

ORDINANCE NO. 149176

(100% WAIVER)

(IMPROVEMENT-TIME AND MANNER)

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An Ordinance providing for the time and manner of improving NE Occident Avenue from approximately 190 feet north of the north line of NE Oregon Street to the centerline of NE Holladay Street, accepting a waiver therefor, defining the assessment district, authorizing work to be performed by the Maintenance Bureau, and declaring an emergency.

THE CITY OF PORTLAND ORDAINS:

Section 1. The Council finds that the owners of all property subject to a local assessment for the improvement of NE Occident Avenue from approximately 190 feet north of the north line of NE Oregon Street to the centerline of NE Holladay Street have presented a petition and waiver with a view to obtain the improvement of said street at the earliest practicable date, such improvement to be in accordance with plans and specifications filed with the City Auditor February 8, 1980 and the cost thereof to be assessed against the property of the petitioners within the assessment district set out in this ordinance; that said property owners by said petition and waiver have expressly waived the usual proceedings for notification and remonstrance against said project, and, in consideration of omitting such notification and opportunity for remonstrance (thereby expediting the work); have expressly assumed and agreed for themselves, their heirs, administrators, executors, successors and assigns, to waive all objections thereto and to promptly pay or bond the assessment that is placed against their several lots and parcels of land, it being intended and provided, however, that the usual proceedings be taken for accepting the work when completed, making a proposed assessment, giving notice thereof, and an opportunity to be heard, and exercising the usual bonding privilege after an assessment is made; that said petition and waiver should be accepted and said work expedited; now, therefore, said petition and waiver hereby is accepted and said proceedings shall be expedited as much as practicable. The Commissioner in charge hereby is instructed forthwith to give notice to the Bureau of Maintenance, whereupon subsequent proceedings shall be taken as rapidly as practicable and the property owners shall have the usual bonding privilege.

The Commissioner of Public Works hereby is authorized to have work performed by the Maintenance Bureau and the cost of said work shall be assessed against the property within the local improvement district described as follows: The assessment district for this improvement consists of Tax Lot 4 of Block 38, Wheeler's Addition, City of Portland, County of Multnomah, as shown on the County Assessor's Map, November 1979.

ARTICLE 1. STREET IMPROVEMENTS

SECTION 1. THE CITY ENGINEER SHALL HAVE THE DUTY OF SUPERVISING THE CONSTRUCTION OF ALL STREETS AND HIGHWAYS AND OF SEEING THAT THE SAME ARE CONFORMABLE TO THE PLANS AND SPECIFICATIONS THEREFOR HERETOFORE ADOPTED BY THE COUNCIL AND IN CONFORMITY WITH THE REQUIREMENTS OF THE CODE OF THE CITY OF PORTLAND, OREGON.

SECTION 2. THAT SAID IMPROVEMENT SHALL IN ALL RESPECTS BE DONE AND COMPLETED IN CONFORMITY WITH THE PLANS AND SPECIFICATIONS THEREFOR HERETOFORE ADOPTED BY THE COUNCIL AND IN CONFORMITY WITH THE REQUIREMENTS OF THE CODE OF THE CITY OF PORTLAND, OREGON.

Section 2. That said improvement shall in all respects be done and completed in conformity with the plans and specifications therefor heretofore adopted by the Council and in conformity with the requirements of the Code of the City of Portland, Oregon.

Section 3. The contractor or contractors for said improvement shall not dig up or disturb the surface of the street within the limits of said improvement for a greater distance than two blocks without having first obtained a permit to do so from the City Engineer.

Section 4. The contractor or contractors shall take entire charge of the work covered by the contract during the progress of the work and shall be responsible for any loss or accident resulting from carelessness or neglect, and the improvement shall be completed to the satisfaction of the Council of said City of Portland.

Section 5. The contractor or contractors shall complete said work covered by the contract by the time fixed by the Council, to wit: ^{Maintenance Bureau} complete by 6/30/80, and upon commencing said work shall continue the same without delay until completed unless the time for the completion of the same be extended by the Council, and the contract shall contain a provision that for each day required for the completion of the work covered by the contract after the expiration of said time there shall be forfeited by the contractor to the City the sum prescribed in the General Specifications adopted pursuant to Section 17.16.010 of the Code of the City of Portland, Oregon.

Section 6. The contract shall also contain a stipulation to the effect that the person, firm or corporation to whom the contract is let shall look for payment only to the fund to be assessed upon the property liable to pay for said improvement and collected and paid into the City Treasury for that purpose, and that neither the contractor nor anyone claiming under him will require the City of Portland by any legal process or otherwise to pay the same out of any other fund.

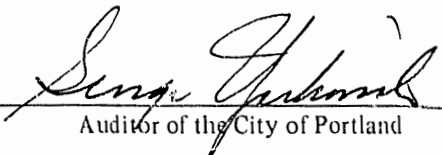
Section 7. The Commissioner of Public Works is hereby directed to have the Maintenance Bureau perform the necessary work for the improvement provided by this Ordinance.

Section 8. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: That said improvement should be made as soon as practicable; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, **FEB 20 1980**


Mayor of the City of Portland

Attest:


Auditor of the City of Portland

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Compared de
Council FEB 20 1980
Introduced by

Mike Lindberg

Referred to Commissioner of Public Works

THE COMMISSIONERS VOTED AS FOLLOWS		
	YEAS	NAYS
IVANCE	1	
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
MCCREADY	1	

Filed FEB 14 1980

GEORGE YERKOVICH
AUDITOR OF THE CITY OF PORTLAND

By *Gordon C. Hall*
Deputy.