

ORDINANCE NO. 607

AN ORDINANCE ASSESSING VARIOUS LOTS, PARCELS AND TRACTS OF PROPERTY FOR STREET IMPROVEMENTS MADE OR BEING MADE TO NORTHEAST SECOND AVENUE IN LID NO. 5; 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 improvements to Northeast Second Avenue 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 as amended by Ordinance No. 598 of the City of Canby, Oregon, and a hearing thereon was duly and regularly scheduled and held after notice thereof, and said hearing was held during a regular meeting of the Canby City Council on Monday, June 16, 1975, and there were insufficient objections made or filed against said improvement project; 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 said street where said improvement is being made or 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 furnished by the City's Engineer, adopted Council Resolution No. CXCI (193) on August 25, 1975, and therein and thereby determined to proceed with the said improvement project and assess the costs thereof to the benefited properties as provided by Ordinance No. 393 as amended by Ordinance No. 598 and the Bancroft Bonding Act; and

WHEREAS, the Council did on September 29, 1975, enact Ordinance No. 593 entitled "AN ORDINANCE AUTHORIZING A CONTRACT WITH PARKER NORTHWEST PAVING COMPANY FOR CONSTRUCTION OF IMPROVEMENTS TO N. E. 2ND AVENUE IN LID NO. 5," and the completion of that contract is now in progress; now, therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the costs of making improvements to Northeast Second Avenue 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 \$33,325.97, and the assessable cost to the benefited properties is \$31,666.59, or \$19.11 per front foot including curbs where required, otherwise \$17.50 per front foot for each benefited property, which said sum is hereby assessed upon the lots, parts of lots and tract of land abutting on that part of Northeast Second Avenue which is within this local improvement district (LID No. 5) and said properties are found to be specially and directly benefited by said improvement, and the cost thereof is to be and is hereby assessed upon each lot, part of lot and tract of land thereof as in the ASSESSMENT ROLL provided hereunto annexed and marked "Exhibit A" and by reference 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 said 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 as amended by Ordinance No. 598.

Section 3: That the City Recorder for the City of Canby, Oregon, shall within ten days after the final passage of this Ordinance cause to be posted in three (3) 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, parcel or tract 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 days after notice of such assessment is first published, the owner of the property as assessed, if such assessment exceeds the sum of \$100, may file with the Recorder for said City his written application to pay the assessment in semi-annual installments not exceeding ten (10) years as provided under Oregon Revised Statutes, Sections 223.205 to 223.295, 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 (30) 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 at the rate of 10% per annum, and the Lien as docketed on that property so assessed shall be subject to foreclosure as provided by Ordinance No. 393 as amended Ordinance No. 598.

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.

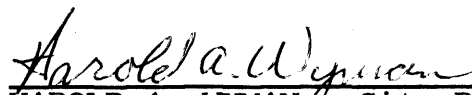
Section 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

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.

Passed on its first reading at a regular meeting of the Canby City Council held on the 6th day of July, 1976; ordered posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as provided by the City Charter, and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 2nd day of August, 1976, at the hour of 7:30 o'clock p.m. at the Canby City Hall.

  
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PAUL N. ROTH - Mayor

ATTEST:

  
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HAROLD A. WYMAN - City Recorder

Passed on final reading this 2<sup>nd</sup> day of August, 1976, by the following vote: Yeas 4. Nays 0.

  
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PAUL N. ROTH - Mayor

ATTEST:

  
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HAROLD A. WYMAN - City Recorder

"Exhibit A"

ASSESSMENT ROLL

For the construction of street improvements to N.E. Second Avenue in the City of Canby, Oregon, in LID #5, described in the City Engineer's plans and report to the City Council under date, May 19, 1975, and published at length in The Canby Herald in issues dated June 4th and June 11th under legal notices, headed "NOTICE TO THE OWNERS OF REAL PROPERTY WITHIN THE PROPOSED NORTHEAST SECOND AVENUE IMPROVEMENT DISTRICT (LID NO. 5).

Name of Owners	Property Descriptions	Front Footage of Area Assessed	Total Assessment
Leo B. Henry and Don Schroder, Trustees for Canby Church of Christ	Tax Lot 3100 Section 33DB-3S-1E	100.00	\$1,910.58
Leona Thomas	Tax Lot 3200 Section 33DB-3S-1E	50.00	955.29
William L. & Ruth E. Walls Contract Purchasers: Lawrence J. & Olive Ann Housen	Tax Lot 3300 Section 33DB-3S-1E	45.00	859.76
Leo Elsen	Tax Lot 3400 Section 33DB-3S-1E	55.00	1,050.82
Albert Dale & Claudine Lorraine Yoder	Tax Lot 3500 Section 33DB-3S-1E	100.00	1,910.58
Mabel M. Cudaback	Tax Lot 3600 Section 33DB-3S-1E	50.00	955.29
Alice Johnson Booth	Tax Lot 3601 Section 33DB-3S-1E	68.69	1,312.38
City of Canby	Tax Lot 3700 Section 33DB-3S-1E	150.00	2,865.88
Glenn T. & Elsie E. Cutsforth, co-partners dba Cutsforth Enter- prises	Tax Lots 3800, 3900, 4000, 4100, 4200 Section 33DB-3S-1E Tax Lot 5400 Section 33CA-3S-1E	437.69	7,774.66

Clayton C. Morse, 1/2 Richard K. Morse, 1/2	Tax Lots 5200, 5300 Section 33CA-3S-1E	301.00	\$5,750.86
Robert A. & Dorothy I. Torgeson	Tax Lot 4600 Section 33CA-3S-1E	50.00	955.29
Tillie Howard	Tax Lot 4700 Section 33CA-3S-1E	50.00	955.29
Frank D. & Kathleen M. Cutsforth and Donald B. & Kristine D. Stewart	Tax Lot 4800 Section 33CA-3S-1E	64.04	1,223.53
Edwin L. & Ruth B. Johnson	Tax Lot 4900 Section 33CA-3S-1E	66.28	1,266.34
John Wilson & Nadine J. Beck Contract Purchaser: Canby Union Bank	Tax Lot 5100 Section 33CA-3S-1E	109.68	1,920.04