

ORDINANCE NO. 1852

A BILL FOR:

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

Lateral 1. Beginning at the manhole on Davidson Street, midway between Front and Willamette Streets; and running thence northerly on Davidson Street a distance of 236 feet; running thence easterly through the center of Block 26, in Burkhardt's Park Addition to the City of Albany, Oregon, a distance of 180 feet and westerly through the center of Block 20, in Burkhardt's Park Addition in the City of Albany, Oregon, a distance of 320 feet.

Lateral 2. Beginning at the manhole near the southeast corner of the intersection of Willamette and Burkhardt Streets and running thence northerly on Burkhardt Street a distance of 154 feet; running thence easterly through the center of Block 17 in Burkhardt's Park Addition, in the City of Albany, Oregon, a distance of 120 feet and westerly through the center of Block 8 and Block 5 in Burkhardt's Park Addition, in the City of Albany, Oregon, a distance of 335 feet.

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 27th day of November, 1946.

WHEREAS, it was provided in and by Ordinance No. 1825 passed by the Council on the 9th day of July, 1947, and approved by the Mayor on the same date that the Recorder gave 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, O. L. Bowman on the 23rd day of July, 1947 presented his 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 bid the said O. L. Bowman proposed to furnish all material and implements and to perform all the labor necessary to make the above described improvement for the sum of \$1774.00 for Lateral 1 and \$1545.25 for Lateral 2 and

WHEREAS, O. L. Bowman was the lowest bidder 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 O. L. Bowman for said improvement be 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 O. L. Bowman 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 sewer construction shall commence within five 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 30th day of September, 1947, and the City of Albany shall be deemed to suffer damages to the extent of \$25.00 per day for each and every day the work is delayed beyond such time.

Said contract shall further provide that the said O. L. Bowman shall, promptly as due, make payment to all parties supplying to him labor and material for the prosecution of the hereinabove described work and that he 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 performance of said contract.

Section 2. The said O. L. Bowman shall furnish a bond in a sum equal to fifty per cent of the contract price with good and sufficient surety thereon to be approved by the Mayor of the City of Albany, to secure the faithful performance of all the obligations of

ORDINANCE NO. 1852 (Cont'd)

said contract on the part of the said bidder and particularly on account of any lien or claim for labor or material furnished on the part of any person or persons arising out of such contract.

Said contract shall further provide that should the said contractor fail, neglect or refuse to make prompt payment of any claims for labor, wages or material furnished by any person in connection with said contract as said claim becomes due, whether said labor, wages or materials be furnished for said contractor or any sub-contractor, 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 contractor by reason of said contract.

Passed by the Council August 13, 1947.

Approved by the Mayor August 13, 1947.

RALPH L. BANTON
Mayor

Attest:

C. R. ASHTON
Recorder

I, C. R. Ashton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the above copy of the Ordinance No. 1852 has been by me carefully compared with the Ordinance Bill No. 1974, as passed by the Council August 13, 1947, and approved by the Mayor on the 13th day of August, 1947.

Witness my hand and official signature and seal of the City of Albany, Oregon on the 14th day of August, 1947.

C. R. Ashton
Recorder of the City of Albany, Oregon