

## GENERAL ORDINANCE NO. 696

An Ordinance to amend Ordinance No. 658 by further defining the persons who may remonstrate against a proposed improvement, and declaring an emergency.

THE PEOPLE OF DALLES CITY DO ORDAIN AS FOLLOWS:

Section 1. That General Ordinance No. 658 entitled "An Ordinance prescribing the method and procedure to be followed in making public improvements, and providing for the making of assessments therefor, providing for the enforcement and collection of said assessments and the foreclosure of liens created thereby, repealing all ordinances or parts of ordinances inconsistent or in conflict therewith, and declaring an emergency," passed October 5, 1949, and approved October 6, 1949, be amended as hereinafter set forth.

Section 2. That the first paragraph of Section 3 of said Ordinance be and the same hereby is amended to read as follows:

Section 3. Whenever the Council shall deem it expedient to construct, alter or repair, or improve any street, alley, sidewalk, crosswalk, curbing, sewer or drain, for which it is anticipated special assessments will be levied, it shall by motion direct the City Engineer.

Section 3. That 3-B of said Ordinance be and the same hereby is amended to read as follows:

B. The Council shall then consider the report, and if it shall desire to undertake the project, it shall by resolution declare its intention to make the improvement.

Section 4. That Section 4 of said Ordinance be and the same hereby is amended to read as follows:

Section 4. If the Council shall declare its intention to make the improvement, it shall in its resolution:

A. Direct the City Clerk to cause to be published once each week for two successive weeks in a newspaper of general circulation in Dalles City, a notice stating:

(1) That the Council has declared its intention to proceed with the improvement and that the report of the City Engineer is on file in the City Clerk's office, subject to examination.

(2) The estimated total cost of the improvement (less the amount thereof to be borne by the city, if any).

(3) A description of the district to be especially benefited by the improvement.

(4) That remonstrances may be filed against the proposed improvement at the office of the City Clerk not later than 5:00 P. M. on the 20th day after the date of first publication of the notice.

(5) That the project will be discontinued if a remonstrance of the owners of two-thirds of the benefited property to be specifically affected is filed.

(6) The date when the Engineer's Report and any objections thereto will be considered by the Council and all interested persons.

B. Direct the City Clerk forthwith to send a notice by mail to his last known address to each owner of the various lots, tracts or parcels of property within the improvement district, which notice shall state:

- (1) The estimated total cost of the improvement (less the amount thereof to be borne by the City, if any)
- (2) A brief description of the property which the person to whom the notice is sent owns.
- (3) The time within which remonstrances may be filed.
- (4) The date when the report of the Engineer and any objections thereto will be heard by the Council and all interested persons.

C. Under the charter and for the purpose of this ordinance, an "owner" entitled to remonstrate against a proposed improvement shall be the record holder of the title to the land, or a purchaser in possession of the land under a land sale contract. Provided further, that such a contract must be recorded in Wasco County, Oregon, or if not the purchaser must attach to his remonstrance a duly certified or photostatic copy of his land sale contract, or a verified statement from the record holder of legal title that such a contract exists and that the purchaser is in possession thereunder. For the purpose of the notice described in Section B hereof the "owner" shall be the record holder of legal title, unless a land sale contract or memorandum thereof is of record showing the name of the purchaser.

Section 5. That Section 7 of said Ordinance be and the same hereby is amended to read as follows:

Section 7. After the Council by resolution declares its intention to proceed with improvement, it may direct the Engineer to prepare plans and specifications, and authorize the Engineer to call for bids to let out the work on contract, which bids shall not be open prior to the hearing of the Engineer's report by the Council and interested persons. The Council may let the contract for the doing of the work, if after the hearing, the Council determines to continue with the project. The Council may provide that the work shall be done by city forces. In the event that the work is done under contract bids shall be received on all such work, the estimated cost of which is more than Five Hundred Dollars (\$500.00). The contract shall be let to the lowest responsible bidder, provided that the Council shall have the right to reject all bids when they are deemed unreasonable or unsatisfactory, or if the bids are opened at the hearing, when the Council shall determine not to proceed with the improvement. The Council shall provide for taking security by bond for the faithful performance of any contract under its authority, and the provisions thereof, in case of default, shall be enforced by action in the name of Dalles City.

Section 6. That Section 10 of said Ordinance be and the same hereby is amended to read as follows:

Section 10. The sum of money assessed for any improvement as herein provided shall not be collected until by order of the Council not less than ten days notice is given by the City Clerk by publication in a newspaper of general circulation published in Dalles City, Oregon, of the collection of the assessment. Publication of said notice in one issue of said newspaper shall be sufficient, and such notice shall contain substantially the matter required to be entered in the docket of city liens concerning such assessment and shall state that such assessment must be paid within 20 days from the date of first publication of the notice, or bonded within 10 days from the date of first publication of the notice as provided in the Bancroft Bonding Act. At the time of publication of the notice the City Clerk shall cause to be mailed to the owner of each lot or tract of land assessed, at his last known address, a notice setting forth in brief terms the substance of the notice of collection of assessment, and including specifically the particular lot or tract of land owned by the person to whom notice is sent, and the amount of the assessment. Assessments which are not paid or bonded within the time stated, shall bear interest at 6% per annum beginning with the last day on which assessment is required to be paid. The owner to whom the notice is mailed as required by this section shall be the "owner" as defined in Section 4-C of this Ordinance.

Section 7. That Section 11 of said Ordinance be and the same hereby is amended to read as follows:

Section 11. For the purpose of ascertaining who is the owner of any lot, tract or parcel of land or part thereof assessed for the improvements herein described the City Clerk may take the certificate of any abstractor, abstract company or person or persons engaged in the searching or examination of titles, who may be designated by the Council for said purpose, which certificate shall state who is the record owner or contract purchaser of record of each such lot, parcel or tract of land or part thereof subject to said assessment on the date the Council declared its intention to make the improvement, as shown by the records in the office of the County Clerk of Wasco County, Oregon.

Section 8. That Section 19 of said Ordinance be and the same hereby is amended to read as follows:

Section 19. As provided by the Charter, whenever two-thirds of the owners of property to be benefited by an improvement petition the Council therefor, describing in general the nature of the improvement desired, the boundaries of the district to be benefited by the improvement, and describing the lots, tracts or parcels of land within the district and giving the names of the owners thereof, it shall not be necessary for the Council to pass a resolution of intention to initiate the project. In such event the Council shall direct the City Engineer to file the report and survey required in Section 3 hereof, and the procedure thereafter as regards the making of the improvement shall be as hereinbefore provided, except that the Council may not discontinue the project.

Section 9. Inasmuch as the Council is ready to proceed with various street and sewer improvements and it is necessary to clarify the definition of an owner of property before said proceedings are instituted, and it is the duty of the Council to maintain the public health, safety and welfare, now, therefore, an emergency is declared to exist and this Ordinance shall

go into full force and effect immediately upon its passage and approval.  
read once in full, and

This Ordinance was introduced and by unanimous vote the rules were  
suspended and the Ordinance was read for the second time by title only,  
and passed this 5<sup>th</sup> day of May, 1952, by the following  
vote:

Yes 4

No 0

Absent 1

Approved by the Mayor this 5<sup>th</sup> day of May, 1952.

Frederick W. Nelson  
Mayor

ATTEST:

[Signature]  
City Clerk