

Ordinance No. 22215

An Ordinance providing for the time and manner of improving as a district improvement, portions of Clinton Street, Ellsworth Street, Taggart Street, Ivon Street, East 41st Street, East 37th Street, Marguerite Avenue, East 35th Street, East 34th Street, Greenwood Avenue, East 33rd Street, East 32nd Street, East 31st Street and East 27th Street.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Clinton Street from the west line of Marguerite Avenue to the east line of East 35th Street; Ellsworth Street from the west line of East 41st Street extended to the east line of East 26th Street; Clinton Street from the west line of East 41st Street to the east line of East 37th Street; Taggart Street from the west line of East 41st Street to within 27 feet of the west line of Richmond Addition; Ivon Street from the west line of East 41st Street to within 27 feet of the west line of Richmond Addition; East 41st Street from the south line of Division Street to the north line of Ellsworth Street; East 37th Street from the south line of Division Street to the north line of Ellsworth Street; Marguerite Avenue from the south line of Division Street to the north line of Ellsworth Street; East 35th Street from the south line of Division Street to the north line of Ellsworth Street; East 34th Street from the south line of Division Street to the north line of Ellsworth Street; Greenwood Avenue from the south line of Division Street to the north line of Ellsworth Street; East 33rd Street from the south line of Division Street to the north line of Ellsworth Street; East 32nd Street from the south line of Division Street to the north line of Ellsworth Street; East 31st Street from the south line of Division Street to the north line of Ellsworth Street; East 27th Street from the south line of Division Street to the north line of Ellsworth Street; shall be improved as a District Improvement, as follows:

First. By grading the streets to the proper subgrade.

Second. By paving the roadway of said streets full width with Warren's bitulithic waterproof pavement, except that portion to be paved with vitrified brick, on a concrete foundation as hereinafter provided.

Third. By paving the space between the rails and one foot outside the rails of the Portland Railway, Light & Power Company's tracks with vitrified brick on a concrete foundation and by laying rails of weight and pattern to be approved by the Executive Board; the concrete between the ties shall be not less than six inches in depth.

Fourth. By constructing artificial stone sidewalks and curbs.

Fifth. By constructing wooden sidewalks.

Sixth. By laying stone block headers, double row.

Seventh. By laying drain tile.

Eighth. By laying vitrified pipe.

Ninth. By constructing inlets.

Tenth. By laying water service pipes.

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 1st day of September, 1910, endorsed: "City Engineer's plans and specifications for the improvement of East Twenty-seventh at all streets, and the estimates of the work to be done and the probable 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 within the district bounded and described as follows: Commencing at a point in the east line of East Twenty-sixth street 100 feet south of the south line of Ellsworth street; thence north along the east line of East Twenty-sixth street to a point 72 feet north of the north line of Ellsworth street; thence east parallel with the north line of Ellsworth street 100 feet to a point; thence north parallel with the west line of East Twenty-seventh street to the south line of Division street; thence east along the south line of Division street to a point 100 feet west of the west line of East Twenty-sixth street; thence south parallel with the east line of East Twenty-sixth street to a point

street to the south line of Division street; thence east along the south line of Division street to a point 100 feet east of the east line of Marguerite Avenue; thence south parallel with the east line of Marguerite Avenue to a point 225 feet south of the south line of Clinton street; thence east parallel with the south line of Clinton street to a point 100 feet west of the west line of East Thirty-seventh street; thence north parallel with the west line of East Thirty-seventh street to the south line of Division street; thence east along the south line of Division street to a point 100 feet east of the east line of East Thirty-seventh street; thence south parallel with the east line of East Thirty-seventh street to a point 230 feet south of the south line of Division street; thence east to a point 27 feet east of the west line of Richmond Addition; thence north to a point 100 feet north of the north line of Ivon street; thence east parallel with the north line of Ivon street to a point 250 feet east of the east line of East Thirty-ninth street; thence north 100 feet; thence east along the south line of Division street to a point 150 feet east of the east line of East Forty-first street; thence south parallel with the east line of East Forty-first street to the south line of Ellsworth street; thence west along the south line of Ellsworth street to the northeast corner of lot or block "I," Richmond; thence south 100 feet; thence west parallel with the south line of Ellsworth street to the place of beginning.

The City Engineer's estimate of the probable total cost for the improvement of said streets is \$146,342.00.

The above improvement is to be classed as a Warren's bitulithic waterproof pavement, and the roadway of said streets shall be maintained by the city for a period of ten years.

SECTION 2. That said improvements shall in all respects be done and completed in conformity with the provisions of Ordinance No. 21172, entitled: "An Ordinance in relation to the improvement of streets, and declaring an emergency."

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. 19745, entitled, "An Ordinance fixing the amount to be forfeited to the city by contractors for street improvements and construction of sewers for non-completion of work within time provided by contract, and repealing Ordinance No. 15373."

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."