

## Ordinance No. 134

Ordinance  
No. 134  
Rep 1506

An ordinance relating to the improvement and the repairing of streets and sidewalks and the enforcement of laws for such improvements.

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

Section I. That it shall be the duty of property holders to open, grade, gravel, plank, or to otherwise make and keep in repair, and to clean the streets and alleys adjoining and abutting upon their respective premises within the city limits when ordered to do so by the City Council.

## Section II.

Whenever the Council shall deem it necessary to have any street graded, gravelled or planked or otherwise improved, or to have any sidewalk built or repaired the Council shall order the Recorder to give at least seven days notice by publication in the official paper of the city or by printed papers placed in three public places in the city notifying the owners or the agents or the occupants of such premises of the proposed improvements. Said notices shall specify the street or part thereof to be improved and the kind of improvements to be made and the time in which the work shall be done.

Provided: All such improvements shall be made under the supervision of the Street Commissioner.

Section III. If the notice be to establish a grade or an alteration of a grade, if not complied with by the property owners, in the time specified the Council shall establish such grade by Ordinance.

Section IV. If the property owners of the lots or parts of lots abutting upon or adjacent to the street or part thereof to be improved, shall fail to make such improvements within the time specified by the Council the Council shall then proceed to ascertain the probable costs of making such improvements and assess upon each lot or part thereof liable for such improvements the proportionate share of such cost. When the probable cost of such improvements shall be ascertained and the proportionate share thereof has been assessed, the Council must declare the same by ordinance and direct the Recorder to enter a statement thereof in

the pocket of City Liens. And the City Council shall immediately give notice by printed posters posted in at least three public places within the city limits, that the contract for such improvements will be let to the lowest responsible bidder, and upon the bids being presented to the Council, at its next regular meeting thereafter, the contract shall be awarded to the lowest responsible bidder therefor, who shall proceed immediately to make such improvements, in accordance with the ordinance in such cases made and provided, and under the supervision of the street commissioner.

Section V. The City Recorder shall keep in his office a well bound book, to be known as a Record of the City Liens, in which he shall record all taxes levied for street improvements including sidewalks, which record must show the following entries.

1. The number of lot assessed and the no of block in which it is situated and if upon a part of a lot a description of such part. 2. The name of the owner or that the owner is unknown. 3. The sum assessed upon each lot or part of lot and the date of entry. From and after the date of such entries said Record of Liens shall have the force and effect of a judgment lien upon the real property described, therein until the same be paid to satisfy the record of liens.

Section VI. When such tax has been levied and entered in the Record of Liens, the Council shall order the Recorder to give fourteen (14) days notice, by publication in the official paper of the city which notice must state the matter contained in the pocket of City Liens and the amount of the assessment.

Section VII. If within five (5) days, from the expiration of said fourteen (14) days notice, the sum assessed upon any lot or part thereof together with accruing costs, has not been wholly paid to the City Treasurer the Council shall order a warrant for the collection of the same issued by the Recorder to the City Marshal.

Section VIII. Upon the receipt of the warrant provided for in Section VII. of the ordinance the City Marshal shall endorse therein the date the same came to his hands and deliver to the owner if known or the occupant of the premises named in said warrant or a copy thereof if the

same be not occupied, put a copy of said warrant, in some conspicuous place on the premises taxed and thereby levied upon, and there after proceed to execute said warrant by advertising and selling the property described therein (unless the tax and expense be now paid) in the manner provided by the laws in the state of Oregon for the sale of real property upon execution and after deducting all expenses that may have accrued pay the proceeds of such sale into the city treasury as other taxes are paid and return the order to the Recorder with his devoirs endorsed thereon together with the receipt of the city treasurer for the proceeds of such sale paid to him. Provided that if there be any surplus in his hands, the Marshall shall pay such surplus to the city Treasurer and take a separate receipt therefor and report the same to the city council at the next regular meeting thereafter, and the council shall there upon order a warrant drawn upon the Treasurer in favor of the person or persons owning said property if known and if not known then as soon as the owners name can be ascertained for the amount of such surplus money.

Section 17. The officer executing the warrant provided for in Sections 14 and 18 of this ordinance, shall immediately make a deed for the property sold thereon to the purchaser, stating therein that the same is made subject to redemption as provided for in this Ordinance and within three years from the date of such sale the owner or successor in interest or any persons having a lien by judgment, decree or mortgage or a valid lien for work done or material furnished to or upon such property or any part thereof separately sold, may redeem the same upon the terms and conditions provided for in the next section.

Section 18. Any person having the right to redeem real property sold by the provisions of this ordinance may do so by paying to the purchaser thereof the amount of purchase money and twenty five per cent additional thereon together with interest thereon at legal rates and the amount of any tax which the purchaser may have paid thereon and the expenses of a deed if any be requested such redemption shall if made by the owner or his successor in interest discharge the property from the effects of the sale for the tax, the person desiring to redeem from the purchaser shall present to such purchaser the evidence

of his right to redeem as follows: If he be a lien creditor a copy of the judgment or decree under which he claims the right to redeem certified to by the clerk of the court, or here such judgment or decree was docketed, or if he seeks to redeem upon a mortgage the certificate of the record thereof, & a copy of any assignment necessary to establish his claim verified by the affidavit of himself or agent, showing the amount then actually due on the judgment decree or mortgage. When two or more lien creditors apply to the purchaser to redeem at the same time he shall allow the person having the prior lien to redeem first.

Section XI. All grading, graveling, paving, planking or otherwise improving of the streets where the same cross each other or the building or improving of any crosswalks at street crossings within the corporate limits of the city of Albany shall be done by, and at the expense of said city.

Section XII. Each lot or part thereof in the limits of a proposed street improvement shall be liable for the full cost of making the same upon the half of the street in front of or abutting upon it.

Section XIII. Whenever such improvements are made by the city, the Council shall provide by ordinance for the time and manner of doing such work, and shall let the contract for doing such work to the lowest responsible bidder.

Sec XIV. If upon the completion of any improvement done by the city, but at the expense of owners of lots adjacent thereto, it is found that the sum assessed therefor upon any lot or a part thereof is insufficient to defray the cost of such improvements, the Council must ascertain the deficit and declare the same by ordinance, when so declared the Recorder must enter the sum of the deficit in the docket of the City, in a column reserved for that purpose in the original entry with the date thereof and such deficit shall thereafter be a lien upon such lot or part thereof in like manner and with like effect as in case of the same originally assessed and shall be payable and may be collected in like manner and with like effect as in the case of such sums so assessed.

Section XV. If upon the completion of any improvements it is found that the sum assessed therefor upon any lot or part of a lot is more than sufficient to defray the cost thereof the

Council must ascertain and declare the surplus or in case of deficit when so declared it must be entered as in case of a deficit, in the docket of City Liens, and thereafter the person who paid such surplus, or his legal representative is entitled to repayment of the same by warrant on the City Treasurer.

Section XVI. All money paid in or collected upon assessments for the improvements of streets, shall be kept as a separate fund and in no wise used for any other purpose whatever. All money so assessed including a deficit from the time of being in the docket of City Liens shall bear interest at the legal rate until paid or collected.

Section XVII. Whenever the owner or owners of two thirds of the adjacent property, shall in writing petition the Council for the establishment or alteration of a grade, or the improvement in any manner of a street or a part thereof the Council may proceed to order such improvements made without giving the notice prescribed in Sec 2 of this ordinance.

Section XVIII. The City Recorder shall be allowed to receive the sum of fifty cents for recording each lien upon real property as provided for in this ordinance and charge the same against the property taxed as part of the expense of such proceeding.

Section XIX. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section XX. This ordinance shall be in force and effect on five days from and after its publication.

Passed the Council May 26<sup>th</sup> 1885.

Attest: *W. O. Kelchum*  
 Mayor  
*H. J. Houston*  
 Recorder of the City of Albany.