

RESOLUTION NO. 306

A RESOLUTION DECLARING THE ENTIRE ASSESSMENT ACCOUNT BALANCE WITH ACCRUED INTEREST AND COSTS LEVIED ON PROPERTY IDENTIFIED IN "EXHIBIT A", BROOKINGS, CURRY COUNTY, OREGON, PRESENTLY DUE AND OWING AND ORDERING IMMEDIATE PAYMENT FROM THE OWNERS THEREOF.

WHEREAS, the City Council has authorized improvements in City property, which improvements have benefited certain property owners, by Resolution dated April 17, 1980 and by Ordinance No. 319; and

WHEREAS, the City Council has provided a method for benefited property owners to finance said improvements through Ordinance No. 319, and has sold general obligation improvement bonds, more commonly known as "Bancroft Bonds", pursuant to Oregon Revised Statutes, Chapter 223; and

WHEREAS, certain benefited property was assessed accordingly, and more specifically, property identified in "Exhibit A" and by reference incorporated herein, Brookings, Curry County, Oregon, was so benefited and assessed; and

WHEREAS, the original owner of said property had applied to the City to make the assessment payment in installments, a copy of which is attached hereto, marked "Exhibit B" and by reference incorporated herein; and

WHEREAS, subsequent thereto Henry L. Potter did become successor by the purchase of said property on June 24, 1981 and assumed the installment payments by the act of this purchase, yet has failed to make the installment payments as required, notwithstanding notice to do so by the City Finance Department, by and through the City Manager's Office; now, therefore

IT IS HEREBY RESOLVED BY THE CITY OF BROOKINGS, OREGON AS FOLLOWS:

Section 1. The entire balance of that certain assessment on real property identified in "Exhibit A", Brookings, Curry County, Oregon is hereby accelerated and made presently due and payable. The owners of said property are ordered to pay forthwith the entire balance of the principal of said assessment, together with an amount equalling accrued interest and costs. The total sum of the amount now due and payable is the sum of Seven Thousand, Six Hundred, Eighty-six and 20/100 Dollars (\$7,686.20).

Section 2. The City staff is hereby authorized to proceed with the collection procedure, outlined in OREGON REVISED STATUTES Chapter 223, and foreclose on said property if the balance of the assessment is not paid within fourteen (14) days of service by mailing of a certified copy of this resolution upon the owners of said property. Said fourteen (14)

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WHEREAS, the City Council has provided a method for benefited property owners to finance said improvements through Ordinance No. 319, and has sold general obligation improvement bonds, more commonly known as "Municipal Bonds", pursuant to Oregon Revised Statutes, Chapter 223; and

WHEREAS, certain benefited property was assessed accordingly, and more specifically, property identified in "Exhibit A" and by reference incorporated herein, Brookings, Curry County, Oregon, was so benefited and assessed; and

WHEREAS, the original owner of said property had applied to the City to make the assessment payment in installments, a copy of which is attached hereto, marked "Exhibit B" and by reference incorporated herein; and

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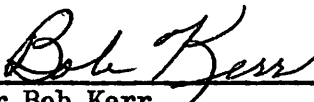
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Section 2. The City staff is hereby authorized to proceed with the collection procedure, outlined in OREGON REVISED STATUTES Chapter 223, and foreclose on said property if the balance of the assessment is not paid within fourteen (14) days of service by mailing of a certified copy of this resolution upon the owners of said property. Said fourteen (14)

day period shall commence upon a deposit of a certified copy of this resolution in the mail, postage prepaid, to the last known address of the owner as stated on the application to pay in installments.

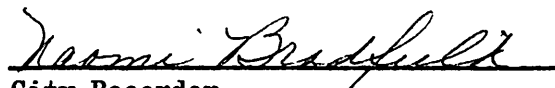
PASSED and ADOPTED by the Mayor and City Council of the City of Brookings, Curry County, Oregon, this 13th day of July, 1982.

MAYOR:



Mayor Bob Kerr

ATTEST:



City Recorder

EXHIBIT "A"

A tract of land lying in the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-two (32), Township Forty (40) South, Range Thirteen (13) West, Willamette Meridian, Curry County, Oregon:

Beginning at a point on the North line of that certain public road commonly known as Pioneer Road, said point being North 20.0 feet and East 102.0 feet from the Southwest Corner of said Section 32;

thence North 100.0 feet;

thence North 5° 51' West 382.0 feet;

thence East 79.0 feet;

thence South 47° 21' East 29.4 feet;

thence South 4° 50' East 324.2 feet;

thence South 9° 30' West 139.1 feet to a point on the

North line of the aforesaid public road;

thence following said road line West 66.0 feet to the point of beginning.

SUBJECT TO a non-exclusive easement for roadway and utilities over, across and under a strip of land lying parallel to, adjacent to and contiguous with the East line of the above described parcel, said easement being 9.15 feet in width, for a distance of 115.57 feet from the Northerly boundary line of Hassett Street, and 9.04 feet in width for a distance of 382.00 feet, to the Northerly line of said parcel.

Subscribed in *Deeds*

State of Oregon } ss.
County of Curry }

I hereby certify that the within instrument was
filed for record *June 26, 1981*

at *4:35* o'clock *P* M. and recorded
in Book of Records Vol. *85* Page *974-5*

Eugene P. Baumann, County Clerk

Deputy

Fee Rec'd. *77*



"EXHIBIT B"

APPLICATION UNDER BONDING ACT

To

Samuel J. Welch
c/o Irene Smith
Rt 2, Box 30
Brookings, OR 97415

IN THE MATTER OF CITY OF BROOKINGS NORTH SEWER DISTRICT
Improvement Resolution Dated April 17, 1980

Assessment Ordinance No. 319

To the Recorder of the City of Brookings, Oregon:

In accordance with the provisions of Chapter 223, O.R.S., as amended, I hereby make application and agree to pay my proportion of the cost of the improvement herein described as the same has been determined and assessed by the City Council of Brookings under the Ordinance No. herein given and thereafter entered in the Docket of City Liens of said City. I agree to make such payment in 40 semi-annual installments with interest thereon at the rate of ten percent (10%) per annum on all unpaid assessments for said improvement. Said interest to be paid semi-annually at the time each installment is paid, as required by the provisions of said Act.

In consideration of and pursuant to the provisions of said Chapter 223, O.R.S., as amended, I hereby expressly waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause the aforesaid improvement, for which this assessment is levied, to be constructed or made, and I do further waive all irregularities or defect, jurisdictional or otherwise, in the apportionment of the cost thereof.

The real property hereby assessed and the amount of the assessment are as follows:

Amount of Assessment Six Thousand Five Hundred Three and 40/100 \$6,503.40
Property affected by Improvement: Tax Lot # 800 Assessor's Map # 40-13-32CC

Sam J. Welch
Samuel J. Welch