

110 reported by Ord. 1077

ORDINANCE NO. 1073

A BILL FOR AN ORDINANCE Authorizing and directing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with J. C. Stevens and R. E. Koon, co-partners operating and doing business under the name of Stevens & Koon, Consulting Engineers, for the purpose of preparing plans, specifications and estimates for the construction of the proposed sewer known as, the Montgomery Street main sewer, in the City of Albany, Linn County, Oregon, and providing for the inspection of the construction, work and materials in connection therewith, and declaring an emergency:

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

Section 1. That the Mayor and Recorder of the City of Albany be and they are hereby authorized and directed to enter into a contract with Stevens & Koon, Consulting Engineers, which said contract shall be in words and figures substantially as follows, to-wit:

THIS CONTRACT Made and entered into at Albany, Linn County, Oregon, on this ___ day of June, 1923, by and between the City of Albany, Oregon, a municipal corporation, hereafter called the City, and Stevens & Koon, Consulting Engineers, a partnership firm composed of J. C. Stevens and R. E. Koon, hereafter called the Engineers:

W I T N E S S E T H :

WHEREAS, Said City has heretofore engaged and directed said Engineers to make a survey and study of certain drainage problems in the City of Albany, Oregon, and to prepare a report setting forth their conclusions together with such preliminary plans and cost estimates as may be pertinent thereof, and

WHEREAS, Said report has been completed and filed with the Recorder of said City, and

WHEREAS, It is the desire to said City that definite plans be made for the construction of a certain drainage system, to-wit:

A main sewer on Montgomery Street extending to a point on Montgomery Street, if extended, to a point where it would intersect with Twelfth Street, if Twelfth Street were extended, and thence down Twelfth Street, if extended, to a point which is the West side of Vine Street where intersected by Twelfth Street.

IT IS THEREFORE AGREED AS FOLLOWS:

Item 1. DETAILED PLANS, SPECIFICATIONS AND ESTIMATES OF CCST

Within a reasonable time after the execution of this contract said Engineers agree to make such additional investigations and surveys as may be necessary in order to prepare detailed plans and specifications for the construction of the drainage system above mentioned. Immediately after such surveys are completed said Engineers will prepare such complete maps, plans, profiles and drawings as may be necessary for constructors' use in building such system. This will include a map of the district immediately benefited by the improvement; plans and details of manholes, catch basins, inlets and

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such other appurtenances as may be necessary, and profiles showing grades, depths and sizes as they apply to the pipes, ditches or other conduits required. The Engineers will also prepare complete type-written specifications for construction work. Accompanying the specifications will be forms for bidders' use in submitting proposals to construct and such other forms as the nature of the work to be undertaken may require. Upon completion of said plans and specifications the Engineers will prepare detailed estimates of cost and file the same with the City if desired. The plans and specifications will be presented for approval, to the City Council of Albany or its properly authorized Committee and the Engineers will make requested alterations therein if such changes shall not violate the principles of good engineering practice.

Two complete sets of the plans and specifications will be filed with the City Recorder and as many additional sets will be made as will be necessary to meet the requests of those desiring to submit bids.

Item 2. PERSONAL SERVICE.

Said Engineers agree to give personal attention to the directing of surveys and investigations and to the preparation of plans and specifications. A member of the firm will attend the letting of contracts to advise and assist the City in making awards; he will also make an inspection of the work at least once during the construction period and make a final inspection of the completed project.

Item 3. SUPERVISION OF CONSTRUCTION.

After the contract for construction has been awarded the Engineers will at least twice a month, during the course of construction, make personal inspection and examination of said work and it is distinctly understood that all sewer pipe and materials to be used in constructing said sewer, shall personally be inspected by an Engineer before being used by the contractors and the Engineers further agree to make report of their findings and each inspection to the Council of the City of Albany at least twice each month during the course of construction of said sewer.

FOR AND IN CONSIDERATION of the the Engineers faithfully performing the services hereinbefore mentioned, the City hereby agrees to pay said Engineers as follows:

1. For the services performed under Items 1, 2 and 3 hereof, a sum equal to five per cent (5%) of the cost of construction, less the sum of Five Hundred Dollars (\$500), which latter sum has been paid the Engineers for preliminary study and report on said drainage project as referred to in the preamble of this contract, said percentage shall be payable in two instalments; the first in a sum equal to four per cent (4%) of the cost of construction of the project, less the sum of Five Hundred Dollars (\$500)

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as above mentioned when the contract for the construction of said sewer has been let and the cost of construction shall be determined by the amount bid by the successful bidder; the balance on completion of the construction work and its acceptance by the City, provided, however, that the payments herein mentioned are conditioned upon the approval of the plans and specifications by the Common Council of the City of Albany.

IN WITNESS WHEREOF, The parties hereto have caused this contract to be signed in duplicate on the date first above written.

CITY OF ALBANY, OREGON.

By _____

STEVENS & KOON

By _____
Member of Firm

ATTEST:

City Recorder.

Section 2. WHEREAS, It is necessary for the public health, peace and safety of the people of the City of Albany that the foregoing described sewer be immediate constructed and therefore, it is necessary that this agreement be entered into at once, an emergency exists and one is hereby declared to exist and this ordinance shall go into full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council, June 13, 1923.

Approved by the Mayor, June 16, 1923.

P. A. Young,

Mayor

Attest: D. H. Bodine,

Recorder of the City of Albany, Oregon.

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. 1073, has been by me carefully compared with the original Ordinance Bill No. 1171 now on file in my office and that it is a true and correct copy of all and the whole of said Ordinance Bill No. 1171 passed by the Council June 13, 1923, and approved by the Mayor, June 16, 1923.

WITNESS, my hand and official signature and the seal of the City of Albany this 31 day of December, 1924.

D. H. Bodine

Recorder of the City of Albany.