

effect from and after its approval by the Mayor and the written acceptance of its provisions by the said company or its authorized agent.

Passed the Council February 8<sup>th</sup> 1887.

Approved February 14<sup>th</sup> 1887.

J. H. Brewster Mayor

Attest:

W. J. Henton

Recorder of the City of Albany.

Repealed by Ord. 500

Ordinance No. 150.

An Ordinance to create the office of Street Commissioner and to define his duties, to provide for the repair of sidewalks that may in the judgment of the Street Commissioner and the Committee on Streets and Public Property be in a dangerous condition, for the improving and repairing of streets, alleys and sidewalks, and to provide for the assessment and collection of the cost and expense of such repairs.

The People of the City of Albany do ordain as follows:  
Section One (1). It shall be the duty of the Council to appoint a suitable person to serve as Street Commissioner, who shall hold office during the pleasure of the Council, and shall receive such compensation for his services as the Council may direct.

Section Two (2). It shall be the duty of said Commissioner to superintend the grading and graveling, improving and repairing of all streets and alleys and to see that the same are graded and graveled, improved and repaired in accordance with the orders of the Council providing therefor, and to superintend the construction of all crosswalks, bridges, culverts and aqueducts ordered by the Council and see that they constructed in accordance with the orders of said Council and the ordinances governing the construction of such crosswalks, bridges, culverts and aqueducts.

Section Three (3). In case of the failure or refusal of any property holder to grade, gravel, improve or repair the street or alley, or construct or repair any sidewalk or sewer adjacent to their respective property, when ordered so to do by the City Council, within the time specified in such order, or if notice thereof having been duly given by the treasurer, it shall be the duty of the Street Commissioner, under the direction of

the Committee on Streets and Public Property, to cause the same to be done with out delay and present his bill therefor to the Council. Said bill shall specify particularly the lot, lot, or part of lot adjacent to the work done, the name or names of the owner or owners thereof and the exact cost of the work done on the portion of the street or alley adjacent to such lot or part thereof and the date when said work was done.

Section Four (4) when the work shall have been done by the Street Commissioner and his bill therefor shall have been presented to the Council as provided in Section 3 of this Ordinance, the Council shall then proceed to ascertain and determine, what lot, lot, or part thereof shall be liable therefor, and what proportion of the cost of such work shall be paid by the owner or owners of lot, lots, or part thereof, and shall then by order duly made, and entered on its journal, assess upon each lot or part thereof its proportionate share of such cost.

Section Five (5): As soon as the Council shall have ascertained and determined what property shall be liable for the cost of such improvement, the proportion thereof to be paid by the owner of each lot or part thereof, and shall have assessed upon each lot or part thereof its proportionate share of such cost, the Council shall by order duly made and entered upon its journal, direct the Recorder to enter a statement thereof in the docket of City Liens; and when such statement shall be entered in such docket as aforesaid, the same shall constitute and be a lien upon the lot or part thereof, therein described from the date of such entry.

Section Six (6): When ever, in the judgment of the Street Commissioner, and the Committee on Streets and Public Property, any street, or alley, or sewer, or part thereof, or any sidewalk or part thereof, shall go out of repair as to endanger the life or limb of man or beast, the Street Commissioner shall, under the direction of the Committee on Streets and Public Property, immediately repair the same at the expense of the owner or owners of the adjacent property; and if the costs of such repairs be not paid, or demand by said Street Commissioner, by the owner or owners of such property the Street Commissioner shall present his bill therefor to the City Council; such bill shall specify the lot, lot, or part thereof adjacent to the repairs so made, and the actual cost of the repairs made.

on that part of the street, or sidewalk adjacent to each lot or part thereof, and the date of making such repairs.

Section seven(7): Where such repairs shall have been made by the street commissioner, and his bill therefor shall have been presented to the Council as provided in the foregoing section, the Council shall then proceed to ascertain and determine what lots, lot, or part thereof shall be liable therefor, and what proportion of the cost of such repairs shall be paid by the owner or owners of each lot or part thereof of its proportionate share of the cost of such repairs. Each assessment so made shall be entered upon the Journal, and the Council shall direct the Recorder to enter a statement thereof in the Docket of City Liens.

Section eight(8) Where the statement shall be entered in the Docket of City Liens as provided in the preceding section the same shall constitute, and be a lien upon the lot, or part thereof therein described from the date thereof.

Section nine(9) If the owner or owners of any lot, lot or part thereof against which a statement has been entered in the Docket of City Liens, fail or refuse to pay the same, together with the fee of the Recorder for such statement in said Docket, the Council shall, by order duly made and entered on its Journal, direct the Recorder to file to the owner or owners, or the agent of the owner or owners, of the lot or part thereof against which an assessment has been made, and a statement entered in said Docket of City Liens, five days notice thereof. Said notice shall be served by the Marshal, and must contain substantially the matters required to be entered in the Docket of City Liens, concerning such assessments.

Section ten(10): If within five days from the expiration of said five days notice as provided for in Section 9, the same assessed upon any lot or part thereof, and a statement of which has been docketed as hereinbefore provided for, together with the accruing costs and charges, be not wholly paid to the City Treasurer, the Council shall thereafter order a warrant for the collection of the same, together with all the costs and charges accruing upon such warrant, to be issued by the Recorder and directed to the Marshal.

Section eleven(11) Immediately upon the receipt of the warrant provided for in Section 10 of this ordinance

the marshal shall levy on the lot or part thereof against which such warrant is issued, and shall deliver to the owner or owners, or to the agent of the owner or owners thereof a copy of such warrant. The marshal shall then, after having first given notice of the time, place and terms of sale, together with a reasonably certain description of the property to be sold, by posting a written or printed notice thereof in at least three public places in the city of Albany for 30 days prior to the day of sale, and having published a copy thereof once a week for at least (4) four weeks in the official paper of the city prior to said day of sale, sell said lot or part thereof at public auction to the highest bidder for gold coin, to be paid cash in hand on the day of sale, at the door of the Court house in Albany Oregon for the purpose of satisfying such assessment and all accruing costs, and make return of such sale in writing endorsed on said warrant. He shall then return said warrant to the Recorder together with the amount realized at such sale, less the cost and expense of making such sale.

Section Twelve (12) Whenever the Marshal shall make a sale of any property as aforesaid, he shall immediately make a deed therefor to the purchaser, subject to redemptions however, within three years from the date of said deed. The cost and expense of making such deed shall be paid by the purchaser.

Section Thirteen (13). If any property shall when sold as aforesaid shall bring more than sufficient to pay such assessment and all accruing costs and the costs and expenses of such sale, the surplus shall be paid by the Recorder to the Treasurer of said city and the Treasurer shall execute to the Recorder a receipt therefor.

Section Fourteen (14) The Treasurer shall keep all money paid over to him by the Recorder under the provisions of section 13 of this ordinance separate and apart from all money that may come to his possession from any other source, and shall pay over the same to the person entitled thereto upon the presentation of a warrant therefor drawn by the Recorder under authority from the Council. He shall also keep a book in which he shall enter each sum of money so paid him, the lot, or part thereof, from the date of which the same was realized, with the number and location of the block in which the same is situated, and the name of the owner if known.

Section Fifteen (15): Ordinance 36, entitled, "To create the office of Street Commissioners and to define his duties; approved Sept. 18<sup>th</sup> 1876, is hereby repealed.

Section Sixteen (16): All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section Seven (17): This Ordinance shall take effect and be in full force from and after its approval by the Mayor.

Passed the Council March 5<sup>th</sup> 1887.

Approved March 12<sup>th</sup> 1887.

Attest:

W. H. Hutton  
 Recorder of the City of Albany.

J. K. Weatherford Mayor