

See Ord. 222

ORDINANCE NO. 2246

AN ORDINANCE providing for the time and manner of constructing a lateral sewer in the City of Albany, Oregon, approximately 1750 l.f. in length, beginning at the manhole located at the intersection of Twelfth Avenue and 99-E and running southwesterly adjacent to the south right-of-way of 99-E to a point near Queen Avenue, and providing for the giving of notice for bids for the completion of said improvements.

WHEREAS, heretofore and under Resolution No. 44 adopted by the City Council on the 9th day of February, 1949, notice of the proposed sewer construction was given by posting on the 11th day of February, 1949, and that such posting was completed and remonstrance was interposed by Southern Pacific Company, and

WHEREAS, thereafter it was agreed by the Engineer of the City of Albany that an 8" lateral sewer would suffice and that such conclusion of the City Engineer is accepted by the Southern Pacific Company and the City of Albany,

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

That the improvement shall continue with an 8" lateral; that the plans and specifications had heretofore been filed prior to the date of the resolution and Notice of Publication, and that the amended plans are on file showing the reduction of the size from 12" to 8" and that such improvement shall be made in accordance with the amended plan which is now on file in the office of the City Recorder.

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 adjacent to said improvement as hereinabove described and especially and particularly benefited thereby, as provided by the Charter of said City of Albany, Oregon.

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 thereof, conditioned for the faithful performance of such contract in the manner provided by law.

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.

The Recorder of the City of Albany is hereby ordered and directed to immediately give proper notices for bids for the construction of said lateral sewer by publication thereof for ten days in the Albany Democrat-Herald, a newspaper of general circulation published in the City of Albany, Linn County, Oregon, fully describing in said notice the time and manner of doing the work as provided herein.

Passed by the council 2 27 1950

Approved by the Mayor \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

E. J. Fortmiller  
City Recorder

I hereby certify that under Chapter IV, Article 1, Section 50, the above Ordinance was duly submitted to the mayor; and was not signed by the mayor; that the ordinance was not returned with any reasons for not approving said ordinance; that more than ten days have elapsed since the submission of the same to the mayor, therefore, by virtue of the above section, article and chapter, the ordinance no. 2246 has become law.

Dated this 24th day of January, 1951.

E. J. Fortmiller  
Recorder