

ORDINANCE NO. 365

Passed by the Council June 6, 1902.

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A bill for an ordinance providing for the time and manner of improving first Street from the East side of Washington Street to the West side of Lyon Street in the City of Albany, Oregon, by constructing and laying a pavement of vitrified bricks upon a Macadam or some other suitable foundation together with artificial stone curbs at the edges and corners of the several corners and holders of the blocks and parts of blocks adjoining and adjacent thereto.

The People of the City of Albany do ordain as follows: Section 1. That the City Street from the East side of Washington Street to the West side of Lyon Street, the whole length thereof and the width thereof to the sidewalk on either side, shall be improved in the manner and within the time hereinafter provided.

Section 2. That the said improvements shall consist of building, constructing and laying a pavement of vitrified bricks upon macadam or other suitable foundation, together with artificial stone curbs; the brick pavement herein specified to rest on a macadam foundation, prepared by removing from the surface of the macadam now in place, or to be put in place, all debris, and picking down with hand picks all places too high and filling low places with clean rock, and filling all holes with coarse and fine rock so mixed that the voids are properly filled. After the surface of the road way has been leveled and brought to the proper cross-sections all to be rolled with a heavy roller, and all leveled up in proper condition, and the entire surface be spread with a thin layer not exceeding one half inch in thickness of coarse sand, and then rolled with a heavy roller until the entire surface is made hard, and to the satisfaction of the City Engineer in charge. In progress of rolling low places must be brought up by thin layers of fine rock rolled down hard. After the foundation has been solidified by rolling and the places that cannot be rolled are made solid

by tamping, the contractor must spread evenly over the surface a layer ^{of sand} or fine gravel, one inch in thickness. On this sand the vitrified brick are to be laid close together on edge, the long way of the brick crosswise of the Street, except at intersections where they will be laid as directed by the City Engineer. No broken bricks to be used. That when the bricks are so set in place the whole surface shall be rolled by a heavy roller weighing at least seven tons. The sand shall be swept back and forth over the surface of the pavement before rolling, until all joints are filled. All bricks are to be vitrified, and to be of even texture, and uniform color, and have rounded edges, provided that the gutter brick may have square edges, all to be sound and free from cracks or chips. All curbing is to be made of artificial stone and to be six inches wide on top, eight inches wide at the bottom and eighteen inches deep; the inside or core of the curb to be made of concrete. Sand or broken stone may be used in said Street improvement. All stone used to be broken into pieces not larger than $1\frac{1}{2}$ inches, largest diameter, and the smallest not less than $\frac{3}{4}$ inches. All of said work to be done in conformity with the plans and specifications now on file with the Recorder of the City of Albany, Oregon, and all work to be completed by the 1st day of November 1902.

Section 3:- That said improvement mentioned and described in sections 1 and 2 herein, shall be constructed at the cost and expense of the owners of lots and parts of lots in the South half of blocks three (3) - four (4) - five (5) and six (6), and the North half of blocks seven (7) - eight (8) - nine (9) and ten (10) in the City of Albany, Oregon, as shown by the maps and plats of said City; save and except that portion of the improvement of said Street on the several squares where First Street is crossed by Ellsworth, Broadalbin, and Ferry Streets in said City, all cost of said pavement on said squares to be borne and paid by the City of Albany. That the space between the rails of the railroad track, which said pavement shall be made at the expense of said Railroad Company.

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Section 4:- That the Mayor and Recorder of the City of Albany, are hereby authorized and empowered, to enter into and sign on the part of the City of Albany, written articles of agreement with the contractor or contractors for the construction, laying and paving said street as hereinbefore provided; Provided that said contract shall not be entered into or such articles of agreement signed by the Mayor and Recorder on the part of or on behalf of the said City until after proposals for the construction of said pavement and curbing and improvements have been advertised for in the manner provided for by the City Charter and ordinances relating to the awarding of contracts, and not until bids have been received and considered by the Council, and the contract awarded by the Council, and the cost and expense of improving said street as hereinabove provided, been fixed and determined.

Section 5:- That the contractor or contractors shall take entire charge of the work during its progress and shall be responsible for any loss or accident resulting from carelessness or neglect. And the improvements shall be completed to the satisfaction of the Committee on Streets and Public Property, duly appointed by the Mayor of the City of Albany.

Section 6:- That the contractor or contractors, to whom the contract may be awarded for the completion of said improvements, shall complete the same within the time fixed by the Committee on Streets and Public Property, and upon commencing work shall continue the same without delay until the same is completed or unless the time is extended by the said Committee.

And in the event the said work shall not be completed within the time mentioned and described in the contract, that the Contractor shall forfeit to the City of Albany, for its use, the sum of \$20.00 per day. And any wilful or unnecessary delay in the completion of said work required to be done under the provision of said contract may at the discretion of the Committee on Street and Public Property, be taken and considered as a forfeiture of said contract.

Section 7:— That, the contractor or contractors for said improvements, shall not take up or disturb or obstruct the surface of the Street within the limits of said improvements for a greater distance than one block without first having obtained a permit, so to do from the committee on Streets and Public Property.

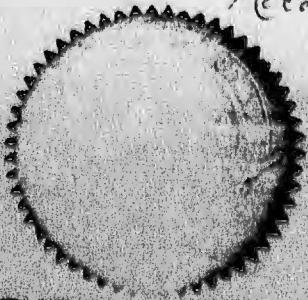
Section 8:— That as soon as the work is completed and the costs and expense thereof ascertained and shown by the Report of the City Engineer in charge of said work, showing the amount of costs and expenses attached to each lot or part of lot owned by respective individuals in the South half of blocks three, four, five and six, and the North half of blocks seven, eight, nine and ten, and the costs and expense of the construction of said improvements between the rails of the rail road track now laid and operated by the Albany Street Railway Company, the same shall be taxed and charged as a lien upon said properties and each and every portion thereof in the name of the several holders of the said lots or parts of lots in said blocks above mentioned, and to the said street railway company, and the same shall become a lien upon any and all said properties so mentioned and described; and the payment thereof enforced by levy and sale upon any of the property or properties upon which or against which a lien shall be filed, for the amount of any expense or cost of construction or any part or portion of said improvements.

Section 9:— This ordinance shall take effect and be in full force from and after its approval by the Mayor.

Approved this 7th day of June 1902.

Attest:—

J. S. Van Winkle
Recorder of the City of Albany



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City Recorder's Certificate.

STATE OF OREGON, }
COUNTY OF LINN. }

I, J. S. VAN WINKLE, 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. 365

has been by me carefully compared with the original Ordinance bill No. 387 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. 387 as passed by the City Council of said City June 6, 1907

WITNESS, my hand and official signature and the seal of the City of Albany, this 7th day of June, 1907

J. S. Van Winkle
Recorder of the City of Albany.