

ORDINANCE NO. 420

AN ORDINANCE AUTHORIZING AND ISSUING SPECIAL PERMITS FOR CONNECTIONS TO BE MADE TO THE PUBLIC SEWER BY THE OWNERS OF PROPERTY OUTSIDE OF SEWER ASSESSMENT DISTRICTS; DETERMINING THE CHARGE FOR SUCH PERMITS; AND DECLARING AN EMERGENCY.

WHEREAS A. W. Schiedel, Mary Atkins, and Edna B. Tatro have each petitioned the Canby City Council for a special permit to connect their respective premises or portions thereof to the City's Public Sewer, and the Council having considered said petitions and all matters relating thereto and being fully informed in the premises, now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

SECTION 1: A. W. Schiedel, Mary Atkins and Edna B. Tatro and their respective executors, administrators, heirs and assigns, hereinafter referred to as APPLICANTS are hereby issued a permit subject to the conditions hereinafter set forth to connect their respective properties, or any part thereof, and as hereinafter described, to the City's "PUBLIC SEWER" as defined in SECTION 11 - 13 of ORDINANCE NO. 394 adopted by the Canby City Council on the 4th day of September, 1956.

SECTION 2: The premises permitted by this Ordinance to be connected to the said Public Sewer are all situated in the City of Canby, Clackamas County, State of Oregon, and located and described as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>DESCRIPTION</u>
Mary Atkins	240 Knights Bridge Road	The Northerly 75 feet (approximately) of Tax Lot 28-5
Edna B. Tatro	707 N. Grant Street	Lot 4 THORNTON TRACTS
A. W. Schiedel	675 N. Grant Street	Lot 5 THORNTON TRACTS

The premises of Mary Atkins are permitted to be connected to the Public Sewer now being constructed in Canby Sewer District No. 4, and which said Public Sewer has been designated and is known as Lateral 4-*ab,cd*, OLIVER ADDITION. The premises of

Edna B. Tatro and A. W. Schiedel are permitted to be connected to an extension of the Public Sewer now being constructed in Canby Sewer District No. 4, which has been designated and is known as Lateral 4-<sup>4.78</sup>, Knights Bridge Road. All connections permitted to be made hereunder shall be at points designated by the Canby City Superintendent.

SECTION 3: The City Superintendent is hereby authorized and directed to cause the Public Sewer now being constructed by the System Construction Company in Sewer District No. 4 to be extended in the City's streets to such depths and for such distances as may be necessary to permit the connection of said properties to said Public Sewer at the most convenient places and for such purpose the City Superintendent shall issue any required change of work orders to System Construction Company so that the necessary extensions of the Public Sewer can be made under the terms of the contract for sewer construction work entered into with said Company and the City of Canby on the 20th day of October, 1958.

SECTION 4: This permit to connect said properties to the City's Public Sewer is subject to the condition that said applicants fully abide by and observe all of the rules, requirements, provisions and conditions of City Ordinance No. 394, and any amendments thereof which relate to the use of public sewers. This permit to connect to and use said Public Sewer is further conditioned on the payment by each of said applicants of their proportionate share of the cost of constructing the Public Sewer in Canby Sewer District No. 4 plus the added charge of Sixty Dollars (\$60.00) each.

The cost to be paid by each of said applicants shall be determined in the same manner and at the same rate as the costs for the sanitary sewer improvement are ultimately determined and assessed against each of the benefited properties in Canby Sewer District No. 4. As soon as the Public Sewer installation has been completed in Sewer District No. 4 and the total cost determined

the City Superintendent shall figure and compute the proportionate costs of such improvement which are to be charged to said applicants and then collect the same in full and in cash. Failure of either of said applicants to pay such charges in full, on demand, shall automatically cause a revocation of the permits hereby granted and without further action of the City Council being required. Any grievance or controversy arising, however, concerning the costs as computed and charged shall be submitted directly by the complaining applicant to the Canby City Council within ten (10) days immediately following the date of billing, otherwise the said applicant shall be deemed to have accepted the charge of costs as correct and shall be deemed to have waived any claim which they or either of them may have had for correction or adjustment of said charges. The determination by the Council on any such matter presented shall be conclusive. Any applicant to whom a sewer connection permit is hereby granted and who fails to pay his or her proper costs and who may have previously made a connection with the Public Sewer shall be disconnected from the Sewer at the property line and without liability whatsoever on the City's part.

SECTION 5: The charges to be made to each of the above named applicants shall be in lieu of all other permit charges provided for by Ordinance No. 394, Section 4 - 2; however each of said applicants shall be obligated to pay after his or her sewer connection is made the sewer service charges provided for in Ordinance No. 394, Section 10 - 1 or any amendments thereof; and the use of the Public Sewer under the permits hereby issued shall be subject always to each of said applicants' full observance and compliance with the Ordinances of the City of Canby and the laws of the State of Oregon relating to the use of sanitary sewers.

SECTION 6: It being deemed by the Canby City Council that an emergency exists, this Ordinance shall take effect immediately upon its final passage and approval by the Mayor.

Passed on its first reading at a regular meeting of the Canby City Council held on the 17th day of November, 1958; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as required by the Canby City Charter, and to come up for final reading and action at the regular meeting of the City Council to be held on the 15th day of December, 1958.

Bertha E. Dedman  
BERTHA E. DEDMAN - MAYOR

ATTEST:

F. G. Lawrence  
F. G. LAWRENCE - CITY RECORDER

Passed on final reading this 15th day of December, 1958, by the following vote:

YEAS 6

NAYS 0

Approved by the Mayor for the City of Canby this 15th day of December, 1958.

Bertha E. Dedman  
BERTHA E. DEDMAN - MAYOR

ATTEST:

F. G. Lawrence  
F. G. LAWRENCE - CITY RECORDER