

ORDINANCE NO. 1075

A BILL FOR AN ORDINANCE Providing for the time and manner of the improvement of Montgomery Street from the Willamette River to a point on Montgomery Street, if extended, where the same would be intersected by Twelfth Street, if extended, thence in a westerly direction on Twelfth Street, if extended, to the West line of Vine Street by constructing a main sewer over the route above described; providing how the costs 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 of said street; and providing further, for the giving, by the Recorder of said City, of proper notice for bids for the completion of said improvement of said part of said street, and declaring an emergency.

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

Section 1. That Montgomery Street from the Willamette River to a point on Montgomery Street, if extended, where the same would be intersected by Twelfth Street, if extended, thence in a westerly direction on Twelfth Street, if extended, to the West line of Vine Street, be improved by constructing over said route a main sewer, said improvement to be made in accordance with the charter and ordinances of the City of Albany, Oregon and the plans, specifications and estimates of Engineers, Stevens & Koon for the improvement of said street, filed in the office of the Recorder of the City of Albany, Oregon, on the 28th. day of June, 1923, endorsed, "Plans, Specifications, Proposals and Contract for the constructions of Main Sewers in and for the City of Albany, Oregon."

The cost of said improvement shall be paid for out of the fund to be created by the sale of bonds, as now authorized by the charter of the City of Albany, Oregon.

That said improvement shall be completed on or before four (4) months from the date of the execution of the contract for the construction of said sewer.

The Council hereby reserves the right to reject any and all bids for the making of said improvement.

Any firm, person or corporation with whom any contract may be entered into for 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 the City a good and sufficient bond, with good and sufficient surety or sureties in a sum equal to fifty per cent (50%) of the amount bid for the faithful performance of such contract.

Section 2. If the person, firm or corporation entering into any contract with the City of Albany to make said improvement of said Montgomery

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Street shall not complete the same within the time stipulated in said contract, and as herein provided, the contractor shall reimburse the City of the additional expense incurred, by reason of extended time for engineering services due to such delay. The amount of such additional expense shall be at the rate of Two Hundred Fifty Dollars (\$250) per month for the actual amount of such delay, or any part thereof.

It is understood that this extra expense is not to be considered in the nature of a penalty, but as liquidated damages, which have accrued against the contractor and the City is authorized to deduct the amount of such damages from any money due the contractor for work performed, or materials furnished the contractor.

It shall be further provided, however, that should the City, or its authorized agents, cause delay of the completion of the contract, the contractor will be allowed additional time for the completion of the contract and the amount of such additional time shall be equal to the actual delay caused by the City or its agents, as determined by the engineer in charge whose decision shall be bind upon all parties.

Section 3. The Recorder of the City is hereby ordered and directed to immediately give proper notice for bids for making said improvements of said street and publish such notice for ten (10) days in the Albany Evening Herald a daily newspaper of general circulation, published in the City of Albany, Linn County, Oregon, fully describing in said notice the time and manner of doing the work on said improvement of Montgomery Street.

Section 4. That it is absolutely necessary for the public peace, health and safety of the people of the City of Albany that this ordinance be of immediate force and effect and 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, June 28, 1923.

Approved by the Mayor, June 29, 1923.

P. A. Young,
Mayor.


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

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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. 1075, has been by me carefully compared with the original Ordinance Bill No. 1173 now on file in my office and that it is true and correct copy of all and the whole of said Ordinance Bill No. 1173 passed by the Council, June 28, 1923, and approved by the Mayor, June 29, 1923.

WITNESS, my hand and official signature and the seal of the City of Albany this 31 day of December, 1924.



Recorder of the City of Albany.