

RESOLUTION NO. XVIII

WHEREAS the Common Council for the City of Canby has heretofore indicated its intention to proceed with sanitary sewer improvements in those areas of the City of Canby which have been designated in the City Superintendent's records and files pertaining to the same as Sewer District No. 4, and which said sewer district was divided into seven sub-districts, each of which was designated and described in the NOTICE TO THE OWNERS OF REAL PROPERTY WITHIN THE PROPOSED CANBY SEWER DISTRICT NO. 4 published in the Canby Herald in the issues of June 26th and July 23rd, 1958, and

WHEREAS certain owners of property in sub-district lateral 4-1 have petitioned the Council for the City of Canby as more fully shown in the record of the minutes of the Council meeting of August 5th, 1958 to abandon the proposed sewer improvements within the said sub-district, and

WHEREAS the Common Council for the City of Canby has considered said petition and the reasons therefor and has determined as follows:

1. That the largest single parcel of the assessable property within said sub-district is owned by the City of Canby and a smaller parcel is owned by Clackamas County.
2. That the second largest parcel within said sub-district is owned by Violet E. Beck, who was the person petitioning for abandonment of the proposed sewer project.
3. That with two exceptions, the inhabited buildings now located on the various lots or tracts of land within said sub-district are already served by public sanitary sewer facilities.
4. That the inhabited buildings now located in said sub-district, and which are not now served by a public sanitary sewer

system, can be connected to existing sewer laterals or mains without the necessity of improving the entire sub-district.

5. That the Council has reason to believe that the necessary easements and rights of way for improvement of the said sub-district according to the plans and specifications therefor could only be obtained in some cases by condemnation proceedings in court; and that the total estimated cost of the proposed improvements, including the cost of acquiring easements and rights of way would far exceed the value of the benefits to be derived at this time from said improvements.

NOW THEREFOR, pursuant to the Council's determination of all matters relating to the proposed improvements in said sub-district, the City Superintendent's recommendations, and the provisions of Section 16 of City Ordinance No. 393, BE IT RESOLVED:

I.

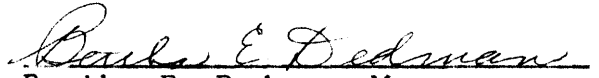
That the plans for improvement of public sanitary sewer facilities in said sub-district lateral 4-1 of Canby Sewer District No. 4 be abandoned forthwith, and the proposed assessments against the properties to be benefited thereby are hereby cancelled and all proceedings heretofore undertaken by the Council for the improvement of Public sewer facilities in said sub-district are hereby rescinded and the City Superintendent is hereby directed to cause the plans and specifications for said improvement in said sub-district to be deleted and the plans and specifications for the improvement of the public sanitary sewer facilities in CANBY SEWER DISTRICT NO. 4 to be revised and amended as necessary to eliminate said sub-district and proceed as if said sub-district had not been included initially in the overall plans for said improvements.

II.


BE IT FURTHER RESOLVED that the City Recorder for the

City of Canby give notice to the property owners within said sub-district of the abandonment of the plans for the improvement of the sewer facilities therein.

Adopted by the Canby City Council at an adjourned regular meeting thereof held on the 5th day of August, 1958.

  
Bertha E. Dedman, Mayor

ATTEST:

  
F. G. Lawrence, City Recorder