

ORDINANCE NO. 128

AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT WITHIN THE CITY OF BROOKINGS, OREGON, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1, 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. 46 of the City of Brookings adopted June 29, 1959, there was thereafter and on July 2, 1959 filed with the City Recorder the report of Engineer <sup>ECHOLS</sup> ~~Richardson~~, which report was prepared and filed in conformity with the provisions of Section 1 of Ordinance No. 49. 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 July 17, 1959, 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 July 17, 1959, 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. 1, 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 Sections 5 and 6, Township 41 South, Range 13 West of the Willamette Meridian, located within the corporate limits of Brookings, Curry County, Oregon, and more particularly described as follows:

Beginning at the intersection of the Westerly line of that certain street known as Pacific Avenue and the Northerly line of that certain street known as Fern Avenue, said intersection also being the most Southerly corner of Tax Lot 36; thence Southeasterly to the most Westerly corner of Lot 25 in Block 17 of Plat No. 1 of Brookings, dated December 1920; thence Southeasterly to the most Southerly corner of said lot; thence Northeasterly following the Southerly lines of Lots 25, 24, 23, 22 and 21, all in said Block 17, to the Southeast corner of said Lot 21; thence Northwesterly following the Easterly line of Lot 21 to the Northeast corner of said lot; thence Northeasterly following the Northerly lines of Lots 20, 19, 18, 17, 16, 15 and 14, all in said Block 17, to the Northeast corner of said Lot 14; thence Northwesterly across Oak Street to the Southwest corner of Lot 1 of the Azalea Park Manor Plat; thence Northeasterly following the Southerly lines of Lots 1 and 2 of said plat to the Southeast corner of said Lot 2; thence Northwesterly following the Easterly line of said Lot 2 to the Southwest corner of Lot 3 of said Plat; thence Northeasterly following the Southerly lines of Lots 3, 4, 5, 6, 7, 8 and 9, all of said Plat, to the Southeast corner of said Lot 9; thence Northwesterly following the Easterly line of said Lot 9 to the Northeast corner of said lot; thence Northwesterly across Azalea Park Road to a point on the Southerly line of Tax Lot 35, said point being 92.67 feet Northeasterly from the West corner of said Tax Lot; thence Northwesterly to a point on the Northerly line of said Tax Lot, said point being 79.17 feet Northeasterly from the said West corner of said Tax Lot; thence Northwesterly across Pacific Avenue to the intersection of the Westerly line of Pacific Avenue and the West line of that certain street known as Art Street, said intersection also being an East corner of Tax Lot 13-12; thence North to the Northeast corner of said Tax Lot; thence West following the North line of said Tax Lot to the Northwest corner of said Tax Lot; thence South following the West line of said Tax Lot to the Southwest corner of said Tax Lot; thence West following the North line of Tax Lot 13-2 to the Northwest corner of said Tax Lot; thence South following the West line of said Tax Lot to the Southwest corner of said Tax Lot; thence Southwesterly following the Westerly line of Tax Lot 13-1 to the Southwest corner of said Tax Lot; thence West following the North line of Tax Lot 13-A to the Northwest corner of said Tax Lot; thence due West across Pioneer Road and continuing due West to a point on the Westerly line of Tax Lot 36; thence Southerly along the Westerly line of said Tax Lot and of a portion of the Easterly line of Fern Avenue to the most Westerly Southwest corner of said Tax Lot 36; thence Southeasterly

along the Northerly line of Fern Avenue 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. 1, 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:

(The description of said properties, together with the names of the owners and the amounts of the special assessment against each of the said properties are set forth in the exhibit attached to this ordinance, marked "Exhibit A", and hereby made a part of this ordinance as though set out in full and at length on this page.)

**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 <sup>FRONT FOOTAGE</sup> ~~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

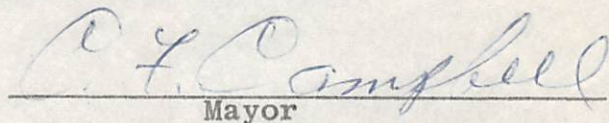
within thirty (30) days from the date of entry of said lien. The City of Brookings may proceed to foreclose as delinquent any lien not paid thirty days after the same shall have been entered in the city lien docket.

Section 5: Any improvement warrants issued by the City of Brookings evidencing indebtedness for the construction of such concrete curbs and gutters and asphaltic cement type paving within Street Improvement District No. 1 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: Whereas, there is need for the immediate construction of said street improvements within said district and in the interest of the public peace, health and safety of the City of Brookings and the inhabitants thereof said street improvements should be installed with as little delay 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 11th day of August, 1959.

SUBMITTED to and approved by the Mayor of the City of Brookings, Oregon, this 11th day of August, 1959.

  
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Mayor

ATTEST:

  
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City Recorder

PAVING DISTRICT NO. 1

<u>NAME</u>	<u>DESCRIPTION</u>	<u>FRONT FEET</u>	<u>ASSESSMENT</u>
SCHOOL DISTRICT 17C	TAX LOT 36	849.34	4,034.36
CURRY COUNTY POST VFW	TAX LOT 13A	155.70	739.57
WILLIAM H. HENRY	TAX LOT 13-1	79.26	376.49
EDGAR W. HAGAR	TAX LOT 13-2	79.26	376.49
HAROLD CUMMINGS	TAX LOT 13-12	59.53	282.76
ELTON A. SCHROEDER	LOT 25, BLOCK 17, PLAT #1	153.55	729.36
ROXIE ERB	LOT 24, AND 30' OF LOT 23, BLOCK 17, PLAT #1	90.08	427.88
C. A. MACKENZIE	LOTS 21, 22 AND 20 FEET OF LOT 23, BLOCK 17, PLAT #1	126.58	601.26
PRESBYTERIAN CHURCH	TAX LOT 37	382.90	1,818.78
ASSEMBLY OF GOD CHURCH	LOTS 1, 2 AND 3, AZALEA PARK MANOR	212.67	1,010.18
MERWYN PALMER	TAX LOT 35	171.84	816.24
H. V. UTTERBACK AND D.A. SCHATZ	LOTS 4, 5 AND 6, AZALEA PARK MANOR	189.52	900.22
WILLIAM PATE	LOT 7, AZALEA PARK MANOR	60.00	285.00
HENRY HUOVILA	LOT 8, AZALEA PARK MANOR	60.00	285.00
WILLIAM HUOVILA	LOT 9, AZALEA PARK MANOR	<u>60.00</u>	<u>285.00</u>
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