

ORDINANCE NO. 999.

AN ORDINANCE PROVIDING FOR THE TIME AND MANNER OF IMPROVING ELLEWORTH STREET FROM THE NORTH LINE OF FIRST STREET TO THE SOUTH LINE OF WATER STREET, PROVIDING HOW THE COST OF SUCH IMPROVEMENT SHALL BE PAID THE PENALTY OR DAMAGE 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 FOR 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 OF PROPER NOTICE FOR BIDS FOR THE COMPLETION OF SUCH IMPROVEMENT OF SAID PART OF SAID STREET, AND DECLARING AN EMERGENCY TO EXIST.

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

Section 1. That Ellsworth Street from the North line of First Street to the South line of Water Street in the City of Albany, Oregon, 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 asphaltic concrete foundation, or by paving said street with Portland cement concrete pavement, or paving said street with Warrenite Bitulithic wearing surface upon a bituminous concrete base at the option of the Council.

Said improvement to be made in accordance with the charter and Ordinances of the City of Albany, Oregon, and the plans, specifications and estimates of the City Engineer of said City for the improvement of said street filed in the office of the Recorder of said City of Albany, Oregon, on the 8th day of June, 1921 endorsed "Engineer's plans and specifications for the improvement of Ellsworth Street from the North line of First Street to the South line of Water Street and the estimate of the work to be done on said street and the probable cost thereof."

The cost of said improvement of said portion of Ellsworth Street shall be paid out of the funds 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 portion of Ellsworth Street so to be improved, and especially and particularly benefited thereby, as provided by the charter of said city.

The said improvement of said portion of said Ellsworth Street shall be completed on the 15th day of September, 1921.

All bids for the making of said improvement of said street deemed unreasonable by the Council of the City of Albany may be rejected.

Any firm, person or corporation with whom any contract may be entered into by the City of Albany for the making of said improvement shall before commencing said improvement, and at the time of signing such contract, make, execute and deliver to said City of Albany a good and sufficient bond, with good and sufficient surety, in the sum of \$ 2400.00 for the faithful performance of such contract.

Section 2. If the firm, person or corporation entering into any contract with the said City of Albany to make said improvement of said Ellsworth Street shall not complete the same within the time mentioned and specified in said con-

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tract, said City shall be deemed to suffer damages thereof to the amount of \$ 20.00 per day for each and every day the completion of said work is delayed beyond the time stated in such contract, which amount shall be paid by such contractor doing the work at the completion thereof, unless the time of completion of said improvement is extended by the Council.

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 Ellsworth Street by publishing such notice ten days in the Albany Daily Democrat, a daily newspaper published in said City of Albany, fully describing in said notice the time and manner of doing the work of said improvement of said Ellsworth Street.

Section 4. WHEREAS, it is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Albany that this Ordinance shall become immediately effective and an emergency is declared to exist, and this Ordinance shall take effect immediately upon its passage by the Council and the approval by the Mayor of the City of Albany.

Passed by the Council on the 30th day of June, 1921.

Approved by the Mayor on the 30th day of June, 1921.

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

P. A. Young,
Mayor.

STATE OF OREGON)
 (ss.
County of Linn)

I, D. H. Bodine, Recorder of the City of Albany in Linn County and State of Oregon do hereby certify that the foregoing and annexed copy of Ordinance No. 999 has been by me carefully compared with the original Ordinance Bill No. 1098 now on file in my office and that it is a true and correct copy of all and the whole of the said Ordinance Bill No. 1098 passed by the Council June 30th, 1921 and approved by the Mayor June 30th, 1921.

WITNESS, my hand and official signature and the seal of the City of Albany this 15th day of March, 1922.


Recorder of the City of Albany.