

## ORDINANCE NO. 5068.

An Ordinance providing for the time and manner of constructing a Sewer, together with the necessary catch-basins, manholes, lamp holes and branches along Tanner Creek from North Fourteenth and B streets to North Tenth and H streets. Thence along North Tenth street to I street, thence along I street to North Eighth Street. Thence along North Eighth street to North Front Street and thence northeasterly to Low Water in the Willamette River, and describing the district to be drained by said sewer, which said sewer shall be paid for by the property benefitted by the construction thereof as provided by Section 121 of the City Charter.

The City of Portland does ordain as follows:

Section. 1. The proposed sewer along Tanner Creek from North Fourteenth and B streets to North Tenth and H streets, thence along North Tenth street to I street, thence along I street to North Eighth street and thence along North Eighth street to North Front street and thence northeasterly to low water in the Willamette River, for the purpose of sewerage and draining the streets and property within the district hereinafter designated shall be completed as hereinafter provided, within two hundred and fifty days from the date of signing the contract for the construction of the said sewer by the parties to said contract.

Sec. 2. That portion of any street or the portions of any private or public lands necessary to be used for digging the trench for said sewer or laying and constructing the same shall

be cleared of all obstructions and obstacles ( except gas and water mains) at the expense of the contractor who shall after the pipe is laid and the trench filled, at his own cost and expense replace the pavement and all portions of the street improvements or earth or land disturbed leaving such street and lands in as good order and condition as the same was when the work was begun, except such portions as the Committee on Streets and Public Property may direct to be omitted for the purpose of making other improvements.

Sec.3. The sewer by this Ordinance ordered to be constructed and laid down for the purpose of draining and sewerage the streets and property within the limits designated in Section 5 of this ordinance, shall consist of a brick sewer with eight inch walls, circular in form and having a clear inside diameter of six feet, along Tanner Creek from the end of the present brick sewer under B street to the north end of the present brick sewer under "D" street, except for a distance of 184 feet southerly from the south end of the present brick sewer under "D" street, it will consist of a red wood, iron bound circular sewer, five feet in diameter; and from the north end of the present brick sewer under "D" street to low water in the Willamette River, said sewer shall have ovoid walls, having a vertical diameter of seven and two thirds feet, an upper transverse diameter of five and one third feet, and a lower transverse diameter of thirty inches. The course and location of the sewer, the construction of which is provided for by this ordinance shall be as follows: Beginning at the northerly end of the present brick sewer under B street at North Fourteenth street, to wit: At a point one hundred and one and one-half ( $101\frac{1}{2}$ ) feet,

northerly from the north line of B street, and forty four (44) feet easterly from the east line of North Fourteenth street, and running thence as nearly as practical in a straight line to the southerly end of the wooden sewer on Block No. 92 in Couch's Addition to the City of Portland: Thence following the course and location of said wooden sewer and the said brick sewer under "D" street to the northerly end thereof; thence to wit: from a point on Block No. 84 in Couch's Addition to the City of Portland, which is twenty seven feet northerly from the north line of D street and twenty feet easterly from the east line of North Twelfth street, in a straight line to a point on the south line of "E" street at the distance of fifteen feet westerly from the west line of North Eleventh street; thence in a straight line to a point twenty feet south and ten feet west of the center of the intersection of North Tenth and H streets thence in a straight line to a point ten feet west of the center of the intersection of North Tenth and "I" streets; Thence in a straight line to a point ten feet east of the center of the intersection of North Eighth and "I" streets; Thence northerly along a line ten feet east of the center of North Eighth street to the center line of North Front street; and thence northeasterly, at right angles to North Front street, to low water in the Willamette River: Provided, that the turns in the course of said sewer at North Tenth and I streets and at North Eighth and I streets shall be made on a curve described with a radius of one hundred feet and all other turns shall conform to a curve described with a radius of two hundred feet.

Sec.4.All of the sewer herein ordered to be constructed shall be provided with catch-basins,lampholes,manholes and branches for side sewers,so that the main sewer in this ordinance provided for,shall be made the main sewer for draining and sewerling the streets and property within the district described and the boundaries defined in Section five (5) of this Ordinance,at the points and in the manner designed in the plans and specifications therefor hereinafter mentioned and the work to be done and materials to be furnished shall be strictly in accordance with the specifications therefor,entitled:"Tanner Creek Sewer Specifications and General Conditions," signed by the Superintendent of Streets and filed in the office of the Auditor and Clerk of the City of Portland, April, 20<sup>th</sup> 1887, which said plans and specifications are hereby adopted and declared to be the plans and specifications for the sewer provided for in this Ordinance;provided,that the top of the sewer herein provided for,shall not at any place be less than eight (8) feet below the grade of the street;and provided further,that the grade of the said sewer shall be established by the City Surveyor and Superintendent of Streets.

Sec.5.The streets and property within the district bounded and described as follows:shall be sewered and drained into the Willamette River,through the sewer in this Ordinance provided ,and ordered to be constructed along Tanner Creek and North Eighth street from B street,near the intersection of North Fourteenth street to the Willamette River,towit:Beginning at a point on a low water line of the Willamette river,in the City of Portland,in Multnomah county,in the State of Oregon which is due northeast from the point where the center line of North Fourth street,

if extended northerly, would intersect the westerly side line of North Front street, and running thence south west to the westerly side line of North Front street, thence south along the center line and such continued center line of North Fourth street, to a point one hundred (100) feet southerly from the south line of H street; thence westerly along a line parallel with and one hundred feet southerly from the south line of H street to the center line of North Ninth street, thence southerly along the center line of North Ninth street to the center line of E street; thence westerly along the center line of E street to the center line of North Tenth street; thence southerly along the center line of North Tenth street to the center line of D street; thence westerly along the center line of D street to the center line of North Eleventh street; thence southerly along the center line of North Eleventh to the center line of C street; thence westerly along the center line of C street to the center line of North Twelfth street; thence southerly along the center line of North Twelfth street one hundred and thirty feet; thence westerly along a line parallel with and one hundred feet northerly from the north side line of B street to a point one hundred feet easterly from the east side line of North Twentieth street; thence northerly along a line one hundred feet easterly from and parallel with the easterly side line of North Twentieth street to a point one hundred (100) feet south of S street; thence easterly along a line parallel with and one hundred feet southerly from the south line of S street to the northeasterly side line of North Front street; thence northeasterly at right angles to North Front street to the low water line in the Willamette river; and thence

southeasterly, following such low water line to the place of beginning. And as the lots and blocks and parts of lots and blocks, included within said district as above defined will be drained and sewered both by surface drainage and underground sewerage, by and through the sewer in this Ordinance ordered to be located, constructed and put down, the said lots and blocks and parts of lots and blocks, aforesaid, are hereby declared to <sup>(be)</sup> directly benefitted by such sewer and subject to assessment therefor, in proportion to the benefits received thereby, as provided in Section 121 of the City Charter of the said City.

Sec. 6. All materials used in the construction of said sewer, including the manholes, catchbasins, lampholes and branches shall be of the best quality and free from defects of any kind and all work and labor done in the construction of the same shall be done in a good and workmanlike manner and to the satisfaction of the Common Council of said City.

Sec. 7. The contractor 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 shall hold the City of Portland free and harmless therefrom.

Sec. 8. The said sewer shall be completed to the satisfaction of the Superintendent of Streets and the Common Council of the City of Portland.

Sec. 9. The Committee on Streets and Public Property are hereby authorized to advertise for and receive proposals for the construction of said sewer in accordance with the provisions of this ordinance and the plans and specifications therefor, report the several bids therefor to the Common Council, and enter into contract with the persons, firm or corporation to

whom the contract is let by the Common Council for the construction of said sewer, in accordance with the provisions of this ordinance and the plans and specifications therefor.

Each bid shall be accompanied by a bond in the sum of \$5000 in favor of the City of Portland, with the bidder as Principal and two good and sufficient sureties thereon, which bond shall be conditioned to the effect that the bidder will, in case the contract is awarded to him, within forty eight hours after notice of such award, enter into contract and give bond in the penal sum of \$20000 for the faithful and complete performance of all of the conditions of such contract, and that in case of a failure so to do that they will forfeit and pay to the said City of Portland the sum of \$5000 and each of such sureties shall subscribe an oath to the effect that he is worth over and above all his just debts and liabilities double the amount for which he becomes surety.

Sec. 10. The contract shall contain a provision that for each day required to complete said contract after the expiration of the time fixed for its completion, the contractor or contractors shall forfeit for the use and benefit of the property owners affected by such delay, the sum of five dollars (\$5.00). The contract shall contain a further provision requiring the contractor or contractors to whom the contract is let to keep the said sewer and the streets, pavements, sidewalks, and crosswalks, disturbed in laying said sewer or repairing the same, in good repair for the period of one year from the date of the final acceptance of the said sewer, and that if they neglect or fail to make such repairs within three days after receiving notice so to do by the Superintendent of Streets the

City may make such repairs at the expense of the contractor or contractors. The contractor or contractors to whom the contract is let shall enter into bond within forty eight hours after receiving notice of the award with at least two good and sufficient sureties in the penal sum of \$20000 for the true and faithful performance of all the terms and conditions of said contract, which said bond shall also contain a provision that such contractor or contractors shall & will hold the City of Portland & the officers thereof free & harmless from any & all liability or responsibility for any loss or accident resulting from carelessness or neglect during or resulting from such work, and the said bond shall be approved by the Mayor of said City; each surety therein shall take and subscribe an oath that he is worth over and above all debts and liabilities double the sum for which he becomes liable.

Sec. 11. 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 such sewer 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.

Sec. 12. That R. L. Durham, Charles. G. Schramm and H. W. Monastes disinterested persons, be and they are hereby appointed viewers to estimate the proportionate share of the cost of said sewer to be assessed to the several owners of property benefitted thereby in accordance with the provisions of section 121 of the charter of said city and report the same to the Common Council within sixty (60) days from the date of the approval of this Ordinance by the Mayor. Said viewers shall hold stated meetings in the office of the Auditor and Clerk of said City




and all persons interested may appear before said viewers and be heard in the matter of making said estimate.

Sec.13.That the Superintendent of Streets and City Attorney be and they are hereby authorized required and directed to secure from the owner of the lands along the course of said sewer as defined, in this Ordinance proper deeds conveying to the City of Portland the right of way in, through, over and upon the right to enter into and upon the said lands and the said lands, and lay down, construct and perpetually maintain in, through, over and upon the said lands, the sewer provided for in this Ordinance, and the right perpetually to divert the waters of said Tanner Creek into, through and along the said sewer

Sec.14.That Ordinance No.5037 entitled "An Ordinance providing for the time and manner of constructing a sewer, together with the necessary catch-basins, manholes, lampholes and branches along Tanner Creek from North Fourteenth and B streets to North Eighth and I streets, and thence along North Eighth street to North Front street, and thence northeasterly to low water in the Willamette river and describing the district to be drained by said sewer which said sewer shall be paid for by the property benefitted by the construction thereof, as provided by section 121 of the City Charter. Approved March 5th, 1887 and all ordinances and parts of ordinances in conflict with this Ordinance be and the same are hereby repealed.

Passed the Common Council May 4<sup>th</sup> 1887

  
-----  
Auditor and Clerk

Approved May 7<sup>th</sup> 1887

  
-----  
Mayor

ORDINANCE NO 5068  
Tanner Creek Sewer

*[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. A large, dark, irregular mark is visible near the top center.]*