

ORDINANCE NO. 89090

(IMPROVEMENT - TIME AND MANNER)

Letter 155. Page 54 File C 5819

An Ordinance providing for the time and manner of improving as a district, portions of N. Van Houten Place and N. Van Houten Court, and declaring an emergency.

The City of Portland does ordain as follows:

Section 1. That N. Van Houten Place, from the center line of N. Van Houten Avenue near N. McCosh Street westerly to a point approximately 457.0 feet southwesterly of the O.W.R.R. & N. Company right-of-way, and N. Van Houten Court from the center line of N. Van Houten Place southeasterly for a distance of approximately 310 feet, shall be improved as follows:

- 1st. By grading the roadways of said streets and the intersections of N. Van Houten Place and N. Van Houten Avenue to the proper subgrade.
- 2nd. By blading and placing additional gravel in N. Van Houten Court where directed by the City Engineer.
- 3rd. By constructing concrete sidewalks.
- 4th. By constructing wood box gutters.
- 5th. By constructing inlets.
- 6th. By laying 8-inch cement pipe for surface drainage.
- 7th. By installing 10-inch corrugated culvert pipe.
- 8th. By improving the roadways of said streets and at the intersections of N. Van Houten Place and N. Van Houten Avenue with gravel 5 inches to 8 inches thick.

All of which shall be made in accordance with the Charter and ordinances of the City of Portland and the plans and specifications of the City Engineer of said City filed in the office of the City Auditor of said City on the 10th day of November, 1948, endorsed "PLANS, SPECIFICATIONS AND PRELIMINARY ESTIMATE for two or more kinds of appropriate improvements, and the PROBABLE TOTAL COST of each class of improvement, including all items of material and work required in improving N. Van Houten Place from the center line of N. Van Houten Avenue near N. McCosh Street, westerly to a point approximately 457.0 feet southwesterly of the O.W.R.R. & N. Company right-of-way, and N. Van Houten Court from the center line of N. Van Houten Place southeasterly for a distance of approximately 310 feet together with a map and description of the boundaries of the proposed assessment district to be benefited and assessed therefor," which plans and specifications are satisfactory to the Council and are hereby approved and adopted.

That the cost of said improvement shall be assessed as provided by the Charter and ordinances of the City of Portland upon all the lots, parts thereof and parcels of land lying within the district bounded and described as follows:

Beginning at the intersection of the westerly line of N. Van Houten Avenue and the northerly line of N. McCosh Street; thence northwesterly on the northerly line of N. McCosh Street to the southerly line of Tax Lot 18, Section 18, T. 1 N., R. 1 E., W.M.; thence southwesterly on the southerly line of said Tax Lot 18 to the easterly line of the O.W.R.R. & N. Company right of way; thence northwesterly to the intersection of the westerly

ly line of the said O.W.R.R. & N. Company right of way and the easterly line of Tax Lot 18, Section 18, T. 1 N., R. 1 E., W.M.; thence southwesterly on the easterly line of said Tax Lot 18 to 400 feet southwesterly of the southerly line of the O.W.R.R. & N. Company right of way; thence northwesterly to the westerly line of Tax Lot 3, Section 18, T. 1 N., R. 1 E., W.M. to a point 600 feet southwest of the southerly line of the O.W.R.R. & N. Company right of way, measured along the westerly line of said Tax Lot 3; thence northwesterly on the westerly line of said Tax Lot 3 to the southerly line of the O.W.R.R. & N. Company right of way; thence southeasterly on the southerly line of the O.W.R.R. & N. Company right of way to the northerly line of N. Van Houten Place; thence southeasterly parallel to the southerly line of N. Van Houten Place to the westerly line of N. McKenna Avenue; thence southeasterly on the westerly line of N. McKenna Avenue to the southerly line of the Alley in Block 31, Portsmouth, produced northwesterly; thence southeasterly on the southerly line of the said Alley in Block 31 to the westerly line of N. Monteth Avenue; thence southwest on the westerly line of N. Monteth Avenue to the northerly line of N. Strong Street; thence southeasterly to the intersection of the easterly line of N. Monteth Avenue and the southerly line of N. Strong Street; thence southeasterly on the southerly line of N. Strong Street to the westerly line of N. Van Houten Avenue; thence southerly to the point of beginning.

That the amount of the lowest responsible bid submitted for said character of improvement is:

10 inch Corrugated Culvert	
Pipe, per lin. ft.	\$2 00
Excavation, Earth 5 inches to 8 inches subgrade, per cu. yd.	0 40
Excavation Trench, per cu. yd.	2 00
Embankment, Common, per cu. yd.	1 40
Curb, Concrete, per lin. ft.	1 50
Wood Box Gutter, per lin. ft.	1 50
8 inch Cement Pipe, per lin. ft.	2 00
Inlets, each	40 00
Gravel, 5 inches to 8 inches thick in the roadways, per cu. yd.	2 00

aggregating \$10,162 00, according to said City Engineer's estimate of the quantities required; that said City Engineer's estimate of the probable cost of said improvement was \$13,840 00. Six per cent to be added to final cost for engineering and superintendence.

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N. Van Houten Court from the center line of N. Van Houten Place southeasterly for a distance of approximately 310 feet, shall be improved as follows:

- 1st: By grading the roadways of streets and the intersections of N. Van Houten Place and N. Van Houten Avenue to the proper subgrade;
- 2nd: By blading and placing additional gravel in N. Van Houten Court where directed by the City Engineer;
- 3rd: By constructing concrete curbs;
- 4th: By constructing wood box gutter;
- 5th: By constructing inlets;
- 6th: By laying 8-inch cement pipe for surface drainage;
- 7th: By installing 10-inch corrugated culvert pipe;
- 8th: By improving the roadways of said streets and also the intersections at N. Van Houten Place and N. Van Houten Avenue with gravel 5 inches to 8 inches thick.

All of which shall be made in accordance with the Charter and ordinances of the City of Portland and the plans and specifications of the City Engineer of said City filed in the office of the City Auditor of said City on the 16th day of November, 1948, endorsed: "PLANS, SPECIFICATIONS AND PRELIMINARY ESTIMATE for two or more kinds of appropriate improvements, and the PROBABLE TOTAL COST of each class of improvement, including all items of material and work required in improving N. Van Houten Place from the center line of N. Van Houten Avenue near N. McCosh Street, westerly to a point approximately 457.0 feet southwesterly of the O.W. R. R. & N. Company right-of-way, and N. Van Houten Court from the center line of N. Van Houten Place southeasterly for a distance of approximately 310 feet together with a map and description of the boundaries of the proposed assessment district to be benefited and assessed therefor," which plans and specifications are satisfactory to the Council and are hereby approved and adopted.

That the cost of said improvement shall be assessed as provided by the Charter and ordinances of the City of Portland upon all the lots, parts thereof and parcels of land lying within the district bounded and described as follows:

Beginning at the intersection of the westerly line of N. Van Houten Avenue and the northerly line of N. McCosh Street; thence northwesterly on the northerly line of N. McCosh Street to the southerly line of Tax Lot 10, Section 18, T. 1 N., R. 1 E., W.M.; thence southwesterly on the southerly line of said Tax Lot 10 to the easterly line of the O.W. R. R. & N. Company right-of-way; thence northwesterly to the intersection of the westerly

ly line of the said O.W. R. R. & N. Company right-of-way and the easterly line of Tax Lot 18, Section 18, T. 1 N., R. 1 E., W.M.; thence southwesterly on the easterly line of said Tax Lot 18 to 400 feet southwesterly of the southerly line of the O.W. R. R. & N. Company right-of-way; thence northwesterly to the westerly line of Tax Lot 36, Section 18, T. 1 N., R. 1 E., W. M. to a point 600 feet southwesterly of the southerly line of the O.W. R. R. & N. Company right-of-way measured along the westerly line of said Tax Lot 36; thence northeasterly on the westerly line of said Tax Lot 36 to the southerly line of the O.W. R. R. & N. Company right-of-way; thence southeasterly on the southerly line of the O.W. R. R. & N. Company right-of-way to 199 feet northwesterly of the northerly line of N. Van Houten Place; thence northeasterly parallel to the northerly line of N. Van Houten Place to the westerly line of N. McKenna Avenue; thence southwesterly on the westerly line of N. McKenna Avenue to the southerly line of the Alley in Block 31, Portsmouth, produced northwesterly; thence southeasterly on the southerly line of the said Alley in Block 31 to the westerly line of N. Monteith Avenue; thence southwesterly on the westerly line of N. Monteith Avenue to the northerly line of N. Strong Street; thence southeasterly to the intersection of the easterly line of N. Monteith Avenue and the southerly line of N. Strong Street; thence southeasterly on the southerly line of N. Strong Street to the westerly line of N. Van Houten Avenue; thence southerly to the point of beginning.

That the amount of the lowest responsible bid submitted for said character of improvement is:

10-inch Corrugated Culvert	
Pipe, per lin. ft.	\$2.00
Excavation, Earth 5 inches to 8 inches subgrade, per cu. yd.	0.40
Excavation, Trench, per cu. yd.	2.00
Embankment, Common, per cu. yd.40
Curb, Concrete, per lin. ft.90
Wood Box Gutter, per lin. ft.	1.50
8-inch Cement Pipe, per lin. ft.	2.00
Inlets, each.	50.00
Gravel, 5 inches to 8 inches thick in the roadways, per cu. yd.	2.00
aggregating \$10,162.00, according to said City Engineer's estimate of the quantities required; that said City Engineer's estimate of the probable cost of said improvement was \$12,840.00. Six per cent to be added to final cost for engineering and superintendence.	

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 Ordinance No. 76971.

Section 3. The surface of the street shall be cleared of all timber, planks or other obstructions, excepting such sidewalks, cross-walks 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 to do so from the City Engineer.

Section 5. 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 6. The contractor or contractors shall complete said work covered by the contract within the time fixed by the Council, to wit: ¹²⁰ days from the date of the passage of this Ordinance, 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 Section 5-418 of said Ordinance No. 76971.

Section 7. 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 8. The Mayor and Commissioner of Public Works are hereby directed to enter into a contract for the improvement provided for by this Ordinance.

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: That said improvement should be made, if possible, before winter weather sets in; 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. APR 13 1949

David M. Cullough
 Mayor of the City of Portland.
Bill Gibson

R E C

Attest:

Auditor of the City of Portland.

DIST.

Letter..... Calendar No. 1993

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File C - 5819

**ORDINANCE No. 89090
(IMPROVEMENT)**

Time and manner of Improving
as a district:

Portions of N. Van Houten
Place and N. Van Houten Court,
and declaring an emergency.

Compared R & M 1-2
Council Apr 13 1949

THE COMMISSIONERS VOTED AS FOLLOWS		
	YEAS	NAYS
BEAN	/	
BOWES	/	
COOPER	/	
PETERSON	/	
LEE		

Referred to Commissioner of Public
Works

Read first and second times and up for
third reading

Filed APR 19 1949

Will Gibson.
AUDITOR OF THE CITY OF PORTLAND

By ELBERT G. ROFF
Deputy.