

RESOLUTION NO. 25

WHEREAS, the City of Brookings, by Ordinance No. 94, adopted July 10, 1956, created a public improvement district known as Sanitary Sewer District No. 7 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. 7 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. 7 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. 7 for the construction of the sanitary sewer system in said District No. 7; that the District within which the proposed reassessment for the sanitary sewer system is contemplated is located in the City of Brookings, Curry County, Oregon, and the boundaries of said District are as follows:

Beginning at a point on the Southerly right of way line of U.S. Highway 101 (Chetco Avenue), said point being the most Northerly corner of Tax Lot 3D in Government Lot 2 (the Southwest Quarter of the Northwest Quarter) in Section 6, Township 41 South, Range 13 West of the Willamette Meridian; thence South $64^{\circ}05'$ West 150 feet; thence Southeasterly to the Northwest corner of Tax Lot 3C; thence South 105 feet to the Southwest corner of Tax Lot 3C; thence East 239.2 feet; thence South $53^{\circ}30'$ East 76 feet to the Southeast corner of Tax Lot 3B; thence Southeasterly to the Northwest corner of Tax Lot 5 in the Moore Tract; thence East 150 feet to a point on the East line of Arnold Lane; thence following said street line South to a point which is 150 feet, when measured at right angles, from the Southerly right of way line of said U.S. Highway 101; thence Southeasterly following a line that is 150 feet from and parallel to the said right of way line to a point on the West line of Tax Lot 16B; thence following said West line South to the Southwest corner of said Tax Lot 16B; thence following the South line of said Tax Lot 16B East to the Southeast corner of said Tax Lot 16B; thence South $5^{\circ}11'$ East to a point on the East-West centerline of said Section 6; thence following said East-West centerline East to its intersection with the West line of Mill Beach Road; thence Southeasterly to a point on the East line of Mill Beach Road, said point being 150 feet, when measured at right angles, from the Southerly right of way line of U.S. Highway 101; thence Southeasterly following a line that is 150 feet from and parallel to said right of way line, following its variable distances from the centerline of the highway to a point which is 150 feet, when measured at right angles, from the West line of Pacific Avenue; thence North $42^{\circ}35'14''$ East parallel to the said street line to a point on the Southerly right of way line of said U.S. Highway 101; thence following said highway line Northwesterly through its tangents and curves to the point of beginning.

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. 7 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. 7 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 9 o'clock p.m. on the 8th 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. 7, 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. Brumme
Mayor

ATTEST:

Mac D. Smith
City Recorder