

ORDINANCE NO. 7768.

An Ordinance providing for the time and manner of constructing a sewer in East Alder, East Seventh, East Yamhill, and East Ninth streets, Hawthorne Avenue, East Fourteenth street, East Taylor, East Nineteenth, Belmont and an easterly extension of the same, East Thirty First and East Yamhill streets, constituting a main sewer for a general sewer system in and for that portion of the City of Portland, Oregon, situate on the east bank of the Willamette River, with the necessary catch-basins, manholes and branches, describing the district proposed to be sewered and drained by such sewer and providing that such sewer shall be paid for by the property benefited by the construction thereof, as provided in Section 121 of the City Charter.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1;- There shall be constructed as herein provided a sewer in East Alder street from low water line of the Willamette River eastward to East Seventh street; thence southward on said East Seventh street to East Yamhill street; thence eastward on said East Yamhill street to East Ninth street; thence southward on said East Ninth street to Hawthorne Avenue; thence eastward on said Hawthorne Avenue to East Fourteenth street; thence northward on said East Fourteenth street to East Taylor street; thence eastward along said East Taylor street to East Nineteenth street; thence northward along said East Nineteenth street to Belmont street; thence eastward along Belmont street and an easterly extension of the same to East Twenty Sixth street; thence on a continuation of said Belmont street to East Thirty First street; thence southward along said East Thirty First street to East Yamhill street; thence eastward along said East Yamhill street to an easterly side line of East Thirty Fourth street.

SECTION 2;- The said main sewer hereinbefore mentioned from the intersection of low water line of the Willamette River and East Alder street to westerly side line of East Thirty Fourth street, shall be circular in form, constructed of brick and stone and of the following dimensions, to-wit;-

That part on East Alder street from the intersection of the same with low water line of the Willamette River to west line of East Fifth street, 84 inches inside diameter from the last named point to the west line of East Sixth street 82 inches inside diameter.

That part on East Alder street from the last named point to East Seventh street and thence on said East Seventh street to the north line of East Yamhill street, 80 inches inside diameter.

That part of East Yamhill street from the last named point to the west line of East Eighth street 78 inches inside diameter.

That part of East Yamhill street from the last named point to East Ninth street and thence along said East Ninth street to the north line of Hawthorne Avenue 76 inches inside diameter.

That part on Hawthorne Avenue from the last named point to the west line of East Tenth street 74 inches inside diameter.

That part on Hawthorne Avenue from the last named point to the west line of East Twelfth street 72 inches inside diameter.

That part on Hawthorne Avenue from the west line of East Twelfth street to the west line of East Thirteenth street, 52 inches inside diameter.

That part on Hawthorne Avenue from the west line of East Thirteenth street to the west line of East Fourteenth street 50 inches inside diameter.

That part on East Fourteenth street from the last named point to the south line of East Taylor street 48 inches inside diameter.

That part on East Taylor street from last named point to East Nineteenth street and thence on said East Nineteenth street to Belmont street and thence on said Belmont street and an easterly extension of the same to a point 720 feet east of the easterly side line of East Twentieth street 46 inches inside diameter.

That part on an easterly extension of said Belmont street from the last named point to a point 980 feet east of the easterly side line of East Twentieth street, 44 inches inside diameter.

That part on an easterly extension of said Belmont street from the last named point to a point 30 feet west of the westerly side line of Hansons Addition 42 inches inside diameter.

That part on an easterly extension of said Belmont street from the last named point and thence on Belmont street to the west line of East Thirtieth street 40 inches inside diameter.

That part on said Belmont street from the last named point to the west line of East Thirty First street, 38 inches inside diameter.

That part on said East Thirty First street from the last named point to East Yamhill street and thence on said East Yamhill street to the west line of East Thirty Third street 36 inches inside diameter.

That part on said East Yamhill street from the last named point to the west line of East Thirty Fourth street 34 inches inside diameter.

SECTION 4;- Said sewer shall be constructed so as to drain said streets and the district hereinafter described into the Willamette River and shall be constructed and completed as hereinafter provided, within one hundred and eighty days from the date of signing of the contract for the construction of said sewer by the parties to said contract, and said sewer together with all manholes, catchbasins and branches connected therewith shall be paid for by the property benefited by the construction of said sewer as provided by Section 121 of the City Charter of the City of Portland.

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 or 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 is 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 land in as good order and condition as the same was in, when the work was begun, except such portions as the Committee on Sewers and Drainage may direct to be omitted for the purpose of making other improvements.

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 6 of this Ordinance, shall be of brick and stone according to the plans and specifications prepared by the Superintendent of Streets.

It shall be circular in form and leaving a clear inside diameter as hereinbefore specified, and all turns in the line of said sewer shall conform to regular curves described with a radius of not less than one hundred feet.

SECTION 5;- All of the sewer herein ordered to be constructed shall be provided with manholes, catchbasins and branches for said sewer, so that the main sewer provided for in this Ordinance shall be made the main sewer for draining and sewerage the streets and property within the district described and the boundaries defined in Section 6 of this Ordinance at the points and in the manner designed in the plans and specifications therefor, which shall be prepared by the Superintendent of Streets and filed in the office of the Auditor and Clerk before bids are invited for the construction of said sewer provided that the grade of the said sewer shall be established by the City Surveyor and the Superintendent of Streets.

SECTION 6;- The streets and property within the district bounded and described as follows shall be sewered and drained through the main sewer in this Ordinance provided and ordered to be constructed as hereinbefore specified, to-wit;-

Commencing at a point where the center line of East Stark street intersects low water line of the Willamette River thence easterly along the center line of East Stark street to the center line of East Sixteenth street; thence southerly along said center line of East Sixteenth street to the center line of East Washington street; thence easterly along center line of East Washington street and an easterly prolongation of the same to the westerly side line of Block 1, Garrisons Addition; thence northerly on said easterly side line of Block 1 and northerly prolongation of the same to the center of East Stark street formerly known as the Base Line Road; thence easterly on said center line of East Stark street formerly known as the Base Line Road to the west line of East Thirty Eighth street; thence southerly along said west line of East Thirty Eighth street to

center line of Hawthorne Avenue; thence westerly on said center line of Hawthorne Avenue to the section line between Sections 1 & 2, T.1.S.R.1.E.; thence southerly on said Section line 130 feet to a point; thence westerly on a line 130 feet from and parallel with said center line of Hawthorne Avenue to the center line of East Twentieth street as laid out in Ladd's Addition to the City of Portland; thence southerly on said center line of East Twentieth street to the center line of Division street; thence westerly on said center line of Division street to a point 100 feet west of the westerly side line of East Eleventh street; thence northerly on a line 100 feet westerly from and parallel with the westerly side line of East Eleventh street to the center line of East Caruthers street; thence westerly on said center line of East Caruthers street to a point 100 feet west of the westerly side line of East Tenth street; thence northerly on a line 100 feet from and parallel with the westerly side line of East Tenth street to the center line of East Sherman street; thence westerly on said center line of East Sherman street to a point 100 feet west of the westerly side line of East Ninth street; thence northerly on a line 100 feet from and parallel with the westerly side line of East Ninth street to the center line of East Grant street; thence westerly on said center line of East Grant street to a point 100 feet west of the westerly side line of East Eighth street; thence northerly on a line 100 feet from and parallel with the westerly side line of East Eighth street to the center line of East Lincoln street; thence westerly on said center line of East Lincoln street to a point 100 feet west of the westerly side line of East Seventh street; thence northerly on a line 100 feet westerly from and parallel with said westerly side line of East Seventh street to the center line of East Market street; thence westerly on said center line of East Market street to a point 100 feet west of the westerly side line of East Fifth street; thence northerly on a line 100 feet from and parallel with the westerly side line of East Fifth street to a point 100 feet north of the northerly side line of East Salmon street; thence westerly on a line 100 feet from and parallel with said northerly side line of East Salmon street to a point 100 feet west of the westerly side line of East Second street; thence northerly on a line 100 feet from and parallel with said westerly side line of East Second street to the center line of East Yamhill street; thence westerly on said center line of East Yamhill street to low water line in the Willamette River; thence northerly along said low water line to the place of beginning.

And as the lots and blocks and parcels of land included within the said district 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 parcels of land aforesaid are hereby declared to be directly benefited by such sewer and subject to assessment therefor, in proportion to the benefit received thereby as provided in Section 121 of the City Charter of the City of Portland.

SECTION 7;- All materials used in the construction of the said sewer, including the man-holes, catchbasins 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 and said labor completed in a good and workmanlike manner and to the satisfaction of the Common Council of said City.

SECTION 8;- 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 in and during the construction of said sewer and shall hold the City of Portland free and harmless therefrom.

SECTION 9;- The Committee on Sewers and Drainage are hereby authorized to advertise for and receive proposals for the construction of the 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 person, 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 \$1500.00 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 if the contract be awarded to him, within forty eight hours after receiving notice of such award enter into contract and give bond in the penal sum of \$50000.00

for the faithful and complete performance of all the conditions of such contract and that in case of a failure to so do, that they will forfeit and pay to the City of Portland, \$1500.00 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.

SECTION 10;- The contract shall contain a provisions 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 Twenty Dollars.

The contract shall contain a further provision requiring the Contractors to whom the contract is let to keep the said sewer and the streets, pavements, sidewalks and crosswalks and gutters disturbed in laying said sewer or repairing the same, in good order for the period of one year from the date of the final acceptance of 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 forty eight hours after receiving notice of the award, with at least two good and sufficient sureties in the penal sum of \$50000.00 for the true and faithful performance of all the terms and conditions of said contract, which said bond, shall contain a provision that such Contractor or Contractors shall and will hold the City of Portland and the officers thereof, free and harmless from any and all liability and responsibility, from loss or accident, resulting from carelessness or neglect, during or resulting from such work and 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 his debts and liabilities and property exempt from execution, double the sum for which he becomes liable.

SECTION 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 they will not require the City of Portland, by any legal process or otherwise to pay the same out of any other fund.

SECTION 12;- E.W. Paget, C.H. Hill and H.S. Allen who are not interested in, and who do not own any property benefited by or liable to assessment for the construction of said sewer, be and they are hereby appointed to estimate the proportionate share of the cost of said sewer to be assessed to the several owners of property benefited thereby, in accordance with the provisions of Section 121 of the Charter of said City and report the same to the Common Council within three hundred and sixty (360) days after the date of the approval of this Ordinance by the Mayor.

Said Assessors shall hold meetings in the office of the Auditor and Clerk of said City, and all persons interested may appear before said Assessors and be heard in the matter of making said estimate.

Such Assessors shall give one week's notice by publication (6 insertions) in the City official paper of the time and place of their first meeting and shall give like notice when they shall have determined upon an apportionment of the cost of the sewer herein provided for, notifying all persons to appear and examine such apportionment and make objections thereto, if there be good cause for so doing, within six (6) days from the date of the last publication of such notice.

Any person interested in property within the limits proposed to be assessed, shall have the right to appear before such Assessors at their final meeting, or any time prior thereto, in person or by attorney, and any person dissatisfied with the apportionment made by such Assessors, shall have the right to appeal to the Common Council.

All objections to such apportionment shall be made in writing and shall be reported to the Common Council by such Assessors.

Passed the Common Council August 3rd 1922.

W.T. Branch

Auditor and Clerk

Approved, August 10th 1892.

W.S. Mason

Mayor.

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