

*Amended by Ord. 2723
Repealed by Ord. 2864*

ORDINANCE NO. 2723

AN ORDINANCE PRESCRIBING THE METHOD AND PROCEDURE TO BE FOLLOWED IN MAKING PUBLIC IMPROVEMENTS AND PROVIDING FOR THE MAKING OF ASSESSMENTS THEREFOR, PROVIDING FOR THE ENFORCEMENT AND COLLECTION OF THE ASSESSMENTS, FOR THE FORECLOSURE OF LIENS CREATED THEREBY, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DECLARATION OF INTENTION TO IMPROVE:

Whenever the council shall deem it expedient to construct, alter, repair, or improve any street, sewer, sidewalk or drain, all or any part of which it is anticipated special assessments will be levied, the council shall, by resolution, on or before the first day of February of the year in which the improvement is to be made, declare its intention to initiate such improvement and direct the City Engineer to submit a report in writing.

Section 2: ENGINEER'S REPORT:

The report of the engineer shall be filed with the recorder on or before the last day of March in the year in which the improvement is to be made. The report shall contain the following:

- a) A full description of the project.
- b) A description of each parcel of land specially benefited.
- c) The record owner of each parcel.
- d) The name and last address of the person currently assessed for each parcel as shown by the records of the Linn County Assessor.
- e) An estimate of the probable cost of the project, including legal, administrative and engineering costs attributable to such project.
- f) A recommendation of a fair apportionment of the whole or any portion of the costs of the project to the property specifically benefited.
- g) A recommendation of a method of assessment, together with an estimate of the cost per unit to the property specifically benefited.

Section 3: NOTICE OF INTENDED IMPROVEMENT:

Upon filing the report, the recorder shall forthwith give notice of the proposed improvement by posting in the corridor of the City Hall and by certified mail addressed to the last known address of the person currently assessed for the property as shown by the records of the Linn County Assessor that a hearing will be held to hear objections, if any, to the proposed improvements. No hearing shall be held later than the last regular meeting in April.

The notice must be mailed and posted at least ten (10) days prior to the hearing date.

The notice shall contain the following information and such other information that may be necessary to explain the improvement and the procedure:

- a) A brief description of the project.
- b) The intention to improve.
- c) Estimated total cost and unit cost of the improvement.
- d) An invitation to present objections, if any, at the hearing, giving the date thereof.

The recorder shall record one copy of the notice in the miscellaneous records of Linn County.

Section 4: HEARING

The council, after hearing the objections, if any, find such report to be reasonable and just, it may adopt the same or amend, and, as amended, adopt the same by resolution. It may require a supplementary report from the City Engineer.

The resolution adopting the report shall direct the City Manager to proceed with obtaining bids in such manner as required by law. The City Manager shall have authority to arrange the improvements in several separate contracts or in such other manner as he shall deem to be of advantage to the city.

Nothing herein shall prevent the council from authorizing an improvement where the affected property owners desire to contract for such improvements, provided, however, that all property improvements shall be in accordance with city standard specifications and shall be inspected approved by the City Engineer. The property owners shall bear the cost for engineering and inspection.

Nothing herein shall prevent the council from authorizing public improvements by the city itself.

Section 5: METHOD OF ASSESSMENT:

The council may:

- a) Use any just and reasonable method of determining the extent of any improvement district consistent with the benefits derived.
- b) When, in the opinion of the council, on account of topographical or physical layout, unusual or excessive public travel, or other character of work is involved, or when the council otherwise believes the situation warrants it, it may pay what it deems a fair proportion of the cost of the improvement, in relation to the benefits derived by the property directly benefited, from funds of the city, and the amount to be assessed to the property shall be proportionately reduced.

Section 6: ASSESSMENTS:

After the adoption of the engineer's report as provided in Section 4 above, the council shall have authority to assess the property specifically benefited. This shall be done by ordinance. The assessments may be made immediately or the council may finance the improvements by special improvements warrants as provided in Sec. 287.502 CRS and assess the specifically benefited property at the completion of the improvements and total costs determined.

Section 7: ALTERNATIVE METHODS OF FINANCING:

Nothing herein shall preclude the council from using other available means of financing improvements, including federal or state grants-in-aid, sewer service charges, revenue bonds, general obligation bonds. In the event any of such other means of finance are used, the council may, in its discretion, levy special assessments hereunder to cover any part of the costs of the improvement not covered by such means.

Section 8: LIEN RECORDING, COLLECTION OF ASSESSMENTS:

After the assessment, the recorder shall enter in the city lien docket a statement of the respective amounts assessed upon each particular parcel of land, with the names of the record owners and the name and last known address of the person currently assessed for the parcel as shown by the records of the Linn County Assessor. The amounts so entered shall be immediately due and payable and shall be a lien upon the parcels of land against which the same are placed. Such liens shall have priority over all other liens except as otherwise provided by law.

The recorder shall forthwith give notice of assessment by mail to the person currently assessed for the property as shown by the records of the Linn County Assessor. Interest shall be charged at the rate of ten percent (10%) per annum on all amounts not paid or "bancrofted" within thirty days from the date of entry in the lien docket.

The city may use any method authorized by law to enforce collection of delinquent liens. The liens shall be considered delinquent if not paid or "bancrofted" within thirty days after entry on the lien docket.

The city may use any method authorized by law to enforce collection of delinquent liens. The liens shall be considered delinquent if not paid or "bancrofted" within thirty days after entry on the lien docket.

Section 9: ABANDONMENT OF PROCEEDINGS.

The council shall have authority to abandon proceedings at any time prior to their final consummation, and, if liens have been assessed, they shall be cancelled and any payments refunded to the payer, his assigns or legal representatives.

Section 10: CURATIVE PROVISIONS:

No such assessment shall be invalid by reason of a failure to give in any report, in the proposed assessment, in the ordinance making the assessment, in the lien docket or elsewhere in the proceedings, the name of the owner of any parcel of land or the name of any person having a lien upon or interest therein, or by a mistake the name of any other person, unless it appears that reasonable notice has not been given of the hearing upon the report or that the assessment as made, insofar as it affects the person complaining, is unfair and unjust, and the council shall have power and authority to remedy and correct all such matters by suitable action and proceedings.

Section 11: EFFECTIVE DATE:

Section 40 of the Charter provides that, in an emergency, an ordinance may take effect immediately. By reason of the adoption of the Charter by the people of the City of Albany at an election on November 6, 1956, and the provision in the said charter that the Council shall adopt rules for the government of its members and proceedings, and the said charter further provides that the effective date of the charter shall be January 1, 1957, an emergency is declared to exist and this ordinance shall be effective

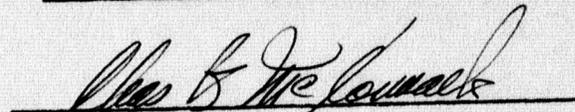
ORDINANCE NO. 2723
cont'd.

January 1, 1957, upon its passage by the Council and approval by the Mayor.

Passed by the Council: December 26, 1956


Recorder

Approved by the Mayor: December 26, 1956


Mayor

Effective Date January 1, 1957