

ORDINANCE BILL NO. 120

ORDINANCE NO. 119 (formerly no. 114)

An Ordinance Providing for the Improvement of Main Street from the North Line of A. street to the South line of Carolina street by paving the road way of the said street for the full width with Gravel Bitulithic pavement, in accordance with the plans and specifications heretofore adopted and approved by the council of the said city and now on file with the recorder of the said City, and providing for the consideration and disposition of the remonstrance against the said proposed pavement of the said street and other streets, and directing to recorder to advertise for bids for the improvement of the said Main street with gravel Bitulithic pavement.

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:-

Whereas, on the 7th day of May, 1912 the common council of the City of Lebanon duly adopted a resolution ^{No. 6} requiring of the city engineer of the said City plans and specification for the improvement of Main street and other streets in the City of Lebanon, which said resolution was duly adopted on the said day and on said day was approved by the mayor of the said city and filed in the office of the recorder, on the said 7th day of May, 1912,

And whereas, thereafter on the 4th day of June, 1912 the said City engineer filed in the office of the recorder of the said City, plans and specifications for the improvement of said Main street from the North line of A. street to the South line of Carolina Street and certain other streets, with gravel Bitulithic pavement and other kinds of pavement^s

And whereas, on the said 4th day of June, 1912, the common council of the said city duly adopted Resolution No. 7 establishing paving districts in the said City, and making the said pavement of said Main street District No. 1, which said resolution was duly approved by the mayor on the said 4th day of June, 1912 and filed in the office of the record-

er of the said City, on the said 4th day of June, 1912, wherein it was and is provided that the said recorder advertise for several kinds and quality of hard surface paving, including gravel bitulithic, and further providing that such bids be received and opened by the Council on the 2nd day of July, 1912 at the hour of 8 o'clock p. m. of said day.

And whereas, the said Council did on the said second day of July, 1912 receive and open numerous bids for several kinds of hard surface pavement, including ^{gravel} bitulithic, and after fully and carefully considering the same and all of them, the said council considered and determined upon the said ^{gravel} bitulithic pavement as the cheapest and best for the said city to adopt. and thereupon the said Council did adopt for the pavement and improvement of the said Main street and other streets the said ^{gravel} bitulithic pavement to be made and laid according to the plans and specifications on file in the office of the recorder of the said city of Lebanon, *for said gravel bitulithic pavement*

And Whereas, on the 16th day of July, 1912 the said Council duly adopted Resolution No. 9 of the said City providing for the improvement of the said Main street as follows, From the North line of A. street to the south line of Carolina Street by paving the same with gravel bitulithic pavement for the full width of the road way as follows:

- 1- by grading the street to the proper sub-grade,
- 2- by paving the roadway of the said street the full width with gravel bitulithic pavement with full intersection.
- 3- by laying and constructing gravel bitulithic headers,
- 4- by constructing proper inlets and catch basins,
- 5- by constructing concrete ~~curbs~~ where not already constructed.
- 6- by laying vitrified sewer pipe for drainage.

and for the the improve ment of other streets therein mentioned and described.

And whereas, the City engineers estimates of the probable total cost for the said improvement for the said Main street is the sum of \$26,648.78 and the said City Engineer's estimates of the probable total cost of the said Main street to be paid by the owners of the real property adjacent to and benefited by the said improvement of the said Main street is the sum

of \$21,586.40, and the said City Engineers estimate of the said cost of the said Main street to be paid by the City of Lebanon for the improvement of the said Main street in the sum of \$5,062.38.

And whereas, ~~the~~ ^{was} ~~is~~ authorized and directed in recorded of the said City ~~in pursuance of~~ said resolution No. 9 to give notice to all persons concerned, that the said City proposed to improve the said Main street as therein provided, and other streets and in pursuance thereof and by virtue of the said resolution the said recorder of the City of Lebanon did on the 19th day of July, 1912 give due and legal notice as by ordinance provided to all persons concerned to file with the said recorder with ten days from the giving of such notices any remonstrance or objections to the said proposed improvement of said Main street and other streets. And thereafter and on the 29th day of July, 1912, the said recorder filed in his office proof of the giving and posting of the said notices as by law required.

And whereas, thereafter on the 8th day of ~~July~~ ^{August}, 1912, there was filed with the said recorder, a remonstrance against all the said improvements of all said district.

And whereas, thereafter certain persons petitioned the said county, to take their names off the said remonstrance, before the same was considered, ^{by the council or action taken thereon} which said petition was by the council allowed and granted the said said names were taken from the said remonstrance.

And thereafter and on the 3rd day of September, the said remonstrance coming on to be heard before the council, the matter was referred to the City engineer for a report as to the amount of facial area and abutting property represented on the said remonstrance. and thereafter on the 24th day of September, the said city engineer made and filed with the recorder ^{of said city} his report in writing showing that a majority of the facial area and adjacent land owners has remonstrated against the proposed improvement in District no 2 and in district No. 3. and that on Main street which was made District No. one there is 4892.5 foot frontage on said proposed improvement and facial area, and that the amount represented on the said remonstrance is only 2049.5 feet and no more, and the amount of abutting, and adjacent and facial area not remonstrating against the

said proposed improvement of the said Main street is 2845 feet, and the majority in favor of the said improvement of said Main street is 793.5 feet of frontage abutting on said street and of the facial area of the said, adjacent land, against which the said cost of the said improvement is to be charged, *and assessed*

Now Therefore,

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1:- That the common council of the City of Lebanon deems it expedient and for the best interest of the said City to improve the said portions of Main streets by paying the same with Gravel Bitulithic pavement, as provided in the said plans and specifications,

Section 2. That the council finds and ascertains that a more than a majority of the abutting land on the streets designated in Districts No 2 and 3 have remonstrated against the said improvements of the said streets with the said kind of improvement, and it is hereby determined by that council that the said improvements of the said streets be not made at this time as therein provided.

Section 3. That the council finds and hereby determined and declares that the remonstrance against the said improvement of said Main street is not sufficient, and that the same is not signed by a majority of the abutting property owners, or by a majority of the abutting and adjacent property, or by a majority of facial area of the real property adjacent to the said proposed improvement, or against which the said improvement is to be charged, *and assessed* and the council further finds and ascertains and declares that a majority of the owners of the abutting and adjacent real property to the said proposed improvement of said Main street are in favor of the same,

Section 4:- The Recorder of the said City of Lebanon Oregon is hereby directed and authorized to at once advertise for sealed bids for the said improvement of said Main street with gravel bitulithic pavement in accordance with the said plans and specifications on file with the recorder

of the said City. and that the said notice specify that no bid will be considered which is above the sum of \$175 a square yard for such improvement, and above the tentative bid submitted by the General Construction Company heretofore filed with the recorder and considered by the Council.

Section 5. That the said Notice provide further that the work of the construction of the said improvement of the said street be not commenced before the 1st day of July 1912. and that the said notice be given by publication thereof in some newspaper published in the City of Lebanon for a period of ten days, and that the bids be received and opened by the council at the regular meeting thereof on the 15th day of October, 1912 at the hour of 8 o'clock p. m of said day at the Council chambers in the city of Lebanon.

Section 6. That is as much as it is necessary that the said paving be done without delay, and all orders be made and done at once, an emergency exists, and is hereby declared, and this ordinance shall be in full force and effect from and after its approval by the mayor.

Section. 7:- That this ordinance having received the unanimous vote of all members elected to the council taken by aye and nae vote on the roll call, this ordinance is hereby declared to be in full force and effect on its being signed and approved by the mayor.

Passed this 24th day of September, 1912

Approved by the Mayor this 25th day of September, 1912

W. W. W. W.
Mayor of the City of Lebanon

Attest

J. R. Green
Recorder of the City of Lebanon.