

# ORDINANCE NO. 1743

## A BILL FOR:

AN ORDINANCE authorizing the Mayor and Recorder of the City of Albany, Oregon, to enter into a contract with Leonard & Slate Oregon Ltd for the construction of lateral sewers as follows:

Lateral 1. Beginning at the manhole at the south end of the lateral sewer now in place on the south side of 15th street between Vine and Maple Sts.; and running thence southerly on the East line of Lot 3 in Bl. 1, in Pipe's South Albany Add. to the City of Albany, Linn County Oregon to the southeast corner of said lot; running thence Easterly 90 ft., and westerly along the center line of Blocks 1 and 2 in said Add. and along the center line of Block 1 in Schultz Front Add. to said City to the West line of Elm St. a total distance of 1000. ft.

Lateral 2. Beginning at a point in B. Street near the Southeast corner of Lot 1 in Block 2 in Pipe's South Albany Add. to the City of Albany, Oregon, and running thence southerly in said street a distance of 365 ft. to the northeast corner of Block 5 in said Add.

Lateral 3. Beginning at a point in B. Street in the City of Albany, Linn County, Oregon at a point 1 ft. easterly from the southeast corner of Lot 1 in Block 3 in Pipe's South Albany Addition to said City and running thence Easterly into Block 4 in said Addition a distance of 200 ft. and westerly through the center of Block 3 and into Block 2 of Schultz Front Addition, a distance of 650 ft.

By laying an eight inch vitrified terra cotta sewer pipe in said project 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 the said City on the 11th day of September, 1946.

Whereas, by Resolution No. 98 adopted by the Council the 24th day of July, 1946, it was ordered that lateral sewers be constructed as follows:

Lateral 1. Beginning at the manhole at the south end of the lateral sewer now in place on the south side of 15th street between Vine and Maple Sts.; and running thence southerly on the East line of Lot 3 in Bl. 1, in Pipe's South Add. to the City of Albany, Linn County Oregon to the southeast corner of said lot; running thence Easterly 90 ft., and westerly along the center line of Block 1 in Schultz Front Add. to said City to the West line of Elm St. a total distance of 1000 ft.

Lateral 2. Beginning at a point in B. Street near the Southeast corner of Lot 1 in Block 2 in Pipe's South Albany Add. to the City of Albany, Oregon, and running thence southerly in said street a distance of 365 ft. to the northeast corner of Block 5 in said Addition.

Lateral 3. Beginning at a point in B. Street in the City of Albany, Linn County Oregon at a point 1 ft. easterly from the Southeast corner of Lot 1 in Block 3 in Pipe's South Albany Add. to said City and running thence Easterly into Block 4 in said Addition a distance of 200 ft. and westerly through the center of Block 3 and into Block 2 of Schultz Front Addition a distance of 650 ft.

said lateral sewers to be constructed of eight inch vitrified terra cotta sewer pipe in accordance with the plans and specifications of Walter W. Larsen, Engineer of said City, filed in the office of the Recorder of said City on the 11th day of September, 1946.

Whereas, it was provided in and by Ordinance No. 1738 passed by the Council on the 24th day of September, 1946, 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, Leonard & Slate Oregon Ltd., on the 25th day of Sept., 1946, presented their bid to the Council of said City for the making of said improvement 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 Leonard & Slate Oregon Ltd. proposed to furnish all material, and implements and to perform all the labor

necessary to make the above described improvement for the sum of \$4357.40; and

Whereas, Leonard & Slate Oregon Ltd., was the lowest bidder for said proposed work and said bid was the lowest and best bid submitted therefore.

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

Section 1. That the bid of the said Leonard & Slate Oregon Ltd 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 Leonard & Slate Oregon Ltd 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 1st day of November 1946, and the City of Albany shall be deemed to suffer damages to the extent of \$25.00 per day for each and every day the work is delayed beyond such time.

Said contract shall further provide that the said Leonard & Slate Oregon Ltd shall, promptly as due, make payment to all parties supplying to him labor and material for the prosecution of the hereinabove described work and that he 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 Leonard & Slate Oregon Ltd shall furnish a bond in a sum equal to fifty per cent 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.

Said contract shall further provide that should the said contractor fail, neglect or refuse to make prompt payment 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 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 September 25, 1946

Approved by the Mayor September 25, 1946

G. C. McDILL  
Mayor

Attest: C. R.

I, C. R. Ashton, Recorder of the City of Albany, Finn County Oregon, do hereby certify that the above copy of the Ordinance No. 1743 has been by me carefully compared with the Ordinance Bill. No. 1864, as passed by the Council September 25, 1946, and approved by the Mayor on the 25th day of September, 1946.

Witness my hand and official signature and seal of the City of Albany, Oregon on the 26th day of September, 1946.

C. R. Ashton  
Recorder of the City of Albany, Oregon