

RESOLUTION NO. 27

WHEREAS, the City of Brookings, by Ordinance No. 93, adopted July 10, 1956, created a public improvement district known as Sanitary Sewer District No. 4 and provided for the construction of a sanitary sewer system in said District; and

WHEREAS, the Council is in doubt as to the validity of the assessments made for such work by reason of alleged defects in the procedure, including alleged defects in the notice to the property owner of the hearing on such proposed improvement and assessment; and

WHEREAS, no remonstrances sufficient in law to defeat the sanitary sewer system improvement in said District No. 4 had been duly filed prior to the making of the improvement; and

WHEREAS, it is necessary and desirable that any doubt as to the validity of such improvement assessments be removed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brookings, Oregon, that it is in doubt as to the validity of the assessments made for the construction of a sanitary sewer system in Sanitary Sewer District No. 4 by reason of alleged defects in the notice of hearing on the proposed improvements.

BE IT FURTHER RESOLVED by the Council that it proposes to cure said alleged defects by reassessment of the property within said Sanitary Sewer District No. 4 for the construction of the sanitary sewer system in said District No. 4; that the District within which the proposed reassessment for the sanitary sewer system is contemplated is in Section 5, Township 41 South, and Section 32, Township 40 South, Range 13 West of the Willamette Meridian located in the City of Brookings, Curry County, Oregon, and the boundaries of said District are as follows:

Beginning at the Southeast corner of Lot 29, Block 19, Plat No. 1 of Brookings, said point being on the Westerly line of Oak Street; thence following the South lines of Lots 29, 30 and 31, Block 19, South  $68^{\circ}10'$  West to the Southwest corner of Lot 31, Block 19; thence North  $21^{\circ}50'$  West following the Westerly lines of Lot 31, Block 19, Lots 9 and 14 of Block 18, Lots 11 and 16 of Block 17, and continuing North  $21^{\circ}50'$  West to a point on the Southerly line of Pacific Avenue; thence Northeasterly to a point on the Northerly line of Pacific Avenue, said point being West 150 feet, when measured at right angles, from the West line extended of Pioneer Road; thence North 150 feet West from and parallel to the West line of Pioneer Road to a point on the North line of Tax Lot No. 6, which is a portion of Lot 41 of the C. & O. Lumber Co. Acreage Tract No. 1; thence East following the North line of said Tax Lot 6, 90 feet; thence North to the Southwest corner of Tax Lot 20 in the Southwest Quarter of the Southwest Quarter of Section 32, Township 40 South, Range 13 West, and continuing North to the Northwest corner of said Tax Lot 20; thence East to the Northeast corner of said Tax Lot 20; thence North on the West line of Tax Lot 16, 50 feet; thence East to a point on the East line of said Tax Lot 16; thence following the said East line of Tax Lot 16, South  $27^{\circ}30'$  West to a point on the North line of Section 5, Township 41 South, Range 13 West, said point being on the North line of Tax Lot 5C in the Northwest Quarter of the Northwest Quarter of Section 5, Township 41 South, Range 13 West, said tax lot being a portion of Lot 16 of the said C. & O. Lumber Co. Acreage Tract; thence East to the Northeast corner of said Tax Lot 5C; thence South  $8^{\circ}13'30''$  East to the Northwest corner of Tax Lot 23A (C. & O. Acreage Lot 9); thence East to a point which is 150 feet, when measured at right angles, from the Easterly line of the County Road; thence South  $12^{\circ}48'$  East 150 feet East of and parallel to the Easterly line of the County Road to a point on the Southerly line of Tax Lot 28, said point being on the Southerly line of Pacific Avenue extended; thence following said street line extended South  $40^{\circ}46'30''$  West to the Northeasterly corner of Tax Lot 27 (C. & O. Acreage Lot 1); thence following the East line of said Tax Lot 27, and 27A, South  $12^{\circ}48'$  East 273.67 feet to the Northeast corner of Tax Lot 35A; thence following the East line of Tax Lot 35A, South  $15^{\circ}29'$  East 230.4 feet to the Southeast corner of said Tax Lot 35A; thence Southwesterly to the Northeast corner of Lot 18 of Azalea Park Manor; thence following the Easterly lines of Lots 18, 19 and 20 of Azalea Park Manor to the Southeast corner of said Lot 20; thence Southwesterly to the Northeast corner of Lot 19 of the Barrett Tract; thence following the Easterly lines of Lots 19 and 18 of the Barrett Tract to the Northeast corner of Lot 16 of the same tract; thence South  $70^{\circ}23'$  West 210 feet to the Northwest corner of said Lot 16; thence South  $21^{\circ}50'$  East 130 feet to the Southeast corner of Lot 15; thence South  $68^{\circ}10'$  West 39 feet; thence South  $21^{\circ}50'$  East to the Northeast corner of Lot 8, Block 29, Plat No. 1 of Brookings; thence South  $21^{\circ}50'$  East to the Southeast corner of said Lot 8, Block 29; thence South  $68^{\circ}10'$  West to the Southwest corner of Lot 11, Block 28; thence South  $21^{\circ}50'$  East to the Southeast corner

of Lot 3, Block 28; thence South 68°10' West to the Southwest corner of Lot 11, Block 18, said point being on the West line of Oak Street; thence South 21°50' East to the Southeast corner of Lot 29, Block 19, this being the point of beginning of this description.

BE IT FURTHER RESOLVED by the Council that the City Works Superintendent of Brookings be and he hereby is authorized and directed to prepare a proposed reassessment of the property included within the said Sanitary Sewer District No. 4 above described for the said sanitary sewer system and file said proposed reassessment in the office of the City Recorder of Brookings on or before the 3rd day of October, 1956. Such proposed reassessment shall be fair, just and reasonable and shall be based upon the special and peculiar benefit of the sanitary sewer system in said District No. 4 to the respective lots and properties at the time of the original making of the improvement.

BE IT FURTHER RESOLVED that a hearing shall be held by the Council in the City Council Room at the City Hall in Brookings, Oregon, at the hour of 8 o'clock p.m. on the 8<sup>th</sup> day of November, 1956, to hear any written objections which may be filed in accordance with law to said proposed reassessment of the cost of said sanitary sewer system in Sanitary Sewer District No. 4, and to hear other objections.

BE IT FURTHER RESOLVED that the City Recorder shall cause to be published in the Brookings-Harbor Pilot a notice of the filing of the proposed reassessment and of the hearing thereon as provided in Section 223.430, Oregon Revised Statutes, and that the City Recorder shall further mail the notice provided in Section 223.435, Oregon Revised Statutes.

BE IT FURTHER RESOLVED that any improvement warrants issued by the City of Brookings evidencing indebtedness for the construction of such sanitary sewer system shall be general obligation improvement warrants of the City of Brookings as provided in Sections 287.502 to 287.510, Oregon Revised Statutes Annotated. Said warrants shall bear interest at 6% per annum.

ADOPTED by the Council of the City of Brookings, Oregon, this 25th day of September, 1956.

SUBMITTED to and approved by the Mayor of the City of Brookings, Oregon, this 25th day of September, 1956.

Byron L. Brimmer  
Mayor

ATTEST:

Mae D. Smith  
City Auditor

