

An Ordinance providing for the time and manner of improving Thurman street, from the west end of the Steel Bridge, being a point 23 feet easterly from the easterly line of 31st Street, measured along the center line of Thurman Street to the southeasterly line of Rugby Street extended northerly.

The City of Portland does ordain as follows:

Section 1: That Thurman Street from the west end of the steel bridge being a point 23 feet easterly from the easterly line of 31st Street, measured along the center line of Thurman Street, to the southeasterly line of Rugby Street extended northerly shall be improved as follows:

First: By grading the street to the proper sub-grade.

Second: By-paving the roadway of said street full width with Warren's Bitulithic Waterproof Pavement, except that portion to be paved with stone blocks as hereinafter provided.

Third: By paving the space between the rails and one foot outside the rails of the Portland Railway Light & Power Co's tracks with stone blocks set on concrete and grouted with cement mortar and by laying rails not less than six inches in depth and weighing not less than 72 pounds per yard; the concrete under the rails and stone blocks to be not less than six inches in depth.

Fourth: By laying drain tile.

Fifth: By laying stone block header double row.

Sixth: By constructing inlets.

Seventh: By laying vitrified pipe.

Said improvement to be made in accordance with the Charter and ordinances of the City of Portland, and the plans, specifications and estimates of the City Engineer, filed in the office of the Auditor of the City of Portland on the 27th day of August, 1908, endorsed: "City Engineer's plans and specifications for the improvement of Thurman street from the west end of steel bridge to the southeasterly line of Rugby street and the estimates of the work to be done and the probable total cost thereof."

The cost of said improvement to be assessed as provided by the City Charter upon the property specially and peculiarly benefited thereby and which is hereby declared to be all the lots, parts thereof and parcels of land lying between a line 100 feet north of and parallel with the north line of Thurman street and a line 100 feet south of and parallel with the south line of Thurman street and between the easterly line of Rugby street extended northerly and a line 23 feet easterly of and parallel with the easterly line of Thirty-first street.

The City Engineer's estimate of the probable total cost for the improvement of said Thurman street is \$10,744.00

The above improvement is to be classed as a Warren's Bitulithic Waterproof Pavement and the roadway of said street shall be maintained by the city for a period of ten years.

Section 2: The said improvements shall in all respects be done and completed in conformity with the provisions of Ordinance No. 14253, entitled "An Ordinance in relation to the improvement of streets," as amended, except as otherwise provided by this Ordinance.

Section 3: The surface of the street shall be cleared of all timber, planks or other obstructions, excepting such sidewalks, crosswalks and plank roadways of the proper width, as are in good condition, and are on the established grade, and which are not included in the estimate of the City Engineer for said improvement.

Section 4: 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 so to do from the City Engineer.

Section 5: The contractor or contractors shall take entire charge of the work during its progress 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 Executive Board of the said City of Portland.

Section 6: The contractor or contractors to whom a contract or contracts may be awarded for the completion of said improvement, shall complete the same within the time to be fixed by the Executive Board, and upon commencing said work shall continue the same without delay until

completed unless the time for the completion of the improvement is extended by the Executive Board, and each contract shall contain a provision that for each day required for the completion of such contract after the expiration of the time fixed by the Executive Board there shall be forfeited by the contractor to the city the sum prescribed in Ordinance No. 15373, entitled, "An Ordinance fixing the amount to be forfeited to the city by contractors for street improvements and constructions of sewers for non-completion of work within time provided by contract."

Section 7: The contract or contracts 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 such 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.

The contract or contracts shall also be subject to the provisions of Ordinance No. 9183, entitled, "An Ordinance to protect material men, laborers and sub-contractors, who furnish labor or material to contractors for the improvement of streets or construction of sewers."

Passed the Council October 29th, 1908

A. L. Barbur

Auditor of the City of Portland

Submitted to the Mayor October 30th, 1908

Approved October 30th, 1908, Harry Lane, Mayor.

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