Notice to Voters of St. Helens

Notice is hereby given that at the regular city election to be held on the 7th day of April, 1913, the following proposed charter amendment will be submitted to the voters of the City of St. Helens for their approval or rejection, which said proposed charter amendment is contained in a resolution duly passed by the Council on the 17th day of March, 1913, which proposed resolution is in words and figures as follows, to-wit:

Resolution.

BE IT RESOLVED by the Common Council of the City of St. Helens, in Columbia County, State of Oregon, that there be and hereby is submitted to the legal voters of the City of St. Helens at the regular municipal election to be held in said City on the 7th day of April, 1913, for their adoption or rejection, an amendment to the Charter of the City of St. Helens, being an amendment of Section 8, of Chapter IX of the said Charter relating to the WATER COMMISSION, and each voter who votes upon said proposed amendment shall vote "YES" or "NO" in answer to the following question: "Shall Section 8 of Chapter IX of the Charter of the City of St. Helens be amended?" which amendment reads as follows, to-wit:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL
AN ACT

To amend Section 8 of Chapter IX of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act Entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. HELENS, AND THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

That Section 8 of Chapter IX of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, be and the same is hereby amended to read as follows, to-wit:

Section 8. Said Water Commission shall at all times have a President, who shall be selected from their own number, and the City Recorder shall be ex-officio the Secretary of said Commission, and in the absence of one or both of said officers the vacancy may be temporarily filled oy the members of the Board then present. Said Board shall adopt a seal; and a majority of the members of said Board shall constitute a quorum for the transaction of business.

RESOLVED, further, That the City Recorder be and he is hereby instructed and required to publish this resolution, together with the ballot title provided by the City Attorney, at least once in the official newspaper of the City of St. Helens, within ten days immediately preceding said election.

Passed by the Common Council this 17th day of March, 1913.
Yeas—W. G. Muckle, J. H. Cronkite and John Philip.
Nays—None.
Not Voting—S. C. Morton.
Submitted to the Mayor on the 17th day of March, 1913.
Approved by the Mayor on the 17th day of Maren, 1913.
MARTIN WHITE, Mayor.
JOHN Q. GAGE, Recorder.

The Ballot title and number of said proposed measure will be as follows, to-wit:

An Act to amend Section 8 of Chapter IX of the Charter of the City of St. Helens, in Columbia County and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as thereafter amended, relating to the Water Commission.

Shall Section 8 of Chapter IX of the Charter of the City of St. Helens be amended?
100—Yes.
101—No.

NOTICE TO VOTERS OF ST. HELENS.

Notice is hereby given that at the regular city election to be held on the 7th day of April, 1913, the following proposed charter amendment will be submitted to the voters of the City of St. Helens for their approval or rejection, which said proposed charter amendment is contained in a resolution duly passed by the Council on the 17th day of March, 1913, which resolution is in words and figures as follows, to-wit:

RESOLUTION.

BE IT RESOLVED by the Common Council of the City of St. Helens, in Columbia County, State of Oregon, that there be and hereby is submitted to the legal voters of the City of St. Helens at the regular municipal election to be held in said City on the 7th day of April, 1913, for their adoption or rejection, an amendment to the Charter of the City of St. Helens, being an amendment of Section 13, of Chapter IX of the said Charter relating to the Water Commission, and each voter who votes upon said proposed amendment shall vote "YES" or "NO" in answer to the following question: "Shall Section 13 of Chapter IX of the Charter of the City of St. Helens be Amended?" which amendment reads as follows, to-wit:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL
AN ACT

To amend Section 13 of Chapter IX of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. HELENS, AND THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

That Section 13 of Chapter IX of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, be and the same hereby is amended to read as follows, to-wit:

Section 13. The Commissioners shall apply all income from the said system of water works first to paying the operating expenses, extensions and betterments of the said system; second, towards providing for a sinking fund for paying off the said water bonds and the interest thereon, and any money so being in such sinking fund shall by direction of said Water Commissioners, be invested in improvement warrants or bonds of the City of St. Helens, or other warrants or bonds of said City, at par. Should, however, the income from the water rates not be sufficient to pay the interest on the said bonds and provide for a sinking fund the Commissioners shall certify that fact to the Common Council, and shall also certify to the said interest and to provide for said sinking fund the said Council shall levy and collect a tax or cause to be levied and collected a tax on all the taxable property within the city as assessed by the assessor, sufficient to raise money for such purposes.

All money arising from such tax shall be credited to and become a part of the water fund. Taxes levied under and for the purpose of carrying out the provisions of this act shall be levied and collected the same as other taxes are levied and collected, but not oftener than once in each year, and the amount so collected shall not exceed one per cent of all the property assessed within the corporate limits of said city.

RESOLVED, further, That the City Recorder be and he is hereby instructed and required to publish this resolution, together with the ballot title provided by the City Attorney, at lease once in the official newspaper of the City of St. Helens, within ten days immediately preceding said election.

Passed by the Common Council this 17th day of March, 1913.
Yeas—W. G. Muckle, J. H. Cronkite and John Philip.
Nays—None.
Not Voting—S. C. Morton.
Submitted to the Mayor on the 17th day of March, 1913.
Approved by the Mayor on the 17th day of March, 1913.
MARTIN WHITE, Mayor.
JOHN Q. GAGE, Recorder.

The Ballot title and number of said proposed measure will be as follows, to-wit:

An Act to amend Section 13 of Chapter IX of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as thereafter amended, relating to the Water Commission.

Shall Section 13 of Chapter IX of the Charter of the City of St. Helens be amended?
102—Yes.
103—No.

NOTICE TO VOTERS OF ST. HELENS.

Notice is hereby given that at the regular City election to be held on the 7th day of April, 1913, the following proposed charter amendment will be submitted to the voters of the City of St. Helens for their approval or rejection, which said proposed charter amendment is contained in a resolution duly passed by the Council on the 17th day of March, 1913, which proposed resolution is in words and figures as follows, to-wit:

RESOLUTION.

BE IT RESOLVED by the Common Council of the City of St. Helens, in Columbia County, State of Oregon, that there be and hereby is submitted to the legal voters of the City of St. Helens at the regular municipal election to be held in said City on the 7th day of April, 1913, for their adoption or rejection, an amendment to the Charter of the City of St. Helens, being an amendment to Chapter X of the said Charter relating to streets and alleys, their grade and improvement, and each voter who votes upon said proposed amendment shall vote "YES" or "NO" in answer to the following question: "Shall Chapter X of the Charter of the City of St. Helens be amended?" which amendment reads as follows, to-wit:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL
AN ACT

To amend Chapter X of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled an Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. HELENS, AND THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

That Chapter X of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, be and the same is nereby amended to read as follows, to-wit:

CHAPTER X.

STREETS AND ALLEYS, THEIR GRADE AND IMPROVEMENT. DEFINITION OF TERMS.

Section 1. The term "Street" as used in this chapter, shall be construed to mean any street, avenue, boulevard, alley or land which is now, or may hereafter be, opened or dedicated to public use, and the terms "improve" and "improvement" as used in this chapter in reference to streets, shall be construed to include all grading or regrading, macadamizing or remacadamizing, graveling or regraveling, and all manner of bridge work and roadway improvement or repair and all manner of constructing of crosswalks, within any of the streets, or any part of any street within the City of St. Helens.

GRADES.

Section 2. The Common Council has power and authority whenever it deems expedient, to establish or change the grade of any street, or part thereof, now or hereafter laid out or established within the corporate limits of the City. The original establishment of a grade may be made by ordinance and shall not require any notice and the the City Engineer shall keep a record of all such surveys.

IMPROVEMENT OF STREETS.

Section 3. The Council, whenever it may deem it expedient, is hereby authorized and empowered to order the whole or any part of the streets of the City to be improved, to determine the character, kind and extent of such improvement, to levy and collect an assessment upon all lots and parcels of land specially benefited by such improvements, to defray the whole or any portion of the cost and expense thereof, and to determine what lands are specially benefited by such improvement and the amount to which each lot, parcel or tract of land is benefited, and the procedure for the improvement of a street shall be as follows:

PROCEDURE.

(1) Whenever the Council, either upon petition or otherwise, shall deem it expedient or necessary to improve any street, or part thereof, it shall, by resolution, direct the City Engineer to make plans and specifications for a suitable improvement and estimates of the work to be done, and the probable cost thereof, and the City Engineer will file such plans and specifications and estimates with the City Recorder. If the Council shall find the same to be satisfactory it shall approve and adopt the same, and shall determine the boundaries of the districts benefited by said improvement and to be assessed therefor, and the action of the Council in the creation of such assessment district shall be final and conclusive. The Council shall, by resolution, declare its purpose of making said improvement, describing the same, and defining the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in approving and adopting the plans, specifications and estimates of the City Engineer, determining the district benefited and to be assessed therefor, declaring its intention to improve the street or streets, and directing publication of notice thereof, may all be done in one and the same resolution.

RESOLUTION TO BE PUBLISHED AND KEPT OF RECORD.

(2) The resolution of the Council declaring its purpose to improve the street shall be kept of record in the office of the City Recorder, and shall be published for two successive weeks in some newspaper published in the City of St. Helens.

REMONSTRANCE.

(3) Within twenty days from the date of the publication of notice, as required in the preceding paragraph, the owners of a majority of the real property within such assessment district may make out and file with the City Recorder a written objection or remonstrance against said proposed improvement, and such objection or remonstrance shall be a bar to any further proceedings in the making of said improvement for a period of one year, unless the owners of such majority of real property, aforesaid, shall sooner petition therefor.

JURISDICTION OF COUNCIL—WHEN ACQUIRED.

(4) If no objection or remonstrance be made and filed within the time designated, or if any remonstrance be filed and is not legally signed by the owners of a majoritc of the real property in such District, the Councill shall be deemed to have acquired jurisdiction to make said improvement, and the Council may thereafter, within sixty days from the date of publication of said notice, provide by ordinance for making said improvement, which shall conform in all particulars to the plans and specifications previously adopted, and shall fix the time in which said improvement shall be completed.

CITY RECORDER TO ADVERTISE FOR BIDS.

(5) Upon the approval of said ordinance by the Mayor, or if the same shall become valid without his approval, the City Recorder shall advertise for proposals for making said improvement. The date for receiving and opening proposals shall be not less than ten days after the first advertimement therefor. The proposals shall be in writing and sealed and shall be opened by the Council. The Council shall have the power and authority to award the contract or contracts for said improvement, and to impose such conditions with regard to bonds and securities, and guarantees of the good faith and responsibility of bidders for insuring the completion of the work in strict accordance with the specifications therefor, and to make all rules and regulations in the letting of contracts which it may deem advantageous to the City. Such contract or contracts shall be let to the lowest responsible bidder, but the Council shall have the right to reject any or all proposals received. All contracts shall be signed by the Mayor on behalf of the City of St. Helens and attested by the City Recorder. The Mayor shall approve all bonds given by contractors for the faithful completion of work according to specifications, when he deems the same sufficient to protect the interests of he City.

(6) Upon completion of any street improvement the City Engineer shall file a certificate of the completion, and his approval of the work so completed, with the City Recorder, who shall present said certificate to the Council at its next regular meeting. The certificate of acceptance and approval of the City Engineer shall not bind the City thereto until the same is approved and accepted by the Council. The Council shall examine said improvement and if it finds the same has not been completed in accordance with the ordinance and specifications, it shall require the same to be done.

DRAWING OF WARRANTS.

(7) When any improvement is accepted and the assessment therefor levied and docketed, the Mayor and City Recorder shall draw warrants on the fund created for said improvement in favor of the contractor or person or persons entitled thereto.

IMPROVEMENT BY PERMIT.

Section 4. Whenever the grade of any street has been established, the Council may authorize the owner or owners of any property thereon to cut down or fill up such street in front of such property according to sucn grade, under the direction of the City Engineer, at the expense of such owner or owners, but the authority mentioned in this section can not be granted after notice has been given by the Council of intention to improve the street in front of such property. In giving such authority the Council may impose such terms and conditions thereon as may be necessary to secure the deposit of earth or other matter excavated from the street upon any part thereof which may need to be filled and to charge fees for said permits to cover any expense by the City in the survey and inspection of the work to be done.

Resolved, further, That the City Recorder be, and he is hereby instructed and required to publish this resolution, together with the ballot title provided by the City Attorney, at least once in the official newspaper of the city of Ht. Helens, within ten days immediately preceding said election.

Passed by the Common Council this 17th day of March, 1913.
Yeas—W. G. Muckle, J. H. Cronkite and John Philip.
Nays—None.
Not Voting—S. C. Morton.
Submitted to the Mayor on the 17th day of March, 1913.
Approved by the Mayor on the 17th day of March, 1913.
MARTIN WHITE, Mayor.
JOHN Q. GAGE, Recorder.

The ballot title and number of said proposed measure will be as follows, to-wit:

An Act to amend Chapter X of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as thereafter amended, relating to streets and alleys, their grade and improvement.

Shall Chapter X of the Charter of the City of St. Helens be amended?
104—Yes.
105—No.

NOTICE TO VOTERS OF ST. HELENS.

Notice is hereby given that at the regular city election to be held on the 7th day of April, 1913, the following proposed charter amendment will be submitted to the voters of the City of St. Helens for their approval or rejection, which said proposed charter amendment is contained in a resolution duly passed by the Council on the 17th day of March, 1913, which proposed resolution is in words and figures as follows, to-wit:

RESOLUTION.

BE IT RESOLVED, by the Common Council of the City of St. Helens, in Columbia County, State of Oregon, that there be and hereby is submitted to the legal voters of the City of St. Helens at the regular municipal election to be held in said City on the 7th day of April, 1913, for their adoption or rejection, an amendment to the Charter of the City of St. Helens, being an amendment to Chapter XI of the said Charter relating to SEWERS and DRAINS, and each voter who votes upon said proposed amendment shall vote "YES" or "NO" in answer to the following question: "Shall Chapter XI of the Charter of the City of St. Helens be amended?" which amendment reads as follows, to-wit:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL.
AN ACT

To amend Chapter XI of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled an Act to incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. HELENS, AND THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

That Chapter XI of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, be and the same is hereby amended to read as follows, to-wit:

CHAPTER XI.
SEWERS AND DRAINS.

Section 1. The Common Council is hereby authorized and empowered, whenever it may deem that the public health, interest and convenience may require, to order to be constructed and laid all sewers and drains with all necessary manholes, lampholes, catch-basins, branches and laterals, and to repair and relay the same, and to levy and collect an assessment upon the lots and parcels of land specially benefited by such sewers and drains, to defray the whole or any portion of the cost and expense thereof, and to determine what lands are specially benefited by such sewer and the amounts to which each lot or parcel of land is benefited.

PLANS AND SPECIFICATIONS; DISTRICTS; ASSESSMENTS.

Section 2. Whenever the public health, interest and convenience demand or it shall be expedient or necessary to construct or relay any sewer or drain, the Council shall require from the City Engineer plans and specifications for an appropriate sewer or drain, or both, with all necessary catch-basins, manholes, lampholes, branches and laterals, and estimates of the work to be done and the probable cost thereof, and the City Engineer shall file such plans, specifications and estimates in the office of the City Recorder. If the Council shall find said specifications, plans and estimates to be satisfactory it shall approve the same, and shall determine the boundaries of the District benefited and to be assessed for such sewer or drain and the action of the Council in the creation of such assessment District shall be final and conclusive. The Council shall by resolution, declare its purpose to construct such sewer or drain, describing the same and the location thereof, and including the City Engineer's estimate of the probable total cost thereof, and also defining the boundaries of the assessment district to be benefited and assessed therefor. The action of the Council in declaring its intention to construct or relay a sewer or drain, directing publication of notice thereof, approving and adopting the plans and specifications and estimates of the City Engineer and determining the district benefited thereby and to be assessed therefor, may all be done in cne and the same resolution.

PUBLICATION OF RESOLUTION; NOTICE.

Section 3. The resolution of the Council declaring its purpose to construct or relay any such sewer or drain shall be kept of record in the office of the City Recorder and shall be published for two successive weeks in some newspaper published in the City of St. Helens, Oregon.

REMONSTRANCE — ORDINANCE — AWARDING CONTRACTS—ACCEPTANCE.

Section 4. Within twenty days from the date of the publication of the notice as required in the preceding section, the owner or owners of any property within the assessment district may file with the City Recorder a written remonstrance against said proposed sewer, and the Council upon hearing said remonstrance may, at its discretion, discontinue proceedings in said matter, but the Council may overrule any and all remonstrances and objections, and shall have power and authority to order the construction of said sewer or drain or the repair or relaying of the same, and within three months from the date of publication of its previous resolution, may, by ordinance, provide for the same, which shall substantially conform to the plans and specifications previously adopted. Upon the approval of said ordinance by the Mayor, or if the same shall become valid without his approval, the Council shall follow the same procedure and exercise the same power, authority and supervision in the advertisement for bids, awarding contracts, requiring bonds, supervising and accepting work as is provided in the manner of street improvements.

RESOLVED, further, That the City Recorder be and he is hereby instructed and required to publish this resolution, together with the ballot title provided by the City Attorney, at least once in the official newspaper of the City of St. Helens, within ten days immediately preceding said election.

Passed by the Common Council this 17th day of March, 1913.
Yeas—W. G. Muckle, J. H. Cronkite and John Philip.
Nays—None.
Not Voting—S. C. Morton.
Submitted to the Mayor on the 17th day of March, 1913.
Approved by the Mayor on the 17th day of March, 1913.
MARTIN WHITE, Mayor.
JOHN Q. GAGE, Recorder.

The ballot title and number of said proposed measure will be as follows, to-wit:

An Act to amend Chapter XI of the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as thereafter amended, relating to SEWERS and DRAINS.

Shall Chapter XI of the Charter of the City of St. Helens be amended?
106—Yes.
107—No.

NOTICE TO VOTERS OF ST. HELENS.

Notice is hereby given that at the regular city election to be held on the 7th day of April, 1913, the following proposed charter amendments will be submitted to the voters of the City of St. Helens for their approval or rejection, which said proposed charter amendment is contained in a resolution duly passed by the Council on the 17th day of March, 1913, which proposed resolution is in words and figures as follows, to-wit:

RESOLUTION.

BE IT RESOLVED by the Common Council of the City of St. Helens, in Columbia County, State of Oregon, that there be and hereby is submitted to the legal voters of the City of St. Helens at the regular municipal election to be held in said City on the 7th day of April, 1913, for their adoption or rejection, an amendment to the Charter of the City of St. Helens, to be known as Chapter XIII of said Charter, authorizing special assessments for the improvement of streets and the construction, reconstruction or repair of any sewer, and each voter who votes upon said proposed amendment shall vote "YES" or "NO" in answer to the following question: "Shall the Charter of the City of St. Helens be amended by inserting Chapter XIII?" which amendment reads as follows, to-wit:

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL.
AN ACT

To amend the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, by inserting a Chapter in said Charter after Chapter XII thereof, which new Chapter shall be designated in the Charter as Chapter XIII, authorizing special assessments for the improvement of streets and the construction, reconstruction and repair of any sewer.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ST. HELENS, AND THE CITY OF ST. HELENS DOES ORDAIN AS FOLLOWS:

That the Charter of the City of St. Helens, in Columbia County, and State of Oregon, entitled "An Act entitled An Act to Incorporate the City of St. Helens, in Columbia County, and State of Oregon," filed in the office of the Secretary of State, February 25, 1889, as amended, be and the same is hereby amended by inserting the following Chapter therein after Chapter XII thereof, which Chapter shall be known as Chapter XIII.

CHAPTER XIII.
SPECIAL ASSESSMENTS.
ESTIMATE OF COST AND APPORTIONMENT; NOTICE.

Section 1. Whenever any street improvement or the construction, reconstruction or repair of any sewer, any part of the cost of which is to be assessed upon the property benefited thereby, is completed, the City Engineer shall certify to the City Recorder the accuracy of the original estimate of the work to be done, or if in the progress of the work it has been found necessary to make any alteration in said estimated work for any cause whatsoever, the City Engineer shall file a corrected estimate in detail of such work and the City Recorder shall apportion the cost thereof (except the share to be paid in the case of street improvements by railroad or street railway companies by reason of their use of the streets) upon lots, parts of lots and parcels of land benefited thereby and within the assessment district. The contract price based upon the estimate of the City Engineer, the costs of rights of way and expenses of condemning land and a sum not to exceed eight per cent of the contract price as the cost of advertising, engineering and superintendence, shall be deemed to be the cost of every sewer or street improvement. When the City Recorder has ascertained what he may deem a just apportionment of said cost, in accordance with the special and peculiar benefits derived by each lot or part thereof and parcel of land, the same shall be a proposed assessment, and the City Recorder shall give notice of the same by publication in a newspaper published in St. Helens, and stating that said proposed assessment has been made and is on file in his office and subject to examination, and that any objections to such apportionment that may be made in writing to the Council and filed with the City Recorder within ten days from the first publication of such notice will be heard and determined by the Council before the passage of any ordinance assessing the cost of said improvement or sewer.

ASSESSMENTS OF BENEFITS.

Section 2. After the time specified in said notice has elapsed the Council shall consider said proposed assessment and all objections made thereto, and shall have the power, at its discretion and without any further notice to consider, ascertain and determine the amount of the special and peculiar benefits accruing to each lot or part thereof or parcel of land so assessed, by reason of the construction, reconstruction or repair of said sewer or of the improvement of said street or part thereof, and if the amount apportioned by the City Recorder to any lot or part thereof or parcel of land shall not be in just proportion to such benefits, the assessment against such lot or part thereof or parcel of land shall be so reduced or increased by the Council that it shall be in just proportion to such benefits, but in no case shall any such assessment exceed such benefits. The Council shall then declare said assessment by ordinance.

ASSESSMENTS CONFIRMED.

Section 3. Each lot or part thereof or parcel of land shall be deemed to be benefited by the sewer construction, reconstruction or repair or street improvement, as the case may be, to the full amount of the assessment levied thereon.

MISTAKES IN PROCEEDINGS.

Section 4. No such assessment shall be held invalid by reason of failure to enter the name of the owner of any lot or part of lot or parcel of land so assessed or by a mistake in the name of the owner, or the entry of a name other than the name of the owner, in said assessment, or in any acts or proceedings connected therewith, and no delays, mistakes, errors or irregularities in any act or proceeding in the improvement of a street or the construction of a sewer or drain shall prejudice or invalidate any final assessment, but the same may be remedied by subsequent and amended acts or proceedings.

PROCEEDINGS PRESUMED REGULAR.

Section 5. In any action, suit or proceeding in any court concerning any assessment of property or levy of taxes authorized by this Charter, or the collection of such tax or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith shall be presumed to be regular and to have been duly done or taken until the contrary is shown.

DOCKETING AND PUBLICATION OF ASSESSMENT.

Section 6. When an assessment has been declared by ordinance it shall be the duty of the City Recorder to enter a statement of said assessment in the Docket of City Liens, to furnish a copy of said assessment to the City Treasurer, and send by mail to each person whose property is assessed or to his agent, a notice of said assessment, when the postoffice address of such person or his agent is known to the City Recorder, and if such postoffice address be unknown, to the City Recorder, such notice shall be directed to such person or agent, at St. Helens, Oregon.

DOCKET OF CITY LIENS.

Section 7. The Docket of City Liens is a book in which must be entered the following matter in relation to special assessments for local improvements: The date of the entry, the number or letter of each lot assessed and the number or letter of the block of which it is a part, and the description of each unplatted tract or parcel of land, the sum assessed upon each lot or part thereof, or tract of land, and the name of the owner, or that the owner is unknown; provided that failure to enter the name of the owner or a mistake in the name of the owner, or entry of a name other than that of the true owner in such Docket shall not render any assessment void, nor affect the lien on the property intended to be subjected thereto.

LIEN OF ASSESSMENT; PAYMENT.

Section 8. The Docket of City Liens is a public writing and record, and from the date of the entry therein of an assessment the sum as entered is hereby declared to be a tax levied and a lien upon such lot, part thereof, or tract of land, which lien shall have priority over all other liens and encumbrances whatsoever thereon, and the sum or sums of money assessed by any local improvement, entered upon such Lien Docket, shall be due and payable from the date of such entry, and if not paid, or bonded as provided by law, within thirty days from the date of such entry, thereafter the same shall be deemed to be delinquent and shall bear interest at the legal rate.

PAYMENT OF LIEN CREDITOR.

Section 9. When an assessment upon any lot or part thereof becomes delinquent, any person having a lien thereon by judgment, decree ci mortgage, or having purchased the same for any deliquent tax or assessment, may at any time before sale of such lot or part thereof, pay the same, and such payment discharges the property from the effect of the assessment, and the amount of such delinquent taxes and all accruing costs and charges, if any, when so paid, is thereafter to be deemed a part of such lien creditor's judgment, decree, mortgage or tax lien, as the case may be, and shall bear interest and may be enforced and collected as a part thereof.

If tne holder of any tax lien or claim pays off such assessment he may thereafter present the receipt to the officer who shall have charge of the tax roll docket containing the record of the tax sale at which he purchased such property, and thereupon such officer shall make a note of the amount of such assessment so paid by such purchaser and shall exact repayment thereof, together with interest as above prescribed, from any person making redemption from such sale and no redemption shall discharge the property from the effect of such sale, which shall not include the amount of such assessment paid by the purchaser after the purchaser shall have presented the receipt as above prescribed.

ASSESSMENT; WHERE PAID.

Section 10. All such assessments shall be paid to the City Treasurer, who shall file duplicate receipts therefor with the City Recorder, and the City Treasurer shall keep all money collected upon each assessment in a separate fund, and the same shall not be used for any purpose other than that for which it is levied and collected.

WARRANT FOR COLLECTION.

Section 11. If within thirty days from the date of entry of an assessment in the Docket of City Liens the sum assessed upon any lot or part thereof is not wholly paid to the City Treasurer and a duplicate receipt therefor filed with the City Recorder the Council may thereafter order a warrant for the collection of the same to be issued by the City Recorder, directed to the City Marshal or other person authorized to collect taxes due to the City.

SAME—FORM OF.

Section 12. Such warrant must require the person to whom it is directed to forthwith levy upon the real property against which such assessment was made, or against which such assessment is a lien, and sell the same in the manner prescribed in the next section hereof, and to return the proceeds of such sale to the City Treasurer and the warrant to the City Recorder, with his doings endorsed thereon, together with the receipt of the City Treasurer for the proceeds of such sale as paid to him.

NOTICE OF SALE.

Section 13. Immediately upon receiving such warrant the Marshal or person to whom the same is directed, shall proceed to give notice of the sale of such lots, or parcels of real property, by causing to be published once each week for four successive weeks, in a newspaper published in said City, a notice stating the time and place of the sale and a description of the several lots or parcels of real property to be sold, the amount of the assessment or taxes, interest to date of sale and penalties accrued against each tract, and the name of the owner, if known, or person, if any, to whom assessed, but if there be no newspaper in which such notice can be published for a reasonable price, such notices of sale, containing the same matters as herein before set forth, shall be posted in four public places in said City, for four weeks before said sale, and notices so given shall have the same force and effect as though the same had been published as above provided. In that case the Marshal or person to whom the warrant is directed shall before making such sale, file in the office of the City Recorder a copy of said notice, with his certificate endorsed thereon, setting forth that said notices had been posted in four public places in said City four weeks before the sale, which certificate shall be presumptive evidence of the facts therein stated, and of the fact that publication in a newspaper on the terms hereinuefore set forth could not be obtained.

RETURN OF OFFICER—FORM OF.

Section 14. The return of the officer executing the warrant must specify the amount for which such lot or parcel of real property so sold and the name of the purchaser.

FORCE AND EFFECT OF WARRANT.

Section 15. Such warrant shall have the force and effect of an execution against real property, and shall be executed in like manner, except as herein otherwise specially provided.

CERTIFICATE OF SALE.

Section 16. The City Marshall shall immediately after having sold any real property by virtue of such warrant for the collection of delinquent taxes, make a certificate of sale of the property so sold, setting forth therein the object for which the sale was made, a description of the property sold, a statement of the amount received therefor, the improvement for which the assessment was made, the amount of such tax or assessment, the name of the purchaser, and that the sale was made subject to redemption within three years from the date of the certificate; and shall deliver such certificate to the purchaser. The owner or his successors in interest, or any person having a lien by judgment, decree or mortgage on any property so sold, may redeem the same upon the conditions provided in the next section.

REDEMPTION.

Section 17. Redemption of any real property sold for delinquent assessments or taxes under the provisions of this act may be made by the paying to the City Recorder for the purchaser, at any time within three years from the date of the certificate of sale, the purchase price, costs, and ten per cent additional, together with six per cent interest upon the purchase price from the date of such certificate, and the amount of any taxes paid thereon by such purchaser, and interest thereon from the date of their payment. Such redemption shall discharge the property so sold from the effect of such sale, and if made by a lien creditor the amount paid for the redemption shall thereafter be deemed a part of his judgment, decree or mortgage, as the case may be, and shall bear like interest and may be enforced and collected as a part thereof.

MARSHAL'S DEED.

Section 18. After the expiration of three years from the date of such certificate, if no redemption shall have been made, the City Marshal shall execute to the purchaser, his heirs or assigns, a deed of conveyance containing a description of the property sold, a statement of the amount bid, of the improvement for which the assessment was made, of the year in which the tax was levied, that the assessment was unpaid at the time of the sale, and that no redemption had been made; and the effect of such deed shall be to convey to the grantee therein named the legal and equitable title, in fee simple, to the real property in such deed described, and such deed shall be prima facie evidence of title in said grantee, and that all proceedings and acts necessary to make such a deed in all respects good and valid have been had and done; such prima facie evidence shall not be disputed, overcome or rebutted or the effect thereof avoided except by satisfactory proof of either (1) fraud in making the assessment or collection of the tax; (2) payment of the assessment or tax before sale or redemption after sale; (3) that payment or redemption was prevented by fraud of the purchaser; or (4) that the property was sold for assessment or tax for which neither said property nor the owner, at the time of the sale, was liable, and that no part of the assessment or tax was assessed or levied upon the property sold.

ESTATE CONVEYED BY MARSHAL'S DEED.

Section 19. A sale of real property under the provisions of this Act conveys to the purchaser, subject to redemption as herein provided, all the estate or interest therein of the owner, whether known or unknown, together with all the rights and appurtenances thereunto belonging.

TIME WITHIN WHICH ACTION SHALL COMMENCE.

Section 20. Every action, suit and proceeding which may be commenced for the recovery of the land sold by the City Marshal of said City for any assessment or tax except in cases where the assessment or tax for which the land was sold had been paid before the sale or the land redeemed as provided by law, shall be commenced within three years from the time of the recording the deed as executed by the City Marshal, and not thereafter.

REASSESSMENT.

Section 21. Whenever an assessment for the opening, altering or grading of any street, or construction, reconstruction or repair of any sewer, or for any local improvement which has been or may hereafter be made by the City, has been or shall hereafter be set aside, annulled, declared or rendered void, or its enforcement refused 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 shall be in doubt as to the validity of such assessment or any part thereof, the Council may, by ordinance, make a new assessment or reassessment upon the lots, blocks, or percels of land which have been benefited by such improvement to the extent of their respective and proportionate shares of the full value thereof. Such reassessment shall be based upon the special and peculiar benefit of such improvement, to the respective parcels of land assessed, at the time of its original making, but shall not exceed

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