

ORDINANCE No. 487.

Relating to the time and manner of paving Ellsworth Street between Second and Third Streets.

Ord 487  
Relating  
to the  
time &  
manner  
of paving  
Ellsworth  
Street  
between  
2<sup>nd</sup> & 3<sup>rd</sup>

An Ordinance providing for the time and manner for improving Ellsworth Street from the North curb line of Third Street to the South line of Second Street, providing how the cost of such im-  
provement shall be paid, the penalty or damages that shall be paid 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 for the giving by the Recorder of said City proper notice for bids for the completion of such improvement of said street.

The People of the City of Albany do ordain as follows:

Section 1. That Ellsworth Street, from the North curb line of Third Street to the South line of Second Street, shall be improved as follows:

- First, By grading said street & proper sub-grade.
- Second, By paving the roadway of said street full width with bitulithic pavement.
- Third, By laying and constructing bitulithic headers.
- Fourth, By constructing inlets.
- Fifth, By laying vitrified sewer pipe.

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 the City Engineer filed in the office of the City Recorder of the City of Albany, Oregon, on the 20<sup>th</sup> day of May 1909, and ordered by City Engineer Plans and Specifications for the improvement of the following named streets, to-wit:

ORDINANCE NO. 487.

Relating to the time and manner of paving Ellsworth Street between Second and Third Streets.

Second Street from the East Curb line of Washington Street to the West Curb line of Lyon Street; Ferry Street from the North Curb line of Third Street to the South line of Second Street; Broad Allen Street from the North Curb line of Third Street to the South line of Second Street; Ellsworth Street from the North Curb line of Third Street to the South line of Second Street, and the estimates of the work to be done on each of said streets separately, and the probable cost thereof on each of said streets separately.

The cost of said improvement of said Ellsworth Street lying between the North Curb line of Third Street and the North line thereof shall be paid by the City of Albany out of the general funds of said City; the remaining portion of the cost of the said improvement of said Ellsworth Street, shall be paid out of the funds collected and arising upon and out of the assessments heretofore made, ascertained and declared by Ordinance No. 483 passed by the Council of the said City of Albany on the 20th day of June 1909 and approved by the Mayor of said City on the 26th day of June 1909, on the last and parts of lots adjacent hereafter to be so improved, and especially and particularly benefited thereby, as provided by the Charter of said City.

The said improvement of said Ellsworth Street shall be completed by the first day of October 1909. All bids for the making of said improvement of said Ellsworth Street deemed unreasonable by the Council of said City may be rejected. Any firm, corporation or person with which, or with whom any contract may be entered into by said City for the making of said improvement shall, before commencing said improvement

## ORDINANCE No. 487.

Relating to the time and manner of paving Ellsworth Street between Second and Third Streets.

and at the time of signing such contract, make, execute and deliver to said City a good and sufficient bond, with good and sufficient security in the sum of \$1,000 for the faithful performance of such contract.

Section 2. If the firm, corporation or person entering into any contract with the said City of Albany, to make said improvement of said Ellsworth Street shall not complete the same within the time mentioned and specified in such contract, said City shall be deemed to suffer damage on account thereof to the amount of \$10 per day for each day over and beyond the completion of the 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 for the completion of said improvement is extended by the Council.

All the pavement shall be laid in dry and suitable weather and not otherwise.

Section 3. The Recorder of said City is hereby ordered and directed to immediately give notice for bids for the paving of said improvement of said Ellsworth Street by publishing such notice ten (10) days in the Albany Daily Democrat, a daily newspaper published daily in said City of Albany, fully describing in such notice the manner and time of doing the work of said improvement of said Ellsworth Street.

Section 4. In as much as there is urgent necessity for and the general welfare of said City demands the immediate improvement of said Ellsworth Street in the manner aforesaid, in order that the same may be made and completed during the rainy season set in, an emergency

ORDINANCE No. 487.

*relating to the time and manner of paving & clearing  
drift between Second and Third Streets.*

*is hereby declared to exist and this Ordinance  
shall be in full force and effect from and  
after its passage by said Council and its  
approval by the Mayor of said City.*

*Passed the Council June 28, 1909.*

*Approved June 29, 1909.*

*J. P. Wallace  
Mayor of the City of Albany.*

*Witness:  
J. M. Redfield  
Recorder of the City of Albany.*

CITY RECORDER'S CERTIFICATE.

STATE OF OREGON, }  
COUNTY OF LINN, } ss.

I, F. M. REDFIELD, 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. 487*  
has been by me carefully compared with the original *Ordinance bill 529*  
now on file in my office, and that it is a true and correct copy of all and the whole of said  
*Ordinance bill 529 as passed by the Council*  
*of the City of Albany Oregon June 28, 1909.*

Witness, my hand and official signature and the seal of the City of Albany, this

*29* day of *June* 19*09*  
*J. M. Redfield*  
Recorder of the City of Albany.