

ORDINANCE NO. 417

AN ORDINANCE DECLARING AN ASSESSMENT FOR PUBLIC SANITARY SEWER IMPROVEMENTS TO BE MADE IN CANBY SEWER DISTRICT NO. 4; DIRECTING THE ENTRY OF ASSESSMENTS IN THE DOCKET OF CITY LIENS; PROVIDING FOR NOTICE THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS the Common Council for the City of Canby, Oregon is proceeding to make public sanitary sewer improvements within the City of Canby pursuant to the Charter of said City, the laws of the State of Oregon, the Ordinances of said City and the Resolutions of said Council as for such matters provided, and

WHEREAS notices of intention to make such improvements were duly given and made as provided by Ordinance No. 393 of the City of Canby, Oregon, and there were insufficient objections made or filed against said improvements; and the Common Council has heretofore considered the probable cost of making said improvements and did, after due notice to each of the owners of the property abutting upon the streets, roads and alleys where said improvement is to be made and which is the property to be specially benefited by said improvements, given in accordance with an ownership report of said property as prepared by the City Superintendent's office, and after posting and publishing such notices, meet as a Board of Equalization to equalize the assessments against the property specially benefited by said improvements and full opportunity was given to all persons objecting to said assessments to be heard before the Council meeting as a Board of Equalization, and

WHEREAS at said meeting of the Council sitting as a Board of Equalization objections were made by certain of the property owners specially benefited by said improvements as more fully shown by the record of the minutes of the meeting of said Board of Equalization under date of August 4th and August 5th, 1958 on file in the office of the City Recorder for the City of Canby, and the Council as said Board of Equalization did in response to said objections review and consider the same, approving and confirming the assessments as pro-

posed in certain cases and correcting, adjusting or equalizing the assessments as proposed in other cases, now therefor,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1. That the costs of making public sanitary sewer improvements in Canby Sewer District No. 4 in the City of Canby, Oregon as heretofore provided for and approved by the Common Council for said City and the property owners specially benefited thereby is hereby ascertained and determined to be in the amount of Twenty-two Thousand Six Hundred Fifty One and 50/100 DOLLARS (\$22,651.50) which said sum is hereby assessed upon the lots, parts of lots, and tracts of land abutting upon those portions of streets, roads and alleys where said improvement is to be made and found to be specially and directly benefited by said improvement and the same to be, and is hereby, assessed upon each lot, part of lot, and tracts of land thereof as in the ASSESSMENT ROLL provided hereunto annexed and marked "EXHIBIT A" and which is by this reference and its annexation hereto expressly made a part hereof; and said Assessment Roll is hereby adopted and approved as the assessment for said improvement.

SECTION 2. That the Recorder for the City of Canby, Oregon is hereby ordered and directed to enter a statement of assessments hereby made in the Docket of City Liens as provided for under the Charter of the City of Canby, Oregon and Ordinance No. 393.

SECTION 3. That the City Recorder for the City of Canby, Oregon shall within ten (10) days after the final passage of this Ordinance cause to be posted in six (6) public and conspicuous places within said City and also publish in the Canby Herald a NOTICE OF ASSESSMENT, which said Notice shall contain a description of each lot, tract or parcel of land together with the name of the owner or owners thereof and the amount of their respective assessments as in the annexed ASSESSMENT ROLL provided; and said Notice shall state that within ten (10) days after the notice of such assessment is first

published the owner or owners of the property as assessed if such assessment exceeds the sum of Twenty-Five Dollars (\$25.00) may file with the Recorder for said City his, her or their written application to pay the assessment in installments as provided under Oregon Revised Statutes, Section 223.205 to 223.300 inclusive, commonly known as the BANCROFT BONDING ACT, and said Notice shall further provide that all assessments which are not bonded shall be due and payable in full within thirty days next following the date said Notice is first published and assessments which are not paid or bonded within the time stated in such Notice shall bear interest from the due date until paid at the rate of six (6) percent per annum, and the lien as docketed on that property so assessed shall be subject to foreclosure as by Ordinance No. 393 provided.

SECTION 4. That the Common Council after due investigation deems and considers that the benefits of said improvements to and upon each lot and part thereof and tract of land assessed for said improvement is more than the amount assessed against each lot or part thereof and tract of land as the cost of said improvement; and that the share of the cost of said improvement assessed against each lot and part thereof and tract of land is proportionate to the benefits to and upon each lot and part thereof and tract of land respectively as compared with other property benefited.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith be, and the same are hereby, repealed.

SECTION 6. That it being deemed by the Common Council for the City of Canby, Oregon that an emergency exists this Ordinance shall go into effect immediately upon its final passage by the City Council and approval by the Mayor.

Passed on its first meeting at a regular meeting of the Council held on the 18th day of August, 1958; ordered posted in three (3) public and conspicuous places in the City of Canby for a period

of two (2) full calender weeks as provided by City Charter and to come up for final reading and action at a regular meeting of the Council to be held on the 15th day of September, 1958 at 8:00 o'clock P.M. Oregon Standard Time at the Canby City Hall.

Bertha E. Dedman  
Bertha E. Dedman - Mayor

ATTEST:

F. G. Lawrence  
F. G. Lawrence - City Recorder

Passed on final reading this 15th day of September, 1958  
by the following vote: Yeas 4 Nays 0

Submitted to the Mayor this 15th day of September, 1958.

Approved by the Mayor this 15th day of September, 1958.

Bertha E. Dedman  
Bertha E. Dedman - Mayor

ATTEST:

F. G. Lawrence  
F. G. Lawrence - City Recorder

"EXHIBIT A"

ASSESSMENT ROLL

FOR THE CONSTRUCTION OF A SANITARY SEWER SYSTEM WITHIN CANBY SEWER DISTRICT NO. 4, WHICH IS DESCRIBED IN THE CITY SUPERINTENDENT'S PLANS AND REPORTS TO THE CANBY CITY COUNCIL UNDER DATE JUNE 16TH, 1958, AND PUBLISHED AT LENGTH IN THE CANBY HERALD IN ISSUES DATED JUNE 26th, 1958 AND JULY 3rd, 1958, UNDER LEGAL NOTICES HEADED "NOTICE TO THE OWNERS OF REAL PROPERTY WITHIN THE PROPOSED CANBY SEWER DISTRICT NO. 4".

<u>NAME OF OWNER</u>	<u>PROPERTY DESCRIPTION</u>	<u>AREA ASSESSED</u>	<u>TOTAL ASSESSMENT</u>
Earl & Sabina Oliver	Oliver Addition #1, laterals a,b,c,d,&e.		
Earl & Sabina Oliver	Lot 23	9600 Sq. Ft.	\$ 357.12 ✓
" " " "	Lot 24	9223 " "	343.09 ✓
" " " "	" 25	8150 " "	303.18 ✓
" " " "	" 26	7684 " "	285.94 ✓
" " " "	North 1/2 " 18	4305 " "	161.05 ✓
" " " "	" 19	9218 " "	343.09 ✓
" " " "	" 20	9600 " "	357.12 ✓
" " " "	" 34	9600 " "	357.12 ✓
" " " "	" 27	7684 " "	285.84 ✓
" " " "	" 28	7684 " "	285.84 ✓
" " " "	" 29	7684 " "	285.84 ✓
" " " "	" 30	7689 " "	286.07 ✓
" " " "	" 32	8150 " "	303.18 ✓
" " " "	" 16	7681 " "	285.76 ✓
" " " "	" 15	7681 " "	285.76 ✓
" " " "	North 1/2 " 13	3841 " "	142.88 ✓
" " " "	" 12	7681 " "	285.76 ✓
" " " "	TL3 Wesley Joslyn DLC, T 3 S, R I E W.M.	13580 " "	505.17 ✓
Earl & Sabina Oliver and/or James & Phyllis Foy	" 5	1535 " "	57.10 ✓
Earl & Sabina Oliver and/or James & Phyllis Foy	" 10	9217 " "	342.87 ✓
Earl & Sabina Oliver and/or Phyllis Foy & James Foy	" 11	7681 " "	285.76 ✓
Floyd G. & Catherine E. Lawrence	" 6	1600 " "	59.52 ✓

NAME OF OWNER	PROPERTY DESCRIPTION	AREA ASSESSED	TOTAL ASSESSME
Oliver addition #1 (cont.)			
Elvis H & Irene Thornton	Lot 9	9600 Sq. Ft.	417.12 ✓
May H. Lufgren	Lot 33	9226 " "	403.19 ✓
Gene L. & Geneva Newton	Lot 31	7689 " "	346.07 ✓
Archdioces of Portland	Lot 3-2 Wesley Joslyn DLC T3S, R1E, WM	13500 " "	565.17 ✓
Robert N & Jeanne Parsons	Lot 17 & So ½ of Lot 18	11522 " "	488.64 ✓
Edmund & Virginia Davies	Lot 14 & So ½ of Lot 13	11522 " "	488.64 +
Knights Bridge Road, west of Grant St., (Thornton Tracts) Laterals F & G			
Charles A. Driggers	TL 111-5, P.Lee DLC. T3S, R1E, W.M.	7500 Sq. Ft.	339.00 ✓
B. H. & Mudge Stonner	TL 111, P.Lee DLC. T3S, R1E, W.M.	8975 " "	393.87 ✓
Fred & Laura Stefani & John & Ruth Stefani	TL 111-7, P.Lee DLC. T3S, R1E, W.M.	10867 " "	464.25 ✓
Jack J & Ellen Fisher	TL 7, Wesley Joslyn DLC. T3S, R1E, W.M.	4270 " "	158.84 ✓
W.C. & Arlene Rathbun	TL 32-2 Wesley Joslyn DLC. T3S, R1E, WM.	9000 " "	394.80 ✓
J. T. Maddaford	TL 28-6 Wesley Joslyn DLC. T3S, R1E, W.M.	8926 " "	390.05 ✓
Earl & Sabina Oliver	TL 28-7 Wesley Joslyn DLC. T3S, R1E, W.M.	500 " "	18.60 ✓
Elvis & Irene Thornton	Triangle in Wesley Joslyn DLC. T3S, R1E, WM.	218 " "	7.11 +
Oliver & Grace Monroe	TL 32-1, TL 31, Wesley Joslyn DLC. T3S, R1E, WM.	11920 " "	503.42 ✓
James E & Betty Trafton	TL 28-3 Wesley Joslyn DLC. T3S, R1E, W.M.	10550 " "	452.46 ✓
Parts of N. Ivy, N. Juniper & N. 5th Lateral # 4 H			
Augusta & Philip Anerson	Tax Lots 44 & 45, P. Lee DLC. R1E, W.M.	32150 Sq. Ft.	1255.98 ✓
" " " "	Tax Lot So. ½ Lot 24, Canby Acres	7950 " "	295.74 ✓
C.T. & Augusta Dietz	N. ½ Lot 24, Canby Acres	7950 " "	355.74 ✓

NAME OF OWNER	PROPERTY DESCRIPTION	AREA ASSESSED	TOTAL ASSESSMENT
	Parts of N. Ivy, N. Juniper & No. 5th Lateral #4H		
John B. & Kathleen Burgess	Tax Lots 162-1-2, 252	11800 Sq. Ft.	498.56 ✓
" "	P. Lee, T3S, R1E, W.M.		
" "	Tax Lots 69-2-4, Sec. 33	6165 " "	229.34 140 ✓
" "	T3S, R1E, W.M.		
Myrtle Smith Cummings	Tax Lot 149, P. Lee	DLC 8500 " "	316.20 +
" "	T3S, R1E, W.M.		
Raymond & Nellie Thorne	Tax Lot 162, P. Lee	DLC 8816 " "	387.95 +
" "	T3S, R1E, W.M.		
Bertha Dedman	Tax Lot 172, P. Lee	DLC 1800 " "	66.96 ✓
" "	T3S, R1E, W.M.		
Margaretta W. Woodward	Tax Lot 243, P. Lee, DLC	3563 " "	192.54 ✓
" "	T3S, R1E, W.M.		
Christian & Amanda Arneson	Tax Lot 243-1 P. Lee	DLC T3S, R1E, W.M. 7000 " "	320.40 ✓
" "			
Neva G. Bivens	Tax Lot 69-3, Sec. 33,	7500 " "	339.00 ✓
" "	T3S, R1E, W.M.		
R.C. & Lenette Schmitt and/or R.H. & S.A. Wiegand	Block 3, Roths addition to	Canby Lateral 4-J	186.00
R.C. & Lenette Schmitt and/or R.H. & S.A. Wiegand	Lot 3	5000 Sq. Ft.	186.00 ✓
Ruth H. Hostetler	Lot 4 and easterly 10 ft. Lot 5	6000 " "	283.20 ✓
Earl N. & Mable Oathes	Westerly 40 ft. Lot 5 and Lot 6	9000 " "	394.80 ✓
Rubie C. & Lennie B. Schmitt	Lots 7, 8 & 9	15000 " "	558.00 +
Leona B. Jacobs	Westerly 1/2 of lot 11 and all of lot 12	5000 " "	186.00 +
	N. Ivy, between Virginia & Wait Aves. Lateral 4-K		
Alan A. & M.A. Paget, and/or R.E. & A.M. Diem	Lot 1 & 2, Block 2,	13527 Sq. Ft. North Canby	564.71 ✓
Rex B. Eversole	Lot 6 & 7, Block 2,	13499 " " North Canby	502.16 ✓
Byrel P & Betty Plummer	Tract 6, except south-erly 27.5 ft. No. Canby	4000 " "	208.80 ✓
" " " "	Tract 7, except north-erly 14 ft. No. Canby	3630 " "	135.14 ✓
Glenn & Mildred Onion	Tract 10, Ferry Rd. Tracts	3660 " "	136.16 ✓

NAME OF OWNER	PROPERTY DESCRIPTION	AREA ASSESSED	TOTAL ASSESSME
N. Ivy, between Virginia & Wait Aves. Lateral L-K (cont)			
Frances S. McCarter	Tract 11, Ferry Road Tracts	6750 Sq. Ft.	251.10 ✓
Frances S. McCarter and/or Tom & Ellen Oliver	Tract 12, Ferry Road Tracts	6750 " "	311.10 ✓
Rex B. & Cathren Eversole	Tract 5, and southerly 27.5 ft, Tract 6, Ferry rd. Tracts	9500 " "	353.40 ✓
High School area - Lateral #4 L			
Harry & Ethel Porter	Tax Lot 51, Sec. 4, T4S R 1 E, W.M.	2200 Sq. Ft.	82.58 ✓
Willard & Lois Smith	Tax Lot 52, Sec. 4, T4S R 1 E, W.M.	8560 " "	378.43 ✓
Estelle J. Sheppard	Tax Lot 53, Sec. 4, T4S R 1 E, W.M.	12220 " "	514.58 +
Union High School #1	Tax Lot 58, Sec. 4, T4S R 1 E, W.M.	23000 " "	855.60 +
" " " "	Tax Lot 56, Sec. 4, T4S R 1 E, W.M.	11700 " "	455.24 +
TOTAL ASSESSMENT			\$22,651.50