

ORDINANCE NO. 540

Time and manner of paving Third Street, from Calapooia street to Baker Street.

Ord 540
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 of paving
 3rd St
 from Calapooia
 to Baker Street

The Ordinance providing for the time and manner of improving Third Street, from the East curb line of Calapooia Street, to the West curb line of Baker Street, Excepting therefrom the intersections of Washington, Ferry, Broadalbin, Ellsworth, and Lyon Streets with said Third Street, providing how the cost of such improvement, shall be paid, the liability or damages that shall be paid to the City of Albany, by the person or persons making such improvement, if the same shall not be completed within the time agreed upon, and the giving of a good and sufficient bond in the faithful performance of the work of such improvement, of said part of said Street, and providing for the giving by the Recorder of said City, proper notice for bids for the completion of such improvement of said Street and to declare an emergency.

The People of the City of Albany do ordain as follows:

Section 1: That Third Street from the East curb line of Calapooia Street, to the West curb line of Baker Street, Excepting therefrom the intersections of Washington, Ferry, Broadalbin, Ellsworth and Lyon Streets with Third Street, shall be improved in the following manner, to wit:-

First: By grading said Street to the proper sub-grade

Second: By paving the roadway of said Street full width with Bitulithic pavement.

Third: By laying and constructing Bitulithic Headers.

Fourth: By constructing Inlets.

Fifth: By constructing Catch Basins.

Sixth: By laying vitrified sewer pipes

Said improvements to be made in accordance with the Charter and Ordinance of the City of Albany, Oregon, and the plans and specifications and estimates of the City Engineer of said City, for the improvement of Third Street, filed in the Office of the City Recorder of said City of Albany, on the 22nd day of March, 1911, endorsed, City Engineer's plans and specifications for the improvement of Third Street from the East curb line of Calapooia Street, to the West curb line of Baker Street, Excepting therefrom the intersections of Washington, Ferry, Broadalbin, Ellsworth,

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and Lyon Streets with said Third Street, and the estimate of the work to be done on said street and the probable cost thereof.

The cost of improvement of said portion of said Third Street, lying between the East curb line of Calapooia Street and the East line thereof, and the West curb line of Baker Street and the West line thereof, shall be paid by the City of Albany out of the general funds of said City. The remaining portion of the cost of said improvement of said portion of said Third Street, shall be paid out of the funds collected and arising upon and out of the assessment heretofore made, ascertained and declared by Ordinance No. 537, passed by the Council of the said City of Albany, on the 12th day of April, 1911, and assumed by the Mayor of said City, on the 13th day of April, 1911, on the lots and parts of lots adjacent to said portion of said Third Street to be so improved, and especially and particularly benefited thereby, as provided in the Charter of said City.

The improvement of said portion of said Third Street, shall be completed by the 10th day of October, 1911.

All bids for the making of said improvement of said portion of said Third Street deemed unreasonable by the Council of said City may be rejected.

Any firm, corporation or person with which or with whom any contract may be entered into by said City for the making of said improvement, shall, before commencing said improvement, and at the time of signing such contract, make, execute and deliver to the City, a good and sufficient bond, with good and sufficient security, in the sum of \$5000.00 for the faithful performance of such contract.

Section 2: If the firm, corporation or person entering into any contract with the City of Albany, to make said improvement of said portion of said Third Street, shall not complete the same within the time mentioned and specified in such contract, said City shall be deemed to suffer damages on account thereof to the amount of \$25.00 per day for each and every day the completion of said work is delayed beyond the time

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stated in such contract, which amount shall be paid by such contractor doing the work at the completion thereof, unless the time of the completion of said improvement is extended by the Council.

All payment shall be laid in dry and suitable weather and not otherwise.

Section 3: The Recorder of said City is hereby ordered and directed to immediately give proper notice for bids for the making of said improvement of said portion of said Third Street, by publishing such notice ten days in the Albany Daily Democrat, a daily newspaper, published daily in said City of Albany, fully describing in such notice the time and manner of doing the work of said improvement of said portion of Third Street.

Section 4: Inasmuch as there is urgent necessity for, and the general welfare of said City demands the immediate improvement of said Third Street in the manner aforesaid, in order that the same may be completed before the rainy season sets in, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the said Council and its approval by the Mayor.

Passed by the Council. Apr. 26th 1911.
Approved. Apr. 27th 1911.
J. Wallace

Attest: Mayor of the City of Albany.

J. M. Redfield,
Recorder of the City of Albany.

State of Oregon,
County of Linn } J. M. Redfield, Recorder of the City of Albany, in Linn County, Oregon, do hereby certify that the foregoing Ordinance No. 540, has been by me carefully compared with the original Ordinance bill No. 540 now on file in my office, and that it is a true and correct copy of all of the whole of said Ordinance bill No. 540, as passed by the Council of the City of Albany Oregon, April 26th 1911.

Witness my hand and official signature and the seal of the City of Albany, this 27th day of April, 1911

J. M. Redfield,
Recorder of the City of Albany