

ORDINANCE NO. 170

(Spec)

AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN THE CITY OF BROOKINGS, OREGON, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 7, DESIGNATING THE PROPERTY TO BE SPECIALLY BENEFITED BY SAID STREET IMPROVEMENTS, LEVYING A SPECIAL ASSESSMENT UPON THE PROPERTIES WITHIN SAID DISTRICT, PROVIDING FOR THE PAYMENT OF THE COSTS OF SAID IMPROVEMENT AND DECLARING AN EMERGENCY.

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1: Pursuant to Resolution No. 82 of the City of Brookings adopted September 11, 1962, there was thereafter and on September 12, 1962, filed with the City Recorder the report of Robert Peterson-Fox, which report was prepared and filed in conformity with the provisions of Section 4 of Ordinance No. 146. The City Recorder, following the filing of such Engineer's report, gave due and regular notice of the hearing on such report and said hearing was held pursuant to said notice by the Council of the City of Brookings in the Council room in the City Hall, Brookings, Oregon, on September 24, 1962, beginning at the hour of 8 o'clock p.m. The Council having considered the Engineer's report and the objections, if any, to said report submitted at the hearing on September 24, 1962, did adopt the report. The Council, having adopted the report, does hereby determine in its judgment that the assessments on the respective properties as hereinafter set forth in this ordinance are reasonable and just and constitute a fair, just and proper assessment of the benefits to the properties to be served by said streets and the properties especially benefited thereby.

Section 2: The Council therefore does determine that there shall be and there hereby is created a public improvement district for the construction of certain concrete curbs and gutters and asphaltic cement type paving on certain streets

within said Improvement District, which District shall be known as Street Improvement District No. 7, which District includes all the real property lying within the boundaries of said district. The said district is located in the City of Brookings, Curry County, Oregon, and the boundaries of said district are described as follows:

A tract of land in Section 6, Township 41 South, Range 13 West of the Willamette Meridian within the corporate limits of the City of Brookings, Curry County, Oregon, described as follows:

Beginning at the most Northeast corner of Center Street, said Northeast corner also being the Northwest corner of Block No. 7 of Plat No. 1; thence Easterly following the Northerly line of said Block No. 7 to the Northeast corner of said Block No. 7, said Northeast corner also being the most Northwest corner of Wharf Street; thence Southerly following the Westerly line of Wharf Street to the Northwest corner of Wharf Street and Spruce Street; thence Southerly across Spruce Street to the Southwest corner of Wharf Street and Spruce Street; thence Southerly following the Westerly line of Wharf Street to a point on the Easterly line of Lot 13 of Block No. 8 of Plat No. 1, said point being 17.6 feet Northerly from the Southeast corner of said Lot 13; thence Westerly 80 feet, parallel to the Southerly line of said lot, to the Westerly line of said lot; thence Southerly following the Westerly lines of said Lot 13 and Lots 12 and 11, all of said Block No. 8, of Plat No. 1, to the Southerly line of said Block No. 8; thence Easterly following said Southerly line to the Westerly line of Wharf Street; thence Southerly following the Westerly line of Wharf Street to the Northwest corner of Wharf Street and Railroad Street; thence Westerly following the Northerly line of Railroad Street to the Northeast corner of Railroad Street and Center Street; thence Westerly across Center Street to the Northwest corner of Railroad Street and Center Street; thence Westerly following the Northerly line of Railroad Street to the Northeast corner of Railroad Street and Mill Street; thence Northerly following the Easterly line of Mill Street to the most Northeast corner of Mill Street, said Northeast corner being also the Northwest corner of Block No. 6 of Plat No. 1; thence Easterly following the Northerly line of said Block No. 6 to the Northeast corner of said Block No. 6, said Northeast corner also being the most Northwest corner of Center Street; thence Easterly across Center Street to the point of beginning.

Section 3: The Council hereby determines that the properties to be specially benefited by said public improvement in the construction of the concrete curbs and gutters and asphaltic cement type paving within said Street Improvement

District No. 7, together with the description of said property, the name of the owner of record or contract owner thereof and the amount of the special assessment to be made against each property for the special benefits received by said property are as follows, and the Council does hereby levy and impose a special assessment in the said amount on the properties as hereinafter described and set forth:

<u>NAME</u>	<u>DESCRIPTION</u>	<u>FRONT FOOTAGE</u>	<u>ASSESSMENT</u>
BANKUS, ELMER	TL 4500-41-13-6DA AND 4600-41-13-6DA	349.96	\$ 2,698.86
HENRY KERR-- C/O ROBERT KERR	TL 4400-41-13-6DA	400.00	3,084.77
KESSLER, HOMER C/O CARL R. SILVERSTEN & HERBERT HURTLEY	TL 500-41-13-6DD	152.50	1,176.06
STATE OF OREGON	TL 400-41-13-6DD	149.50	1,152.94
		<u>1,051.96</u>	<u>\$ 8,112.63</u>

Section 4: The City Recorder shall enter upon the lien docket of the City of Brookings, Oregon, each tract and parcel of the above described property, together with the area thereof in square feet and the name of the owner thereof and the amount of the special assessment levied thereon by this ordinance. Each such special assessment levied by this ordinance shall become, upon the entry thereof by the City Recorder as herein set forth and provided, immediately due and payable and shall be a lien and charge upon the respective lots, tracts and parcels of real property against which the same are levied and assessed. Each and every lien so entered by the City Recorder shall be prior to all other liens, except as otherwise provided by law. Interest shall be charged at the rate of 6% per annum until paid on all amounts not paid within thirty (30) days from the date of entry of said lien. The City of Brookings may proceed to foreclose as delinquent any lien not paid thirty days after the same shall have been entered in the city lien docket.

Section 5: Any improvement warrants issued by the City of Brookings as evidencing indebtedness for the construction of such concrete curbs, gutters and asphaltic cement type paving within Street Improvement District No. 7 shall be general obligation improvement warrants of the City of Brookings, as provided in Sections 287.502 to 287.510, inclusive, Oregon Revised Statutes Annotated. Said warrants shall bear interest at 6% per annum.

Section 6: The major portion of the cost of said improvements will be paid by the State of Oregon through the State Highway Commission and the further cost of the improvements will be paid by the City of Brookings. The assessments levied above against the individual properties are and constitute a

fair, just and proper apportionment of the remaining cost of the improvements among the properties especially benefited thereby.

Section 7: WHEREAS, the State of Oregon has heretofore let the contract for construction of said improvements and the public peace, health and safety of the City of Brookings and the inhabitants thereof require that the proceedings for the assessments of the owners' portion of the cost of said street improvements should be completed as soon as possible, an emergency is hereby declared to exist and this ordinance may be put upon all of its readings and placed upon its final passage at any one meeting of the Council and shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Brookings, Oregon, this 24th day of September, 1962.

SUBMITTED to and approved by the Mayor of the City of Brookings, Oregon, this 24th day of September, 1962.

C. F. Campbell
Mayor

ATTEST:

Don Page Smith
City Recorder

