

RESOLUTION

WHEREAS, the City of Lodi is a City of the sixth class, a City where there is no City Engineer, the Board of Trustees of said City having never appointed any person to be City Engineer, and never having appointed any person to discharge the duties laid down as those of City Engineer in the Act of the Legislature entitled, "An act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities", approved March 18, 1885, inclusive of all Acts amendatory thereof or supplementary thereto, and

WHEREAS, this Board of Trustees of said City of Lodi is about to cause certain street work to be done and improvements to be in and upon public streets in said City of Lodi, the same to be done and made by virtue of said Act of the Legislature, inclusive of said amendatory and supplemental Acts, be it, therefore, by this the said Board of Trustees of the City of Lodi,

RESOLVED: that R. C. Tumelty, a civil engineer, is a suitable person to be appointed to discharge, and he is hereby appointed to discharge the duties in said Act and said amendatory and supplemental Acts laid down as those of City Engineer and to be City Engineer of the City of Lodi unto all the purposes and with all the powers, duties and authority of City Engineer which are contemplated in or by said Act or Acts, in work or improvements to be done or made thereunder and in all matters incident to or preliminary to the same or in anywise requisite to be done to the end of doing said work, making said improvements and making a valid assessment therefor, and until this his appointment be revoked.
And further

RESOLVED: that the compensation of the said R. C. Tumelty for services to be rendered at the request of this Board of

Trustees by him under this appointment, be and the same is fixed as follows, towit:

FIRST.

For furnishing surveying and engineering necessary to be done under said Act (commonly known as the "Vrooman Act"), for plans, specifications and estimates of cost and all other things necessary or proper under said Act for the Engineer to do to advance the particular street proceeding to a stage where the contract for doing the work may be let, inclusive among other things, of a diagram of the district or lands to be assessed for the work, the fee or compensation of said Engineer shall be three per cent of the cost of construction, computed upon the amount of the contract price for doing the work of construction and in the absence of such data, computed upon the estimate of the cost of the work furnished by the Engineer and adopted by this Board of Trustees.

SECOND.

For all other surveying or engineering work necessary and proper in or about the work involved in a street proceeding under said "Vrooman Act" in order that such proceeding may be complete, inclusive of all necessary and proper engineering work, such as continuous superintendence of all portions of the work and all necessary and proper inspections, examinations and tests of work, materials and processes and methods of manipulation in or about the work, inclusive of all parts of the contractor's plant, an additional three per cent of the cost of construction, to be computed as aforesaid in the case of the other three per cent.

The fees or compensation so as aforesaid contemplated are those provided for in the said "Vrooman Act", are to be included

as incidental expenses in the assessment to be made under and by virtue of said Act, and the City of Lodi is not to be liable therefor or chargeable therewith, save and except in case the work be abandoned by this Board of Trustees after passing the Resolution of Intention and before the letting of the contract, and in any case subject to deduction for any failure of the engineer to perform his duties or obligations under this appointment or said "Vrooman Act."

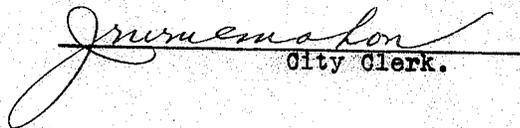
Introduced, Jan. 16th., 1911.

Adopted, Jan. 16th., 1911, by the following vote:

Ayes: Trustees J.M. Blodgett, G.E. Lawrence and L. Villinger.

Noes: Trustee C.A. Rich. Absent and not voting: Trustee F.O. Hale.

I, J.M. McMahon, City Clerk of the City of Lodi, do hereby that the foregoing resolution was adopted in regular session of the Board of Trustees of the City of Lodi by the vote as above stated.


City Clerk.