

ORDINANCE NO. 152976

(IMPROVEMENT-TIME AND MANNER)

Letter M Page 3 File C 9393

An Ordinance providing for the time and manner of improving NE Mallory Avenue from the center line of NE Lombard Street to the north line of NE Russet Street, and declaring an emergency.

THE CITY OF PORTLAND ORDAINS:

Section 1. That NE Mallory Avenue from the center line of NE Lombard Street to the north line of NE Russet Street, shall be improved as follows:

that the cost of said improvement shall be assessed as provided by the Charter and Ordinances of said City upon the property, specially and peculiarly benefited thereby, which property is hereby determined and declared to be all the lots, parts thereof and parcels of land with the district of said City described as follows:

Beginning in the northwest corner of Lot 8, Block 6, of Love's addition, thence easterly to the northeast corner of Lot 1, Block 7, of Love's addition thence southerly to the southeast corner of Lot 6, Block 7, of Love's addition, thence westerly to the southwest corner of Lot 9, Block 8, of Love's addition, thence northerly to the point of beginning.

That the Council of said City does hereby determine that the cost of said improvement to be laid and made shall be as follows:

- 1st: Clearing & Grubbing.
- 2nd: Concrete Excavation.
- 3rd: Sawcut Concrete.
- 4th: Constructing concrete sidewalk corner.
- 5th: Constructing concrete driveways 6" thick.
- 6th: Constructing concrete curb.
- 7th: Skinpatching.
- 8th: Remove Warning sign from post.
- 9th: Constructing concrete steps.
- 10th: Constructing new fence (4' chain link).
- 11th: Reconstructing fence (4' chain link).
- 12th: Relocate street sign.
- 13th: Relocate Stop sign.
- 14th: Constructing inlets (single).
- 15th: Adjusting manholes.
- 16th: Improving the roadway with asphalt concrete Class "C" 1½" thick, on asphalt concrete Class "B" 1½" thick, on a crushed rock base 6" thick.
- 17th: By grading street to proper sub-grade.

That the estimated cost of said improvement in accordance with said plans, specifications and estimates, is \$28,649.34; that advertising costs, and a fee for engineering and superintendence will be added to the final cost in accordance with the provisions of the Code of the City of Portland.

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: by Nov. 1, 1982, 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, **MAR 17 1982**

Mayor of the City of Portland

Attest:

Serge Guilford
Auditor of the City of Portland

no amount. R

Letter M Calendar No. 671

Page 3

File C-9393

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Compared ^{de} Council **MAR 17 1982**
Mike Lindberg

Introduced by _____

Referred to Commissioner of Public Works

THE COMMISSIONERS VOTED AS FOLLOWS		
	YEAS	NAYS
JORDAN	/	
LINDBERG	/	
SCHWAB	/	
STRACHAN	/	
IVANCIE		

Filed **FEB 24 1982**

GEORGE YERKOVICH

AUDITOR OF THE CITY OF PORTLAND

By *[Signature]* Deputy.