

ORDINANCE No. 1508

AN ORDINANCE authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with Elmer Jerde and R.L. Colbert for the construction of lateral sewers as follows:

Project 1. Beginning at the main sewer on Takenah street where the North line of Block 3 in Linmont Addition to the City of Albany, Oregon, if extended Easterly, would intersect said main, and running thence Westerly along the North line of said Block to the Northwest corner thereof.

Project 2. Beginning at the West end of the lateral sewer on the center line of Block 4 in Linmont Addition to the City of Albany, Oregon, and running thence Westerly along the center line of said Block to the West line thereof.

Project 3. Beginning at a point where the South line of Block 5 in Linmont Addition to the City of Albany, Oregon would intersect the main sewer on Takenah Street, and running thence Westerly along the South line of said Block to the West line thereof.

by laying an eight inch vitrified terra cotta sewer pipe in each of said projects in accordance with the plans and specifications of Walter W. Larsen, City Engineer of the City of Albany, Oregon, filed in the office of the Recorder of said City on the 8th day of December, 1939.

WHEREAS, by Resolution No. 67 adopted by the Council December, 13, 1939, it was ordered that lateral sewers be constructed as follows:

Project 1. Beginning at the main sewer on Takenah Street where the North line of Block 3 in Linmont Addition to the City of Albany, Oregon, if extended Easterly, would intersect said main, and running thence Westerly along the North line of said Block to the Northwest corner thereof.

Project 2. Beginning at the West end of the lateral sewer on the center line of Block 4 in Linmont Addition to the City of Albany, Oregon and Running thence Westerly along the center line of said Block to the West line thereof.

Project 3. Beginning at a point where the South line of Block 5 in Linmont Addition to the City of Albany, Oregon, would intersect the main sewer on Takenah Street, and running thence Westerly along the South line of said Block to the West line thereof.

said lateral sewers to be constructed of 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 of said City on the 8th day of December, 1939; and

WHEREAS, it was provided 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, Elmer Jerde and R.L. Colbert on the 24th Day of January, 1940, 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 said bid the said Elmer Jerde and R.L. Colbert proposed to furnish all material and improvements and to perform all the labor necessary to make the above described improvement for the sum of \$1948.12; and WHEREAS, Elmer Jerde and R.L. Colbert were the lowest bidders 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 Elmer Jerde and R.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 Elmer Jerde and R.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 sewers 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 first day of June, 1940, and the City of Albany shall be deemed to suffer damages to the extent of \$10.00 per day for each and every day the work is delayed beyond such time.

Said contract shall further provide that the said Elmer Jerde and R.L. Colbert shall promptly, as due, make payment to all parties supplying to them labor and material for the prosecution of the hereinabove described work and that they 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

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performance of said contract.

Said Elmer Jerde and R.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 Elmer Jerde and R.L. Colbert and particularly on account of any lien or claim for labor or material furnished on the part of any person or persons arriving out of such contract.

That no person shall be employed on said contract 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 overtime.

Said contract shall further provide that should said contractors 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 contractors or any sub-contractor under them, 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 contractors by reason of their said contract.

Passed by the Council February 14, 1940.

Approved by the Mayor, February 15, 1940.

A.G. Senders

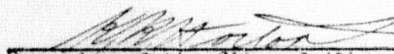
Mayor

ATTEST K.R. Horton
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, Oregon, do hereby certify that the foregoing copy of Ordinance # 1508, has been by me carefully compared with the original Ordinance Bill # 1627, now on file in this office and that same is a true and correct copy of the whole of said Ordinance Bill #1627, as passed by the Council of the City of Albany, Oregon, on the 14th day of February, 1940, and approved by the Mayor, on February 15, 1940.

Witness my hand and official signature and the seal of the City of Albany, Oregon, this 16th day of February, 1940.


Recorder of the City of Albany, Oregon.