

An ordinance to provide for the improvement of DE WITT STREET in Milwaukie, Oregon, and declaring an emergency.

The Town of Milwaukie does ordain as follows:

Section 1. De Witt Street in Milwaukie, Oregon, shall be improved in conformity with the plans and specifications heretofore filed with Recorder, and which were adopted by resolution of the Town Council on the 28th day of July, 1913.

Section 2. The contract for the improvement herein specified shall state the time in which the contractor shall complete the entire improvement, and should the contractor fail to complete the work within the time specified in the contract, the Town shall have the right to charge the contractor the sum of twenty-five dollars per day as liquidated damages for each and every day that the work shall remain uncompleted after said date; and such sum shall be deducted from the amount of final payment. No proposal shall be considered when not accompanied by a certified check of 5% of the total estimate, drawn to the order of the

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contract is in the order of the Town of Milwaukie, which check shall be forfeited upon the property of the Town, upon the failure of the successful bidder to execute the work and pay the amount provided for herein within ten days after the award of the contract to the Town of Milwaukie.

Section 3. Blank forms upon which all proposals are to be submitted shall be furnished upon application to the Town Engineer.

Section 4. Estimates of the amount of work completed will be made by the contractor at the first meeting of the Council thereafter, and an advance payment of 80% of such estimate will be ordered by the Council. The remaining 20% shall be paid within ten days after the final acceptance of the work. The contractor shall be in possession of the entire contract when completed.

Section 5. The contractor will be required to furnish bonds with adequate security in the sum of fifteen-hundred dollars, considered upon the faithful performance of the work in accordance with all the stipulations of the contract, within the time named therein.

Section 6. Whenever the word "Engineer" is named in the specifications it is understood to refer to the Town Engineer, employed and authorized by the Council to superintend such work.

Section 7. Whenever the word "Contractor" occurs in the specifications it is understood to refer to the contractor or firm of contractors or any member thereof, or any contractor undertaking the work to be improved as herein specified. All the work and material to be furnished shall be filed with the Town Engineer and furnished to the satisfaction of the Town Engineer. The Town Council reserves the right to reject any or all bids.

Section 8. Each contract shall contain a stipulation to the effect that the person, firm or corporation to whom the said contract is let, shall look for the payment only to the sum assessed upon the property to be improved, and collected and paid into the Town Treasury for that purpose, and they will not require Milwaukie, by any day as liquidated process or otherwise, to pay the said sum out of any other fund.

Section 9. 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 judgment of the Council of Milwaukie, Oregon, an

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emergency exists; therefore this ordinance shall be in force immediately upon its approval by the Mayor.

Posted this 12th day of August, 1913.

Passed by the Council this 2nd day of September 1913.

Approved by the Mayor this 3rd day of September 1913, E. T. Elmer, Mayor.

Attest: D. P. Mathews, Recorder.

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