

shall be upon an actual basis and a table shall be prepared showing the amount of money which should be on hand in the sinking fund at the close of each fiscal year, and if at the close of any fiscal year the amount in the sinking fund is not equal to the amount as computed any such deficit shall be made up at that time by transferring to the sinking fund from the water fund the necessary additional amount. The payment of the principal and interest of said bonds shall be primarily chargeable against the moneys derived from the sale of water. The principal and interest of said bonds shall be general obligations of the City of Beaverton but shall not be included within the debt limit prescribed by the charter of 1893.

**\*138. Refunding Bonds:**  
 Authority is hereby given the Council of the City of Beaverton to issue refunding bonds at any time without the vote of the electors of the City of Beaverton whenever the said Council may deem it expedient or necessary. All funds and revenues which were pledged to the payment of the bonds so refunded must likewise stand pledged to the payment of the refunding bonds.

**\*139. Bonds May Be Accepted In Payment Of Special Assessments.**  
 The Council is hereby authorized and empowered, whenever they may deem it necessary and expedient, to permit the payment of special assessments with bonds of the City levying such assessments.

**\*139 1/2. Delinquent Special Benefit Assessments—New Application To Pay In Installments—New Bonds:**

The Council is hereby authorized and may by ordinance permit a property owner who is delinquent in his special benefit assessments amounting to twenty-five dollars (\$25.00) or more and who presents evidence that he has paid all taxes on the property against which assessment is levied and has paid all interest on the assessment up to date, to file a new application to pay the amount of his delinquent assessment in twenty (20) semi-annual installments and thus refund the same. On the basis of this new refunding application a new bond may be issued which must be used to take up a like amount of the original bond issued on the old first application to pay in installments.

**CHAPTER IX.  
 STREETS AND STREET IMPROVEMENTS.**

- \*140. Definition Of "Street".
- \*141. Original Establishment Of Grades.
- \*142. Change Of Grade—Authority Of Council.
- \*143. Engineer To Report.
- \*144. Notice To Property Owners And Hearings.
- \*145. Hearing On Objections And Claims For Damages.
- \*146. Award Of Damages And Assessments Of Benefits.
- \*147. Repeal Of Conflicting Sections.
- \*148. Railroad Grade Crossings.
- \*149. Bonding Of Street Improvements And Sewers.
- \*150. Redemption Of Bonds.
- \*151. Deficiency Of Assessments—Foreclosure—Terms And Conditions.
- \*152. Lien Of Assessments—Foreclosure—Redemption.

**\*140. Definition Of "Street":**  
 The term "street" as used in this Charter shall be construed to include any street, avenue, boulevard, alley, lane, bridge, bicycle path, road public thoroughfare or public way, and any land over which any right of way has been obtained or granted, for any purpose of public travel.

**\*141. Original Establishment Of Grades:**  
 When the Council may not have established the grade of any street or streets, or part or parts thereof the grade of such street or streets or part or parts thereof may at any time be established by the Council by ordinance without taking any of the proceedings hereinafter provided for.

**\*142. Change Of Grade—Authority Of Council:**  
 The Council shall have authority to change any grade which may have been previously established, to determine the amount of damages to be paid in consequence of change and make a local assessment therefor, provided, that where any grade shall have been established by the Council and any permanent building shall have been constructed upon abutting property after such establishment, for which building damages are claimed as hereinafter provided, no such change of grade shall be made without ascertaining whether any damage is sustained and providing for payment of such damage, as hereinafter provided. In other cases the Council shall determine whether or not damages to abutting property shall be considered or awarded. The term "permanent building" shall include any pavement, curb, sidewalk, step, fence or other structure, the cost of which shall have been paid by the claimant for such damage or by his predecessor in title.

**\*143. Engineer To Report:**  
 Whenever the Council shall deem it expedient to change the grade of any street or streets or any part or parts thereof within a district continuously affected by such change of grade, it shall direct an Engineer to make a report thereon. The Engineer shall thereafter, as soon as can be conveniently done, file with the Recorder his report which shall show the location and nature of grade changes which in his judgment should be made.

**\*144. Notice To Property Owners And Hearing:**  
 The Council shall, if it deem such report satisfactory, adopt a resolution approving the same and declaring its intention to make such proposed changes of grade stating the location and nature of the proposed change. Notice of the adoption of such resolution shall be published by the Recorder in the City Official Newspaper for a period of five (5) consecutive insertions. Such notice shall set forth a copy of such resolution and the time within which objections against such proposed change of grade and claim for damages may be filed in writing with the Recorder, and the time when said matter and objections will be heard by the Council. Objections and claims for damages may be filed at any time within twenty days from the first publication of such notice. The time for hearing shall be the next regular meeting of the Council following the expiration of said twenty days. The Recorder within five days from the first publication of such resolution shall cause to be posted on the street or streets affected by such proposed change of grade a notice headed "Notice of Change of Grade", containing in legible characters a copy of the notice so published. One of such notices shall be posted at or near each street intersection where such proposed change of grade is to be made, but if no intersection is affected by such change of grade then the posting of one notice at or near the maximum point of change of grade shall be sufficient. The Recorder shall file an affidavit of posting stating therein the date when and the places where such notices were posted.

**\*145. Hearing On Objections And Claims For Damages:**  
 If the Council find that the owners of more than three-fifths in area of the property affected have filed written objections, no further proceedings shall be taken for a period of six months except on a petition of the owners of more than half in area of such property or unless an award of damages is made to the owners of property injuriously affected. The Council may determine at such hearing what property is injuriously affected by such proposed change and what property is specifically benefited thereby. All claims for damages shall be verified and shall set out the facts upon which such claim is based and the amount thereof. If the Council find that the objectors do not represent three-fifths in area of the property affected injuriously and beneficially or if the Council determines to ascertain and award damages to the owners of property injuriously affected, it shall have jurisdiction to make such change of grade. If the Council find that no claim for damages has been presented by the owner of any permanent building constructed as hereinafter stated and that the objectors filed do not represent three-fifths in area of the property affected, the Council may by ordinance make such change of grade without awarding damages and without further proceedings. The Council may nevertheless determine to award damages to the owners of property injuriously affected.

**\*146. Award Of Damages And Assessment Of Benefits:**  
 If the Council find that any claim for damages has been made by the owner of any building erected as hereinafter stated, and, or if the Council determine to award damages to the owners of property injuriously affected the Council shall refer the matter to the City Attorney who shall thereafter make a report setting out the amount of damages which in his judgment should be awarded to the owner of each building, lot or parcel of land so injuriously affected, and a detailed assessment on each lot and parcel of land specially benefited according to its proportionate share of benefits resulting from such change.

**\*147. Repealing Conflicting Sections:**  
 All sections or parts of sections of the Charter of 1893 in conflict herewith are hereby repealed.

**\*148. Railroad Grade Crossings:**  
 The Council shall have the right, power and authority to determine whether any railroad crossing of any street or highway within the corporate limits of the City of Beaverton is dangerous or out of repair, and to make safeguards against such danger and to make such repair and or changes that may be necessary, and to charge the cost of such repair, change or safeguard to the railroad. Unless an emergency exists ten days notice shall be given said railroad to make such repair, safeguard or change.

**\*149. Bonding Of Street Improvements And Sewers:**  
 Whenever the Council of the City of Beaverton or other competent authority shall have proceeded to improve any street or streets or any part or parts thereof, or to lay or reconstruct any sewer within the corporate limits, and shall have assessed the cost of such improvement or sewer to the property benefited thereby and liable therefor according to the provisions of its Charter and Ordinances, it shall be lawful for the owner of any lot, part of lot, parcel of land or other property so assessed for such improvement or sewer in the sum of five dollars (\$5.00) or more, at any time within twenty (20) days after notice of such assessment is first published to file with the Recorder of the City of Beaverton a written application to pay said assessment in installments, and such written application shall state that the said property owner thereby waives all irregularities and defects, jurisdictional or otherwise, in the proceedings to improve said street or lay said sewer, and in the apportionment of the cost thereof. Said application shall contain a provision that the said property owner agrees to pay said assessments in twenty semi-annual installments, with interest on all installments at the same rate as that expressed in the bonds issued to pay for such improvement or sewer. Said application shall also contain a statement by lots, blocks or other convenient description of the property of the applicant assessed for such improvement or sewer. No application as aforesaid shall be received or filed with the Recorder if the amount of such assessment, with any previous assessment or assessments for street improvement or sewer construction against the same property and remaining unpaid shall equal or exceed the valuation of said property as shown by the tax roll of the county; provided, that application for such bonding shall be received by the Recorder in cases where the amount of assessment, together with the previous assessments for street improvements or sewers against the property (and remaining unpaid) shall exceed the valuation of said property as shown by the last tax roll of the County, if the owner

shall, before making such application, pay in cash into the treasury of the City such excess of unpaid assessments over the valuation as shown by such last tax roll.

The owners of a majority of the property so assessed may select a competent person to inspect such improvement under the direction of the City Engineer.

The Recorder shall keep all such applications for bonding in convenient form for examination, and the applications received for each street improvement and each sewer shall be separate.

After the expiration of the time for filing applications for the payment of assessments for improvement of streets or laying of sewers by installments as herein provided, the Recorder shall enter in a docket kept for that purpose, under separate heads for each street or sewer, by name or number, a description of each lot, part of lot or parcel of land or other property against which the assessment is made or which bears or is chargeable for the cost of such improvement or sewer, and the name of the owner and the amount of the assessment for which application to bond has been duly filed; the date of entry in each particular case to be the same as the date of entry in the original lien docket. Such docket shall stand thereafter as a bond lien docket as for taxes assessed and levied in favor of the City and for the amount of such unpaid assessments therein docketed with interest on said unpaid assessments at the rate fixed in the bond but not exceeding six per cent per annum against each lot, part of lot or parcel of land or other property, until such assessments and interest are paid in the manner hereinafter provided. All unpaid assessments and interest shall be and remain a lien upon each lot, part of lot or parcel of land or other property respectively in favor of the City, and such lien shall have priority over all other liens and incumbrances whatsoever.

When such bond lien docket shall be made up as hereinbefore provided, as to the assessments for improvement of streets or laying of sewers, the Council shall by ordinance authorize the issue of bonds in convenient denominations, not exceeding five hundred dollars, (\$500.00), each and in all equal to the total amount of the unpaid assessments for such street improvements and sewers and for which applications to pay under the provisions of this act have been filed as shown by said bond lien docket, and such bonds shall be the terms thereof mature in ten years from the date thereof and be payable in gold coin of the United States and bear interest not to exceed six per cent per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bond or bonds, provided the right to take up and cancel such bond or bonds upon payment of the face value thereof, with the accrued interest to the date of payment, upon the first day of any month at or after the period of three years from the date of such bond or bonds, shall be and is hereby vested in the city and the bonds shall be redeemed consecutively, by number, commencing with the lowest outstanding number. Notice that certain bonds are to be taken up and cancelled as aforesaid and that the interest thereon shall cease on the first day of the month next following the publication of such notice, shall be published in the City Official Newspaper not less than twice during the month preceding said date of payment and after said date of payment interest upon the bonds designated in such notice shall cease. Such bonds before issuance shall be signed by the Mayor, countersigned by the Recorder and authenticated by the seal of the City affixed thereto, and shall be registered consecutively by number and denomination of each in a book to be kept by the Recorder and accessible to the Treasurer, and known and designated as the Improvement Bond Register. Each of such bonds, whether issued for the improvement of streets or for the laying of sewers, shall have distinctively and plainly inscribed or printed on the face thereof the registered number of said bond and the words "Improvement Bond" with the name of the City of Beaverton. Such bonds shall be advertised for sale and sold for the highest price obtainable, but not for less than par and accrued interest, except that the City may purchase such bonds as hereinafter provided by this Charter, and the proceeds thereof shall be paid by the purchaser to the Treasurer of the City, and the par value thereof shall be credited to the respective street improvement and sewer funds for which said bonds are issued, and the accrued interest and premium accruing from the sale of said bonds shall be credited to the general fund of the City, the fund from which interest is paid on street and sewer warrants or the improvement bond sinking fund, as the Council shall direct.

Thereafter there shall be due and payable semi-annually for ten successive years to the Treasurer of the City by the owner of each lot, part of lot, parcel of land or other property assessed for the improvement of any street or streets or part or parts thereof or the laying of any sewer, whose application to pay the cost of such improvement or sewer by installments has been filed as herein provided, five per cent of the cost of such improvement or sewer assessed against the property of such owner as appears by the bond lien docket, together with the amount of six months' interest at the same rate per annum on unpaid assessments or installments as the interest rate expressed in the bond issued for such improvement or sewer. The first payment aforesaid shall be due and payable at the expiration of six months from the date of said assessment in the original lien docket and subsequent payments at the expiration of each six months thereafter. Should such owner or owners neglect or refuse to pay such sum or sums aforesaid as the same shall become due and payable for a period of one year, then the whole amount of said installments remaining unpaid shall immediately become delinquent and shall be collected in the same manner and with the same penalties as delinquent street or sewer assessments are collected; provided, that at any time before the property is sold as herein provided, the owner or owners may pay a delinquent installment or installments with interest thereon as herein provided, together with the cost of advertisement or advertisements, and a penalty of five percent on the entire unpaid assessment from the date of the earliest delinquent assessment to the date of payment, whereupon the remaining installment or installments shall be payable as though no delinquency had occurred. It shall be the duty of the Recorder to make and deliver to the Treasurer of the City a copy of the bond lien docket, and the Treasurer shall thereupon make the proper extensions of installments and interest on said bond lien docket and notify the owner or owners of property that the installments aforesaid and/or interest are due and payable, but a failure of such owner or owners to receive such notice shall not be taken nor held to prevent the collection of installments and/or interest as herein provided.

The Treasurer shall issue a receipt for such installments and interest and shall file duplicates of said receipts with the Recorder daily and shall make proper entries of the same showing the amount of each payment and the date thereof; provided, however, that at any time after issuance of such bond or bonds any owner at the time of any such lot, part of lot, parcel of land or other property against which such assessment is made and docketed may pay into the City Treasury the whole amount of such assessment, for which such lien is docketed, together with the full amount of interest and costs accrued thereon to the date of payment, and upon producing to the Recorder the receipt of the Treasurer (which receipt shall not only state the amount of such payment but also a description of the lot, part of lot, parcel of land or other property upon which such payment is made), he shall enter in such lien docket opposite the entry of the lien therein the amount of such payment and the date thereof.

The Treasurer shall keep an account of funds paid upon bonded improvements separate and apart from other funds of the City and the amount of such funds paid on account of installments and interest upon unpaid installments shall be placed to the credit of funds to be known and designated as "Improvement Bond Sinking Fund" and "Improvement Bond Interest Fund", respectively, which funds shall be a continuation of the present funds of the same name and shall be applied respectively to the payment of improvement bonds heretofore issued and interest thereon, in accordance with the terms of such bonds, and thereafter to the payment of bonds and interest issued hereunder, and any moneys received under the law heretofore existing on account of installments and interest due thereon shall be applied to the redemption of bonds under this act and the payment of interest thereon; provided, that whenever there is an excess in the Improvement Bond Interest Fund such excess may be transferred to the general fund to provide for the repayment of money previously advanced to said fund by the general fund. The amount to be credited to the Improvement Bond Sinking Fund shall from time to time, under the direction of the Council, be deposited in a bank subject to the provisions of this Charter, or by investment in or used for the purchase of Improvement Bonds of the City at par. In the purchase of Improvement Bonds, accrued interest thereon shall be paid out of the Improvement Bond Interest Fund and all interest received by the Treasurer on account of coupons shall be placed to the credit of the Improvement Bond Interest Fund and interest due on Improvement Bonds shall be paid out of the Improvement Bond Interest Fund.

All bonds purchased by the City shall be held by the Treasurer as a sinking fund and shall be sold by direction of the Council when required for the redemption of bonds previously issued as they shall become due and payable.

Entries of payments of installments, interest and costs made under the provisions of this act shall operate as a discharge of such lien to the amount of such payment and from the date thereof.

No obligation incurred by the City by virtue of this section of the Charter shall be deemed or taken to be within or any part of the limitations by law as to indebtedness.

**\*150. Redemption Of Bonds:**  
 At any time after the bonds which may be issued hereunder shall become payable, if not sooner taken up and cancelled as hereinbefore provided, the City may redeem such bonds and to that end shall redeem the same consecutively by number, commencing with the lowest outstanding number of such bonds, and shall give notice of the readiness of the City to redeem by publication in the City Official Newspaper once each week for two consecutive weeks, giving therein the number of the bonds which will be redeemed and the time at which such redemption will be made, and after such time so fixed for redemption no interest shall accrue or become payable on such bonds so notified for redemption.

**\*151. Deficiency Of Assessments—Foreclosure—Terms And Conditions:**  
 Whenever the Council or other competent authority of the City of Beaverton shall have proceeded to improve any street or streets or any part or parts thereof, or to lay any sewer within the corporate limits of the City, and shall have assessed the costs of such improvements or sewer to the property benefited thereby, or liable therefor, according to the provisions of the Charter and Ordinances of the city, and applications to pay in installments the amount of certain of such assessments have been received, and there shall be a deficit or difference between the aggregate amount of applications to pay in installments so filed, plus those assessments paid in cash, and the total cost of such improvements, the Council, or other competent authority not less than five days after the time that such assessments are required to be paid in cash and not less than five days after the time during which applications to pay in installments are required to be filed, shall have the power and authority, without further authorization, to issue either a note or notes, or bond or bonds of such city to cover such deficit or delinquent assessments, which note or notes, or bond or bonds, shall bear interest not to exceed six

per cent per annum, payable semi-annually and shall be and constitute a general obligation of such city, but shall not be deemed or taken to be within or any part of the limitation by law as to the indebtedness of the City; provided, that the particular form of said notes or bonds, and the manner of sale thereof shall be determined in the discretion of the Council, or other competent authority, except that such note or notes, or bond or bonds shall have a maturity of not to exceed three years; and provided, that all collections of said delinquent assessments and interest and penalty thereon, relative to such improvement, shall be deposited in a sinking fund, and applied to no other purpose than that of retiring the note or notes, or bond or bonds, issued by reason of such delinquency; and provided, that nothing contained herein shall be construed as affecting or enlarging the power of the City to issue bonds for cost of street intersections or cost of street improvements abutting on or adjacent to municipally owned property.

**\*152. Lien Of Assessments—Foreclosure—Redemption:**  
 The City of Beaverton shall have the right to and may foreclose any and all liens or assessments or installments of assessments, heretofore lawfully levied or assessed by said City, by suits in equity in the Circuit Court of Washington County. In any such suit, if a decree of foreclosure is entered, the City shall be entitled to recover, as a part of the moneys to be made on the sale on execution of the property involved therein, such sum or sums of money as the Court may adjudge reasonable as attorneys' fees, and such sums shall be a lien upon such property. Such suits shall be governed by the provisions of Chapter 5, Title VI, Oregon Code, and by all other provisions of the laws of the State of Oregon relating to suits in equity in so far as the same are applicable, except as herein otherwise provided. The City shall be entitled to bid at the sale on execution of the property involved in such suit any amount not exceeding the amount found by the decree of the Court to be due upon its lien or assessment, together with interest, costs, penalties and attorneys' fees, and may credit the amount of its bid upon the execution. The time and manner for the redemption of property from the sales on execution in such suits shall be the time and manner provided by the laws of the State of Oregon for the redemption of real property from sales on execution. The amount to be paid on such redemption shall be the amount for which such property was sold on execution, together with interest thereon at the rate of ten per cent per annum from the date of sale until the date of redemption; provided, however, that no deficiency judgment shall be entered against the owner of the property.

**CHAPTER X.  
 DELINQUENCIES—  
 SALE OF REALTY—ADDITIONAL METHOD.**

- \*153. Enforcement Of Lien Or Assessment—Method Provided.
- \*154. Delinquent List—Duty Of Officer To Prepare.
- \*155. Advertising For Sale—Title Conveyed—Levy.
- \*156. Record Of Sale—Receipt To Person Paying Delinquency.
- \*157. Sale Price—Payment In Money Required—City Bidding In.
- \*158. Certificate Of Sale—Contents.
- \*159. Delinquent List—Return To Recorder—Entries In Lien Docket.
- \*160. Redemption Right—Penalties.
- \*161. Failure To Redeem—Deed To Purchaser—Effect.

**\*153. Enforcement Of Lien Or Assessment—Method Provided:**  
 In addition to the method now provided by law, ordinance or Charter, or any amendment thereto hereafter adopted by the City of Beaverton for the sale of real property for delinquent liens or assessments, the City shall be authorized to cause the real property to be sold as hereinafter provided for any assessment, lien or installment thereof at any time after one year from the date such lien, assessment or installment shall become due and payable, in the event the same has been bonded; otherwise, at any time after sixty days from the time the same shall have been entered in the docket.

**\*154. Delinquent List—Duty Of Officer To Prepare:**  
 If any installment on any lien that may have been bonded, as provided by law or the ordinances or charter of the City of Beaverton, is delinquent for a period of one year from the time the same became due and payable, or at any time after sixty days from the time the same became due and payable in the event any such lien or assessment has not been bonded, the Recorder may thereafter prepare and transmit to the Treasurer a list in tabular form, made up from the docket of city liens, or other lien docket, describing each lien, assessment or installment thereon and on any bonded lien which is so delinquent, the name of the person to whom assessed and a particular description of the property; the amount of the lien or assessment or the amount of the installment due on any bonded lien, and any other facts necessary to be given.

**\*155. Advertising For Sale—Title Conveyed—Levy:**  
 The City Treasurer shall thereupon proceed to collect the unpaid liens or assessments named in such list by advertising and selling such lots or tracts in the manner now provided by law for the sale of real property on execution, except as herein otherwise provided, and except that sale may be made at such place within the corporate limits of the City of Beaverton as may be designated in the notice of such sale. Each piece or tract of land shall be sold separately, and for a sum equal to but not exceeding the unpaid lien or assessment or assessments thereon and the interest, penalty and cost of advertising and sale; and where there shall be more than one bid the land shall be sold to the bidder first offering to take the same for the amount accrued thereon. A sale of real property under the provisions of this act conveys to the purchaser, subject to redemption as herein provided, all estates, interests, liens or claims therein or thereto of any person or persons whomsoever, together with all rights and appurtenances thereto belonging, excepting only the lien of said city on such assessments or liens as are not included in said foreclosure proceedings. No levy upon such lots or parcels of land shall be required except that a notice shall be posted four consecutive weeks before said sale upon every lot or parcel assessed to an unknown owner.

In such sale said city may include any number of lots or parcels of land upon which it has delinquent assessments and/or liens, though the same may have been levied under the same or a different ordinance or ordinances. Any number of different assessments and/or liens may be foreclosed upon the same lot, block or parcel of land in one proceeding. In the event there shall be more than one delinquent assessment and/or lien upon any lot or parcel of land, the various amounts thereof, including accrued interest, penalties and costs, shall be added together and the total amount thereof shall be deemed to be the amount of the assessments and/or liens for which said property is to be sold.

**\*156. Record Of Sale—Receipt To Person Paying Delinquency:**  
 The City Treasurer shall enter into columns provided for that purpose in the list transmitted to him by the City Recorder, the date of sale, the name of the purchaser and the amount paid for each parcel of property sold. The City Treasurer shall give a receipt to each person paying any lien or assessment on said delinquent list prior to the sale thereof, and such receipt must state separately the lien or assessment, interest and costs collected, and a duplicate of said receipt shall be filed with the Treasurer.

**\*157. Sale Price—Payment In Money Required—City Bidding In:**  
 Real property when sold for or to satisfy a delinquent assessment and/or lien must be sold for lawful money of the United States, except as herein stated; provided, that in event no bid is received for the sale of the property then in such case the city shall be authorized to purchase said property by bidding therefor the amount of the lien or liens and the cost of advertising and sale; and the same may be struck off and sold to said city without the actual payment of any money therefor; and any one applying or seeking to redeem property so sold as in this act provided, must pay or offer to pay the sum necessary in such lawful money, and not otherwise.

**\*158. Certificate Of Sale—Contents:**  
 The Treasurer shall immediately, after having sold any real property upon such list, make and deliver to the purchaser 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 it sold for, the lien or assessment for which the property was sold, the name of the purchaser and that the sale is made subject to redemption within one year from the date of the certificate, and then deliver such certificate to the purchaser.

**\*159. Delinquent List—Return To Recorder—Entries In Lien Docket:**  
 The Treasurer of the City shall, within three days after sale, return to the Recorder the said delinquent list, with all collections and sales noted thereon, and the Recorder shall thereupon make proper entries thereof in the docket of city liens or other lien docket. Thereafter no transfer or assignment of any certificate of purchase of real property sold under the provisions of this act shall be deemed valid unless an entry of such transfer or assignment shall have been noted by the Recorder in said docket. In case any property shall remain unsold upon such sale, the same may be again, at the discretion of the Council, offered for sale in like manner, but not sooner than three months after the expiration of any sale, except that in the matter of an assessment for the opening, widening, laying out or establishing of a street, proceedings for such sale may be taken immediately.

**\*160. Redemption Right—Penalties:**  
 The owner, or his legal representatives, or his successor in interest, or any person having a lien by judgment, decree or mortgage, or owner of a tax lien, on any property so sold may redeem the same upon the conditions provided as follows:

Redemption of any real property sold for a delinquent assessment or lien under the provisions of this act may be made by paying to the City Treasurer, at any time within one year from the date of the certificate of sale, at the purchase price and ten per cent thereof as penalty, and interest on the purchase price at the rate of ten per cent per annum, from the date of such certificate. Where redemption shall be made by the holder of a tax lien he shall have the right to have such redemption noted upon the record of his lien in like manner and with like effect as hereinbefore prescribed; provided, however, that if redemption be made within three months from the date of sale, the penalty to be paid shall be five per cent. 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, mortgage or tax lien, as the case may be, and shall bear like interest, and may be enforced and collected as a part thereof.

**\*161. Failure To Redeem—Deed To Purchaser—Effect:**  
 After the expiration of one year from the date of such certificate, if no redemption shall have been made, the City Treasurer shall execute to the purchaser, his heirs or assigns, a deed of conveyance, containing a description of the property sold, the date of the sale, a statement of the amount bid, of the lien or assessment for which the said property was sold, that the assessment or lien was unpaid at the time of the sale and that no redemption has been made,