

Ordinance No 210

Ord. 210

See vol. 5 page 269  
227  
Repealed by Ord. 278

An ordinance to create the office of Superintendent of Streets and to define his duties; to provide for and regulate the establishment and alteration of the grade of streets and alleys or any part thereof, and providing for the grading of streets and alleys or any part thereof and for the construction improvement and repairing of sidewalks, pavements, streets, alleys, sewers, drains, bridges and aqueducts within the limits of the City of Albany, when, in the judgment of the Common Council of said City, such work is necessary and to provide for the assessment and collection of the costs and expenses thereof, and providing for the rendering and enforcement of liens upon the property adjacent to such improvements

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

Section 1. It shall be the duty of the Council of said City to appoint a suitable person to serve as Superintendent of Streets, who shall hold his office during the pleasure of the Council, and shall receive such compensation for his services as the Council may direct.

Section 2. It shall be the duty of the said Superintendent of Streets to superintend the grading and graveling, improving and repairing of all streets and alleys, and to see that the same are graded and gravelled, improved and repaired in accordance with the orders and ordinances of the Council providing therefor, and to superintend the construction of all crosswalks, bridges, culverts, and aqueducts, and the construction of all drains and sewers and all repairs thereof ordered by the Council, and to see that they are constructed and repaired in accordance with the orders of the Council and the ordinances of the City governing the construction and repairs of such crosswalks, bridges, culverts and aqueducts drains and sewers.

Section 3. When in the judgment of the Council it



becomes necessary to establish or alter the grade of any street or part thereof, or of any alley or part thereof, or to grade any street or alley or part thereof or construct or improve any side walk or pavement, or to improve or repair any street or alley or any part thereof, or to construct or repair any drains or sewer within the streets or alleys of said city at the cost and expense of the adjacent property owner, or owners, the Council shall by an order duly made and entered on its journal, specify as follows:

First- with convenient certainty the street or part thereof proposed to be improved, or of which the grade is proposed to be established or altered or the sidewalks or pavement, street or alley or part thereof proposed to be improved or repaired, or the drain or sewer proposed to be constructed or repaired, and the kind of improvement which is proposed to be made.

Second- A time when the Council will hear and determine all objections or remonstrances which may be made by any adjacent property holder or tax payer thereto. The period intervening between the date of the making of such order and the time specified therein for such hearing shall be of sufficient length to allow not less than seven full days notice to be given thereof. By the same order the Council shall direct the Recorder to give notice of the time specified therein for such hearing. At least seven days notice of the time of such hearing shall be given by the Recorder and such notice shall be given in the manner and contain the matters and things required by sections 61 and 62, of Chapter VII of the last Act of the Legislative Assembly of this State, incorporating said City.

When the time specified for such hearing arrives and it appears to the satisfaction of the Council that due notice thereof has been given as herein provided, the Council shall then proceed with such hearing strictly in accordance with the provisions of Section 63 of said Chapter VII, of said Act, and determine whether the proposed improvement or alteration or establishment of grade or improvement



alteration or repair specified in such notice shall be made or not.

amended by Ordinance 227

Section 4. After the hearing mentioned in Section 3 of this Ordinance shall be finished, if the Council shall determine, by resolution, that the proposed improvement, or alteration or establishment of grade or repair specified in such notice be made, it shall then provide by resolution or ordinance for the time and manner of doing the work thus ordered and for letting the Contracts therefor.

Section 5. In case the Council shall undertake to establish or alter the grade of any street or part thereof or of any alley or part thereof, or to grade any street or alley or part thereof, or to construct or improve any sidewalk or pavement, or to construct or repair any drain or sewer within the streets or alleys of said City, at the cost and expense of the adjacent property owner or owners, all such work shall be carried on and completed under the supervision of the Superintendent of Streets, whose duty it shall be, under the directions of the Committee on Streets and Public Property, to see that all the resolutions and ordinances in regard to the same are faithfully carried out, and it shall be the duty of said Superintendent to cause such work to be done without delay, and if the same be done by him he shall present his bill therefor to the Council, and said bill shall specify particularly the lot or lots or part parts of lot or lots or parcels or tracts of land adjacent to the work done, the name or names of the owner or owners thereof, and actual cost of the work done on the portion of the street, alley, grade, sidewalk, pavement, sewer or drain adjacent to such lot or part thereof or parcels or tracts of land thereof, and the date when such work was done and by whom.

Section 6. When the work shall have been completed, whether by the Superintendent of Streets or by a contractor or contractors, the Council shall ascertain



and audit in a summary manner the actual cost of the improvement or work, when the total actual cost of the improvement has <sup>been</sup> ascertained by the Council, the Council shall proceed at once in strict accordance with the provisions of Sections 65 and 66. of Chapter VII. of the City Charter to assess by resolution each lot or parcel of ground with its proportion of such cost and every provision contained in said Sections 65 and 66. in regard to such assessment shall be strictly pursued.

Section 7. As soon as the Council shall have ascertained and determined what property shall be liable for the costs of such improvements, the proportion thereof to be paid by the owner of each lot or parcel of ground, and shall have assessed upon each lot or parcel of ground its proportionate share of such costs, by resolution as required by said Sections 66 of the City Charter, the Recorder shall immediately and without delay enter a statement in the Book of City liens of such assessment in strict conformity with provisions of Section 68 of the Charter of said City and from the date of such entry in such book of such assessment upon any tract of land the same so entered shall be a tax levied and a lien thereon, whether assessed to the owner or not, to the extent and effect mentioned in Section 69. of said City Charter. And said Book of liens shall be at all times kept by the Recorder in a safe and secure place so as to be safe from destruction or injury by fire.

Section 8. If the Council should at any time authorize the owner or owners of any property abutting on any street, the grade of which is already established, to cut down or fill up any street in front of which such property according to the established grade thereof at the expense and cost of such owner or owners such work shall be done under the supervision of the Superintendent of Streets, and the Committee of Streets and public property and the said Superintendent shall see that such work is done in accordance with the order and directions



of the Council in regard thereto.

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Section 9. When in the judgment of the Superintendent of Streets and the Committee on Streets and public property, any street or alley, sidewalk, sewer or any part thereof shall be so out of repair as to endanger the life or limb of man or beast, the Superintendent of Streets under the direction of the Committee on Streets and public property, shall immediately repair the same and if the costs thereof be not paid, on demand by the Street Superintendent, by the owner or owners of the abutting or adjacent property, the Superintendent of Streets shall present the bill therefor to the City Council; such bill shall specify particularly lots, lot or part thereof, adjacent to the repairs so made, the name or names of the owner or owners thereof and the actual costs of the repairs made on that part of the street, alley or sidewalk, and the date when such repairs were made, and the costs of such repairs shall be paid by the City out of the general funds.

Section 10. If the owner or owners of any tract or parcel of land situated within the limits of said City, against which any statement or assessment or delinquent tax, shall be entered in the Book of City liens under the provisions of this Ordinance, or of the Charter of said City shall pay to the Treasurer of the City, within the time provided by said Charter therefor, the sum of such assessment or tax so entered or docketed against or upon any such lands, together with the costs or fees of the Recorder for docketing the same, and then present to the Recorder the Treasurer's duplicate receipt therefor, the Recorder shall at once cancel such lien upon the said lien docket, by entering thereon full satisfaction of such assessment or tax, signed by him in his official capacity. But, if any such owner or owners shall fail or refuse to pay to the City Treasurer any such assessment or delinquent tax together with the costs or fees of docketing the same in



The lien docket of the City, within the time provided by said Charter, the Council shall immediately, after the expiration of such time, order a warrant for the collection of such assessment or delinquent tax to issue, and forthwith thereafter the Recorder shall issue such warrant, directed to the Marshall of the City commanding him to forthwith levy upon such tract or parcel of land upon which such assessment or delinquent tax is still unpaid. Such warrant shall contain all the matters and things required by Section 72 of the Charter of said City, and also a copy of the statement entered in the book of liens of the City creating such lien upon such tract of land.

Section 11. Within 60 days from the receipt of the warrant provided for and mentioned in Section 10. hereof, the Marshall shall levy upon and sell the tract or parcel of land against which such warrant is issued. The levy shall be made by delivering to the owner or owners thereof or to the Agent of such owner or owners, a copy of such warrant, certified to by the Marshall; and in case the Marshall, after due diligence is unable to find any owner of said land, or any agent of such owner who has the possession or control thereof, within the said City of Albany, he shall then levy thereon, by posting a copy of such warrant in a conspicuous place on said premises. Immediately after levying upon such parcel or tract of land as aforesaid, the Marshall shall give notice of the time and place of sale of such premises in strict conformity with the provisions of Section 73 of the Charter of said City, and shall state in such notice that such premises will be sold at public auction to the highest bidder for Cash in hand in Gold coin of the United States of America. When the hour of sale shall have come the sale shall be made by the Marshall, in strict conformity with all the provisions and requirements of Section 74. of the City Charter. Immediately after such sale



The Marshall shall make and execute a deed to the purchaser for such premises in conformity with Section 75. of said Charter, and shall state therein that the premises described in and conveyed by such deed, are subject to redemption at any time within three years, in accordance with the provisions of Chapter VIII. of the Charter of said City of Albany.

Section 12. If at any time within the period of redemption mentioned in this Ordinance, the City Treasurer shall sell and transfer all right, title and interest of the City of Albany, acquired at Marshall's sale, in or to any premises sold by him under the provisions of this Ordinance or the Charter of said City, the expense of the execution of the deed of the purchaser, shall be paid by such purchaser but in no case shall the Treasurer or said City, make, execute or deliver any other than a quitclaim deed for any such premises sold by said Treasurer under the provisions of this Ordinance or the Charter of said City. Nor shall the City of Albany be held liable for the failure or partial failure in any way of the title to any tract or parcel of land sold as hereinbefore provided.

Section 13. If any property when sold as aforesaid shall bring more than is required to pay such assessment and all interest and accruing costs and expenses of such sale, the surplus shall be paid by the Marshall or person making such sale to the Treasurer of said City, and the Treasurer shall execute to the Marshall or person making such sale a receipt therefor.

Section 14. When the Marshall has in all things completed any sale of lands under the provisions of this Ordinance, he shall immediately pay the proceeds of such sale to the City Treasurer, and the Warrant by virtue of which such sale was made together with the Treasurer's receipt for the proceeds thereof he shall



at once return to the Recorder with all his doings in the premises endorsed on said warrant.

Section 15. The Treasurer shall keep all monies paid over to him by the Marshall under the provisions of Section 14 of this ordinance separate from all other money that may come into his hands from any other source, and shall pay over the same to the person or persons entitled thereto, upon presentation to him of a warrant therefor drawn by the Recorder under an order from the Council. The Treasurer shall also keep a book in which he shall enter each sum of money so paid him, the lot or parcel of land from the sale of which the same was realized, with number and location of the block in which such premises are situated and the name of the owner, if known.

Section 16. The Officer heretofore known by the title of Street Commissioner, shall hereafter be known by the name and title of Superintendent of Streets, and shall hold his office during the pleasure of the Council and until his successor shall be elected and qualified.

Section 17. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 18. This ordinance shall take effect and be in force from and after its approval by the Mayor.

Passed the Council April 14<sup>th</sup> 1891

Approved April 16<sup>th</sup> 1891

J. L. Corral  
Mayor.

Attest:

W. J. Stearns  
Recorder of the City of Albany



State of Oregon } SS  
 County of Linn }

Office of City Recorder

I, J. H. Heston, Recorder of the City of Albany Oregon  
 do hereby certify, that the foregoing Ordinance No 210  
 has been by me carefully compared with the original  
 Ordinance bill No 214, now on file in This Office,  
 and that it is a true and correct <sup>of all and the whole</sup> copy of said  
 Ordinance bill No 214, as passed by the Council Apr. 14-1891

In testimony whereof I have hereunto set my hand,  
 and affixed thereto the seal of the City of Albany  
 this 16<sup>th</sup> day of April, A. D. 1891.

J. H. Heston

Recorder of the City of Albany

