

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 592

AN ORDINANCE CONFIRMING AND RATIFYING THE RESOLUTIONS OF THE CITY COUNCIL OF JUNE 21, 1968, AND JULY 9, 1969, WITH RESPECT TO THE HALL STREET SEWER IMPROVEMENT AND ASSESSMENT DISTRICT; APPROVING, RATIFYING AND ADOPTING PLANS, SPECIFICATIONS AND ESTIMATES FOR CONSTRUCTION OF SANITARY SEWER SYSTEMS, DECLARING RESULTS OF HEARING HELD WITH RESPECT THERETO, DIRECTING SOLICITATION OF BIDS FOR CONSTRUCTION OF HALL STREET SANITARY SEWER SYSTEM, PROVIDING FOR THE MAKING OF SAID IMPROVEMENT AND DECLARING AN EMERGENCY.

WHEREAS, a resolution was duly passed by the City Council of the City of Sherwood at its special meeting of June 21, 1968, a copy whereof is hereto attached and by this reference made a part hereof to the same legal force and effect as if set forth herein in full, by the terms of which boundaries of a proposed sewer improvement district were described, and the Council declared its intention to construct a sanitary sewer system and to assess the costs thereof against the property within the boundaries specially benefitted, and

WHEREAS, by the terms of said resolution a hearing was duly called to be held in the Council Chambers, in the City Hall at Sherwood, Oregon, on the 10th day of July, 1968, at the hour of 8 o'clock p.m. for the purpose of affording an opportunity to any parties aggrieved by the proposal to make objections or remonstrances to the proposed improvement, and

WHEREAS, pursuant to said resolution, due and legal notice of said hearing was given by publication in the Tri-City Times for two consecutive publishings on June 27, 1968 and July 4, 1968, and three copies of said resolution were posted in three public and conspicuous places within said proposed sewer improvement and assessment district not less than ten days prior to said hearing; and

WHEREAS, said hearing was duly and regularly conducted at City Hall, Sherwood, Oregon, on July 10, 1968, at the hour of 8 o'clock p.m. whereat certain persons appeared and were heard, and said hearing was by unanimous motion continued indefinitely, for the purpose of affording further opportunity to any parties aggrieved by the proposal to make objections or remonstrances to the proposed improvement, and

WHEREAS, a resolution was duly passed by the Council at its regular meeting of July 9, 1969, a copy whereof is attached hereto and by this reference made a part hereof to the same legal force and effect as if set forth herein in full, by the terms of which the Council reaffirmed its intention to proceed with the formation of the sanitary sewer improvement and assessment district, and

WHEREAS, pursuant to the terms of said resolution of July 9, 1969, a hearing was called to be held in the City Hall, City of Sherwood, on the 6th day of August, 1969, at the hour of 8 o'clock p.m. and pursuant to said resolution, due and legal notice of said continued hearing was given by publication in the Tri-City Times for two consecutive publishings on July 17, 1969, and July 24, 1969, prior

to said hearing and three copies of said resolution were posted in three public and conspicuous places within said proposed sewer improvement and assessment district not less than ten days prior to said hearing; and

WHEREAS, said continued hearing was duly reopened and regularly called to order and held in the City Hall, Sherwood, Oregon, on August 6, 1969, at 8 o'clock p.m, whereat certain persons appeared and were heard; and

WHEREAS, the City Engineer has submitted to the Council plans, specifications and estimates for the work to be done; and

WHEREAS, due to inflation and rising estimated construction costs, the cost of the work to be done has increased from \$16,000 to \$26,000, and the City Engineer has submitted to the Council a statement of the lots, parts of lots and parcels of land to be benefited, and the total cost of the improvements which each of such lots, parts of lots and parcels of land shall pay on account of the benefits to be derived, and

WHEREAS, the City Council finds that such plans, specifications and estimates are satisfactory; and

WHEREAS, all proceedings to date have been in conformity with Section 223.387, Oregon Revised Statutes, and Chapter XVII, Charter of the City of Sherwood, and all the procedures were regularly and lawfully conducted,

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1: That all matters set forth in the resolution of the City Council of Sherwood, Oregon, of June 21, 1968, a copy whereof is hereto attached, marked Exhibit "A" and by reference herein made a part hereof to the same legal force and effect as if set forth herein in full, be and the same are hereby approved, ratified and confirmed and the boundaries of the area known as the Hall Street Sewer Improvement District as heretofore described in said resolution and as described on the attached sheet headed "Description" be, and the same are hereby, declared and fixed in accordance with said description;

Section 2: That the City Council of the City of Sherwood having acquired jurisdiction to order the improvement to be made does hereby authorize and direct the construction of a sanitary sewer system within the boundaries of said Hall Street Improvement District in conformity in all reasonable particulars with the plans and specifications submitted to the Council by the City Engineer.

Section 3: That the City Recorder be, and is hereby, directed to immediately invite proposals for the construction of said improvements by publication in the Tri-City Times in not less than two consecutive issues, the last publication to be not less than five days prior to January 7, 1970, at the hour of 8 o'clock p.m. which date and time is hereby designated for the opening of bids in the City Hall, all proposals to be then and there publicly heard.

Section 4: That inasmuch as it is necessary for the peace, health and safety of the people of the City of Sherwood that the said improvements be constructed with the least possible delay,

an emergency is hereby declared to exist, and this ordinance shall become effective upon its passage by the Council and signature by the Mayor.

PASSED: By the Council after being read by caption three times and in body once this 12 day of November, 1969.

Marjorie Stewart
Recorder - City of Sherwood

APPROVED: By the Mayor this 12 day of November, 1969.

[Signature]
Mayor - City of Sherwood

"EXHIBIT A"

CITY OF SHERWOOD - SEWER IMPROVEMENT DISTRICT RESOLUTION
OF
JUNE 21, 1968

A RESOLUTION OF INTENTION TO LAY OUT A SANITARY SEWER ASSESSMENT DISTRICT WITHIN THE CITY OF SHERWOOD; PROPOSING THE CONSTRUCTION OF SEWER TRUNK LINES AND ASSESSMENT OF THE COST THEREOF AGAINST THE PROPERTY BENEFITED IN THE SEWER DISTRICT; STATING THE LOCATION OF SAID SEWER LINES AND THE OUTLET THEREOF AND DESCRIBING THE BOUNDARIES OF THE DISTRICT PROPOSED TO BE ASSESSED FOR THE COSTS OF CONSTRUCTION OF SAID SEWER TRUNK LINES; DESCRIBING THE CHARACTER OF THE SEWER LINES TO BE CONSTRUCTED; PRESCRIBING A TIME AND PLACE FOR HEARING OF OBJECTIONS, IF ANY, THERETO, AND PROVIDING FOR PUBLISHING OF NOTICE OF SAID HEARING.

WHEREAS, pursuant to Chapter XVII of the Charter of the City of Sherwood, Oregon, the City Council deems it necessary for the public health and benefit of the area hereinafter described, to install sewer trunk lines for the servicing of residential properties within the Sewer Assessment District hereinafter described;

WHEREAS, said proposed sewer trunk lines will benefit locally only a portion of the City of Sherwood and the cost of said construction should, therefore, be assessed to the properties benefited, pursuant to Section 213 Chapter XVII of the Charter of the City of Sherwood; and

WHEREAS, the proposed location of said sewer trunk line extends from Manhole #5 at the intersection of East Willamette St. with Hall Street to the intersection of Hall Street with East Oregon Street Manhole #1; and

WHEREAS, the boundaries of the District proposed to be assessed for the cost of construction of said sewer trunk line is as follows:

Beginning at the Northeast corner of Lot 6, Hacker's Addition to the City of Sherwood, on the South boundary of East Oregon Street, thence South parallel to the West boundary of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 said Hacker's Addition and the same extended to the Southeasterly line of Lot 2, Block 4, Sherwood Acres, a duly recorded subdivision, the said Southeasterly line being the corporate boundary of the City of Sherwood; thence Southwesterly along the Southeasterly line of said Lot 2, Block 4, Sherwood Acres, to the South line of said Lot 2; thence West along the South line of said Lot 2 and the same extended 193.2 feet to a point 80 feet West

of the extended West line of Hall Street; thence North along a line parallel to and 20 feet West of the West line of Hall Street to the South line of East Oregon Street; thence East along the South line of East Oregon Street to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD:

(1) That the area within the boundaries as hereinabove set forth, be, and the same is hereby determined and established as the proposed Sewer Improvement and Assessment District, and the outlet of the said sewer construction at Manhole #5 at the intersection of East Willamette Street and Hall Street, and the location and course of said proposed sewer trunk line as hereinabove set forth are hereby established.

(2) That the City Council does hereby record its intention to construct a sewer trunk line from Manhole #5 at the intersection of East Willamette Street with Hall Street, running thence northerly to East Oregon Street, at a total estimated cost of \$16,000., to serve the lands within the Sewer Improvement and Assessment District hereinabove described, and to further record hereby that the City Council intends to assess the costs of such construction to the property within the said District as the property benefited thereby.

(3) That a public hearing be, and the same is hereby called to be held in the City Hall of the City of Sherwood, on the 10th day of July, 1958 at the hour of 8:00 o'clock P.M., for the purpose of hearing objections, if any, to the proposal herein set forth.

(4) That at any time prior to said hearing and up to the hour specified herein, the owner or owners of any property in such proposed Sewer Improvement and Assessment District liable for the costs of constructing said sewer or any part thereof, may file with the Recorder of the City of Sherwood a written remonstrance against construction of the said sewer trunk line, and any and all such

remonstrances shall be heard on the said date and time, or at a subsequent date which may be fixed by adjournment.

(5) The Recorder of the City of Sherwood shall cause to have this Resolution of Intention to be published in the Tri-City Times for two consecutive issues prior to said hearing, and three copies hereof shall, not less than ten (10) days prior to said hearing, be posted by the Recorder of the City of Sherwood in three public and conspicuous places within the said proposed Sewer Improvement and Assessment District.

(6) That the City Recorder be, and she is hereby, directed to record the date and place of posting of each of said notices and shall file in the Recorder's records proof of said publishings and postings by affidavit.

PASSED by the City Council of the City of Sherwood, at its special meeting of June 21, 1968.

/s/ A. A. Eichelberger

Mayor

ATTEST:

/s/ Marjorie Stewart

Recorder

DESCRIPTION

Beginning at the Northeast corner of Lot 6, Hacker's Addition to the City of Sherwood, on the South boundary of East Oregon Street, thence South parallel to the West boundary of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 said Hacker's Addition and the same extended to the Southeasterly line of Lot 2, Block 4, Sherwood Acres, a duly recorded subdivision, the said Southeasterly line being the corporate boundary of the City of Sherwood; thence Southwesterly along the Southeasterly line of said Lot 2, Block 4, Sherwood Acres, to the South line of said Lot 2; thence West along the South line of said Lot 2 and the same extended 193.2 feet to a point 80 feet West of the extended West line of Hall Street; thence North along a line parallel to and 80 feet West of the West line of Hall Street to the South line of East Oregon Street; thence East along the South line of East Oregon Street to the point of beginning.