

ARTICLE IX.

STREET AND SIDEWALK IMPROVEMENTS.

SECTION 1. When the Board of Commissioners shall deem it necessary to grade, pave, macadamize, gutter, drain or otherwise improve any street, avenue or alley or any part thereof, within the limits of the city, for which a special tax is to be levied, as herein provided, said board shall by resolution declare such work or improvement necessary to be done, which resolution shall be adopted by a majority vote of the board, and the passage of such resolution shall be conclusive evidence of the public necessity therefor, and the benefit thereof and no notice of such action by the board shall be requisite to its validity. Such resolutions shall, in general terms, set forth the nature and extent of the improvement or improvements to be made, the section or sections of any public street, avenue or alley to be improved, the material or materials with which the improvements are to be constructed and the method or methods under which the costs of such improvements are to be paid. Such resolutions may specify, that such improvements may, at the election of the board be constructed from different material and may specify different or alternative methods of making such improvements, and providing for the payment of the costs thereof. Upon the passage of such resolution it shall be the duty of the City Engineer to forthwith prepare specifications for such improvement, which specifications shall embrace the different materials or different plans or methods, under which said improvements or part thereof are to be constructed or paid for, if such different materials or alternative plans or methods or construction or payment are specified in such resolution; and such specifications shall also describe the character of bond or bonds required of the successful bidder for the construction of such improvement and the maintenance thereafter, as herein provided. When such specifications have been prepared they shall be submitted to the Board of Commissioners for its approval. The Board shall have power to require of the contractor or contractors to whom the work may be left, a bond for the faithful performance of the contract and the maintenance of the work in good condition at the cost of the contractor for a term of not less than five years from the completion thereof, and for the maintenance thereof by the contractor. The Bonds required by the Board of Commissioners to be executed by the contractor shall be executed by such contractor to whom the work may be left, together with one corporate surety acceptable to said board which shall be a surety company authorized to do business within the State of Oklahoma.

2. The Board of Commissioners shall have power to cause side-walks, curbs and gutters to be constructed, reconstructed or repaired under and by virtue of the terms of this article and the various subdivisions thereof, either separate or together with other improvements; provided, that the cost of constructing, re-constructing or repairing sidewalks shall be borne entirely by the owners of property abutting upon said side walks; and provided further, that the right of the board to order the construction, re-construction or repairing of such side-walks, curbs, gutters shall be exclusive of and in addition to the powers in this charter conferred upon the Board of Commissioners to order such improvements.

3. The Board of Commissioners is hereby empowered to establish and change the grade of all streets, avenues, alleys or other public places in the city, or part of section thereof, whenever in their judgment ^{may require} the public convenience shall demand such change of grade; provided that no material change of the permanent established grade shall be made without making due compensation to the owners of abutting property, having permanent improvements erected thereon, with reference to the previously ^{legally} established grade, and the Board of Commissioners ^{shall} prescribe, by ordinance, the method of ascertaining the compensation due to such property owner whose property is affected by such material change of street grade, and the city shall pay to such owner such compensation so ascertained.