

ORDINANCE NO. 1523

AN ORDINANCE authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with U.G. Hayne, for the construction of lateral sewers as follows:

Beginning at the manhole in Geary Street Trunk sewer between Eighth and Ninth Streets in the City of Albany, Oregon, and running thence Westerly through Blocks 2 and 3 in Hackleman's Park Addition to said City of Albany a distance of 466 feet, by laying an eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter W. Larsen, City Engineer, of the City of Albany, filed in the office of the Recorder of said City on the 26th day of June, 1940.

WHEREAS, by Resolution No. 8 adopted by the Council the 26th day of June, 1940, it was ordered that a lateral sewer be constructed as follows:

Beginning at the manhole on the Geary Street Trunk Sewer between Eighth and Ninth Streets in the City of Albany, Oregon, and running thence Westerly through Blocks 2 and 3 in Hackleman's Park Addition to said City a distance of 466 feet, said lateral sewer to be constructed of eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter W. Larse, Engineer of said City, filed in the office of the Recorder of said City on the 26th day of June, 1940.

WHEREAS, it was provided in and by Ordinance No. 1522, passed by the Council on the 24th day of July, 1940, and approved by the Mayor on the same date that the Recorder give notice for bids for the making of such improvement in the manner provided by law; and

WHEREAS, due notice and advertisement for said bids have been made and given by the Recorder of the City of Albany in accordance with the provisions of said ordinance and in the manner provided by law; and

WHEREAS, U.G. Hayne on the 14th day of August, 1940, presented his bid to the Council of said City for the making of said improvements, which said bid was made in due form and in conformity with all the conditions imposed by law and by said ordinance, by which bid the said U.G. Hayne, proposed to furnish all material, and implements and to perform all the labor necessary to make the above described improvement for the sum of \$423.00; and

WHEREAS, U.G. Hayne, was the lowest bidder for said proposed work and said bid was the lowest ~~xxxxx~~ and best bid submitted therefor.

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

Section 1. That the bid of the said U.G. Hayne, for said improvement be and the same is hereby accepted and the Mayor and Recorder of the City of Albany are hereby authorized and directed to enter into an agreement in writing with the said U.G. Hayne, for the making of said improvement as aforesaid on behalf of the City of Albany, Oregon, and upon the terms and conditions in said ordinance, advertisement and bid hereinabove mentioned.

Said contract shall provide that the work on said sewer construction shall commence within ten days after the signing of said contract and shall be prosecuted with such vigor that all the work embraced therein shall be entirely completed on or before the 15th day of September, 1940, and the City of Albany shall be deemed to suffer damages to the extent of \$10.00 per day for each and every day the work is delayed beyond such time.

Said contract shall further provide that the said U.G. Hayne, shall, promptly as due, make payment to all parties supplying to them labor and material for the prosecution of the hereinabove described work and that they will not permit any lien or claim to be prosecuted against the City of Albany for or on account of any labor or material furnished on said work and shall also pay all contributions or amounts due the State Industrial Accident Fund incurred in the performance of said contract.

Section 2. The said U.G. Hayne, shall furnish a bond in a sum equal to fifty percent of the contract price with good and sufficient surety thereon to be approved by the Mayor of the City of Albany, to secure the faithful performance of all the obligations of said contract on the part of the said bidder and particularly on account of any lien or claim for labor or material furnished on the part of any person or persons arising out of such contract.

No persons shall be employed on said contract for more than eight hours in any one day or forty-eight hours in any one week unless in case of emergency when no other competent labor is available and in such cases such laborer shall be paid double wages for over time.

Said contract shall further provide that should the said contractor fail, neglect or refuse to make payment promptly of any claim for labor, wages or materials furnished by any person in connection with said contract as said claim becomes due, whether said labor, wages or materials be furnished for said contractor or any sub-contractor, then and in such event the Council

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of the City of Albany may pay such claims to the proper claimants and charge the same against funds due or to become due said contractor by reason of said contract.

Passed by the Council August 14, 1940.

Approved by the Mayor August 14, 1940.

A.G. Sender

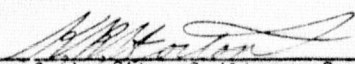
Mayor

ATTEST K.R. Horton
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, do hereby certify that the foregoing copy of Ordinance # 1523, has been by me carefully compared with the original Ordinance Bill # 1643, now on file in this office and that same is a true and correct copy of the whole of said Ordinance Bill # 1643, as passed by the Council of the City of Albany, Oregon, on the 14th day of August, 1940, and approved by the Mayor on the same day.

Witness my hand and official signature and the seal of the City of Albany, Linn County, Oregon, this 15th day of August, 1940.


Recorder of the City of Albany, Oregon.