

ORDINANCE BILL NO. 5 for 1953

Ordinance no. 237

AN ORDINANCE ADOPTING THE VIEWERS REPORT IN THE MATTER OF THE CONSTRUCTION OF STREET IMPROVEMENT DISTRICT NO. 6 for the improvement of "N" Street from 12th Avenue North 76053, East for a distance of 734.50 feet to a point which is North 76053, East 250.00 feet from the intersection of the Southerly line of "N" Street with the Easterly line of of 13th Avenue, all being in Sweet Home, Linn County, Oregon.

WHEREAS, PURSUANT TO A PETITION PRESENTED TO THE COUNCIL for the improvement of N Street from 12th Avenue to 13th Avenue and a second petition presented to the Council for the improvement of N Street from 13th Avenue easterly to the end of the existing sidewalk, the Council did, by Resolution No. 12 for 1952 and by Resolution No. 23 for 1952, direct that the City Engineer make a survey of said plan and project, and a plat and report thereon, which the City Engineer thereafter did with respect to both of said projects, and

WHEREAS, by Resolution No. 24 for 1952, all of said improvements on N Street so petitioned for, were consolidated in one improvement district to be known as improvement district No. 6 and a board of viewers was appointed to investigate said plat and report of the City Engineer and make recommendations to the Council with respect to said project, together with a just assessment of the benefits to the property that they should be determined to be specially benefited by said project, and

WHEREAS, said board of viewers did investigate said survey, plat and report and did make such determination and did so report to the Council by a written viewers report filed in the office of the City Manager on December 1, 1952, and

WHEREAS, thereafter pursuant to notice duly given, a public hearing was held on December 23, 1952, with respect to all of the said improvements on N Street, and remonstrances were filed against the proposed improvement of that portion of N Street lying East of 13th Avenue, by the owners of more than 50% of the property abutting on and proposed to be assessed for the improvement of that portion of N Street lying East of 13th Avenue, which portion of said proposed improvement was entirely included within one of the original petitions for improvement filed with the Council as above stated, and

WHEREAS, as to the portion of N Street lying West of 13th Avenue only one remonstrance was filed, which was by the owner of less than 15% of the property abutting upon and proposed to be assessed for the improvement of that portion of N Street lying West of 13th Avenue, and

WHEREAS, all of the remonstrances which were filed with respect to all portions of proposed said improvement were filed by the owners of less than 50% of all of the property abutting upon and proposed to be assessed for the improvement of both the portion of N Street lying East of 13th Avenue and the portion of N Street lying West of 13th Avenue, but because of the fact that the original petitions had been submitted separately with respect to said portions of said improvement, the Council deemed it proper to proceed with the improvement of that portion of N Street lying West of 13th Avenue and not to proceed with the improvement of N Street lying East of 13th Avenue as provided by Ordinance No. 23b, which was passed and approved on January 13, 1953, and

WHEREAS, thereafter and on February 3, 1953, the owners of more than 80% of the property abutting on that portion of N Street above described, which lies East of 13th Avenue, again petitioned the Council for the improvement of said portion of N Street in exactly the same manner as had been originally proposed and as was considered and passed upon by the City Engineer's survey, plat and report and the viewer's report hereinbefore mentioned, in and by which said petition of February 3, 1953, the petitioners did withdraw each and every protest made orally or in writing to the making of said improvement as proposed by the engineer's and viewer's report made pursuant to Resolution No 23 for 1952 and Resolution No 24 for 1952, and expressly agreed that in the event of the completion of the proposed improvement they would within 10 days after said assessments should be so levied, pay the same or duly execute a bonding application under the Bancroft Bonding Act, and

WHEREAS, on February 10, 1953 by Resolution No. 5 for 1953, the Council found that since the survey, plat and report, and the viewer's report and proposed assessment were all on file in this proceeding and that none of the circumstances had changed so as to affect the cost or division of cost or distribution of cost of said improvement of both of said portions of N Street and the proposed assessment therefor, and that it would be wasteful and repetitious to require a new survey, plat and report from the City Engineer and a new report and proposal of assessment from the viewers, and directed that within ten days from the date of said resolution, the City Manager should cause notice to be published, as provided by the ordinances of the City, that said survey, plat and report and viewer's report would be heard by the Council on a date to be specified in said notice, and that notice by mail be given to owners of property abutting upon that portion of N Street lying East of 13th Avenue stating the probable total cost of such improvement; a brief description of the property in which each such person is interested; a statement of the amount proposed to be assessed against such property; the time within which written objections might be filed against such proposed assessment, and the date when the Council would hear such report and objections thereto, and

WHEREAS, notice was published as directed by said resolution and provided by ordinance and such notice by mail was given as directed by said resolution, of a hearing on said matter before the Council on the 10th day of March, 1953, at 8:00 p.m. at the City Hall, and

WHEREAS, such hearing was held at the time and place stated in said notice and no protests, objections, or remonstrances were received except a remonstrance by the Bethel Evangelical Lutheran Church of Sweet Home, the owner of property abutting on that portion of N Street lying East of 13th Avenue, amounting to 21 per cent of the frontage on N Street East of 13th Avenue within said improvement district.

NO THEREFORE, THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. That the report of the Viewers for said Street Improvement District made and filed in accordance with Ordinance No. 170 to the extent of the district described in Resolution no. # 23 for 1952, as appears hereafter and is made a part hereof, is hereby adopted, approved and confirmed.

VIEWER'S REPORT

IN THE MATTER OF THE STREET IMPROVEMENT DISTRICT for the improvement of "N" Street from 12th Avenue North 76053' East for a distance of 734.50 feet to a point which is North 76053' East 250.00 feet from the intersection of the Southerly line of "N" Street with the Easterly line of 13th Avenue, all being in Sweet Home, Linn County, Oregon and known to be Street Improvement District No. 6.

We, the undersigned viewers, appointed by the Common Council of the City of Sweet Home, Oregon by Resolution No. 24 for 1952, authorized and directed to report to said Council the reasonable and just assessments to be made against the property in the above described Street Improvement District, hereby report the assessments we deem proper and just against the respective parcels of real property in said Street Improvement District, to-wit;

MALIN G. SUNDQUIST (192-151)

Beginning at a point 262.6 feet North of the intersection of the North boundary line of the Santiam Highway and the East boundary line of Minniece Street; running thence North 100 feet; thence N. 76° 53' E. parallel with Myers Street in Jacobson's Addition to Sweet Home, Linn County, Oregon, 50 feet; thence Southeasterly at right angles to said Myers Street 100 feet more or less, to a point N. 76° 53' E. of the point of beginning; thence S. 76° 53' W. 72 feet, more or less, to the place of beginning.

Street Improvement - 72.67 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 340.60

WILLIAM W. PUTNAM (159-259)

Beginning at a point 362.6 feet North and 50 feet N. 76° 53' E. of the intersection of the North boundary line of the Santiam Highway and the East boundary line of Minniece Street, and running thence N. 76° 53' E., 50 feet; thence Southeasterly at right angles to the Northern boundary line of this tract 100 feet; thence S. 76° 53' W., 50 feet; thence Northwesterly 100 feet to the place of beginning.

Street Improvement - 50 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 234.35

J. F. MCGLOTHERN (146-159)

Beginning at a point 362.6 feet North and 100 feet N. 76° 53' E. of the intersection of the North boundary line of the Santiam Highway and the East boundary line of Minniece Street, and running thence N. 76° 53' E., 50 feet; thence Southeasterly at right angles to the Northern line of this tract 100 feet; thence S. 76° 53' W., 50 feet to the Southeast corner of a tract this day deeded to Ethelynn McCarth Wheeler and B. K. Wheeler; thence Northwest-erly along the Eastern boundary line of the Wheeler tract 100 feet to the place of beginning.

Street Improvement - 50 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 234.35

C. E. ROGERS (217-233)

Beginning at an iron stake located on the Southeast corner of the J. F. McGlothorn property on Myers Street; thence running North to an iron stake located at the railroad track; thence running East along said railroad track to an iron stake located on a 16' alley; thence South to an iron stake located on Myers Street; thence along Myers Street to the place of beginning

Street Improvement - 67.66 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 317.12

BEATRICE GREENWOOD (145-296)
AMOS BRUBAKER

Beginning at an iron pin which is West 17.65 chains and North 1.363 chains and S. 76°53' W., 66.7 feet from the Northeast corner of the John T. Ames D.L.C. Not No. 7633 and Claim No 46 in Tp: 13 S., R. 1 E., W.M., Oregon; thence N 13° 07' W. for a distance of 100 feet to an iron pin; thence S. 76°53' W. for a distance of 50 feet to an iron pin; thence S. 13°07' E. for a distance of 50 feet to the place of beginning.

Street Improvement - 50 lineal feet frontage
@ \$ 4.6870169 per lineal foot

Sidewalk Improvement - 26.4 sq. ft. @

\$ 0.605 per sq. ft.

Driveway Improvement - 48 sq. ft. @

\$ 0.715 per sq ft.

\$ 234.35

\$ 15.97

\$ 34.32

\$ 284.64

TOTAL

META CARMEN (212-133)

Beginning 221.8 feet North and 150 feet N. 76°53' E. of the intersection of the North boundary line of the South Santiam Highway and the East boundary line of Minniece Street in the City of Sweet Home, and running thence S. 13°07' W., 100 feet; thence N. 76°53' E., 50 feet; thence N. 13° 07' W., 100 feet; thence S. 76°53' W., 50 feet to the place of beginning.

Street Improvement - 50 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 234.35

LESLIE PRACHT AND ETHEL PRACHT (175-423)

Beginning at a point which is North 119 feet distant and N. 76°53' E., 123.3 feet distant from the Northeast corner of the intersection of the Santiam Highway and Minniece Street, in the City of Sweet Home, Linn County, Oregon, and running thence N. 76°53' E., 50 feet; thence N. 13°07' W. 100 feet; thence S. 76°53' W., 50 feet; thence S. 13°07' E., 100 feet to the place of beginning.

Street Improvement - 50 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 234.35

BETHEL EVANGELICAL LUTHERAN
CHURCH OF SWEET HOME (186-537)

Beginning at a point on the East line of Minniece Street, 221.8 feet North of the Northeast corner of the intersection of the Santiam Highway and Minniece Street in the City of Sweet Home, Linn County, Oregon, running thence N. 76°53' E. 100 feet; thence S. 76°53' W. to the East line of said minniece Street; thence North 70 feet to the place of beginning.

Street Improvement - 100 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 468.70

CITY OF SWEET HOME

13th Avenue and "N" Street Intersection
Street Improvement - 112.94 lineal feet frontage
@ \$ 4.6870169 per lineal foot

\$ 529.35

\$ 12.10

Sidewalk Improvement - 20 sq. ft. @ \$ 0.605

\$ 541.45

GRAND TOTAL OF ALL

\$ 2,889.91

SIGNED BY

A. B. Bernis

Viewer

H. Mollinger

Viewer

Clare B. Richter

Viewer

Rex Pemberton

Viewer

Gerald W. Anderson

Viewer

ATTEST:

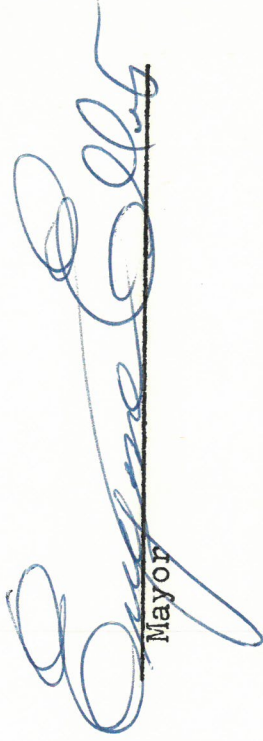
Jess H. Parker

Clerk for Viewers

Filed in the Office of the City
Manager this 31st of December, 1952.

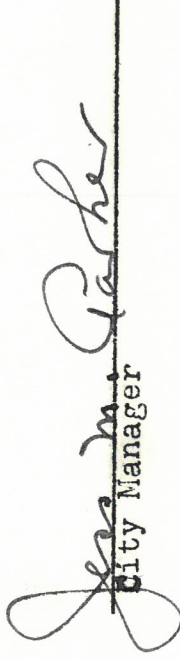
Section 2. The assessments set out in said report are hereby declared to be just and proper assessments to the property abutting thereon and benefitted thereby.

PASSED by the Council and approved by the Mayor, this 24th day of March 1953



Mayor

ATTEST:



City Manager

First Reading 3/10/53

Second Reading 3/10/53

Third Reading 3/24/53