

Chapter 12.08		12.08.180	Surplus or deficit from sale of property.
SPECIAL ASSESSMENTS FOR PUBLIC WORKS		12.08.190	Determination of owner when property resold for deficit assessment.
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	Bidding procedure.	12.08.010	Definitions.
12.08.070	Contributions from general fund.		As used in this chapter:
12.08.080	Board of equalization—		“Owner of any property” means the record owner of any such property as shown by the records of the office of the county clerk of Curry County, Oregon.
	Meeting—Notice.		“Property benefitted” means all property specially benefitted by the public improvement.
12.08.090	Final determination of assessment.		“Public improvements” or “improvement” as used in this chapter shall have the same meaning as “local improvement” as defined in ORS 310.140(9). (Ord. 96-01 § 1, 1996; Ord. 296 § 1, 1979; Ord. 228 § 1, 1966)
12.08.100	Docket of city liens.		
12.08.110	Ascertainment of owner.	12.08.020	Declaration and notice of intent to levy assessment.
12.08.120	Collection of assessment.		
12.08.130	Sale of property for nonpayment of tax or assessment.		
12.08.140	redemption of property by owner.		
12.08.150	Conveyance of deed to purchaser.		
12.08.160	Payment of delinquent assessment by lienholder.		
12.08.170	Deficit assessment.		

A. Whenever the common council shall

deem it to be expedient and necessary to

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construct, improve, repair, widen, extend or straighten any street, avenue, alley, sidewalk, crosswalk, parking, paving, curbing or any part thereof, or to construct, improve or repair any sewer or drain or any part thereof; and whether a contract for the making of any such improvement or portion thereof shall be let to the lowest responsible bidder; or whether all or some portion of any such improvement shall be made by the city; and the cost thereof be borne by special assessments in whole or in part, to be levied against the property specially benefitted by such proposed improvement, the common council by resolution shall declare its intention so to do and notice of such intention shall be given to all persons affected in the manner provided in this section.

B. Notice shall be prepared by the recording; it shall be directed to whom it may concern; it shall describe generally the improvement proposed to be made; it shall describe the property to be specially benefitted by the improvement, either by a description of the outer boundaries of any property to be specially benefitted by the improvement which shall be known as an assessment district; or, if the property to be specially benefitted is only that property abutting upon the street, avenue, or alley, or portion thereof whereon said proposed improvement is to be made, and that the property abutting upon any such street, avenue, or alley, or portion thereof is the property to be specially benefitted thereby.

No assessments shall be made against the property benefitted by public improvements unless notice is given as provided in Section 12.08.020; however, nothing herein shall be construed to prevent the city from conducting any reassessment proceeding for any such public improvement made necessary by any defect in the giving of proper notice or other proceedings required by this chapter.

Said notice shall also state that the entire cost of such improvement shall be assessed against the property specially benefitted; or, if less than the entire cost is to be assessed, then the notice shall state the portion of the entire cost to be assessed against the property benefitted thereby.

C. The notice shall state in effect that plans and specifications together with the engineer's estimate of the cost of said improvement are on file in and may be inspected at the office of the city recorder, and shall specify the length of time given to persons subject to assessment within which to file their remonstrances. The notice shall be signed by the city recorder; such notice shall be given by publication thereof for two consecutive weekly issues in a newspaper of general circulation published within the city of Port Orford, Curry County, Oregon, and two of such notices shall be posted within the boundaries of the assessment district or if the property to be specially benefitted is only that property abutting upon the street, avenue, or alley or portion thereof where the improvement is proposed to be made by posting two of such notices upon the street, avenue, or alley or a portion thereof where such improvement is proposed to be made.

D. Several proposed improvements may be combined in one proceeding and may be described in one notice. (Ord. 228 § 2, 1966)

12.08.030 Reassessment.

Whenever an assessment, deficit assessment or reassessment for any special assessment which has been or may hereafter be made by the city has been or shall be hereafter set aside, annulled, declared or rendered void or its enforcement rejected by any court of this state or any federal court having jurisdiction therein, whether directly or by virtue of any decision of such court, or when the council

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shall be in doubt as to the validity of such assessment, deficit assessment or reassessment, or any part there-of, the council may make a new assessment or reassessment. Such reassessment shall be made in the manner provided by ORS 223.405 through 223.485, as now or hereafter amend-ed, which is by this reference adopted. All reassessments hereunder shall be governed by the provisions of such law. (Ord. 228 § 3, 1966)

12.08.040 Filing of written remonstrance.

A. The owner of any property against which it is proposed to levy and collect any assessment for improvements to be made under this chapter may make and file a written remonstrance against all or any part of the proposed improvement under consideration. Such remonstrance shall be filed with the recorder not later than twenty (20) days after the date of the first publication of notice or date of posting of notices as herein above provided.

B. If the owners of two-thirds or more of the area within the boundaries of any special assessment district or the owners of two-thirds or more of the front footage of the property to be subject to the assessment when the proposal is to levy and collect such

A. Before notice shall be published as above provided the council shall procure detailed plans and specifications for each of the kinds of improvement under consideration and require the same to be kept on file at all times with the city recorder. At the expiration of the time for the filing of written remonstrances to any such improvement or portion thereof and the same or any portion thereof shall not be defeated as herein above provided, the council shall then advertise for bids for such improvements or portions thereof it has under consideration; or, the city itself may proceed to make said improvement

assessment against only the property abutting upon such public improvement, shall file written remonstrances against all or any part of the proposed improvement within the time herein provided therefor, then any such proposed improvement or portion thereof which has been so objected to shall not be made provided, however, that any such remonstrances shall not preclude th council from again declaring its intention of making such improvement or portion thereof any time after the expiration of the twenty (20) day period for filing written objections as herein above provided for. (Ord. 228 § 4, 1966)

12.08.050 Commencement of improvements.

If sufficient written remonstrances are not filed to defeat the proposed improvement or any portion thereof, the common council at its earliest convenience thereafter may commence to make whichever of the proposed improve-ments or portions thereof not defeated by written remonstrance, it shall have adopted in the manner provided in this chapter. (Ord. 228 § 5, 1966)

12.08.060 Plans and specifications– Bidding procedure.

or any portion thereof; thereupon, proceed to ascer-tain the probable cost of making the same and assess upon each lot or part thereof or tract of land liable therefor its proportionate share of such cost and shall determine what shall be its share to be assessed upon each lot or part thereof or tract of land. Plans and specifications for the class of improvement not adopted may be withdrawn from the file at any time after the completion of the improvement.

B. In all cases where the improvement or any portion thereof is made by the city itself the cost or any portion thereof may be

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assessed against the property benefitted thereby in the same manner and with the same effect as if the said improvement had been let to bid. The council shall have the right to reject any and all bids when deemed unsatisfactory, and the contract for such improvements or any portion thereof when let to bid shall be let to the lowest responsible bidder. The council shall provide for taking security by bond for the faithful performance of any contract let to a bona fide bidder as provided for by the laws of Oregon and the provisions of such bond and undertaking may be enforced by an action in the name of the city. (Ord. 228 § 6, 1966)

12.08.070 Contributions from general fund.

When, in the opinion of the council, on account of topographical or physical layout, unusual or excessive public travel or other character of work involved, or when the coun-

When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot or part thereof or tract of land has been assessed as herein provided, the council shall specify the time for a meeting of said council sitting as a board of equalization to equalize and adjust such assessments. Ten days' notice of the meeting shall be given by posting notice of the meeting shall be given by posting notice there-of in two public places in the city or by two weekly publications in a newspaper of general circulation published in the city of Port Orford; and it shall also be the duty of the city recorder at least ten days prior to such hearing, to deposit in the United States mail a copy of said notice postpaid to each of those designated as the owner of any lot or part thereof, or tract of land assessed for the improvement as shown by the certificate of the abstractor, abstract company or person or person engaged in the searching or examina-

tion otherwise believes the situation warrants it, it may contribute what is deemed a fair proportion of the cost of such improvement from the general funds of the city, and the amount to be assessed to the property benefitted shall be proportionately reduced. Nothing herein contained shall preclude the council from using other available means of financing improvements, including federal or state grants in aid, sewer service or other types of service charges, revenue bonds, general obligation bonds or other legal means of finance. 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. (Ord. 228 § 7, 1966)

12.08.080 Board of equalization— Meeting—Notice

tion of titles as hereinafter provided by Section 12.08.110. The notice shall also contain a notice of the estimated cost of said improvement and of the apportionment thereof. The notice shall set forth the amount of the proposed assessment upon each lot and part thereof and tract of land, but all such information may be incorporated into the notice by reference to the resolution of the estimated cost and apportionment, which shall be filed in the office of the city recorder and there open for the inspection of all persons interested therein. The notice shall also state that at said meeting as a board of equalization, all persons interested in said assessment are notified and invited to appear and show cause, if any exists, wherein the same is unjust or inequitable to the end that the same may be properly equalized and adjusted. If the address of any person to receive a copy of said notice as provided in this section shall be unknown to the recorder, and if such person have an

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agent whose name or address is known to the recorder, he shall mail such notice to such agent, otherwise he shall mail it to the owner addressed to Port Orford, Oregon. (Ord. 228 § 8, 1966)

12.08.090 Final determination of assessment.

At the time appointed in the notice, the common council shall hear and determine all objections which shall be made or filed, and enter for record its findings and decisions on said objections. The council shall have the power to adjourn such hearing from time to time and shall have the power at its discretion to revise and correct, increase or decrease, or to set aside and order there remaking of such assessment or any part thereof. Thereafter the council may declare and levy the assessment by ordinance as revised, corrected, increased, decreased or remade, and may direct the recorder to enter a statement thereof in the docket of city liens as provided for in Section 12.08.100, and the assessment so declared shall be a final determination of the regularity, validity and correctness of the assessment.

12.08.100 Docket of city liens.

The docket of city liens is a public writing and the original and certified copies of any matter authorized to be entered therein are entitled to the force and affect of a public writing, and from the date of entry therein, of any assessment upon any lot or part thereof, or any tract, the sum so entered shall be deemed to be a tax levied and a lien thereon, which

B. If within five days from the expiration of the ten days' notice as hereinabove required to be given of the assessment, the sum assessed upon any lot or part thereof or any tract of land, is not wholly paid to the city treasurer and the duplicate receipt therefor filed with the recorder, the council may thereafter at any

lien shall have priority over all other liens or encumbrances thereon whatever. (Ord. 228 § 10, 1966)

12.08.110 Ascertainment of owner.

For the purpose of ascertaining who is the owner of any lot or part thereof, or tract of land assessed for the improvement or repair of any street, alley or avenue as herein contemplated, the recorder shall take the certificate of any abstractor, abstract company or person or persons engaged in the searching or examination of titles who may be designated by resolution of the common council therefor, which such certificate shall state who is the owner of each such lot or part thereof, or parcel of land subject to the assessment on the date the council declared its intention to make the improvement, and as shown by the records in the office of the county clerk of Curry county, Oregon. (Ord. 228 § 11, 1966)

12.08.120 Collection of assessment.

A. The sum of money assessed for any improvement as herein provided shall not be collected until by order of the common council not less than ten days' notice is given by the recorder by publication in a newspaper published in Port Orford, Oregon, or by being posted for not less than ten days in two public places in the city. Publication of said notice in one issue of such newspaper shall meet the requirements hereof. Such notice must contain substantially the matter required to be entered in the docket of city liens concerning such assessment.

time order a warrant for the collection of the same to be issued by the recorder and directed to the chief of police or other person authorized to collect delinquent taxes.

C. The warrant must require the person to whom it is issued forthwith to levy upon the lot or part thereof, or tract of land upon which

the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of the sale to the city treasurer, and the warrant to the recorder, with his doings endorsed thereon, together with the receipt of the treasurer for the proceeds of the sale as paid to him.

D. The warrants shall have the force and effect of an execution against real property under the laws of the state of Oregon, and shall be executed in like manner so far as practicable, except as in this chapter otherwise provided. (Ord. 228 §§ 12–15, 1966)