

ORDINANCE BILL NO. 45 FOR 1949

ORDINANCE NO. 725

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR AND RECORDER OF THE CITY OF LEBANON TO ENTER INTO A CONTRACT WITH THE STATE OF OREGON FOR THE IMPROVEMENT, CONSTRUCTION RECONSTRUCTION, MAINTENANCE AND REPAIR OF MILTON STREET FROM THE SANTIAM HIGHWAY TO WILLIAMS STREET, AND WILLIAMS STREET FROM MILTON STREET TO THE SOUTH END OF THE BRIDGE ON WILLIAMS STREET OVER THE LEBANON-SANTIAM CANAL, A TOTAL DISTANCE OF APPROXIMATELY 0.61 MILES, AND RATIFYING, APPROVING AND CONFIRMING ALL ACTS AND THINGS HERETOFORE DONE BY THE MAYOR AND RECORDER IN RELATION THERETO, AND DECLARING AN EMERGENCY:

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

That the Mayor and Recorder of the City of Lebanon be and they are hereby authorized and directed to enter into a contract with the State of Oregon for the improvement, construction, re-construction, maintenance and repair of Milton Street, from the Santiam highway to Williams Street, and Williams Street from Milton Street to the South end of the bridge on Williams Street over the Lebanon-Santiam Canal, a total distance of approximately 0.61 miles, a copy of which contract is hereinafter set forth, and that any act or thing which has heretofore been done by the Mayor and Recorder of the City of Lebanon toward the execution of said contract is hereby ratified approved and confirmed in all respects.

OPTION FOR COOPERATIVE CONSTRUCTION PROJECT

(CITY OF LEBANON)

In consideration of the preliminary plans, surveys and studies by the State of Oregon, by and through its State Highway Commission (hereinafter referred to as "State"), relating to the improvement, construction, reconstruction, maintenance or repair of the following described street or streets:

Milton Street, from the Santiam Highway to Williams Street, and Williams Street from Milton Street to the South end of the bridge on Williams Street over the Lebanon-Santiam Canal, a total distance of approximately 0.61 miles,

all being within the corporate limits of the City, and in further consideration of the benefits and advantages which the governing body of the City of Lebanon feels will enure to the City (hereinafter referred to as "City"), should a project be undertaken for the construction and improvement of said street or streets, and as an inducement for the State to allocate to City funds from the \$250,000 appropriation under the provisions of Chapter 425, Oregon laws, 1947, as amended by Chapter 149, Oregon Laws, 1949, City does hereby offer to State, and if State should accept the within offer, agrees to cooperate in a project for the improvement, construction or repair of said street or streets on the following terms and conditions:

THINGS TO BE DONE AND OBLIGATIONS TO BE ASSUMED BY THE STATE:

I. PROJECT: The State shall when in its judgment the Public's interest will be best served, by contract or other means, widen the afore said streets, construct concrete curbs, rock base, subbase, and

and asphaltic concrete wearing surface. Attached hereto, marked "Exhibit A" and by this reference made a part hereof, is a City map showing the location of said streets colored in red.

2. COMMENCEMENT AND DESIGN: The date upon which the construction of the project shall commence, the design of the street or streets, and all other construction details of the project shall be committed exclusively to the jurisdiction, discretion, and judgment of the State.

3. APPORTIONMENT OF COST OF CONSTRUCTION: The cost of the construction of the project, exclusive of right of way costs hereinafter provided for, shall be borne by the State and the City as follows:

a. The City shall pay as its share of the cost of said project the sum of Twenty-Nine Thousand and No/100 (\$29,000.00 Dollars.

b. The State shall pay as its share of the cost of said project all of the costs over and above the sum of Twenty-Nine thousand and No/100 (\$29,000.00) Dollars. It is estimated that the States Share of the cost will be Fifteen Thousand and No/100 (\$15,000.00) Dollars, but the actual cost of the project in excess of Twenty-Nine Thousand and No/100 (\$29,000.00) Dollars, whether more or less than the above estimate, shall govern.

THINGS TO BE DONE AND OBLIGATIONS TO BE ASSUMED BY THE CITY:

I. RIGHT OF WAY AND EASEMENTS: The City shall provide without cost to the State all necessary or proper rights of way, clear of buildings and other structures and improvements, and easements for the project, and shall save harmless the State of Oregon, the State

Highway Commission and members thereof, officers, employees, and contractors from all claims arising out of the acquisition, appropriation, and use of said right of way and easements in the construction of this project.

2. UTILITIES, RELOCATION: The City shall at its sole cost relocate or reconstruct, or cause to be relocated or reconstructed, all water, sewer, gas, electric and other utility conduits or poles now within the aforesaid streets inconformity with the proposed plans and ultimate requirements of the project.

3. STREET CLOSURES: The City shall close Milton Street and Williams Street within the limits of the project to all but local vehicular traffic during the period of construction.

The City represents that it has funds immediately available for the procurement of right of way and for the discharge of each and all obligations of the City contained herein, and the City shall pay to the State the sum of Twenty-Nine thousand and No/100 (\$29,000.00) Dollars within ten days after demand of same by state as the City's share of the cost of said project, as set forth in paragraph 3A under "Apportionment of cost of construction."

The City agrees that the amount expended by the State for the construction of the project shall be deemed an allocation and distribution to the City within the meaning of Chapter 425, Oregon Laws, 1947, as amended by Chapter 149, Oregon Laws, 1949.

4. The City agrees that it will, upon the execution of this agreement, when changes are made in existing street grades, proceed to establish the street grades, as revised, in accordance with the

City Charter and city ordinances.

The State shall have the irrevocable right to exercise or accept the within offer for a period of sixty days from the date hereof. The State may accept the offer herein by the passage of a resolution accepting said offer, and by notice of such resolution given over the signature of its Secretary and addressed to the City and its governing body.

Regardless of any act or acts of its officials, agents, or employees, the State shall be under no obligation to the City until such time as it has formally accepted the within offer.

Upon completion of the project, the City shall assume the maintenance of the street or streets. It is recognized by City that the State's participation in the project is as a means of aiding the City, and shall, in no manner, be construed as an assumption of jurisdiction over said street, or an assumption of maintenance thereof.

APPROVED:

CITY OF LEBANON, by its governing officers

Chief Counsel, Oregon State
Highway Commission

By _____
Mayor

APPROVED:

By _____
Recorder

State Highway Engineer

Accepted by Oregon State Highway Commission _____
(date)

Notice given to City _____
(date)

EATON'S
COMPASSABLE
BOND
EATON'S


That existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared and said ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council and approved by the Mayor this 21st day of June, 1949.



Mayor

ATTEST*

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City Recorder