

ORDINANCE NO. 3558

TITLE: An Ordinance providing for the giving and recording of an official notice to legal and equitable owners of real property of the intention of the city of Albany to levy assessments and establish liens for public improvements and declaring an emergency.

WHEREAS, public improvements are initiated within the city of Albany and subsequent to the said initiation the ownership of properties affected do change, and

WHEREAS, no record of the action of the city of Albany in undertaking the public improvement and potential assessment against real property has heretofore been made and it is in the interest of the people of the city of Albany that the public record of potential impending levy assessment should be made, now, therefore,

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

Section 1: NOTICE

Within ten (10) days following the approval by the Council of the city of Albany of a project for a public improvement, the cost of which shall be levied and assessed against benefitted properties, the Recorder of the city of Albany shall give notice of intention to levy assessment on an established lien against the benefitted property. Said notice shall be in substantially the following form:

"NOTICE OF INTENTION TO LEVY ASSESSMENT AND
ESTABLISH LIEN"

"KNOW ALL MEN by these presents that the City of Albany, a municipal corporation of the state of Oregon does hereby give official notice to all persons owning or having any interest in the real property hereinafter described of its intention to levy an assessment upon each parcel of said real property for a public improvement and does represent as follows:

"WHEREAS, the city has initiated in accordance with the laws of the state of Oregon and the Charter of the city of Albany proceedings to construct public improvements as follows:

"WHEREAS, the city intends to levy an assessment against benefitted properties for the cost of said improvements to the persons, properties and persons owning or having an interest in the real properties hereinafter described.

NOW, THEREFORE,

THE CITY OF ALBANY DOES HEREBY GIVE OFFICIAL NOTICE to the owners of and to all existing or future mortgagees, trustees, beneficiaries of trustees and all future lien holders that the city of Albany will levy an assessment upon and will collect the costs for the above described public works against the real properties specifically benefitted thereby in accordance with the laws of the state of Oregon and the Charter of the city of Albany and said present owners and the real properties liable therefor are as shown on the attached list.

THIS NOTICE IS GIVEN PURSUANT to Ordinance No. _____ of the city of Albany, approved by the City Council on _____ and approved by the Mayor on _____.

City Recorder

"STATE OF OREGON)
) ss
County of Linn)

On this _____ day of _____, 19____, before me appeared _____ to me personally known, who being duly sworn, did say that he, the said _____ is the Recorder of the within named corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of an Ordinance passed by the City Council and said

_____ acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this the day and year first in this, my certificate written.

Notary Public for Oregon
My Commission expires: _____"

Section 2: COPY OF LIEN FORM

A copy of the "Notice of Intention to Levy Assessment and Establish Lien" shall be filed by the City Recorder of the city of Albany with the clerk of the county in which the real property as to be assessed is located.


Section 3: VALIDITY

Failure by the City Recorder of the city of Albany to give notice as herein provided shall not affect the validity of any assessment or of any project initiated for public improvement by the City Council of the city of Albany.

Section 4: EMERGENCY CLAUSE.

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

Passed by the Council: May 26, 1971
Approved by the Mayor: May 26, 1971
Effective date: May 26, 1971



Mayor

ATTEST:



City Recorder