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ORDINANCE No. 1738

A BILL FOR:

AN ORDINANCE providing for the time and manner of constructing a lateral sewer in the City of Albany, Oregon to-wit:

Lateral 1. Beginning at the manhole at the south end of the lateral sewer not in place on the south side of 15th Street between Vine and Maple Sts.; and running thence southerly on the East line of Lot 3 in Bl. 1, in Pipe's South Albany Add. to the City of Albany, Linn County, Oregon to the southeast corner of said lot; running thence Easterly 90 ft. and westerly along the center line of Blocks 1 and 2 in said Add. and along the center line of Block 1 in Schultz Front Add. to said City to the West line of Elm St. a total distance of 1000 ft.

Lateral 2. Beginning at a point in B. Street near the Southeast corner of Lot 1 in Block 2 in Pipe's South Albany Add. to the City of Albany, Oregon, and running thence southerly in said street a distance of 365 ft. to the northeast corner of Block 5 in said Addition.

Lateral 3. Beginning at a point in B. Street in the City of Albany, Linn County, Oregon at a point 18 ft. easterly from the southeast corner of Lot 1 in Block 3 Pipe's South Albany Add. to said City and running thence Easterly into Block 4 in said Addition a distance of 200 ft. and westerly through the center of Block 3 and into Block 2 of Schultz Front Addition a distance of 650 ft.

providing how the cost of such improvement shall be paid, the penalty or damage to the City of Albany by the person or 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, and providing further for the giving by the Recorder of said City of Albany, notice of bids for the completion of said improvement, and declaring an emergency.

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

Section 1. That lateral sewers be constructed within the City of Albany, Oregon to-wit:

Lateral 1. Beginning at the manhole at the south end of the lateral sewer now in place on the south side of 15th St. between Vine and Maple Sts.; and running thence southerly on the East line of Lot 3 in Bl. 1 in Pipe's South Albany Add. to the City of Albany, Linn County, Oregon to the southeast corner of said lot; running thence Easterly 90 ft., and westerly along the center line of Bl. 1, in Schultz Front Add. to said City to the West line of Elm St. a total distance of 1000 ft.

Lateral 2. Beginning at a point in B. Street near the Southeast corner of Lot 1, in Bl. 2, in Pipe's South Albany Add. to the City of Albany, Oregon, and running thence southerly in said street a distance of 365 feet to the northeast corner of Block 5 in said Addition.

Lateral 3. Beginning at a point in B. Street in the City of Albany, Linn County, Oregon at a point 18 ft. easterly from the southeast corner of Lot 1, in Bl. 3 in Pipe's South Albany Add. to said City and running thence Easterly into Block 4 in said Addition a distance of 200 ft. and westerly through the center of Block 3 and into Block 2 of Schultz Front Addition a distance of 650 feet.

That said improvements be made in accordance with the Charter and Ordinances of the City of Albany, Oregon and the plans and specifications and estimates therefore of Walter W. Larson, City Engineer of said City, filed in the office of the Recorder of the City of Albany, on the 15th day of July, 1946.

The cost of the construction of said lateral sewers shall be paid out of the fund to be collected and arising upon and out of the assessments 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 improvement as hereinabove described and especially and particularly benefited thereby, as provided by the Charter of said City of Albany, Oregon.

That the construction of said lateral sewer shall be completed on or before 60 working days from the date of the execution of the contract for the construction of the same.

The Council of the City of Albany hereby reserves the right to reject

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any and all bids for the construction of said sewers.

Any person, firm or corporation with whom any contract may be entered into by the City of Albany for the construction of said lateral sewer shall, before commencing said work and at the time of signing such contract, make, execute and deliver to the City of Albany, a good and sufficient bond, with good and sufficient surety or sureties, in a sum equal to fifty percent of the amount of the bid therefore, conditioned for the faithful performance of such contract in the manner provided by law.

Section 2. If the person, firm or corporation entering into any contract with the City of Albany for the construction of said lateral sewers shall not complete the same within the time stipulated in said contract and as herein provided, the contractor shall pay to the City of Albany the sum of \$5.00 per day for each day of delay required to complete said contract beyond said specified time, said sum to be as fixed and liquidated damages to said City by reason of such delay.

Section 3. The Recorder of the City of Albany is hereby ordered and directed to immediately give proper notices for bids for the construction of said lateral sewers by a newspaper of general circulation published in the City of Albany, Linn County, Oregon, thereof for ten days in the Albany Democrat-Herald, fully describing in said notice the time and manner of doing the work as provided herein.

Section 4. WHEREAS, the peace, health and safety of the people of the City of Albany are involved. Therefore, an emergency is hereby declared to exist 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 Sept. 11, 1946

Approved by the Mayor Sept. 11, 1946

G. C. FIORELLI
Mayor

Attest: C. R. Ashton

I, C. R. Ashton, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the above copy of the Ordinance No. 1738 has been by me carefully compared with the Ordinance Bill No. 1859, as passed by the Council September 11, 1946, and approved by the Mayor on the 11th day of September, 1946.

Witness my hand and official signature and seal of the City of Albany, Oregon on the 12th day of September, 1946.

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