

## ORDINANCE No. 1538

A Bill for

AN ORDINANCE authorizing the issuance and sale of the improvement bonds of the City of Albany, Oregon, for the construction of lateral sewers as follows:

Beginning at the manhole in Takenah Street West of Lot 10 in Block 2 in Linmont Addition to the City of Albany, Linn County, Oregon, and running thence Easterly to the West line of said Lot, thence Southerly 50 feet; also beginning at the manhole in Takenah Street West of Lot 10 in Block 2 Linmont Addition to the City of Albany, Linn County, Oregon, and running thence Easterly to the West line of said lot for a place of beginning and running thence Northerly on the lot division lines in said Block a distance of 250 feet.

Beginning at the manhole on Maple Street trunk sewer between Tenth and Eleventh Streets and running thence Easterly through Block 88 a distance of 211 feet.

Beginning at the manhole on Maple Street trunk sewer between Eleventh and Twelfth Streets and running thence Westerly through Blocks 104 and 105 a distance of 615 feet.

Beginning at the manhole on Geary Street trunk sewer between Eighth and Ninth Streets in the City of Albany, Oregon, and running thence Westerly through Blocks 2 and 3 in Hacklemans Park Addition to said City a distance of 466 feet.

Beginning at the main sewer on Takena Street where the North line of Block 3 in Linmont Addition to the City of Albany, Oregon, if extended Easterly, would intersect said main, and running thence along the North line of said Block to the Northwest corner thereof.

Beginning at the West end of the lateral sewer on the center of Block 4 in Linmont addition to the City of Albany, Oregon, and running thence Westerly along the line of said Block to the West line thereof.

Beginning at a point where the South Line of Block 5 in Linmont Addition to the City of Albany, Oregon, would intersect the main sewer on Takena Street, and running thence Westerly along the South line of said Block to the West line thereof.

in accordance with the provisions of Article I of Chapter 21 O.C.L.A. Sections 95-2101 to 95-2113, inclusive.

Whereas, the Council of the City of Albany, Oregon, by Ordinance #1530 passed by the Council on the 22nd day of January 1941, and approved by the Mayor on the same date, providing for the time and manner of constructing lateral sewer,

Beginning at the manhole in Takena Street West of Lot 10 in Block 2 in Linmont addition to the City of Albany, Linn County, Oregon, and running thence Easterly to the West line of said lot, thence Southerly 50 feet; also beginning at the manhole in Takena Street West of Lot 10 in Block 2 Linmont Addition to the City of Albany, Linn County, Oregon, and running thence Easterly to the West line of said lot for a place of beginning ~~XXXXXX~~ and running thence Northerly on the lot division line in said Block a distance of 250 feet.

by laying an eight inch vitrified terra cotta sewer in accordance with the plans and specifications thereof duly and regularly adopted and did by ordinance levy an assessment against and upon the several lots of parts thereof, pieces and parcels of land affected by said lateral sewer; and

Whereas, the Council of the City of Albany, Oregon, by ordinance #1518, passed by the Council on the 12th day of June, 1940, and approved by the Mayor on the same date, providing for the time and manner of constructing a lateral sewer,

Beginning at the manhole on Maple Street trunk sewer between Tenth and Eleventh Streets and running thence Easterly through Block 88 a distance of 211 feet.

Beginning at the manhole on Maple Street trunk sewer between Eleventh and twelfth Streets and running thence Westerly through Blocks 104 and 105 a distance of 615 feet.

by laying an eight inch vitrified terra cotta sewer in accordance with the plans and specifications therefor duly and regularly adopted and did by ordinance levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said lateral sewer; and

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Whereas, the Council of the City of Albany, Oregon, by Ordinance # 1522 passed by the Council on the 24th day of July, 1940 and approved by the Mayor on the same date, providing for the time and manner of constructing a lateral sewer,

Beginning at the manhole on the Geary Street trunk sewer between Eighth and Ninth Streets in the City of Albany, Oregon, and running thence Westerly through Blocks 2 and 3 in Acklemans Park addition to said City a distance of 466 Feet.

by laying an eight inch vitrified terra cotta sewer in accordance with the plans and specifications therefor duly and regularly adopted and did by ordinance levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said lateral sewer; and,

Whereas, the Council of the City of Albany, Oregon, by Ordinance # 1519, passed by the Council on the 12th day of June, 1940, and approved by the Mayor on the same date, providing for the time and manner of constructing a lateral sewer,

Beginning at the main sewer on Tadena Street where the North line of Block 3 in Linmont Addition to the City of Albany, Oregon, if extended Easterly, would intersect said main, and running thence Westerly along the North line of said Block to the Northwest corner thereof.

Beginning at the West end of the lateral sewer on the center line of Block 4 in Linmont Addition to the City of Albany, Oregon, and running thence Westerly along the center line of said Block to the West line thereof.

Beginning at a point where the South line of Block 5 in Linmont Addition to the City of Albany, Oregon, would intersect the main sewer on Tadena Street, and running thence Westerly along the South Line of said Block to the West line thereof.

by laying an eight inch vitrified terra cotta sewer in accordance with the plans and specifications therefor duly and regularly adopted and did by ordinance levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said lateral sewer; and

Whereas, after due service of notice of the several assessments aforesaid and of the several entries of the same in the Docket of City Liens there were filed with the Recorder of the City of Albany written applications to pay said assessments in installments as provided by law and said applicants and property owners by said applications did waive all irregularities and defects, jurisdictional or otherwise, in the proceedings to construct said sewers for which said assessments were levied and in apportionments of the cost thereof: and

Whereas, said applicants and property owners thereby agreed to pay said installments in ten (10) annual installments with interest at the rate on all such assessments which have not been paid as that expressed in the bonds to be issued to pay for such improvements in compliance with the requirements of Article I of Chapter 21 O.C.L.A. Sections 95-2101 to 95-2113, inclusive; and

Whereas, the applications above mentioned are separate and are now on file in the office of the Recorder of the City of Albany, Oregon, and the same have been duly entered in the Bond Lien Docket of said City; and

Whereas, the total amount of the unpaid assessments for said lateral sewers for which applications to pay under the provisions of the law hereinabove referred to have been filed as shown by the Bond Lien Docket of said City is the sum of Two thousand One Hundred thirty-five and 66/100 (\$2135.66) Dollars.

THEREFORE, THE PEOPLE OF THE CITY OF ALBANY, OREGON, DO ORDAIN AS FOLLOWS:

Section 1. That the City of Albany, Oregon, shall issue its improvement bonds in the sum of Two Thousand One Hundred thirty-five and 66/100 (\$2135.66) Dollars, that being the total amount of the unpaid assessments heretofore duly made and levied for the construction of the several lateral sewers in this ordinance hereinabove set forth, for which applications to pay the assessments made for said improvements under the provisions of Article I of Chapter 21 O.C.L.A Sections 95-2101 to 95-2113, inclusive, have been filed as shown by the Bond Lien Docket of the City of Albany, Oregon, which said bonds shall be numbered One (1) to Five (5), both inclusive, and shall be in denominations of Five Hundred and no/100 (\$500.00) Dollars, except Bond Number One (1) which shall be in the sum of One Hundred thirty-five and 66/100 (\$135.66) Dollars.

Section 2, That said Bonds shall be dated the 1st day of August, 1941, and shall be by the terms thereof mature ten (10) years from the date thereof and shall be payable in lawful money of the United States of America and bear interest at the rate of six (6) percent per annum, interest payable semi-annually on the 1st day of February and the 1st day of August of each year; said interest to be evidenced by coupons attached to said bonds which shall have a number printed or inscribed thereon corresponding to that of the bond, both principal and interest to be payable at the office of the City Treasurer of the City of Albany, Oregon.



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Section 3. That the right to take up and cancel such bond or bonds upon payment of the face value thereof, with accrued interest to the date of the payment, at any semi-annual coupon period at or after three years from the date of said bond or bonds is hereby reserved, said redemption if so made to be in accordance with the provisions of the law hereinabove cited.

Section 4. That such bonds, before the issuance thereof, shall be signed by the Mayor and counter-signed by the recorder of the City of Albany, Oregon, and authenticated by the seal of said City, the coupons however may have printed thereon the engraved facsimile signature of the Mayor and Recorder, respectively, and shall be registered consecutively and by number and denomination of each in a book kept by the Recorder for that purpose known and designated as the "Improvement Bond Register".

Section 5. That each of said Bonds shall have distinctly and plainly inscribed and printed on the face thereof the registered number of such bond and the words "Improvement Bond" with the name of the City of Albany, Oregon.

Section 6. That said Bonds shall be advertised for sale for a period of ten (10) days from the date of the first publication and sold for the highest price obtainable, but for not less than par and accrued interest and that the proceeds thereof shall be paid by the purchaser to the Treasurer of the City of Albany and the par value thereof credited to the respective Street Improvement Fund for which said bonds are issued and the accrued interest and premium, if any, accruing from the sale of said bonds, shall be credited to the General Fund of the City. The Recorder of said City of Albany is hereby authorized and directed to advertise said bonds for sale in accordance with the provisions of this ordinance, provided that in the event there be City funds in the hands of the City Treasurer of the City of Albany, Oregon, available for investment in the Bonds herein provided for the Council may by Resolution authorize the Mayor and Recorder to execute and deliver said bonds to the City Treasurer who may thereupon invest any available funds belonging to the City that he may have on hand that may be used for such purpose, provided further, that nothing herein contained shall prevent a later and subsequent sale of said bonds by advertisement and sale thereof as herein provided.

Section 7. That said bonds and coupons shall be substantially in the following form:

UNITED STATES OF AMERICA  
STATE OF OREGON  
CITY OF ALBANY

No \_\_\_\_\_

## IMPROVEMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That the City of Albany, County of Linn, State of Oregon, for value received, hereby agrees and promises to pay to the bearer the sum of \_\_\_\_\_ Dollars in Lawful money of the United States of America on the presentation and surrender of this obligation on the \_\_\_\_\_ day of \_\_\_\_\_ 195\_\_\_\_, without grace, with interest thereon from the date hereof until redeemable at the rate of six percent per annum, payable semi-annually in like lawful money on the 1st day of February, and the 1st day of August, of each year upon presentation of the proper coupons hereto affixed, principal and interest payable at the office of the City Treasurer of the City of Albany, Oregon.

This bond is one of a series authorized by article I of Chapter 21 O.C.L.A. Sections 95-2101 to 95-2113, inclusive, and is a legal obligation of the City of Albany, Oregon, aforesaid, and is not to be deemed or taken to be within, or any part of, the limitation by law as to the indebtedness of said City of Albany, and it is further certified that all requirements of law have been fully complied with by the proper officers of said City in the issuance of this bond, and the total amount of this issue does not exceed the limit prescribed by law.

This bond is redeemable at the option of the City of Albany, upon payment of the face value thereof with accrued interest to the date of payment at any semi-annual coupon period at or after three years from date thereof, as provided by law.

For the fulfillment of the conditions of this obligation the full faith and credit of the City of Albany are hereby pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and attested by the Recorder of the City of Albany, and the corporate seal of the City of Albany hereto affixed this 1st day of August, 1941.

A.G. Senders,  
Mayor.

Attest:  
R.N. Butler,  
Recorder.  
Registered:  
E.B. Williamson,  
Treasurer.

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(form of Coupon)

No. \_\_\_\_\_

CITY OF ALBANY  
STATE OF OREGON

Will pay to the bearer \_\_\_\_\_ Dollars

in lawful money of the United States of America, at the office of the City Treasurer of the City of Albany, Oregon, on the 1st day \_\_\_\_\_ 19\_\_\_\_ being six months' interest on Improvement Bond # \_\_\_\_\_, unless said bond is sooner redeemed as therein provided, which redemption will render this coupon void.

A.G. Senders,  
Mayor.

Section 8. That the Mayor and Recorder of the City are hereby authorized and required to make, execute and deliver, in behalf of the City of Albany, Oregon, Improvement Bonds as hereinabove provided for to the amount of Two thousand One Hundred thirty-five and 66/100 (\$2135.66) dollars.

Passed by the Council June 14, 1941.

Approved by the Mayor June 11, 1941.

A.G. Senders,  
Mayor.

Attest:

R.N. Butler,  
Recorder.STATE OF OREGON :  
COUNTY OF LINN : ss.  
CITY OF ALBANY :

I, R.N. Butler, Recorder of the City of Albany, Linn County, Oregon, do hereby certify that the foregoing copy of Ordinance # 1538, has been by me carefully compared with the original Ordinance Bill #1658, now on file in this office, and I further certify that same is a true and correct copy of said ordinance Bill # 1658, as passed by the Council of the City of Albany on the 11th day of June 1941 and approved by the Mayor on the same date. Witness my hand and official signature and the Seal of the City of Albany, Oregon, this 14th day of June 1941.

R. N. Butler  
Recorder of the City of Albany, Oregon.