

ORDINANCE NO. 996

AN ORDINANCE PROVIDING FOR THE TIME AND MANNER OF IMPROVING THIRD STREET FROM THE WEST CURB LINE OF RAILROAD STREET TO THE WEST LINE OF MAIN STREET, PROVIDING HOW THE COST OF SUCH IMPROVEMENT SHALL BE PAID, THE PENALTY OR DAMAGE TO THE CITY OF ALBANY BY THE PERSON AND PERSONS MAKING SUCH IMPROVEMENT, IF THE SAME SHALL NOT BE COMPLETED WITHIN THE TIME AGREED UPON, AND THE GIVING OF A GOOD AND SUFFICIENT BOND FOR THE FAITHFUL PERFORMANCE OF THE WORK OF SUCH IMPROVEMENT OF SAID PART OF SAID STREET, AND PROVIDING FOR THE GIVING BY THE RECORDER OF SAID CITY OF PROPER NOTICE FOR BIDS FOR THE COMPLETION OF SUCH IMPROVEMENT OF SAID PART OF SAID STREET, AND DECLARING AN EMERGENCY TO EXIST.

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

Section 1. That Third Street from the West curb line of Railroad Street to the West line of Main Street shall be improved in the following manner, to-wit:

- First: By grading said street to the proper subgrade.
- Second: By paving the roadway of said street full width with full intersections with asphaltic concrete pavement on an asphaltic concrete foundation, or by paving said street with Portland cement concrete pavement or Warrenite bitulithic wearing surface pavement upon a bituminous concrete base, at the option of the Council.
- Third: By laying and constructing wooden headers.
- Fourth: By constructing concrete curb.
- Fifth: By constructing catch basins.
- Sixth: By constructing inlets.
- Seventh: By laying sewer pipe.
- Eighth: By laying sub-drain tile.
- Ninth: By constructing monument cases.

Said improvement to be made in accordance with the charter and ordinances of the City of Albany, Oregon and the amended plans, specifications and estimates of the City Engineer of said City for the improvement of said street, filed in the office of the Recorder of said City of Albany, Oregon on the 25th day of May, 1921, endorsed "Engineer's amended plans and specifications for the improvement of Third Street from the West curb line of Railroad Street to the West line of Main Street and the estimate of the work to be done on said street and the probable cost thereof."

The cost of said improvement of said portion of Third Street shall be paid out of the funds collected and arising upon and out of the assessment hereafter to be made, ascertained and declared by the Council of the City of Albany on the lots and parts of lots adjacent to said portion of said Third Street so to be improved, and especially and particularly benefited thereby, as provided by the charter of said city.

The said improvement of said portion of said Third Street shall be completed on the 15th day of September, 1921.

All bids for the making of said improvement of said street deemed unreasonable by the Council of the City of Albany may be rejected.

Any firm, person or corporation with whom any contract may be entered into by the City of Albany for the making of said improvement shall, before commencing said improvement, and at the time of signing such contract, make, execute and deliver to said City a good and sufficient bond, with good and sufficient surety, in the sum of \$ 25,000.00 for the faithful performance of such contract.

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Section 2. If the firm, person or corporation entering into any contract with the said City of Albany to make said improvement of said Third Street shall not complete the same within the time mentioned and specified in said contract, said city shall be deemed to suffer damages on account thereof to the amount of \$ 50.00 per day for each and every day the completion of said work is delayed beyond the time stated in such contract, which amount shall be paid by such contractor doing the work at the completion thereof, unless the time of completion of said improvement is extended by the Council.

Section 3. The Recorder of said City is hereby ordered and directed to immediately give proper notice for bids for the making of said improvement of said portion of said Third Street by publishing such notice in the Albany Evening Herald, a daily newspaper published in said City of Albany, fully describing in said notice the time and manner of doing the work of said improvement of said Third Street.

Section 4. WHEREAS, it is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Albany that this Ordinance shall become immediately effective, and an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the Council and the approval by the Mayor of the City of Albany.

Passed by the Council June 30th, 1921.

Approved by the Mayor June 30th, 1921.

Attest: D. H. Bodine
Recorder of the City of Albany.

P. A. Young,
Mayor.

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. 996 has been by me carefully compared with the original Ordinance Bill No. 1092 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. 1092 by the Council June 30th, 1921 and approved by the Mayor June 30th, 1921.

WITNESS my hand and official signature and the seal of the City of Albany, this 14th day of March 1922.


Recorder of the City of Albany.