

ORDINANCE NO. 2148

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF IMPROVEMENT BONDS OF THE CITY OF ALBANY, OREGON FOR THE IMPROVEMENT OF CERTAIN STREETS AND FOR THE CONSTRUCTION OF CERTAIN LATERAL SEWERS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 95-2101 to 95-2113, O.C.L.A., BOTH INCLUSIVE, BEING CHAPTER 21, ARTICLE I, GENERALLY KNOWN AS THE BANCROFT BONDING ACT AS AMENDED, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve FOURTEENTH AVENUE between west side of Vine Street and east side of Maple Street, by Ordinance No. 1985 passed on May 25, 1948 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2110 passed on September 14, 1949 and approved by the Mayor on September 14, 1949, by installing a suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2110 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided in said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve WALNUT STREET between 13th and 14th streets, by Ordinance No. 1976 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2113 passed on September 14, 1949 and approved by the Mayor on September 14, 1949, by preparation of sub-base and hard surfacing, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance 2113 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve BURKHART STREET from the north line of 99E to the south line of the existing pavement of the Old Salem Road, by Ordinance No. 1993 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2120 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by preparing the proper sub-grade and by installing hard surface material, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance 2120 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve OLD SALEM ROAD (Third Street) from the east line of Burkhardt Street to the west line of Columbus Street, by Ordinance No. 1984 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2121 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters, by constructing concrete curbs, by sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2121 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve TAKENA STREET from the north line of 15th Street (Queen Avenue) to the south line of 12 Street, by Ordinance No. 1979 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2112 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters, by constructing concrete curbs and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2112 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve FIRST STREET from the east line of Cleveland to the west line of Geary Street, by Ordinance No. 1994 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2122 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters, by constructing concrete curbs and by sidewalks where necessary, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2122 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve FRONT STREET between west line of Denver Street and to the west line of Geary, by Ordinance No. 1995 passed on May 25, 1949 and approved by the Mayor May 25, 1949 and by Ordinance No. 2123 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing valley gutters, by constructing concrete curbs where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2123 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve MAIN STREET from the south side of 99E to the north line of 11th Street, by Ordinance No. 1982 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2124 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters and by constructing concrete curbs, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2124 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve DRIVEI STREET from the north intersection of Second Street to the north intersection of Front Street in the City of Albany, Oregon, by Ordinance No. 1981 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2120 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by laying and constructing concrete gutters, by constructing concrete curbs, by installing a proper drainage system and by paving with suitable hard surface and by sidewalks where necessary, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2120 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon proceeded to improve ELEVENTH STREET between east line of Ferry Street and west line of 99E, by Ordinance No. 1987 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2125 passed on October 5, 1949 and approved by the Mayor on October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters where necessary, by constructing concrete curbs and sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2125 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance/

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve WATER AVENUE from the east intersection of Cleveland to the west intersection of Geary Street, by Ordinance No. 1986 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2132 passed on October 12, 1949 and approved by the Mayor on October 12, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters, by constructing concrete curbs, by sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2132 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve VINE STREET on the east side between 12th and 13th Streets, by Ordinance No. 1978 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2133 passed on October 12, 1949 and approved by the Mayor on October 12, 1949, by grading and graveling, by laying and constructing concrete gutters where necessary and by constructing concrete curbs and sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2133 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve GEARY STREET from north line of Front Street to the north line of Water Street, by Ordinance No. 1990 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2134 passed on October 12, 1949 and approved by the Mayor on October 12, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete curbs and gutters where necessary, by constructing concrete sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2134 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve KLANATH STREET from the east intersection of Umatilla to the existing pavement on Elm Street, by Ordinance No. 1991 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2136 passed on October 26, 1949 and approved by the Mayor on October 26, 1949, by grading said street to the proper sub-grade, by laying and constructing concrete gutters, by installing a proper drainage system and by paving with suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2136 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve WATER STREET from the east line of Lyon to the west line of Ferry Street, by Ordinance No. 1988 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2137 passed on November 1, 1949 and approved by the Mayor on November 1, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters where necessary, by constructing concrete curbs and sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2137 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance/

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve GEARY STREET between north line of 99E to north line of Santiam Highway and SANTIAM HIGHWAY from east line of Geary Street east to 99E by Ordinance No. 1983 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2138 passed on November 1, 1949 and approved by the Mayor on November 1, 1949, by grade and gravel where necessary, by curb and gutter where necessary, by installing proper drainage system where necessary and by paving with suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2138 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve Elk from the south intersection of Hoac Street to the north intersection of Queen Avenue, by Ordinance No. 1989 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2135 passed on October 25, 1949 and approved by the Mayor on October 26, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by constructing concrete curbs, by laying and constructing concrete gutters, by sidewalks where necessary and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2135 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said improvement of said streets. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance/

WHEREAS, the Council of the City of Albany, Oregon, proceeded to improve TAKENA STREET from the south line of 12th Street to the north line of 11th Street, by Ordinance No. 1980 passed on May 25, 1949 and approved by the Mayor on May 25, 1949 and by Ordinance No. 2111 passed on October 5, 1949 and approved by the Mayor October 5, 1949, by grading said street to the proper sub-grade, by paving with suitable hard surface, by laying and constructing concrete gutters, by constructing concrete curbs, by sidewalks where necessary, and by installing a proper drainage system.

WHEREAS, the Council of the City of Albany, Oregon, proceeded to construct a lateral sewer by Ordinance No. 1988 passed on February 9, 1949 and approved by the Mayor on February 9, 1949 and by Ordinance No. 2005 passed on July 13, 1949 and approved by the Mayor on July 13, 1949, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2005 levy an assessment against and upon the several lots or parts thereof, pieces and parcels of land affected by said construction of sewers. That said assessment has been entered upon the Docket of City Liens as provided by said Ordinance;

That after due service of notice of such assessment and entry of the same in the Docket of City Liens there were filed with the City Recorder of the City of Albany, Oregon, written applications to pay said assessments in installments and said applicants and property owners did thereby waive all irregularities, all defects, jurisdictional or otherwise, in the proceedings to improve these streets and to construct the sewers for which said assessments were levied and in the apportionment of the cost thereof.

That said applicants and property owners agreed to pay said assessments in twenty semi-annual installments, with interest at 6% per annum on all of said assessments which have not been paid and these parties did in all respects comply with all the requirements of Section 95-2101 O.C.L.A. as amended, by Chapter 213, Oregon Laws 1947. The applications as mentioned above are separate and are now on file at the office of the Recorder of the City of Albany and the same have been entered in the Bond Lien Docket, the total amount of the unpaid assessments for said street improvements and lateral sewers for which applications to pay under the provisions of the act known as the Bancroft Bonding Act and filed in the Bond Lien Docket is the sum in excess of Forty-five Thousand and no/100 Dollars (\$45,000.00).

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

Section 1. That the City of Albany, Oregon shall issue its bonds in an amount not to exceed (\$45,000) Forty-five Thousand and no.100 Dollars, this sum being the total amount of the unpaid assessments for street improvements and sewers for which applications to pay under the provisions of the Saneroff Bond Act have been filed as shown by the Joint Lien Sockets of the City of Albany. The installment of principal of such bonds payable in each year shall be \$4,500.00 and the first installment of principal shall be due March 1, 1952 in the sum of \$4,500.00 and a like amount shall be due each successive year thereafter on March 1st until the final installment is due March 1, 1961. Bonds shall be numbered 1 to 50 inclusive and every fifth bond shall be in the amount of Five Hundred Dollars (\$500.00), all other bonds being in the denomination of One Thousand Dollars (\$1,000.00). That the bonds shall be dated the 1st day of March, 1950 and shall by the terms thereof mature in installments. The bonds shall be payable in lawful money of the United States of America and shall bear interest payable semi-annually at a rate not to exceed 5% per annum; said interest paying date shall be the 1st day of March and the 1st day of September of each year subsequent to the date of said bonds, principal and interest to be paid at the office of the Treasurer of the City of Albany. In respect to maturity it is provided, however, that the City of Albany may on or after seven (7) years from the date of the issuance of the bonds or at any interest paying date thereafter redeem the then outstanding bonds serially upon notice of its intention so to do by publishing once each week for four successive weeks in a newspaper published in the City of Albany, Linn County, Oregon, that not less than twenty-eight days from the date of the first publication of said notice the City will redeem and pay said bond or bonds, stating the number of bonds and number of the bonds that it will redeem and the interest paying date at which such redemption and payment would be made.

Section 2. That each of said bonds shall be signed by the Mayor of the City of Albany, attested by the recorder of the City and before delivery thereof, registered by the City Treasurer. The coupons, however, may have printed thereon a facsimile signature of the recorder and Mayor and the registry shall be made consecutively by number in denomination of each bond in a book known and designated as the "IMPROVEMENT BOND REGISTER".

Section 3. That each of said bonds shall have distinctly and plainly inscribed thereon and printed on the face thereof, the registered number of such bond and the words "IMPROVEMENT BOND" with the name of the city issuing the same.

Section 4. That the bonds shall be advertised for sale for a period of fifteen 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 the proceeds thereof shall be paid by the purchaser to the Treasurer of the City of Albany, Oregon and the par value thereof credited to the respective street and sewer improvement fund which the said bonds are issued for and the accrued interest and principal accruing from the sale of such bonds shall be credited to the General Fund of such City. The recorder of the City of Albany, Oregon is hereby directed to advertise the sale of the bonds.

Section 5. That the bonds herein authorized shall be substantially in the following form, to-wit:

UNITED STATES OF AMERICA  
STATE OF OREGON  
COUNTY OF LINN  
NO. \_\_\_\_\_ 1950 IMPROVEMENT BOND \$1000.00

KNOW ALL MEN BY THESE PRESENTS that the City of Albany, Linn County, Oregon for value received hereby promises and agrees to pay to the bearer the sum of

--- -- ONE THOUSAND DOLLARS --- --



Section 6. WHEREAS, the peace, health and safety of the people of the City of Albany, Oregon require that this Ordinance shall become effective immediately; therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

Passed by the Council Dec. 14, 1949

Approved by the Mayor Dec. 14, 1949

Juan W. Lange  
Mayor

ATTEST:

E. J. [Signature]  
Recorder