

An ordinance providing for the time and manner of improving Date Street to a junction with the sidewalk on Fourth Street, providing, confirming and adopting resolution adopted by the Commissioners of the City of Warrenton on the ^{7th} day of ~~July~~^{August} 1923, declaring intention of making said improvement, and appointing Commissioners E. E. Meyers and F. M. Warren of the City of Warrenton, the Committee on estimates, authorizing and directing said Committee to examine all property benefited by said improvement, and upon which local assessments are to be levied as to the estimates and values, if any, for the special benefit to be derived by the said property from the aforesaid improvement. Adopting report of the Committee on estimates, adopting plans and specifications for the construction of said improvement, providing for the publication of notice to all whom it may concern, of the intention of the commission to make the improvement mentioned herein; providing for a hearing of objections, remonstrances and claims of grievances of any person interested in the aforesaid improvement and declaring an emergency.

WHEREAS the Commission of the City of Warrenton on the day of July 1923, adopted a resolution declaring its intention to improve the West side of Date Street to a junction with the sidewalk on Fourth Street by constructing a six foot sidewalk thereon, and commencing at a point in front of Jacob Bosshart's house, and running South along the West side of Date Street to a junction with Fourth Street in the City of Warrenton, Oregon.

AND WHEREAS by said resolution the Committee on estimates consisting of E. E. Meyers and F. M. Warren were duly named and designated for the purpose of examining all the property effected by such improvement and upon which local assessments are to be levied as to the estimates and values, if any, for the special benefit to be derived by the said property from the aforesaid improvement.

AND WHEREAS the said Committee of estimates has made and filed with the Auditor and Police Judge of the City of Warrenton its report

containing a description of each Lot or parcel of land, and the estimate in proportion of the cost of improving each, applies against the same together with the name of the owner or the reputed owner thereof. This said report also containing the estimated cost of said improvement, which said report has been duly considered by the Commissioners of the City of Warrenton.

AND WHEREAS plans and specifications for the construction of said improvement have been duly filed with the Auditor and Police Judge by the Engineer of the City of Warrenton, and said resolution declaring intention to make said improvement, the report of the Committee on estimates of the probable cost of said improvement and amount apportioned to each Lot or parcel of land in the said improvement district, and plans and specifications of making said improvement filed with the Auditor and Police Judge of the City of Warrenton, are to be hereby referred to and made a part hereof, as though ~~said~~ set out in full herein.

AND WHEREAS no remonstrances have been filed against the said improvement,

NOW THEREFORE the City of Warrenton does ordain as follows:

SECTION 1. That Date Street be improved by constructing a Six foot sidewalk thereon on the West side thereof, commencing at a point in front of Jacob Bosshart's house, and running South along the West side of Date Street to a junction with Fourth Street. The said improvement shall be constructed according to the plans and specifications as made and filed by the Committee on estimates on the day of August 1923, and resolution declaring intentions and determinations of the Commissioners of the City of Warrenton to make said improvement adopted on the day of July 1923, and in accordance with the notice of the intention and determination of the Commissioners to make the said improvement given as hereinbefore specified and in accordance with the report of the Committee on estimates duly adopted by resolution, adopted by the Commissioners of the City of Warrenton on the said day

of July 1923, said resolution, report of Committee on estimates, plans and specifications and estimates of the costs and expenses of making said improvement, and estimates of the costs apportioned to each Lot or parcel of land in said improvement district benefited by the said improvement as contained in said report of Committee on estimates, are hereby approved, confirmed and adopted, and referred to and made a part hereof as though set out in full herein.

SECTION 2. The Commission of the City of Warrenton be, and the same is hereby authorized and directed, as conforming to the requirements of the Charter of the City of Warrenton, and this Ordinance as hereinbefore specified, to advertise for bids for the construction of said improvement, and upon the acceptance of the lowest and best responsible bid by said commission, to enter into a contract with such bidder for the construction of said improvement.

The contract shall provide that said improvement shall be constructed and completed to the satisfaction of the Manager of the City of Warrenton and the City Engineer of said City, and that the Contractor shall commence work on or before ten (10) days from the date of signing the contract, and that the work shall be diligently prosecuted and the same shall be completed on or before the 1st day of October 1923, unless the time shall be extended by resolution or ordinance, and for each day's delay in the commencement of the work, as above provided, and for each day's delay in the completion of the improvement as above provided, unless the time shall be extended by resolution or ordinance, the contractor shall forfeit and pay to the City of Warrenton as stipulated damages the sum of Five dollars.

The contractor submitting a bid for the aforesaid improvement shall with his proposal submit a certified cheque for an amount equal to 5% per cent of the total amount bid payable to the City of Warrenton, and which shall be forfeited and become the property of the City of Warrenton, if the contractor whose bid is accepted shall fail to enter into a contract with the City of Warrenton to

construct said improvement within ten (10) days from the date of mailing notice of such acceptance. The contractor whose bid shall be accepted shall furnish bond in the amount of seventy-five per cent of the total amount bid and that said improvement shall be made strictly as provided by the plans and specifications hereinbefore referred to and this ordinance, and that the contractor shall have full charge of the work and shall be responsible for all accidents and injuries occurring upon said improvement during the progress of the work and until said improvement shall be completed and accepted by the City of Warrenton, and shall save the City harmless on account of any injury to any person or persons happening upon said improvement while in the course of construction and until said improvement shall be completed and accepted by the City of Warrenton, and shall save the City harmless from all damages to private property caused by or on account of the construction of said improvement while in the course of construction and until said improvement shall be completed and accepted by the City of Warrenton.

That the said contract entered into ^{by} and between the City of Warrenton and the Contractor for the improvement of the street as aforesaid, shall provide that the contractor shall promptly, as due, make payments to all persons supplying the said contractor with labor, services and material for the construction or completion of said work provided for in said contract, and that the said contractor shall not permit any lien or claim to be filed or prosecuted against the City of Warrenton for or on account of any labor or material furnished him in the prosecution and fulfillment of the terms of said contract with the City of Warrenton and as provided for by said resolution, said report of Committee on Estimates and plans and specifications hereinbefore referred to and made a part of this Ordinance.

The said contract shall further provide that during the performance of said contract, no person shall be permitted or required to labor more than eight (8) hours in any one calendar day, or more than forty-eight (48) hours in any calendar week, except in cases of necessity, emergency, or where public policy absolutely

requires it and in such event the person or persons employed for excessive hours shall receive double pay for the overtime so employed, and no emergency or public policy shall be presumed to exist when other labor of like skill and efficiency which has not been employed full time is available, and no person shall be employed by the said contractor in the performance of said contract who is not a citizen of the United States of America and who has not declared his intention to become such.

The contract shall provide that if the contractor shall fail to carry out the terms of the contract in accordance with the conditions contained therein and shall remain in default for a period of 10 days after written notice of such default and request to make the same good, the City of Warrenton shall have the right to declare the contract forfeited and to advertise for bids for the completion of said contract and to enter into a contract with the lowest responsible bidder for the completion of the same, and to charge the difference in the contract price, if any, to the original contractor and his bondsmen.

That payments for the work shall be made on monthly estimate of the Engineer, taken about the end of each calendar month, and payable on the tenth day of the month succeeding the month in which the work was done, less fifteen per cent to be retained by the City to insure completion of the work. Thirty days after the work is fully completed and a certificate to this effect is given by the Engineer for the City and upon acceptance of the said improvement by the Commission of the City of Warrenton, the retained percentage will be paid to the contractor unless the contractor has failed to complete the contract within the time specified, or has been deficient or defaulted in the completion or full performance of his contract. Payments will be made in special fund warrants upon the district created for making said improvement.

SECTION 3. The contractor shall be required to give bond, either a surety bond or a personal bond, and in the event of a personal

bond with two or more sufficient sureties in the penal sum of seventy-five per cent of the contract price, conditioned for the faithful performance of the contract.

SECTION 4. Inasmuch as the objects to be obtained by this Ordinance will be of great benefit to the people of the City of Warrenton, and there exists and there is an urgent necessity that this Ordinance should take effect as soon as possible, so that the health, peace and safety of the City of Warrenton may be preserved, an emergency is hereby declared to exist, and this section therefore shall take effect when approved by the affirmative vote of all the Commissioners of the City of Warrenton, and this Ordinance shall then be in full force and effect and operative immediately after its passage and approval by the Mayor of the City of Warrenton.

PASSED by the Commissioners of the City of Warrenton this

21st day of Aug. 1923.

APPROVED this 21st day of Aug. 1923.

ATTEST:

Sidney Campbell
AUDITOR AND POLICE JUDGE.

W. M. Midline
MAYOR.