

Ordinance No. 279.

An Ordinance to regulate the establishment, and alteration of the grade of streets, and alleys, or any part thereof, to provide for improving, and repairing sidewalks, pavements, streets, alleys, sewers, drains, bridges, and aqueducts within the limits of the City of Albany and to provide for the assessment, and collection of the cost, and expenses thereof, and for the recording, and enforcement of liens upon real property abutting such improvements, and for the sale of such abutting real property for unpaid assessment, cost, and expenses, and for the disposition of the proceeds thereof.

Ord. No. 279
Exp. 1506

The People of the City of Albany do ordain as follows:

Section 1: When, in the judgment of the Council, it becomes necessary to establish or alter the grade of any street, or part thereof, or of any alley, or part thereof, or to grade any street, or alley, or part thereof, or to construct or improve any sidewalk or pavement, or to improve or repair any street, or alley or any part thereof, or to construct, or repair any drain or sewer within the streets, or alleys of said City at the cost, and expense of the adjacent, or abutting property, the Council shall by an order duly made, and entered on its journal specify as follows:

First, with convenient certainty, the street, or part thereof, proposed to be improved, or of which the grade is proposed to be established, or altered, or the sidewalk or pavement, street, or alley or part thereof proposed to be improved or repaired, or the drain or sewer proposed to be constructed or repaired, and the kind of improvements which is proposed to be made.

Second, A time when the Council will hear and determine all objections, or remonstrances which may be made by the adjacent property holder or tax payers thereof. The period intervening between the date of the making of such order, and the

time specified therein for such hearing shall be of sufficient length to allow not less than seven full days notice to be given thereof. By the same order the Council shall direct the recorder to give notice of the time specified therein for such hearing. At least seven day notice of the time of such hearing shall be given by the recorder and such notice shall be given in the manner, and contain all the matters, and things required by sections 61, and 62 of Chapter VII, of an Act of the legislative Assembly, of the State of Oregon, entitled, "An Act, To incorporate the City of Albany in Linn County, State of Oregon, and to repeal all acts or parts of acts in conflict herewith," duly enacted by the legislative assembly of said State at its sixteenth regular session, and filed in the office of the Secretary of State February 10, 1891. When the time specified for such hearing arrives, and it appears to the satisfaction of the Council that due notice has been given as herein provided, the Council shall then proceed with such hearing, strictly in accordance with the provisions of section 63 of said Chapter VII, of said act, and determine whether the proposed improvement or alteration, or establishment of grade, or improvement, alteration, or repair specified in such notice shall be made, or not.

Section 2. After the hearing mention in Section 1, of this Ordinance shall be finished, if the Council shall determine, by resolution that the proposed improvement, or alteration, or establishment of grade, or repair specified in such notice be made, thereafter the Recorder of the City shall forthwith advertise for bids for the making of such improvement, alteration, or establishment of grade, or repair, as the case may be, and the contract therefor shall be awarded to the lowest responsible bidder, unless otherwise ordered by the Council. Such advertisement shall be by either written or printed notices, posted by the Marshall in at least three public places in the City of Albany. Such notices shall contain a brief description of the improvement,

Alteration, or establishment of grade, or repair, proposed to be made, and the time when, and place where, the bids will be opened, Such notices shall be signed by the recorder, and shall be posted at least seven full days before the time of opening the bids, If no bid for the making of such improvement, alteration, or establishment of grade, or repair as the case may be, shall be filed with the Recorder of the City by the time fixed in such notice for the opening of bids, then such improvement, alteration, or establishment of grade, or repair shall be made by the Superintendent of Streets, or other person, appointed by the Council, as agent and representative of the city, and he shall be paid therefor by the city after his bill shall have been audited by the Council.

Section 3. In case the Council shall undertake to establish or alter the grade of any street or part thereof, or of any alley or part thereof, or to grade any street or alley or part thereof, or to construct or improve any sidewalk or pavement, or to construct or repair any drain or sewer within the streets, or alleys of said city at the cost, and expense of the adjacent, or abutting property, all such work shall be carried on and completed under the supervision of the Superintendent of Streets or such other person as the Council may direct, under the direction of the Committee on Streets, and public property, to see that all the resolutions, and ordinances in regard to the same are faithfully carried out, and it shall be the duty of said superintendent, or other person so appointed, to cause such work to be done without delay, and if the same be done by him he shall present his bill therefor to the Council; and said bill shall specify particularly the lot or lots or part or parts of lot, or lots, or parcels, or tracts of land abutting on the work done, the name or names of the owner, or owners, thereof, and actual cost of the work done on the frontage of the street, alley, grade, sidewalk, pavement, sewer or drain, adjacent to such lot, or part thereof or parcels or tracts of land thereof, and the date when such work was done.

and by whom.

Section 4: When the work shall have been completed, whether by the superintendent of streets, or by a contractor, or contractors, the Council shall ascertain, and audit in a summary manner the actual cost of the improvement, or work. When the total actual cost of the improvement has been ascertained by the Council, the Council shall proceed at once in strict accordance with the provisions of Section 65, and 66, of Chapter VII, of the City Charter, to assess by resolution each lot, or parcel of ground with its proportion of such cost, and every provision contained in said Sections 65 and 66, in regard to such assessment shall be strictly pursued.

Section 5: As soon as the Council shall have ascertained and determined what property shall be liable for the costs of such improvement, and the proportion thereof to be charged against each lot, or parcel of ground, and shall have assessed upon each lot, or parcel of ground its proportionate share of such costs, by resolution as required by said Section 66, of the City Charter, the recorder shall immediately, and without delay enter a statement in the book of City liens of such assessment in strict conformity with the provisions of Section 68 of the Charter of said City, and from the date of such entry in such book of such assessment upon any tract of land the sum so entered shall be a tax levied, and a lien thereon whether assessed to the true owner or not, to the extent, and effect mentioned in Section 69 of said City Charter. And said book of liens shall be kept at all times by the recorder in a safe, and secure place so as to be safe from destruction, or injury by fire.

Section 6: If the Council shall at any time authorize the owner, or owners of any property abutting on any street, the grade of which is already established to cut or fill up any street in front of such property according to the established grade thereof at the expense

And Cost of such owner or owners such work shall be done under the supervision of the Superintendent of Streets, or such other person appointed by the Council, and the Committee on Streets, and Public Property, and the said Superintendent, or other person shall see that such work is done in accordance with the order, and direction of the Council in regard thereto.

Section 7. When, in the judgment of the Superintendent of Streets, or the Committee on Streets and Public Property, any Street, or alley, sidewalk, sewer, or any part thereof, shall be out of repair so as to endanger life or limb of man, or beast, the Superintendent of Streets, or such other person appointed by the Council, under the direction of the Committee on Streets, and Public Property, shall immediately repair the same, and if the cost thereof be not paid on demand of the Street Superintendent, or said other person, by the owner, or owners of the abutting property, the Superintendent, or said other person so appointed, shall present the bill therefor to the City Council, such bill shall specify particular lot, lot, or part thereof, adjacent to the repairs so made, the name or names of the owner, or owners thereof, and the actual cost of the repairs made on that part of the Street, alley or sidewalk, and the date when such repairs were made, and the costs of such repairs shall be paid by the City out of the general fund.

Section 8. If the owner, or owners of any tract, or parcel of land situated within the limits of said City, against which any statement assessment or delinquent tax shall be entered in the book of City Liens under the provisions of this Ordinance, or the Charter of said City, shall pay to the Treasurer of the City, within the time provided by said Charter therefor, the sum of such assessment or tax, so entered, or docketed, against or upon any such land, together with the cost or fees of the recorder for docketing the same, and then

present to the recorder the treasurer's duplicate receipt therefor, the recorder shall at once cancel such lien upon said lien docket by entering thereon full satisfaction of such assessment or tax, signed by him in his official capacity. But if any such owner or owners shall fail or refuse to pay to the city treasurer any such assessment or delinquent tax together with the cost or fees of docketing the same in the lien docket of the city, within the time provided by said charter, the Council shall immediately after the expiration of such time order a warrant for the collection of such assessment or delinquent tax to issue, and forthwith thereafter the Recorder shall issue such warrant directed to the marshal of the city commanding him to forthwith levy upon such tract or parcel of land upon which such assessment or delinquent tax is still unpaid. Such warrant shall contain all the matters and things required by section 72 of the Charter of said city, and also a copy of the statement entered in the book of liens of the city creating such lien upon such tract of land.

Section 9. Within 60 days from date from the receipt of the warrant provided for, and mentioned in section 10. hereof, the marshal shall levy upon, and sell the tract or parcel of land against which such warrant is issued. The levy shall be made by delivering to the owner, or owners thereof or to the agent of such owner, or owners a true copy of such warrant, certified to by the marshal, and in case the marshal, after due diligence is unable to find any owner of said land, or any agent of such owner who is in the possession, or control thereof, within the city of Albany, he shall then levy thereon by posting a copy of such warrant in a conspicuous place on said premises. Immediately after levying upon such parcel or tract of land as aforesaid, the marshal shall give notice of the time, and place of sale of such premises in strict conformity with the provisions of section 72.

of the Charter of said City, and shall state in such notice that such premises will be sold at public auction to the highest bidder for cash in hand in gold coin of the United States of America. When the hour of sale shall have come the sale shall be made by the marshal in strict conformity with all the provisions, and requirements of Section 74 of the City Charter. Immediately after such sale the marshal shall make, and execute a deed to the purchaser of such premises in conformity with Section 75 of said Charter, and shall state therein that the premises so described in, and conveyed by such deed are subject to redemption at any time within three years in accordance with the provisions of Chapter VII, of the Charter of said City of Albany.

Section 10: If at any time within the period of redemption mentioned in this ordinance, the City treasurer shall sell, and transfer all right, title, and interest of the City of Albany acquired at Marshal's sale, in, or to any premises sold by him under the provisions of this ordinance, or the Charter of said City, the expense of the execution of the deed to the purchaser shall be paid by such purchaser, but in no case shall the treasurer of said City make, execute or deliver any other than a quit-claim deed for any such premises sold by said treasurer under the provisions of this ordinance, or the Charter of said City, nor shall the City of Albany be held liable for the failure, or partial failure in any way of the title to any tract or parcel of land sold as hereinbefore provided.

Section 11: If any property when sold as aforesaid, shall bring more than is required to pay such assessment, and all interest, and accruing costs, and expenses of such sale, the surplus shall be paid

By the marshal, or person making such sale to the
treasurer of said City, and the treasurer shall execute to the
marshal or person making such sale a receipt therefor.

Section 12: When, the marshal has in all things complied
any sale of lands under the provisions of this Ordinance, he
shall immediately pay the proceeds of such sale to the
City treasurer, and the warrant by virtue of which such
sale was made together with the treasurer's receipt for the
proceeds thereof he shall at once return to the recorder
with his doing in the premises endorsed on said warrant.

Section 13: The treasurer shall keep all moneys paid over
to him by the marshal under the provisions of Section 12,
of this Ordinance separate from all other moneys that may
come into his hands from any other source, and shall
pay over the same to the person entitled thereto, upon
the presentation of a warrant drawn by the recorder, upon
an order from the Council. He shall also keep a book
in which he shall enter each sum of money so paid
him, and the lot, or part thereof from the sale 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 14: All Ordinances and parts of Ordinances in
conflict herewith are hereby repealed.

Section 15: This Ordinance shall take effect, and be in full
force from and after its approval by the Mayor.

Passed the Council July 15th 1894

Approved July 17 1894

Attest

W. H. [unclear]

Recorder of the City of Albany.

L. [unclear]

Mayor of the City of Albany.

Recorder's Certificate to Ordinance no 279

Office of the City Recorder.

State of Oregon } ss.
County of Linn }

I, W. H. Houston, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing Ordinance no 279, has been by me carefully compared with the original ordinance bill no 29, now on file in this Office, and that it is a true and correct transcript of all, and the whole of said original ordinance bill no 29, as passed by the Common Council of said City of Albany, the 10th day of July A. D. 1894.

In testimony whereof I have hereunto set my hand, and affixed the seal of the City of Albany this 14th day of July A. D. 1894.

W. H. Houston,
Recorder of the City of Albany.

