

ORDINANCE NO. 76.

An ordinance providing for the improvement of the Foster Road Milwaukie Oregon from the east side of Main Street to the west side of the Oakfield Road.

MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Foster Road, Milwaukie, Oregon shall be improved from the ^{east side} ~~side~~ of Main Street to the west side of the Oakfield Road in conformity with plans and specifications heretofore filed with the Recorder, and which were adopted by resolution of the city council on the 20th day of May 1912.

Section 2. Parties bidding on the work herein provided must state in the bid the time required for the completion of the entire improvement herein specified after the approval of the Mayor and should the contractor fail to complete the work within the time specified in the contract, the ^{Town} ~~City~~ shall have the right to charge the contractor the sum of five dollars per day as liquated damages for each and every day, that the work shall remain uncompleted after special date, and such sum shall be deducted from said amount of final payment, no proposal shall be considered when not accompanied by a certified check of five (5) per cent of the total estimate which check shall be forfeited to the Town upon the failure of the successful bidder to execute the agreement provided ^{for} herein, within ten days after awarding the contract.

Blank forms upon which all proposals are to be submitted will be furnished upon application to the ^{Town} ~~City~~ Recorder.

Section 3. Monthly estimates of the amount of work completed will be made by the engineer and an advance payment of 80 percent of such estimate will be ordered paid at the first regular meeting of the council thereafter, the remaining 20 per cent to be paid in a lump sum within ten days after the final acceptance of the entire contract when completed.

Section 4. The contractor will be required to furnish bonds with approved security in one fifth the amount of the contract price considered upon the faithful performance of the work in accordance with all the stipulations of the contract, and within the time named.

Section 5. Whenever the word "Engineer" is named in these specifications it is understood to refer to the city engineer employed and authorized by

the council to superintend such work.

Section 6. Whenever the word "Contractor" occurs in these specifications it is understood to refer to the contractor or ~~firm~~, or firm of contractors or any member thereof, or any contractor undertaking the work therein specified. All the work and material to be furnished shall be done and furnished to the satisfaction of ~~the~~ city engineer.

The ~~city~~ ^{town} reserves the right to reject any and all bids.

Section 7. Each contract shall contain a stipulation to the effect that the person, ~~firm~~ or coporation ^{whom} to said contract is let, shall look ~~in~~ for payment only to the sum assessed upon the property liable to pay for such improvement and collectable and paid into the town treasurer for that purpose and they will not require The Town of Milwaukie by any legal process or otherwise to pay the said sum out of any other fund.

Section 8. Whereas the condition of said street is and was dangerous to the health and safety of the public and its immediate improvement is necessary for the immediate preservation of the health and safety of the public, in the judgement of the council of the Town of Milwaukie, Oregon, an emergency exists; therefore this ordinance shall be in force immediately upon the approval by the Mayor.

By order of the Council of the Town of Milwaukie, Oregon.

Posted this 22 day of June 1912.

Robert Goetz
Acting Recorder.

Passed by Council July 9 1912

Robert Goetz
Acting Recorder

Approved this July 12th 1912

Pringle Street
Mayor

Reported July 12, 1912