

ORDINANCE NO. 148976

(IMPROVEMENT-TIME AND MANNER)

(100% WAIVER)

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An Ordinance providing for the time and manner of improving S.W. Terwilliger Place from approximately 130 ft. southwesterly of the southwesterly line of S.W. Terwilliger Blvd. to the centerline of S.W. Terwilliger Blvd. 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 improvement of S.W. Terwilliger Place from approximately 130 ft. southwesterly of the southwesterly line of S.W. Terwilliger Blvd. to the centerline of S.W. Terwilliger Blvd. have presented a petition and waiver with a view to obtain the improvement of said street at the earliest practicable date, such improvement to be in accordance with plans and specifications filed with the City Auditor December 20, 1979 and the cost thereof to be assessed against the property of the petitioners within the assessment district set out 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 the intersection of the westerly line of Lot 1, Blk 1, Audubon Park and the southerly line of S.W. Terwilliger Blvd.; thence easterly on the southerly line of S.W. Terwilliger Blvd. to its intersection with the easterly line of Tax Lot 16, Blk. 60, Burlingame Add.;

thence southerly on said easterly line to the southerly line of said Tax Lot 16; thence westerly on said southerly line to the westerly line of said Tax Lot 16; thence northerly on said westerly line to its intersection with the southeasterly line of Tax Lot 15, Blk. 60, Burlingame Add.; thence southwesterly on said southeasterly line to its intersection with the southerly line of said Tax Lot 15; thence westerly on the southerly lines of said Tax Lot 15 and Lot 5, Blk. 53, Burlingame Add. to the westerly line of said Lot 5; thence northerly on the westerly lines of said Lot 5 and Lot 4, Blk. 53, Burlingame Add. to the intersection with the westerly line of Lot 1, Blk. 1, Audubon Park; thence northeasterly on said westerly line to the point of beginning.

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 30 days from notice to proceed by October 17, 1980, 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 Auditor is hereby directed to advertise for proposals for the aforesaid improvement.

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 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, **JAN 2 1980**


PRESIDENT OF THE COUNCIL AND ACTING Mayor of the City of Portland

Attest:


Auditor of the City of Portland

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(100 % Waiver) ~~IMPROVEMENT~~

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Terwilliger Place from approximately
130 ft. southwesterly of the
southwesterly line of S.W. Terwilliger
Blvd. to the centerline of S.W.
Terwilliger Blvd., and declaring an
emergency. *de.*

Compared
Council JAN 2 1980

Introduced by

Mike Lindberg

Referred to Commissioner of Public
Works

THE COMMISSIONERS VOTED AS FOLLOWS

	YEAS	NAYS
IVANCIE	<u>1</u>	
JORDAN	<u>1</u>	
LINDBERG	<u>1</u>	
SCHWAB	<u>1</u>	
McCREADY	<u>—</u>	

Filed DEC 24 1979

GEORGE YERKOVICH

AUDITOR OF THE CITY OF PORTLAND

By *Robert Small*

Deputy.