

ORDINANCE NO. 1438

AN ORDINANCE to amend Ordinance #1433, entitled "An Ordinance providing for the time and manner of improving Ninth Street between the West line of Elm Street and the West line of Cottage Street, passed by the Council November 10, 1937, and approved by the Mayor November 10, 1937; and declaring an emergency.

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

SECTION 1. That Ordinance # 1433 entitled "An Ordinance providing for the time and manner of improving Ninth Street between the West line of Elm Street and the West line of Cottage Street in the City of Albany, Oregon, providing how the cost of such improvement shall be paid; the penalty and damage to the City of Albany by the person or persons making such improvement if the same 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 portion of said street and providing for the giving of notice by the Recorder of the City of Albany for bids for the completion of such improvement and declaring an emergency," passed by the Council November 10, 1937 and approved by the Mayor November 10, 1937, be and the same is hereby amended to read as follows:

SECTION 1. That Ninth Street from the West line of Elm Street to the West line of Cottage Street in Albany, Oregon, shall be improved in the following manner, to-wit:

1. By grading said street to the proper sub-grade.
2. By surfacing the roadway of said street full width with full inter-sections with a six inch gravel base with
 - a. a one inch oil mat surface, or
 - b. a one-course six inch Portland cement concrete pavement, or
 - c. a two inch asphaltic concrete pavement
3. By laying and constructing concrete gutters.
4. By constructing concrete curbs and sidewalks wherever necessary.
5. By installing a proper drainage system.

Said improvement to be made in accordance with the charter and ordinances of the City of Albany, Oregon, and the plans and specifications of Walter W. Larsen, engineer of said City for the making of such improvement, which said plans, specifications and estimates were filed in the office of the Recorder of the City of Albany, Oregon, on the 22nd day of September, 1937, endorsed "Specifications for the improvement of Ninth Street from the West line of Elm Street to the West line of Cottage Street."

The cost of making said improvement of said portion of Ninth Street shall be paid out of funds collected and arising upon and out of the assessments hereinafter to be made, ascertained and declared by the Council of the City of Albany, Oregon, on the lots or parts of lots adjacent to said portion of said Ninth Street so to be improved and especially and particularly benefited thereby as provided by the Charter of said city.

Said improvement of said portion of Ninth Street shall be completed on or before the 1st day of July, 1938.

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 good and sufficient bond with good and sufficient surety in the sum of \$4100.00 for the faithful performance of such contract.

SECTION 2. Whereas, the peace, health and safety of the people of the City of Albany requires that this ordinance become immediately effective, therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

PASSED BY THE COUNCIL MARCH 9, 1938.

APPROVED BY THE MAYOR MARCH 9, 1938.

C. R. ASHTON
MAYOR

ATTEST: *[Signature]*
RECORDER OF THE CITY OF ALBANY, OREGON.

STATE OF OREGON)
COUNTY OF LINN (ss.
CITY OF ALBANY)

I, K.R. Horton, Recorder of the City of Albany, Linn County, Oregon, hereby certify that the annexed and foregoing copy of Ordinance #1438, has been by me carefully compared with the original Ordinance Bill # 1551, on file in my office, and that it is a true and correct copy of all of said bill, passed by the Council March 9, 1938, and approved by the Mayor March 9, 1938.

Witness my hand and official signature and the seal of the City of Albany, this 10th day of March, 1938.

[Signature]
RECORDER OF THE CITY OF ALBANY, OREGON.