

Ordinance No. 21073

An Ordinance providing for the time and manner of improving East Eleventh Street from the south line of Hawthorne Avenue to the center line of Oregon and California Railway Company's Tracks, and Milwaukee Street from the center line of Oregon and California Railway Company's Tracks to the north line of Holgate Street, as a district improvement.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. That East Eleventh Street from the south line of Hawthorne Avenue to the center line of Oregon and California Railway Company's Tracks, and Milwaukee Street from the center line of Oregon and California Railway Company's Tracks to the north line of Holgate Street, as a district improvement,

shall be improved as follows:

First. By grading the streets to the proper subgrade.
Second. By paving the roadway of said streets full width with Hanson Pavement, except such portions of said roadways to be paved with stone blocks at hereinafter provided.
Third. By paving the space between the rails and one foot outside of the rails with Hanson Pavement, except such portions of said roadways to be paved with stone blocks at hereinafter provided.
Fourth. By laying concrete foundation and by laying rails not less than seven inches in depth and weighing not less than 40 pounds per yard. The concrete between the rails shall be not less than six inches in depth.
Fifth. By constructing artificial stone sidewalks and curbs.
Sixth. By laying wooden headers.
Seventh. By constructing wooden sidewalks.
Eighth. By laying vitrified pipe.
Ninth. By constructing inlets.
Tenth. By making such other improvements as shall be made 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 21st day of March, 1916, and under the City Engineer's plans and specifications for the district improvement of East Eleventh and Milwaukee streets, and the estimates of the work to be done and the probable cost thereof.
The cost of such improvement to be assessed as provided by the City Charter upon the property specially and peculiarly benefited thereby, and which is hereby declared to be all the property therein and parcels of land lying within the district bounded and described as follows:
Commencing at a point in the south line of Hawthorne Avenue 100 feet east of the east line of East Eleventh Street; thence south parallel with the east line of East Eleventh Street and the eastern line of Milwaukee Street to the southwest corner of the block of Clara Street; thence south to the southeasterly line of lot 6, block 2, Riverside Homestead; thence southeasterly along the southeasterly line of said lot 6, 112.41 feet; thence southerly to the north-east corner of lot "C", block 1, Cole's Addition; thence south along the west line of said lot "C", and its prolongation south to the south line of Frederick Street; thence east to the northeast corner of lot 1, block 1, Feurer's Addition; thence south along the east line of said lot 1, and its prolongation south to the south line of Alhine Street; thence east to the northeast corner of lot 4, block 14, Feurer's Addition; thence south along the east line of said lot 4, and its prolongation south to the south line of Milwaukee Street; thence east to a point in the south line of Milwaukee Street 100 feet east from the easterly line of Milwaukee Street; thence southerly along a line 100 feet from and parallel with the easterly line of Milwaukee Street to the south line of Center Street; thence east to the northeast corner of lot 25,

block 1, House Addition; thence south the east line of said lot 25, and its prolongation south to the south line of Center Street; thence east to the northeast corner of lot 4, block 10, House Addition; thence south along the east line of said lot 4, and its prolongation south to the south line of lot 5, block 11, House Addition; thence east to the southeast corner of said lot 5; thence south along the west line of lot 15, block 11, House Addition, to the north line of Main Street; thence southerly to the northeast corner of lot 25, block 12, House Addition; thence south along the east line of said lot 25, and its prolongation south to a point 25 feet south of the north line of Holgate Street; thence west to a point 100 feet west of the westerly line of Milwaukee Street; thence northerly along a line 100 feet westerly from and parallel with the westerly line of Milwaukee Street to the south line of Rice's Addition; thence west to the southwest corner of lot 4, block 6, Rice's Addition; thence north along the west line of said lot 4, and its prolongation north to the north line of Cora Avenue; thence west to a point 100 feet east from the east line of East Thirteenth Street; thence north along a line 100 feet east from and parallel with the east line of East Thirteenth Street to the south line of tract or block 12, Riverside Homestead; thence west to a point 100 feet west from the westerly line of Milwaukee Street; thence northerly along a line 100 feet westerly from and parallel with the westerly line of Milwaukee Street to the south line of lot 4, block 2, Dundas; thence west to the west corner of lot 2, in said block 2; thence north along the west line of said lot 2, and its prolongation north to the south line of Oak Knoll; thence west to the southwest corner of lot 12, block 2, Grice's Tract; thence north along the west line of said lot 12, and its prolongation north to the south line of Dent's Addition; thence east to the west line of East Eleventh Street; thence north along the east line of East Eleventh Street to the south line of block 1, Powell Addition; thence west to south-west corner of said block 1; thence north to the south line of Boyle's Addition; thence southerly to the southwest corner of lot 5, Boyle's Addition; thence north along the west line of said lot 5 and its prolongation north to the northwesterly line of Boyle's Addition; thence northerly along the northwesterly line of Boyle's Addition to a point 100 feet west of the west line of Milwaukee Street, measured at right angles; thence northerly parallel with the westerly line of Milwaukee Street and the west line of East Eleventh Street to the south line of Hawthorne Avenue; thence east to the place of beginning.

The City Engineer's estimate of the probable total cost for the improvement of said streets is \$25,750.00.
The above improvement to be classed as a Hanson Pavement and the roadway of said streets shall be maintained by the city for a period of ten years.

SECTION 2. That said improvements shall in all respects be done and completed in conformity with the provisions of Ordinance No. 14253, entitled: "An Ordinance in relation to the improvement of streets," as amended, except as otherwise provided by this Ordinance.

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

SECTION 5. The contractor or contractors 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 the improvement shall be completed to the satisfaction of the Executive Board of the said City of Portland.

SECTION 6. The contractor or contractors to whom a contract or contracts may be awarded for the completion of said improvement, shall complete the same within the time to be fixed by the Executive Board, and upon commencing said work shall continue the same without delay until completed unless the time for the completion of the improvement is extended by the Executive Board, and each contract shall contain a provision that for each day required for the completion of such contract after the expiration of the time fixed by the Executive Board there shall be forfeited by the contractor to the city the sum prescribed in Ordinance No. 19745, entitled, "An Ordinance fixing the amount to be forfeited to the city by contractors for street improvements and construction of sewers for non-completion of work within time provided by contract, and repealing Ordinance No. 15373."

SECTION 7. The contract or contracts 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 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 or contracts shall also 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."

EDINAMPLE BOND

Passed by the Council APR 27 1910

Submitted to the Mayor APR 28 1910

Approved APR 29 1910

A. L. BARBUR

Auditor of the City of Portland.

JOSEPH SIMON

Mayor.