

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 604

AN ORDINANCE CONFIRMING AND RATIFYING THE RESOLUTIONS OF THE CITY COUNCIL OF JUNE 29, 1970, and JULY 23, 1970, WITH RESPECT TO THE LINCOLN 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 LINCOLN 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 29, 1970, 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 20th day of July, 1970, 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 July 2, 1970, and July 9 1970, 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 20, 1970, 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 special meeting of July 23, 1970, 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 having determined that the boundaries of said district should be changed as set forth in said resolution; and

WHEREAS, pursuant to the terms of said resolution of July 23, 1970, a hearing was called to be held in the City Hall, City of Sherwood, on the 12th day of August, 1970, 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 30, 1970 and August 6 1970, 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 12, 1970, 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, the estimated cost of the work to be done is \$25,000 and the City Engineer has submitted to the Council a statement of the lots, parts of lots, and parcels of land to be benefitted, 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:

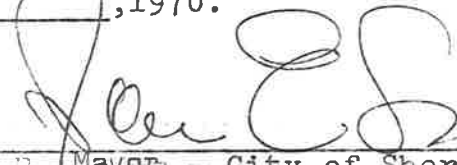
Section 1: That all matters set forth in the resolution of the City Council of Sherwood, Oregon, of June 29, 1970, a copy whereof is hereto attached, marked Exhibit "A" and by reference herein made a part hereof to the same legal force and effect as if set forth herein in full, be, and the same are hereby, approved, ratified and confirmed with the exception of the description of the boundaries which were amended by resolution, of the City Council of Sherwood, Oregon on July 23, 1970, a copy whereof is hereto attached, marked Exhibit "B" by this reference made a part hereof to the same legal force and effect as if set forth herein in full be, and the same is hereby, approved, ratified and confirmed, and the boundaries of the area known as the Lincoln 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 the 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 Lincoln 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 October 14, 1970, at the hour of 8 o'clock pm. 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.

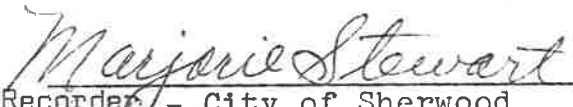
Section 4: That inasmuch as it is necessary for the peace, health, and safety of the people of the City of Sherwood that the said improvements be constructed with the least possible delay, an emergency is hereby declared to exist and this Ordinance is to take effect on the first day of the calendar month next following its passage by the Council and approval by the Mayor.

PASSED: By the Council, by unanimous vote of all Council members present, after being read by caption three times, and in body once, this 29 day of September, 1970.



Mayor - City of Sherwood

APPROVED: By the Mayor, this 29 day of September, 1970.



Recorder - City of Sherwood

CITY OF SHERWOOD-SEWER IMPROVEMENT DISTRICT RESOLUTION

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; and

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 lines extends from the intersection of East Willamette Street with Lincoln Street, to the intersection of N.E. Oregon Street with Lincoln Street, thence Northeasterly along N.E. Oregon Street; thence Easterly along Pacific Street (also known as Tualatin-Sherwood Road) to Manhole #1 on the sewer line known as Hall Street sewer line; and

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

Beginning at the intersection of the center line of East Willamette Street with the west line of Highland Street in the northwest quarter of the northeast quarter of Section 32, Township 2 South, Range 1 West of the Willamette Meridian in Washington County, Oregon, and

running thence northerly along the west line of said Highland Street to the northwesterly line of Northeast Oregon Street; thence northeasterly along the northwesterly line of said Northeast Oregon Street to the point of intersection with the westerly prolongation of the center line of East Oregon Street; thence easterly along said center line, and westerly prolongation thereof, of said East Oregon Street to the center line of Hall Street; thence southerly 120 feet along said center line of said Hall Street; thence westerly parallel to the center line of said East Oregon Street to the east line of that certain tract of land conveyed to Dale J. and Patricia A. Wert, husband and wife, as recorded in Book 568, at page 174, in the records of Washington County, Oregon; thence southerly along said east line of said Wert tract to the south line of Lot 12, Block 3, Sherwood Acres; thence westerly along said south line of said Lot 12, Block 3, Sherwood Acres and the westerly prolongation thereof to the west line of Lot 6, Block 3 of said Sherwood Acres; thence southerly along the west line of said Lot 6, Block 3, Sherwood Acres to the northwest corner of Lot 7, Block 3, Sherwood Acres; thence southerly along the west line of said Lot 7, Block 3, Sherwood Acres and the southerly prolongation thereof to the center line of East Willamette Street; thence westerly along the center line of East Willamette 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 #1 at the intersection of Hall Street and Pacific Street (aka Tualatin-Sherwood Road), 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 the intersection of East Willamette Street with Lincoln Street, to the intersection of N.E. Oregon Street with Lincoln Street; thence northeasterly along N.E. Oregon Street; thence easterly along Pacific Street (also known as Tualatin-Sherwood Road) to Manhole #1 on the sewer line known as Hall Street Sewer line, at a total estimated cost

of \$25,000.00 to serve the lands within the Sewer Improvement and Assessment District hereinabove described, and to further record 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 20th day of July, 1970, at the hour of 8:00 o'clock P.M. for the purpose of hearing objections, if any, to the proposal herein set forth.

That at any time prior to said hearing and up to the hour specified, 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.

(4) 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.

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

PASSED by the City Council of the City of Sherwood at its special meeting of June 29, 1970:

ATTEST:

/s/ Marjorie Stewart

Recorder

Warren E. Smith

Mayor

CITY OF SHERWOOD--SEWER IMPROVEMENT DISTRICT RESOLUTION

A RESOLUTION PROVIDING FOR ADDITIONAL HEARING WITH RESPECT TO RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHERWOOD ON JUNE 29, 1970, WITH RESPECT TO THE FORMATION OF THE LINCOLN STREET SEWER IMPROVEMENT DISTRICT; PROVIDING FOR A CHANGE IN THE BOUNDARIES OF THE DISTRICT PROPOSED TO BE ASSESSED FOR THE COST OF CONSTRUCTION OF SAID SEWER TRUNK LINES; PRESCRIBING A TIME AND PLACE FOR HEARING OF OBJECTION, IF ANY, TO SAID CHANGE IN THE BOUNDARIES DESCRIBED IN SAID LINCOLN STREET SEWER IMPROVEMENT DISTRICT, AND PROVIDING FOR THE PUBLISHING OF NOTICE OF SAID HEARING.

WHEREAS, the City Council of the City of Sherwood at its special meeting on June 29, 1970, passed 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 cost 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; and

WHEREAS, pursuant to said resolution, notice of a public hearing was duly given and a public hearing held on July 20, 1970,; and

WHEREAS, at said hearing objections were heard with respect to certain properties proposed to be included within the boundaries of said District; and

WHEREAS, it was determined that certain property previously proposed to be included would not be benefited by the improvement, and should be excised from the District; and

WHEREAS, it was determined that certain other properties would be benefited and despite objections thereto, it was in the public interest that said properties be included within the proposed District; and

WHEREAS, it was determined that the boundaries of the District proposed to be assessed for the construction of said sewer lines should be changed from those described in the resolution of June 29, 1970, to the boundaries described as follows:

Beginning at the northeast corner of the south one-half of Lot 1, Block 3 "Sherwood Acres" in the northeast quarter of Section 32, T2S, R1W, W.M., Washington County, Oregon, thence westerly along the north line of the said south one-half of Lot 1, and its westerly prolongation, to the center line of Lincoln Street; thence northerly along the center line of Lincoln Street to the point of intersection with the easterly prolongation of the south line of the north 86.00 feet of Lot 15, Block 2 "Sherwood Acres"; thence westerly along said prolongation and said south line of the north 86.00 feet of Lot 15, Block 2, to the west line of Lot 15; thence northerly to the northwest corner of lot 15; thence westerly along the south line of Lot 3, Block 2 "Sherwood Acres" and its westerly prolongation, to the west line of Highland Street; thence northerly along the west line of Highland Street to the northerly line of N.E. Oregon Street; thence northeasterly along the northerly line of N.E. Oregon Street; to the point of intersection with the westerly prolongation of the center line of East Oregon Street; thence easterly, along said prolongation and the center of East Oregon Street to the point of intersection with a line that is parallel with and 125.00 feet westerly from the center line of Hall Street; thence southerly, parallel with the center line of Hall Street, 120.00 feet; thence westerly, parallel to the center line of said East Oregon Street to the east line of that certain tract of land conveyed to Dale J. and Patricia A. Wert, husband and wife, as recorded in Book 568, at Page 174, in the records of Washington County, Oregon; thence southerly along said east line of said Wert tract to the south line of Lot 12, Block 3, of "Sherwood Acres"; thence westerly along said south line of said Lot 12, Block 3, "Sherwood Acres" and the westerly prolongation thereof, to the west line of Lot 6, Block 3 of said "Sherwood Acres"; thence southerly along the west line of said Lot 6, Block 3 "Sherwood Acres" to the northwest corner of Lot 7, Block 3 "Sherwood Acres"; thence southerly along the west line of said Lot 7, Block 3, "Sherwood Acres" 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 #1 in the southwest corner of the intersection of East Oregon Street and Hall Street, said Manhole being approximately 107 feet east of the East line of the above described land and the location and course of said proposed sewer trunk line as heretofore set forth in the resolution of the City Council of the City of Sherwood at its special meeting of June 29, 1970, be and are hereby established.

(2) That the City Council does hereby record its intention to construct a sewer trunk line from the intersection of East Willamette Street with Lincoln Street, to the intersection of N.E. Oregon Street with Lincoln Street; thence Northeasterly along N.E. Oregon Street; thence Easterly along Pacific Street (also known as Tualatin-Sherwood Road) to Manhole #1 on the sewer line known as Hall Street Sewer line, at a total estimated cost of \$25,000.00 to serve the lands within the Sewer Improvement and Assessment District hereinabove described, and to further record 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 the public hearing held July 20, 1970, be, and the same is hereby continued to be reopened on the _____ day of August, 1970, at the hour of 8:00 o'clock P.M. for the purpose of hearing further objections, if any, to the proposal set forth in the resolution of June 29, 1970, as amended with respect to the boundaries of the proposed District and properties to be assessed for the cost of said construction as set forth in this resolution.

That at any time prior to said hearing and up to the hour specified, 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.

(4) 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.

(5) 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 July 23, 1970.

/s/ Warren H. Smith

Mayor

ATTEST:

/s/ Marjorie Stewart

Recorder