

A BILL FOR AN ORDINANCE.

ORDINANCE NO. 164.

An Ordinance providing for the improvement of that part of Grant Street extending from the West line of Second Street, West to the railroad tracks of the Southern Pacific Company, and that part of Third Street extending from the North line of Grant Street, North to the South line of Sherman Street, all in the City of Lebanon, Oregon.

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WHEREAS, on the 7th day of April, 1914, there was filed with the City Recorder of the City of Lebanon, Oregon, a petition, duly signed by the owners of a majority of the property adjacent to that part of Grant Street extending from the West line of Second Street, West to the railroad tracks of the Southern Pacific Company, and that part of Third Street extending from the North line of Grant Street, North to the South line of Sherman Street, all in the City of Lebanon, Oregon, praying that said portions of Grant and Third Streets be improved in the following manner and particulars, to-wit:

1. BY grading said streets to proper sub-grade;
2. By constructing concrete curbing where the same has not already been constructed;
3. By paving the same with gravel bitulithic paving for such width as may be determined to be proper;
4. By providing suitable surface drainage, and such other accessories as may be proper to a finished job of paving;

And, Whereas the City Council of said City, at a regular meeting thereof held on the said 7th day of April, 1914, duly adopted a resolution reciting that the Council deemed it expedient and necessary that the said improvements be made, and authorizing and instructing the City Engineer to prepare and file plans and specifications appropriate for such improvements, together with estimates of the work to be done

and the cost thereof;

And, Whereas the said City Engineer did thereafter, in pursuance of said resolution, prepare and file said plans, specifications and estimates, and the same are now on file with the City Recorder, bearing file mark of April 21st, 1914;

And, Whereas the City Council, at a regular meeting thereof held on the 21st day of April, 1914, did by resolution duly approve, accept and adopt the same, and declare its purpose and intention to make the said improvements as therein specified, the paving on Grant Street to be thirty-two (32) feet in width, and that on Third Street to be forty-six (46) feet in width;

And, Whereas by said resolution it was ordered that notice of the purpose and intention of the Council to make such improvements should be given by the City Recorder for ten (10) days by publication in the "Lebanon Criterion", a weekly newspaper published in the City of Lebanon, Oregon, said notice to conform to the requirements of Section 199 of the present City Charter;

And, Whereas said notice has heretofore been given and published as required by said resolution and by the City Charter, the same having been published in the regular weekly issued of said newspaper for May 1st and May 8th, 1914, and proof of said publication is now on file with the said City Recorder;

And, Whereas the period of twenty (20) days has passed since the date of said first publication, and no objection or remonstrance has been filed against the making of said improvements, or against any part thereof; now, therefore,

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

Section 1. That the City Council of the City of Lebanon, Oregon, deems it expedient and for the best interests of said City and its inhabitants that that part of Grant Street in said City extending from the West line of Second Street, West to the railroad tracks of the Southern Pacific Company, and that part of Third Street in said City extending from the North line of Grant Street, North to the South line of Sherman Street, be, and it is hereby declared and ordered that it shall be, improved in the following manner and particulars, to-wit:

1. By grading said street to proper sub-grade;
2. By constructing concrete curbing where the same has not already been constructed;
3. By paving the same with gravel bitulithic paving, such paving to be of the width of thirty-two (32) feet on Grant Street, and of the width of forty-six (46) feet on Third Street;
4. By construction of gutters, inlets, catch-basins &c. to provide for surface drainage.

Section 2. All of said work shall be done and performed in accordance with the plans and specifications mentioned in the preamble of this ordinance and now on file. Said improvements shall be commenced within thirty (30) days after the signing of the contract therefor, or for any part thereof, and shall be prosecuted diligently to completion, and shall be completed by the 15th day of October, 1914; and the contract or contracts therefor, or for any part thereof, shall provide for the payment by the contractor to the City of fixed amounts as liquidated damages for each and every day that said work, or the part thereof contracted to be done, shall remain uncompleted after the said 15th day of October, 1914.

Section 3. The expense of all of the grading, and

and the expense of paving the street intersection, shall be borne by the City of Lebanon, to be paid out of the general fund, said cost to the City being estimated at one thousand fifty-three and 95/100 dollars (\$1053.95); and the balance of the cost of said improvements shall be borne by the adjacent and specially benefitted property, to be hereafter assessed according to benefits, said balance being estimated at four thousand six hundred ninety-two and 55/100 dollars (\$4692.55).

Section 4. The contract for said paving shall provide that the contractor shall guarantee the work against any and all defects of material, workmanship or construction which shall appear within five years from the date when the street is opened to traffic over said paving.

Section 5. The City Recorder shall at once proceed to advertise for bids, by causing to be published for ten (10) days in the "Lebanon Criterion", a weekly newspaper published in said City, a notice inviting proposals for making such improvements, which notice shall refer to the plans and specifications therefor on file as aforesaid, and shall state the time when said work shall be completed. Separate bids shall be thereby invited for the several parts of the work, to-wit: for the grading; for the paving, including headers, catch-basins and inlets &c. for surface drainage; and for the curbing. The City reserves the right to reject any and all bids, and the notice shall so state. All bids must be filed with the City Recorder within the time specified in such notice, which shall be not later than two weeks after the date of the first publication thereof.

Section 6. Each bid must be accompanied by a certified check on some responsible bank, payable to the Mayor of

the City of Lebanon, in a sum equal to five per cent. (5%) of the amount of the bid, as nearly as may be, the same to be returned in the event of the rejection of the bid, but to be retained as liquidated damages against any successful bidder who shall neglect or refuse to enter into a binding contract with said City in accordance with the terms of this ordinance and of his bid within ten (10) days after the acceptance of such bid.

Section 7. Inasmuch as this ordinance concerns the improvement of streets, it is, under Section 52 of the City Charter, deemed to be for the peace, health and safety of the City, and it shall therefore be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Council this 26th day of May, 1914.

Approved by the Mayor this 26th day of May, 1914.

A. J. King

Mayor.

Attest:

M. N. Elkins

Recorder.