

A BILL FOR AN ORDINANCE.

ORDINANCE NO. 165.

An Ordinance providing for the improvement of that part of Grant Street in the City of Lebanon, Oregon, extending from the West curb line of Park Street, Eastward to the City limits.

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WHEREAS, on the 5th day of May, 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 in said City extending from the West curb line of Park Street, Eastward to the City limits, praying that said portion of Grant Street be improved in the following manner and particulars, to-wit:

1. By grading the street to proper subgrade;
2. By paving the roadway thereof for a width of thirty-two (32) feet with hard-surface pavement, the particular kind of such pavement to be thereafter determined;
3. By laying and constructing headers where necessary;
4. By constructing proper inlets and catch-basins;
5. By constructing concrete curbing where the same has not already been constructed;

and,

WHEREAS, the City Council of said City, at an adjourned regular meeting thereof held on the 12th day of May, 1914, duly adopted a resolution reciting that the Council deemed it expedient and necessary that said improvements be made, and authorizing and instructing the City Engineer to prepare and file with the City Recorder plans and specifications appropriate for such improvements, together with estimates of the work to be done and the cost thereof, basing the same on each of the following different kinds of pavement, to-wit:

1. Portland Cement Concrete;



2. Bituminous Concrete;
3. Bitucrete;
4. Sheet Asphalt;
5. Hassam;
6. Gravel Bitulithic;

and,

WHEREAS, the said City Engineer, in pursuance of said resolution, has made and filed said plans, specifications and estimates, as therein directed, and the same are now on file with the City Recorder, bearing file mark of the 26th day of May, 1914; and,

WHEREAS, the City proposes to pay for all of the grading, and for the paving of the street intersections, and the balance of the cost of said improvements is to be borne by the adjacent property and property specially benefitted, and, on such basis, the estimated cost thereof, with the several different kinds of pavement, as shown by the City Engineer in said estimates filed by him as aforesaid, is as follows, to-wit:

<u>Kind of Pavement.</u>	<u>Cost to City.</u>	<u>Cost to Property.</u>	<u>Total Cost.</u>
Portland Cement Concrete,	\$4,496.78	\$13,186.00	\$17,682.78
Bituminous Concrete,	5,004.57	15,415.90	20,420.47
Bitucrete,	4,598.34	13,631.98	18,230.32
Sheet Asphalt,	5,613.92	18,091.78	23,705.70
Hassam Concrete,	4,395.22	12,740.02	17,135.24
Gravel Bitulithic,	5,207.69	16,307.86	21,515.55
Asphaltic Macadam penetration method,	4,293.67	12,294.04	16,587.71

and,

WHEREAS, the City Council finds said plans, specifications and estimates satisfactory, and approves the same; and,

WHEREAS, it is provided by Section 249 of the City Charter that no notice of the intention of the City Council to proceed to make street improvements is required to be given



when the owner or owners of a majority of the adjacent property affected thereby shall in writing petition the Council therefor; 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 curb line of Park Street, Eastward to the City limits be, and it is hereby declared and ordered that it shall be, improved in the following manner and particulars, to-wit:

1. By grading the street to proper sub-grade;
2. By paving the roadway thereof for a width of thirty-two (32) feet with hard-surface pavement, the particular kind of such pavement to be hereafter determined;
3. By laying and constructing headers where necessary;
4. By constructing proper inlets and catch-basins;
5. By constructing concrete curbing where the same has not already been constructed.

Section 2. That the plans, specifications and estimates mentioned and referred to in the preamble of this ordinance, and now on file as aforesaid, are found by the Council to be satisfactory, and are hereby approved, and the said work shall be done and performed in accordance therewith, using either one of the kinds of pavement therein mentioned, as may be hereafter decided upon after bids shall have been received and opened.

Section 3. That the expense of all of the grading, and the expense of paving the street intersections, shall be



borne by the City of Lebanon, to be paid out of the general fund; and the balance of the cost of said improvements shall be borne by the adjacent property and property specially benefitted, to be hereafter assessed according to benefits.

Section 4. That 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. That 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 said 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, as follows, to-wit: for the grading; for the paving, including headers, catch-basins, inlets &c. for surface drainage, and stating in each bid the kind of paving proposed to be furnished; and for the curbing. The City reserves the right to reject any and all bids, and to select such kind of paving as it shall see fit, 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. 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 8. 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 unanimous vote of the Council this 26th day May, 1914.

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

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*W. J. Giesing*  
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Attest:

Mayor.

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*W. A. Elkun*  
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Recorder.