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Ordinance No. 13967.

An Ordinance to provide for the time and manner of constructing a chain of sewers as follows: a sewer in Hamilton Avenue from a point 100 feet east of the east line of Corbett Street to the proposed sewer in Old County road; a sewer in Bancroft Avenue from a point 100 feet east of the east line of Corbett Street to the proposed sewer in Macadam Street; a sewer in Old County Road and Macadam Street from a point in Old County Road at the proposed sewer in Hamilton Avenue to a point in Macadam Street at Lowell Avenue; a sewer in Lowell Avenue and its extension easterly in its present course from the proposed sewer in Macadam Street to the Willamette river at low water mark, at the expense of the property specially benefited by such sewer.

The City of Portland does ordain as follows:

Section 1: A chain of sewers shall be constructed as follows:

A sewer in Hamilton Avenue from a point 100 feet east of the east line of Corbett Street to the proposed sewer in Old County Road; a sewer in Bancroft Avenue from a point 100 feet east of the east line of Corbett Street to the proposed sewer in Macadam Street; a sewer in Old County Road and Macadam Street from a point in Old County Road at the proposed sewer in Hamilton Avenue to a point in Macadam Street at Lowell Avenue; a sewer in Lowell Avenue and its extension easterly in its present course from the proposed sewer in Macadam Street to the Willamette River at low water mark. The said sewer to be constructed of vitrified sewer pipe with all ^{necessary} catchbasins, man-holes, lamp-holes and branches, and to be of the following dimensions: of eight inches clear inside diameter from a point in Hamilton Avenue 100 feet east of the east line of Corbett Street to a point in Old County Road; of eight inches clear inside diameter from a point in Bancroft Avenue 100 feet east of the east line of Corbett Street to the proposed sewer in Macadam Street; of eight inches clear inside diameter from the proposed sewer in Hamilton Avenue northerly in Old County Road, and Macadam Street to the sewer in Bancroft Avenue; thence of ten inches clear inside diameter to a point in Macadam Street at Lowell Avenue, and of ten inches clear inside diameter ----- from the point in Lowell Avenue to a point in Moody Street; thence of fourteen inches clear inside diameter to the Willamette River at low water mark.

Said sewer to be constructed 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 16th day of March, 1904, indorsed: "City Engineer's plans and specifications for a sewer in Hamilton Avenue from 100 feet east of the east line of Corbett Street to the proposed sewer in old County Road: Bancroft Avenue from 100 feet east of the east line of Corbett Street to sewer in Macadam Street; sewer in Old County Road, Macadam Street, Lowell Avenue to Willamette River, and the estimates of the work to be done and the probable total cost thereof."

The cost of said chain of sewers to be assessed as provided by the City Charter upon the property specially benefited thereby and which is hereby declared to be all the lots, parts of lots and parcels of land lying within the district bounded and described as follows: Beginning at a point 100 feet south of the south line of Hamilton Avenue and 100 feet east of the east line of Corbett Street; thence northerly along a line 100 feet east of and parallel with the east line of Corbett

Street to a point 155 feet north of the north line of Bancroft Avenue; thence easterly along a line 155 feet north of and parallel with the north line of Bancroft Avenue to a point 100 feet west of the west line of Macadam Street; thence northerly along a line 100 feet west of and parallel with the west line of Macadam Street to a point equi-distant between the north line of Lowell Avenue and the south line of Thomas Street; thence easterly along a line equi-distant between the north line of Lowell Avenue and the south line of Thomas Street and their extensions easterly in their present courses to the west bank of the Willamette River; thence southerly along the west bank of the Willamette River to a point 100 feet south of the south line of E. Caruthers Donation Land Claim; thence westerly along a line 100 feet south of and parallel with the south line of E. Caruthers Donation Land Claim to a point 100 feet east of the east line of the Oregon and California Railroad Company's right of way; thence southerly along a line 100 feet east of and parallel with the east line of the Oregon and California Railroad Company's right of way to a point 100 feet south of the south line of Hamilton Avenue extended easterly in its present course; thence westerly along a line 100 feet south of and parallel with the south line of said extension of Hamilton Avenue and the south line of Hamilton Avenue to the place of beginning.

The Engineer's estimate of the probable total cost for the construction of said chain of sewers is \$3,327.00.

Section 2: That portion of the street necessary to be used for digging the trench, shall be cleared of all obstacles(except gas and water mains) at the expense of the contractor, who shall, after the pipe is laid and the trench filled, replace the pavement and all portions of the street improvements disturbed, leaving the street in as good order as the same was when the work was begun except such portions as the Executive Board may direct to be omitted for the purpose of making other improvements.

Section 3: The contractor shall take and have entire charge of the work during its progress and shall be responsible for any loss or accident resulting from carelessness or neglect, and the said sewer improvement shall be completed to the satisfaction of the Executive Board of the City of Portland.

Section 4: The sewer improvement provided for in this Ordinance shall be completed within the time to be fixed by the Executive Board, and 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 to the City of Portland for its use and benefit the sum of five dollars.

The contract shall contain a stipulation to the effect that the person, firm or corporation to whom the contract shall be let shall look for payment only to the fund to be assessed upon the property liable to pay for such sewer 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 shall 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," and which shall be expressly referred to and made a part of said contract.

Passed the Council, May 4, 1904,

Thos. C. Devlin,

Auditor of the City of Portland.

Approved May 6th, 1904,

Geo. H. Williams, Mayor.