

ORDINANCE NO. 1080

A BILL FOR AN ORDINANCE Authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with Edward Sandeberg of Portland, Multnomah County, Oregon, for the construction of a main sewer over the following described route, to-wit:

Commencing at the Willamette River at the foot of Hill Street to the Northerly right of way line of the Southern Pacific Railway Company near Sixth Street, and thence in a Southwesterly direction along said Northerly right of way line of the Southern Pacific Railway Company to a point intersecting with the existing main sewer in Madison Street,

and declaring an emergency:

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

WHEREAS; The City of Albany has heretofore ordered that a main sewer be constructed over the following described route, to-wit:

Commercing at the Willamette River at the foot of Hill Street to the Northerly right of way line of the Southern Pacific Railway Company near Sixth Street, and thence in a Southwesterly direction along said Northerly right of way line of the Southern Pacific Railway Company to a point intersecting with the existing main sewer in Madison Street. by con-

said improvement to be made in accordance with the charter and ordinances of the City of Albany and the plans, specifications and estimates of Engineers Steven & Koon on file with the Recorder of the City of Albany, and

WHEREAS, It has been heretofore provided that the Recorder of the City of Albany give notice for bids for the making of said improvements in the manner provided by law and by ordinance, and

WHEREAS, After due notice and advertisement for bids made and given by the Recorder of the City of Albany according to law, to-wit: On the 12th. day of July, 1923 Edward Sandeberg presented to the Council of the City of Albany his bid for making said improvement, which bid was made in due form and in conformity with all conditions imposed by law and the Council; by which said bid Edward Sandeberg proposed to furnish all materials and implements and perform the labor necessary to make the above described improvement, in accordance with the plans and specifications therefor, heretofore mentioned, and

WHEREAS, The said Edward Sandeberg was the lowest and best bidder for said proposed improvement and said bid was the lowest and best bid therefor;

Section 1. That the bid of Edward Sandeberg for said improvement by the construction of said main sewer be and the same is hereby accepted and the Mayor and Recorder of said City are hereby authorized to enter into a contract in writing with the said Edward Sandeberg for the making of said improvement, which said contract shall be in words and figures, substantially as follows, to-wit:

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THIS AGREEMENT OF CONTRACT Made and entered into at Albany, Linn County, Oregon, this ___ day of July, 1923, by and between the City of Albany, Linn County, Oregon, one of the regularly organized and existing Cities and towns of the State of Oregon, and a municipal corporation of the State of Oregon hereinafter designated as the party of the first part: and Edward Sandeberg, having his office and principal place of business in the City of Portland, Multnomah County, Oregon, hereinafter designated as the party of the second part:

W I T N E S S E T H:

THAT WHEREAS, The City of Albany, Linn County, Oregon, the party of the first part, has heretofore caused to be prepared certain plans and specifications for the construction of a certain main sewer in and for the City of Albany, Linn County, Oregon and Edward Sandeberg, the party of the second part, did on the 12th. day of July, 1923, file in the office of the City Recorder of the City of Albany, Oregon, a copy of said specifications together with his proposal to furnish material and labor and construct the main sewer referred to in Schedule B and agreeing to accept as payment therefor the sums therein fully set forth, and

WHEREAS, The said plans, specifications and proposal fully and accurately describe the terms and conditions upon which the party of the second part proposes to furnish said materials and labor and perform said work, together with the manner and time of furnishing the same:

IT IS, THEREFORE, AGREED:

FIRST: That a copy of said specifications and proposal filed as aforesaid on the 12th. day of July, 1923, be attached hereto and hereby referred to and made a part hereof and that the same does in all particulars become a part of the agreement and contract between the parties hereto in all matters and things therein set forth and described; and further that the City of Albany, Oregon, and the party of the second part hereby accepts and agrees to the terms and conditions of said specifications and proposal filed.

SECOND: That the party of the second part agrees to remove at his own cost and expense and dispose of any and all excavated material that cannot be returned to the trenches in back-filling.

THIRD: That the party of the second part further agrees that he will promptly as due, make payment to all persons supplying to him labor or materials for the prosecution of the hereinabove described work and that said party of the second part shall not permit any lien or claim to be filed or prosecuted against the party of the first part for and on account of any material or labor furnished for said work.

FOURTH: The party of the second part also covenants and agrees

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that no person shall be employed on said work for more than eight hours in any one day or more than forty-eight hours in any one week, unless, in case of an emergency and when no other competent labor is available, and in case of an emergency the party of the second part hereby agrees that such labor shall be paid double wages for over time.

FIFTH: That the plans and specifications and proposal annexed hereto marked "Exhibit "B" is hereby made a part of this contract and agreement as fully and absolutely as if they were herein set out in hac verba.

IN WITNESS WHEREOF, The party of the first part by and through virtue of an ordinance regularly passed does cause these presents to be signed in duplicate and the party of the second part does hereby sign these presents in duplicate, all as of the day and year first above written.

CITY OF ALBANY, OREGON.
A municipal corporation.

By P. A. Young,
As Mayor

Attest: _____

Recorder of the City of Albany,
Oregon.

Party of the First Part

Party of the Second Part.

SECTION II. Now, therefore, the Council hereby declares that it is necessary for the public peace, health and safety of the people of the City of Albany that the foregoing contract be entered into immediately and an emergency exists, and the Council hereby declares that an emergency exists and this ordinance shall be in full force and effect from and after the date of its passage by the Council and approval by the Mayor.

Passed by the Council, July 13th, 1923.

Approved by the Mayor, July 13th, 1923.

P. A. Young,
Mayor

Attest: D. H. Bodine,

Recorder of the City of Albany, Oregon.

STATE OF OREGON, }
County of Linn, } ss

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. 1080 has been by me carefully compared with the original Ordinance Bill No. 1178 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. 1178, passed by the Council July 13th, 1923, and approved by the Mayor, July 13th, 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.