

ORDINANCE NO. 2223

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 EIGHTH AVENUE from the east side of Columbus Street to the west side of Clay Street, NINTH AVENUE from the east side of Columbus Street to the west side of Clay Street, COLUMBUS STREET from the south side of the new Pacific Highway to the north side of Santiam Highway and CLAY STREET from the north side of Santiam Highway to the north side of Eighth Avenue, by Ordinance No. 2178 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2205 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by asphalt concrete paving, sidewalks where needed and curbs and gutters and drainage, where needed, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2205 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 assessments have 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 South BRADLEY STREET lying on the south side of the Pacific Highway, from the west line of Columbus Street at the north to the west line of Columbus Street at the south, by Ordinance No. 2181 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2206 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by drainage, sidewalks, where necessary, and suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2206 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 FOURTEENTH AVENUE from the existing pavement on Calapooia Street east to the west side of Highway 99<sup>NE</sup>, and WASHINGTON STREET from the south line of Fourteenth Avenue south to the north line of the Pacific Highway, by Ordinance No. 2186 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2207 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, curbs and gutter, drainage, sidewalks, where necessary, suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2207 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 assessments have 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 FOURTEENTH AVENUE from the west side of Maple to the east line of the canal on Vine Street, by Ordinance No. 2137 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2208 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by leveling course, hard surface, drainage, if necessary, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2208 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 assessments have 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 from the south side of Eleventh Avenue to the south side of Fourteenth Avenue, by Ordinance No. 2191 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2209 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by preparing sub-base, installing asphalt concrete, and drainage, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2209 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 assessments have 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 TWELFTH AVENUE from the east side of Takema Street to the west side of Elm Street, by Ordinance No. 2190 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2201 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by leveling course, drainage, where necessary, and asphalt concrete, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2201 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 assessments have 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 FIFTEENTH AVENUE from the existing pavement on Umatilla Street to the existing pavement on Elm Street, by Ordinance No. 2189 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2200 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by installing gutter, drainage, preparing sub-base and installing hard surface concrete asphalt, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2200 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 assessments have 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 MONTGOMERY STREET from the south line of First Avenue to the north line of Second Avenue, by Ordinance No. 2192 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2199 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by installing grade and gravel, concrete curb and gutter, concrete valley gutter, suitable base rock, hard surface, sidewalks and drainage, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2199 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 assessments have 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 BAKER STREET from the north line of First Avenue to the south property line to a point where if Water Avenue were extended in an easterly and westerly direction, by Ordinance No. 2193 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2210 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, concrete curb and gutter, drainage, sidewalks and suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2210 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 assessments have 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 SECOND AVENUE from the west side of Washington Street to the east side of Calapooia, by Ordinance No. 2185 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2198 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, drainage, concrete curb and gutter, sidewalks and suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2198 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 assessments have 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 COLUMBUS STREET from the north side of the new Pacific Highway to the south side of the Old Pacific Highway, by Ordinance No. 2183 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2197 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by leveling course, suitable hard surface, sidewalks where needed and drainage, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2197 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 assessments have 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 the ALLEY between Third and Fourth Avenues from the west line of Ellsworth St. to the east line of Broadalbin, by Ordinance No. 2182 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2203 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, paving with suitable hard surface and necessary gutter for proper drainage, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2203 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 assessments have 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 PINE STREET from the existing pavement on Santiam Road to the existing pavement on Third Avenue, by Ordinance No. 2179 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2202 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, curb and gutter, drainage, sidewalks and suitable hard surface, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2203 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 assessments have 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 FIFTEENTH AVENUE from the east side of Lawnridge to the existing pavement on Takana Street, by Ordinance No. 2180 passed on June 5, 1950 and approved by the Mayor on June 5, 1950, and by Ordinance No. 2196 passed on July 12, 1950 and approved by the Mayor on July 12, 1950, by grade and gravel, curb and gutter, drainage, sidewalks where needed and suitable hard surfacing, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 2196 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 assessments have 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 FIRST AVENUE from the east line of Geary Street to the S. P. R.R. right of way at Columbus Street; SECOND AVENUE from the east line of Geary Street to the west line of Cleveland Street; FOURTH AVENUE from the east line of Geary to the west line of Chicago Street; FIFTH STREET from the east line of Geary to the west line of Burkhart Street; SIXTH STREET from the east line of Geary to the west line of Burkhart Street; SEVENTH STREET from the east line of Geary to the west property line of the Oregon State Highway property; CHICAGO STREET from the south line of First Street to the south line of St. James Addition; BURKHART STREET from the south line of Front Street to the north line of the Santiam Road; COLUMBUS STREET from the south line of Front Street to the S.P.R.R. right of way, by Ordinance No. 1784 passed on May 3, 1947 and approved by the Mayor on May 3, 1947, and by Ordinance No. 1838 passed on July 9, 1946 and approved by the Mayor on July 9, 1946, by grading said streets to the proper sub-grade, by surfacing the roadway of said streets full width with full intersections with the necessary base material and leveling course, by installing concrete curbs and gutters and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 1838 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 assessments have 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 Queen Avenue and 19th Avenue and EIGHTEENTH AVENUE from Maple to Elm and MAPLE STREET from Queen Avenue to 18th Avenue, by Ordinance No. 1908 passed August 11, 1948 and approved by the Mayor August 12, 1948, and by Ordinance No. 1926 passed on August 11, 1948 and Approved by the Mayor on August 12, 1948, by grading and graveling, by laying and constructing concrete gutters, by constructing concrete curbs and sidewalks where needed and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 1926 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 assessments have 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 TWELFTH STREET from the west line of Elm to the east line of Cottage Street, by Ordinance No. 1908 passed on August 11, 1948 and approved by the Mayor on August 12, 1948, and by Ordinance No. 1923 passed August 11, 1948 and approved by the Mayor on August 12, 1948, by grading and graveling, by laying and constructing concrete gutters where needed, by constructing concrete curbs and sidewalks where needed and by installing a proper drainage system, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 1923 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 assessments have been entered upon the Docket of City Liens as provided in said Ordinance;

WHEREAS, the Council of the City of Albany, Oregon, proceeded to construct a lateral sewer by Ordinance No. 1682 passed on April 24, 1946 and approved by the Mayor on April 24, 1946, and by Ordinance No. 1733 passed on August 14, 1946 and approved by the Mayor on August 14, 1946, in accordance with the plans and specifications duly and regularly adopted, and did by said Ordinance No. 1733 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 assessments have been entered upon the Docket of City Liens as provided in 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 Seventy Thousand and no/100 Dollars (\$70,000.00).

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 Seventy Thousand and no/100 Dollars-(\$70,000.00), 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 Bancroft Bond Act have been filed as shown by the Bond Lien Dockets of the City of Albany. The installment of principal of such bonds payable in each year shall be \$7,000.00 and the first installment of principal shall be due December 1, 1952 in the sum of \$7,000.00 and a like amount shall be due each successive year thereafter on December 1st until the final installment is due December 1, 1961. Bonds shall be numbered 1 to 70 inclusive and shall be in the denomination of One Thousand Dollars (\$1,000.00) each. The bonds shall be dated the 1st day of December, 1950 and shall by the term 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 December and the 1st day of June 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 five (5) 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 -----

in lawful money of the United States of America on the presentation and surrender of this bond on the 1st day of December, 19\_\_\_\_, with interest thereon at the rate of \_\_\_\_\_ per cent per annum, payable semi-annually in like lawful money on the 1st day of December and the 1st day of June of each year upon presentation and surrender of the proper coupons hereunto annexed, principal and interest payable at the office of the City Treasurer of the City of Albany, Oregon.

This bond is one of a series and issued as a part of the total issue of the Seventy Thousand Dollars (\$70,000.00) of such bonds. That the bond has been issued under an act of the Legislature of the State of Oregon entitled "An Act to Provide for the Issuance of Bonds for the Improvement of Streets and the Laying of Sewers in the Corporate Cities and for the Payment of the Costs of Such Improvements by Installments". Said act being found in Section 95-2101 to 95-2113, O.C.L.A., both inclusive, being Article I, Chapter 21, generally known as the Bancroft Bonding Act as amended.

It is certified that all requirements of law have been fully met in the issuance of this bond and that the total amount of this issue does not exceed the limit prescribed by this act.

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

IN WITNESS WHEREOF, the City of Albany has caused this bond to be signed by its Mayor, attested by its recorder under the corporate seal of the said City and the interest coupons attached hereto to bear the facsimile signature of said Mayor and Recorder, all as of the 1st day of December, 1950.

(Signed)

*Jose W. Savage* Mayor

Attest:

Recorder

Registered and countersigned:

Stanley Peterson, Treasurer

That the interest coupons to be annexed to said bonds shall be substantially in the following form, to-wit:

(form of coupon)

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

On \_\_\_\_\_, 19\_\_\_\_

THE CITY OF ALBANY, LINN COUNTY, OREGON will pay to the bearer the sum of

lawful money of the United States of America at the office of the City Treasurer in Albany, Oregon, it being six (6) months interest then due on its 1950 Improvement Bond, dated December 1, 1950.

Countersigned:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

That all bonds and coupons that mature on and after December 1, 1955 shall bear a legend in substance that such bond and coupon is subject to redemption.

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

Sept. 27, 1950

Approved by the Mayor

Sept. 27, 1950

John W. Savage  
Mayor

ATTEST:

E. J. [Signature]  
Recorder