

ORDINANCE No. 99845

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(Ornamental Street Lighting - Time and Manner)
Letter-A Page-48 File C-5088

An Ordinance providing for the time and manner of continuing the lighting maintenance on S.W. Alder Street from S.W. First Avenue to S.W. Eighteenth Avenue.

The City of Portland does ordain as follows:

Section 1. The lighting improvement on S.W. Alder Street from S.W. First Avenue to S.W. Eighteenth Avenue, shall be continued and maintained as a street improvement for a period of five years from December 1, 1953 to November 30, 1958, both dates inclusive, under the terms and provisions of this ordinance and the plans and specifications herein referred to and the provisions of Resolution No. 26032. The plans and specifications herein referred to are those filed with the City Auditor on October 9, 1953 and identified by the endorsement, "To the Council: Plans, specifications, preliminary estimate and the probable total cost for the maintenance of the ornamental street lighting system on S.W. Alder Street from S.W. First Avenue to S.W. Eighteenth Avenue, by furnishing of electric energy and maintenance for the period from December 1, 1953 to November 30, 1958. Pursuant to Resolution No. 25995 together with a map and description of the boundaries of the proposed assessment district to be benefited and assessed therefor. Filed OCT. 9, 1953, Will Gibson, Auditor of the City of Portland, By Rob't L. McCoy, Deputy."

The contractor shall continue the maintenance of said lighting system which has heretofore been established on said street and furnish and maintain the lighting in accordance with said plans and specifications to and including November 30, 1958, and whereas electrical energy and maintenance have heretofore been furnished for the lighting of said street and it is contemplated that the contractor under said contract will continue to furnish such lighting and maintenance until a new contract is executed under the terms and provisions of this ordinance

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upon the assumption that compensation therefor will be made from the assessment to be collected under and pursuant to the terms of this ordinance; now, therefore, the contract to be entered into hereunder shall cover the period beginning December 1, 1953 to and including November 30, 1958, and the furnishing of such lighting and maintenance shall be continuous as provided for in said plans and specifications to and including November 30, 1958, and for the lighting and maintenance after December 1, 1953 the rate applicable under the contract authorized hereby shall be applied.

Section 2. The contract shall contain a provision that for each day that said contractor fails to supply such energy and maintenance during the period of said contract said contractor shall pay to the City the sum prescribed in section 5-418 of Ordinance No. 76971 (Public Works Code) as stipulated and liquidated damages in view of the difficulty of determining the exact amount of damages which the City will sustain from such failure.

Section 3. The cost of this improvement, except as provided by Resolution No. 22318, shall be assessed as provided by the charter and ordinances of the City of Portland upon all of the lots, parts thereof, and parcels of land within a district of the City of Portland, Multnomah County, Oregon, described as:

Beginning on the easterly line of S.W. 18th Avenue 19.5 feet northerly of the northerly line of S.W. Alder Street, measured on the easterly line of S.W. 18th Avenue; thence easterly to the westerly line of S.W. 17th Avenue, 38.0 feet northerly of the northerly line of S.W. Alder Street, measured on the westerly line of S.W. 17th Avenue; thence to the easterly line of S.W. 17th Avenue, 50 feet northerly of the northerly line of S.W. Alder Street, measured on the easterly line of S.W. 17th Avenue; thence easterly to the westerly line of S.W. 16th Avenue, 77.0 feet northerly of the northerly line of S.W. Alder Street, measured on the westerly line of S.W. 16th Avenue; thence to the easterly line of S.W. 16th Avenue, 100 feet northerly of the northerly line of S.W. Alder Street, measured on the easterly line of S.W. 16th Avenue; thence easterly parallel to the northerly line of S.W. Alder Street to 100 feet easterly of the easterly line of S.W. 1st Avenue, measured parallel to the northerly line of S.W. Alder Street; thence southerly parallel to the easterly line of S.W. 1st Avenue 260 feet; thence westerly parallel to the southerly line of S.W. Alder Street to the easterly line of S.W. 18th Avenue; thence northerly on the easterly line of S.W. 18th Avenue to the southerly line of S.W. Alder Street; thence to the place of beginning.

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Section 4. The contract shall contain a provision reading: "It is further agreed that the term 'maintenance' or 'maintain' is intended to include all such repairs, replacements or renewals as may be needed for keeping up all of the lights and lighting herein provided for, and the contractor shall, if any injury or damage be done to the posts, globes or other equipment which is necessary for and constitutes a part of said lighting equipment, be subrogated to the right of the city against any person or persons who may have caused such damage or injury and may proceed in its own name to recover for such damage or injury."

Section 5. The usual form of contract for street improvement construction shall not carry the provision in regard to guaranteeing the work for a period of five years, inasmuch as there is here no construction work to be performed.

Section 6. The contractor shall take entire charge of the service covered by the contract during the period of the contract and shall be responsible for any loss or accident resulting from carelessness or neglect, and the lighting and maintenance shall be completed to the satisfaction of the Council of said City of Portland.

Section 7. The contract shall also contain a stipulation to the effect that the contractor except as provided by Resolution No. 22318 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 it will require the City of Portland by any legal process or otherwise to pay the same out of any other fund, except the part to be paid monthly as hereinafter provided.

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 with the

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Portland General Electric Company, whose bid has been found to be the lowest responsible bid, the gross amount of which is \$43,007.60, from which is to be deducted un-earned interest to be calculated in the manner indicated by the company in the letter dated November 9, 1953, accompanying its bid, and it is further understood and provided that said gross amount includes the amount to be paid by the City from its general fund pursuant to Resolution No. 22318. The amount of the bond to be furnished by the contractor shall be \$43,007.60, but the amount of said bond may be abated semi-annually during the life of the contract if and so long as the contractor shall fully keep and perform each and all of the terms and provisions of the contract, plans and specifications, the amount of such abatement to be proportional to the amount in time of performance, and the initial amount of said bond may be abated proportionally to the amount of time heretofore expired.

Passed by the Council, JAN 20 1954

Fred L. Peterson
Mayor of the City of Portland

Attest:

Will Gibson

Auditor of the City of Portland

A-48
C-5088

Calendar No.

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242

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Title

An Ordinance providing for the time and manner of continuing the lighting maintenance on SW Alder Street from SW First Avenue to SW Eighteenth Avenue.

Compared

Council Jan 6-1954

Jan 6-1954

Read 1 & 2 &

Passed to Third Reading Reading Jan 20 1954

WAB

DEC 30 1954

Filed.....

Will Gibson.
Auditor of the CITY OF PORTLAND

By.....
R. S. IVEY
Deputy

INTRODUCED BY

Order of Council

DRAWN BY

AGB-ak

Date December 17, 1953

NOTED BY THE COMMISSIONER

Affairs

Finance

Safety

Utilities

Works WAB

City Attorney AGB

NOTED FOR CITY AUDITOR

RSI

JHL

APPROVED

Date

By

City Engineer

Date

By

THE COMMISSIONERS VOTED AS FOLLOWS:

	Yeas	Nays
Bean	/	
Boody	/	
Bowes	/	
Earl	—	
Peterson	/	

FOUR-FIFTHS CALENDAR

Bean	
Boody	
Bowes	
Earl	
Peterson	