

ORDINANCE NO. 651

AN ORDINANCE ASSESSING VARIOUS LOTS, PARCELS AND TRACTS OF PROPERTY FOR STREET IMPROVEMENTS MADE TO NORTH OAK STREET IN LID NO. 8; DIRECTING THE ENTRY OF ASSESSMENTS IN THE DOCKET OF CITY LIENS; PROVIDING FOR NOTICE THEREOF; REPEALING ORDINANCE NO. 647; AND DECLARING AN EMERGENCY.

WHEREAS, the Common Council for the City of Canby, Oregon, has made improvements to North Oak Street within the City of Canby pursuant to the Charter of said City, the laws of the State of Oregon and the Ordinances of said City as for such matters provided; and

WHEREAS, notices of intention to make such improvements were duly given as provided by the City's special assessments Ordinance No. 393 as amended by Ordinance No. 598 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 Wednesday, October 5, 1977. There were no objections made or filed against said improvement project; and all of the owners of the property abutting upon said street where said improvement was to be made and whose property will be specially benefited by said improvements and assessed for the costs approved of the project, plans and estimated costs. The Council then 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 City of Canby did call for bids for improvements in LID #8 and said bids were considerably in excess of the Engineer's estimate; and

WHEREAS, the Public Works department of the City of Canby did then, by order of the City Council, call for and accept separate bids on each separate item of the project; and

WHEREAS, said separate bids were in conformance with the Engineer's estimate and therefore the project was completed; and

WHEREAS, the City Council then enacted Ordinance No. 647 after final reading on December 6, 1978 and assessed the benefited properties for the costs of the improvements and directed the entry of assessments in the City Lien Docket and also directed that notice of such assessments and city liens be given to the property owners in the manner and within the time required by such ordinance so that applications could be filed to pay the assessments in installments according to the ordinance and the Bancroft Bonding Act; and

WHEREAS, the assessment liens were not docketed and notices were not given and it is necessary that the legal requirements in that regard be completed; THEREFORE,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: That the costs of making improvements to North Oak Street 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 \$13,611.63, and the assessable cost to the benefited properties is \$11,305.21, or \$17.13 per front foot including curbs and \$1,811.03 or \$1.22 per square foot for driveway construction 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

North Oak Street which is within this local improvement district (LID No. 8) 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 \$25.00, may file with the Recorder for said City a 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: Ordinance No. 647 enacted December 6, 1978 and the assessments made by such ordinance and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6: 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.

Submitted to the Council and read the first time at a regular meeting of the Canby City Council held on the 7th day of February, 1979; ordered posted in three (3) public and conspicuous places in the City of Canby or 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 7th day of march, 1979 commencing at the hour of 7:30 o'clock p.m. at the Council's regular meeting place at the Canby City Hall.

Robt E Rapp
Robt. E. Rapp - MAYOR

ATTEST:

Harold A Wyman
Harold A. Wyman - CITY RECORDER

Passed on final reading this 7 day of MARCH, 1979,
by the following vote: Yeas 5. Nays 0.

Robt E Rapp
Robt. E. Rapp - MAYOR

ATTEST:

Harold A Wyman
Harold A. Wyman - CITY RECORDER

ASSESSMENT ROLL

NORTH OAK STREET		L.I.D. #8	(10th to 11th)					
NAME & ADDRESS	Tax Lot & Map No.	Frontage	Front Ft. Cost \$14.549378	Lin. Ft. Curb Cost \$2.5797	Square Ft. Driveway	Driveway Cost \$1.22382 F.	Total Cost	Assessed Valuation
Welch, Thomas A. & Beverly A. 900 N.E. 10th Ave. Canby, Ore.	1200 3-1E-33AA	110.00	\$1,600.43	\$ 283.77			\$ 1,884.20	28,030.00
Shollenberger, Ma 110 N. Oak Canby, Ore.	1100 3-1E-33AA	110.00	1,600.43	283.77	281.24	\$ 344.19	2,228.39	36,310.00
Cole, Larry A. & Karyn A. 1135 N. Oak Canby, Ore.	1000 3-1E-33AA	110.00	1,600.43	283.77	138.75	169.81	2,054.01	36,910.00
Weaver, Jack D. & Priscilla 27785 S. Oglesby Rd. Canby, Ore.	900 3-1E-33AA	73.33	1,066.91	189.17	295.59	361.75	1,617.83	32,860.00
Travis, Louine Kay 1120 N. Oak Canby, Ore.	801 3-1E-33AA	73.33	1,066.91	189.17	281.24	344.18	1,600.26	32,860.00
Fiores, Hector D. & Lucille 1100 N. Oak Canby, Ore.	802 3-1E-33AA	73.34	1,067.05	189.20	309.75	379.07	1,635.32	32,860.00
Hansen, Lawrence H. & Bonnie J. 984 N.E. 10th Canby, Ore.	800 3-1E-33AA	110.00	1,600.43	283.77	173.25	212.03	2,096.23	39,630.00
TOTALS		\$660.00	\$9,602.59	\$1,702.62	1,479.82	\$1,811.03	\$13,116.24	\$239,460.00

EXHIBIT "A"