

# ORDINANCE NO. 1737

## A BILL FOR:

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

Beginning at the manhole on the Columbus St. Main Sewer where the same intersects the south line of the Southern Pacific Co's. right-of-way and running thence S. Westerly along said right-of-way a distance of 150 feet and also north easterly along said right-of-way line a distance 500 feet.

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 sewer be constructed within the City of Albany, Oregon, to-wit:

Beginning at the manhole on the Columbus Street Main Sewer where the same intersects the south line of the Southern Pacific Co's. right-of-way and running thence south westerly along said right-of-way a distance of 150 feet and also north easterly along said right-of-way line a distance of 500 feet.

That said improvements be made in accordance with the Charter and Ordinance of the City of Albany, Oregon, and the plans and specifications and estimates therefore of Walter W. Larsen, 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 sewer 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 and adjacent to said improvement as hereinabove described and especially and particularly benefited thereby, as provided by the Charter of the 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 any and all bids for the construction of said sewer.

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 per cent of the amount of the bid therefor, 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 sewer 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 \$25.00 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 notice 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.

ORDINANCE NO. 1737 continued

Passed by the Council September 11, 1946.

Approved by the Mayor, September 11, 1946.

G. C. FRODELL  
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. 1737, has been by me carefully compared with the Ordinance Bill No. 1858, 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