

ORDINANCE NO. 149481

(100% WAIVER)

(SEWER—TIME AND MANNER)

Letter D Page 2 File C-9268

An ordinance providing for the time and manner of constructing N. Delaware Avenue Outfall Relocation, accepting a waiver therefor, defining the assessment district, authorizing the execution of a contract, 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 construction of N. Delaware Avenue Outfall Relocation have presented a petition and waiver with a view of obtaining the construction of said sewer at the earliest practicable date, such construction to be in accordance with plans and specifications filed with the City Auditor April 10, 1980 and the cost thereof to be assessed against the property of the petitioners within the assessment district set out in said petition and 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 letting the contract, 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 Auditor hereby is instructed forthwith to give the usual notice for bids, whereupon subsequent proceedings shall be taken as rapidly as practicable and the property owners shall have the usual bonding privilege.

The Mayor and Commissioner of Public Works hereby are authorized on behalf of the City to execute a contract with the successful bidder for said work and the cost of said work shall be assessed against the property within the local improvement district described as follows:

Beginning at a point on the Easterly line of Peninsular Addition No. 4 as recorded in Record of Plats Multnomah County, Oregon, said point being the intersection of said Easterly line with the Center Line of North Columbia Blvd.; thence North 00°04'40" East along said Easterly line a distance of 152.58 feet to a point on the Northerly line of O.W.R. and N. Co. Right of Way and the true point of beginning; thence South 61°49'20" East along said Northerly line a distance of 355.74 feet; thence South 72°25'50" East along said Northerly line a distance of 375.32 feet; thence north 24°34'10" East a distance of 270.07 feet; thence South 88°40'10" West a distance of 192.00 feet; thence North 01°16'05" West a distance of 15.06 feet; thence North 89°29'20" West a distance of 60.17 feet; thence South 00°14'20" East a distance of 89.67 feet; thence South 89°45'40" West a distance of 117.42 feet; thence North Westerly along a 304.00 foot radius curve to the right through a central angle of 24°40'00" an Arc distance of 130.88 feet (the long chord of said curve bears North 12°15'20" West a distance of 129.87 feet) to a point that is 386.60 feet Easterly of, when measured at right angles to, the Easterly line of said Peninsular Addition No. 4; thence North 00°04'40" East parallel with and 386.60 feet Easterly of said Easterly line a distance of 1047.44 feet more or less to a point on the Southerly Bank of the Columbia Slough; thence following the meanderings of said Southerly Bank in a northwesterly direction to the easterly line of Peninsular Addition No. 4; thence south on said easterly line to the true point of beginning; except the west 15 feet thereof and also except that part in street.

Section 2. That portion of the street necessary to be used for digging the trench shall be cleared of all obstacles (except gas and water mains) at the expense of the contractor, who shall, after the pipe is laid and the trench filled, replace the pavement and all portions of the street improvements disturbed, leaving the street in as good order as the same was when the work was begun, except such portions as the Council may direct to be omitted for the purpose of making other improvements.

Section 3. The contractor shall take and have entire charge of the work during its progress, and shall be responsible for any loss or accident resulting from carelessness or neglect, and the said sewer improvement shall be completed to the satisfaction of the Council of the City of Portland.

Section 4. The sewer improvement provided for in this Ordinance shall be completed within the time fixed by the Council, and the contract shall contain a provision that for each day required to complete said contract, after the expiration of the time fixed for its completion, the contractor or contractors shall forfeit to the City of Portland the sum prescribed in the General Specifications adopted pursuant to Section 17.16.010 of the Code of the City of Portland, Oregon.

Section 5. The contract shall contain a stipulation to the effect that the person, firm or corporation to whom the contract shall be let shall look for payment only to the fund to be assessed upon the property liable to pay for such sewer improvement, and collected and paid into the City Treasury for that purpose, and that they will not require the City of Portland by any legal process or otherwise to pay the same out of any other fund, except as provided by the Charter.

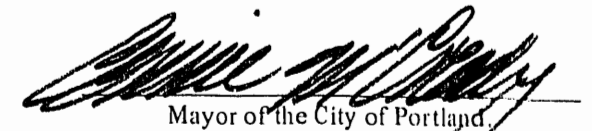
Section 6. The contract shall be subject to the provisions of the Code of the City of Portland, Oregon, and of all other Ordinances of the City of Portland applicable thereto.

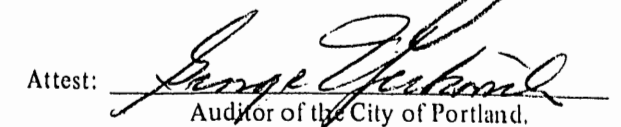
Section 7. The time for completing the laying and construction of the sewer provided for by this Ordinance shall be 180 days from receipt of Notice to Proceed.

Section 8. The Auditor is hereby directed to advertise for proposals for the construction of the aforesaid sewer.

Section 9. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that said sewer construction may not be unnecessarily delayed; therefore, an emergency hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council APR 23 1980


Mayor of the City of Portland.

Attest: 
Auditor of the City of Portland.

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Compared
Council APR 23 1980

Introduced by Mike Lindberg

Referred to Commissioner of Public Works

Read first and second times and up for third reading

Filed APR 16 1980

GEORGE YERKOVICH
AUDITOR OF THE CITY OF PORTLAND

By Gordon Crall
Deputy.

THE COMMISSIONERS VOTED AS FOLLOWS		
	YEAS	NAYS
IVANCIE	1	
JORDAN	1	
LINDBERG		1
SCHWAB	1	
McCREADY	1	

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