78 feet to a $\frac{5}{8}$ " iron rod on the E. line of said Block 5; thence south 8 degrees 54' E., along the E. line of Block 5, a distance of 77.83 feet to a 1" iron rod. At the most Easterly Southeast corner of Block 5; a distance of 66.25 feet to a $\frac{5}{8}$ " iron rod; thence N. 59 degrees 36' W., 59.27 feet to the place of beginning, and contains a fraction of an acre.

Beginning at a point which is the intersection of the south line of 12th Avenue, City of Albany, and the southeasterly right-of-way line of U. S. Highway 99E, thence south 59 degrees 36' E., to the Southern Pacific Railroad tracks, thence southwesterly along said railroad tracks to the north line of Queen Avenue, thence west along Queen Avenue to the northwesterly line of the Southern Pacific right-of-way, thence northeasterly along such Southern Pacific right-of-way to a point which intersects the southeasterly right-of-way of U. S. Highway 99E, thence continuing along the southeasterly right-of-way of U. S. Highway 99E, to the point of beginning.

Section 4. That the Recorder of the City of Albany is hereby ordered and directed to immediately enter a statement of assessments made and declared by this ordinance, together with the names of the respective owners of such Lots or parts thereof, hereinabove described in the Docket of City Liens of the City of Albany, Oregon, as provided in the Charter of the said City.

PASSED BY COUNCIL Feb. 14 - 1951

APPROVED BY MAYOR 3-13-1951

L. B. Bain
Mayor

ATTEST:

E. J. Foster
City Recorder