NOTICE OF CHARTER AMENDMENT

NOTICE IS HEREBY GIVEN that the following is a full and correct copy of the Title and Text of a certain Act of Municipal Legislation amending the charter of the City of Medford, Oregon, to be submitted to the legal voters of said city for their adoption or rejection at the annual election to be held in and for said city on the 9th day of January, 1917, together with the numbers and form in which the ballot title thereof will be printed on the official ballot.

Dated December 20, 1916.

(Signed) ELMER T. FOSS,
Recorder of the City of Medford, Oregon.

CHARTER AMENDMENT.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MEDFORD, by adding thereto a new chapter to be known as chapter 14 consisting of sections 139 to 170 both inclusive relating to special assessments for local improvements for paving and otherwise including sewer and watermain heretofore levied and assessed, providing for the collection thereof and the enforcement of such liens and assessments and the issuance and sale of refunding bonds, therefore, to read as follows:

CHAPTER 14
LOCAL IMPROVEMENTS

Payments of Assessments, Extension of Time for.

Section 139. All unpaid assessments heretofore levied and assessed for street improvements by paving or otherwise including sewers and watermains whether bonded under the provisions of the Laws of the State of Oregon or the city charter of the City of Medford, or not bonded, shall be collected and collections of such liens enforced as in this act provided. The City Council shall by ordinance fix a date when all such unpaid assessments with interest thereon to such date may be paid in whole or in part, notice whereof shall be given as herein provided. The amount of the principal and interest of such assessments remaining unpaid at the expiration of such date shall constitute an unpaid balance which, with interest thereon at the rate expressed in the refunding bonds in this act provided for, shall be payable in thirteen (13) years from and after such date, during each of the first three years of which only interest upon such unpaid balance must be paid, and during each of the last ten years of which period there shall be payable one tenth of such unpaid balance with interest at the bond rate upon the whole unpaid sum. In addition to the annual payments herein required, the option is accorded to pay at the time of each annual payment, one or more tenths of the unpaid balance, but any such optional payment shall be considered as payment of the last maturing installment or installments as the case may be: Provided, that the city council may by ordinance provide for semi-annual payments of interest and principal.

Consolidated Lien Docket.

Section 140. That all special assessments mentioned in the preceding section shall, by ordinance be transferred to and entered upon a consolidated lien docket in which shall be entered:

(a) a description of the property assessed;

(b) the street and nature of improvement for which such assessment was made and the number of the ordinance declaring such assessment;

(c) the name of the person to whom assessed as appearing on the original assessment roll;

(d) the sum originally assessed against such property;

(e) the date of the entry on the original lien docket and the volume and page thereof;

(f) the unpaid principal of such assessment;

(g) the date from which interest remains unpaid upon such unpaid principal.

Such docket shall stand thereafter as a consolidated lien docket, as for taxes assessed and levied in favor of the city and the amounts of the unpaid assessments, including interest therein docketed, shall be paid and the liens thereof enforced as in this act provided and shall be and remain a lien on each lot or parcel of land, or other property, respectively, in favor of the city, and such liens shall have priority over all other liens and incumbrances whatsoever.

Consolidated Improvement District and Fund.

Section 141. The city Council shall by ordinance create a consolidated improvement district comprising all improvements of streets by paving and otherwise and the construction of sewers and watermains heretofore made where any special assessments remain unpaid, and shall create a consolidated improvement district fund comprising the same.

Notice of Collection of Assessment.

Section 142. The owner of any lot, tract or parcel of land charged with any such assessments heretofore levied and assessed may redeem the same from all or any portion of such liability by paying the entire assessment or any portion thereof charged against such lot or parcel of land within fifteen (15) days after notice to him of such assessment, which notice shall be given as follows: The City Treasurer shall, as soon as the date shall be fixed for the payment in whole or in part of such assessments with interest, give notice by publication, that the consolidated lien docket is in his hands for collection and that any assessment thereon with interest to the date fixed or any portion thereof may be paid at any time during the fifteen (15) day period ending with said date, the date of first publication of which notice shall be at least fifteen (15) days prior to said date, and that thereafter the sum remaining unpaid shall become due and payable during like fifteen day periods as herein provided in annual or semi-annual payments as the case may be.

The refunding bonds herein provided for shall not be issued prior to twenty (20) days after the expiration of the fifteen (15) days above mentioned but may be issued at any time thereafter. The owner of any such lot or parcel of land so assessed may redeem the same from all liability for the unpaid amount of such assessment at any time after said date by paying said unpaid amount with interest thereon to the date of the next interest payment on the bonds issued against such consolidated improvement district. All sums paid upon such assessments shall be paid to the City Treasurer and by him credited to the consolidated fund.

Refunding Improvement Bonds.

Section 143. The City Council shall by ordinance authorize the issue of the refunding improvement bonds of the City in an amount equal to the unpaid balance of such assessments, existing at the expiration of the date hereinabove provided for, in convenient denominations not exceeding Five Hundred ($500) Dollars each; and such bonds shall by the terms thereof be payable on or before a date not to exceed fifteen (15) years from and after the date of such bonds which latter date may be fixed by resolution and be payable in their numerical order in gold coin of the United States and bear interest not to exceed six (6%) per cent per annum interest payable semi-annually or annually, said interest to be evidenced by coupons attached to said bonds: Provided, the right to take up and cancel such bond or bonds upon the payment of the face value thereof, with accrued interest to the date of payment at any coupon period at or after one (1) year from the date of such bond or bonds, shall be, and hereby is vested in said city. Notice, that certain bonds shall be taken up and cancelled as aforesaid and that the interest thereon shall cease at the period next following, shall be published once in a newspaper printed and published and of general circulation in the city at least ten (10) days preceding such period and shall state that bonds No. ——— (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on said bonds shall become due and interest upon such bonds shall cease on such date. Such bonds before issuance shall be signed by the Mayor and countersigned by the Treasurer and attested by the Recorder of the City, and authenticated by the seal of the city attached thereto and shall be registered consecutively by the said Recorder by number and denomination of each in the "Improvement Bond Register." The City Council may by ordinance make other or further provision for the registration of principal or of principal and interest of such bonds. Each of such bonds shall have plainly indicated on the face thereof the registered number of said bond and the words "Refunding Improvement Bond 1917" with the name of the City of Medford. The City Council shall provide for the sale of such bonds for not less than par and accrued interest; the proceeds thereof shall be paid by the purchaser to the City Treasurer and shall be applied to the redemption and payment of the outstanding and unpaid City of Medford Improvement Bonds and Warrants for paving, sewers, and water mains, and to the redemption and payment of coupons of such bonds held by the city and representing moneys advanced by it from taxes and otherwise from its various funds by way of loans to meet, from time to time, maturing interest payments in bond fund districts hereinbefore consolidated.

Each bond shall provide that the principal sum therein named and the interest thereon shall be payable out of such consolidated improvement fund. Such bonds shall be a charge upon the property subject to such assessments and the amount of the bonds so issued shall not be deemed or taken to be within or any part of the limitation by law as to indebtedness of said city as provided in section 72 of this charter. Whenever there shall be sufficient money in such fund over and above sufficient for the payment of interest on all such unpaid bonds to pay the principal of one or more bonds, the treasurer shall call in and pay such bonds.

Installment Payments, Interest, Penalty.

Section 144. Annual or semi-annual installments, or interest payments, which shall remain unpaid at the expiration of the time fixed for such respective payments shall thereupon become delinquent, and shall bear a penalty of five (5%) per centum upon the amount of such delinquency, in addition at the bond rate upon the principal sum so delinquent. For such purpose, if any interest payment during the first three years as herein provided, shall become delinquent, it shall be subject to such penalty and interest upon the sum so delinquent. Interest and penalty shall be included in, and shall be a part of the assessment lien.

Upon the expiration of the time fixed for annual or semi-annual payments, the Treasurer shall make return to the Recorder of the sums paid and upon what property and of the sums unpaid. The Recorder shall thereupon issue his warrant in form approved by the City Attorney to the City Treasurer commanding him to sell all property so delinquent for the amount of such delinquency, with penalties, interest and costs as in this act provided.

Sales for Delinquent Assessments.

Section 145. Thirty (30) days after any such annual or semi-annual installment or payment shall have become delinquent, the City Treasurer shall proceed to sell the property described on said consolidated lien docket so delinquent and unpaid, for the amount of such delinquency together with penalty and interest accruing to date of sale, and for the costs of such sale. He shall execute and deliver certificates of sale to the purchasers, and assessment deeds to the persons thereunto entitled.

The Treasurer shall give notice of such sales by publication. Such notice shall contain a list of all property upon which such assessments are delinquent, with the amount of the assessments, interests, penalties and costs, to date of sale, together with the names of the owners of such property, or the words "Unknown Owners," as the same may appear upon said consolidated docket, and shall specify the time and place of sale, and that the property therein described will be sold to satisfy the assessments, interests, penalties and costs due upon the same. All such sales shall be made between the hours of ten o'clock a. m. and four o'clock p. m. and shall take place at the front door of the building in which the City Council holds its sessions. Such sale shall be continued from day to day, omitting Sundays and legal holidays, until all the property described in said consolidated lien docket on which any such assessment, or installment thereof is delinquent and unpaid is sold. All such sales shall be public, and each lot, tract or parcel of land, shall be sold separately and in the order in which the name appears upon the consolidated lien docket commencing at the beginning thereof.

All lots, tracts and parcels of land sold for delinquent and unpaid local assessments, shall be sold to the first person at such sale offering to pay the amount due on each such lot, tract or parcel of land. If there be no bidder for any lot, tract or parcel of land for a sum sufficient to pay the delinquent and unpaid assessment thereon or installment thereof with interest, penalty and costs, the treasurer shall strike the same off to the city for the whole amount which he is required to collect by such sale. If any bidder to whom any property is stricken off at such sale does not pay the assessment, interest, penalty and costs before ten o'clock a. m. of the day following the day of such sale, such property must then be resold, or if the assessment sale is closed be deemed to have been sold to the city and a certificate of sale shall be issued to the city therefor.

Return of Sale.

Section 146. Within fifteen (15) days after the completion of the sale of all property so authorized to be sold as aforesaid, the Treasurer must make return to the Recorder by whom the warrant was issued for such sale, with a statement of his action thereon, showing all the property sold by him, to whom sold and the sum paid therefor.

Certificate of Sale.

Section 147. After receiving the amount of the assessment, penalty, interest, costs and charges, The Treasurer shall make out a certificate, dated on the day of sale, stating (when known) the name of the owner as given on the consolidated lien docket, a description of the land sold, the amount paid therefor, the name of the purchaser, that it was sold for the assessment, giving the names of the streets, or other brief designation of the improvement for which the assessment was made, and specifying that the purchaser will be entitled to a deed two years from the date of sale, unless redemption thereof be made. Such certificate shall be signed by the Treasurer and shall be delivered to the purchaser, and shall be by such purchaser recorded in the office of the County Recorder within thirty (30) days from the date thereof. If not recorded within said time, the lien thereof shall be postponed to claims of subsequent purchasers and incumbrancers for value and in good faith who become such while the same is unrecorded.

The City Recorder shall be the custodian of all certificates for property sold to the city and shall at any time within two years from the date of such certificate, and before redemption of the property therein described, sell and transfer any such certificate to any person who will present to him the Treasurer's receipt evidencing payment to the Treasurer of the amount for which the property therein described was stricken off to the same redeemed, with the date of such on, and such Recorder, may, if so authorized by the council, sell and transfer any such certificate in like manner after the expiration of such period of two years from the date of certificate.

Liability of Treasurer.

Section 148. If the treasurer shall receive any moneys for assessments, giving a receipt therefor, for any property and afterward return the same as unpaid, or shall receive the same after making such return, and the same be sold for assessment which has been so paid and receipted for by himself, his clerk or deputy, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale for the amount of the face of the certificate, and legal interest to be demanded within two years from the date of sale and recovered in any court having jurisdiction of the amount, and the city shall in no case be liable to the holder of such certificate.

Record of Payment.

Section 149. Whenever before the sale of any property the amount of any assessment thereon, with interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid, with the date of payment thereof on the consolidated lien docket, and whenever after the sale of any property for any assessment the same shall be redeemed, he shall thereupon enter the same redeemed with the date of such redemption on such record. Such records shall be made on the margin of the record opposite the description of such property.

Property Held in Trust.

Section 150. Whenever the property shall be bid in by the city or be stricken off to the city under and by virtue of any proceeding or proceedings provided in this act said property shall be held in trust by said city for said fund to the extent of the amount of the assessment or installment for which said property was sold, with penalty, accrued interest, and interest on said installment to time of next call for bonds or warrants: Provided, however, such city may at any time after the procuring of a deed pay into such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds issued against such fund at such bond rate, and thereupon shall take and hold said property discharged of such trust.

Sale of Property Held in Trust.

Section 151. The city may at any time after the period of redemption has expired and deeds issued to said city under and by virtue of any proceedings mentioned in this act, sell any such property at public auction to the highest bidder for cash, but no bid shall be accepted for any amount less than the amount set forth in said deed, plus accrued interest to date of sale, computed on the assessment for which said property was sold from the date of the execution of said deed, and all the delinquent assessments and taxes that may stand against said property with accrued interest thereon, penalties, costs and other charges, and the said city shall pay into said fund for which said property was held in trust so much thereof as shall fully cancel the assessment for which said property was sold, together with all interest thereon.

Any such sale shall be had only upon notice by publication setting forth a description of the property to be sold that the city Treasurer will sell such property on the day specified at the front door of the building in which the city council holds its sessions, between the hours of ten o'clock a. m. and four o'clock p. m. and continue such sale from day to day, or withdraw such property from sale after the first day if the treasurer in his discretion deems that the interests of the city so require: Provided, that at least fifteen days shall elapse between the date of last publication of such notice and the day such property is sold.

Redemption and Deed.

Section 152. Any property so sold for an assessment shall be subject to redemption by the former owner or his grantee, mortgagee, heir, or other representative at any time within two years from the date of the sale upon the payment to the treasurer for the purchaser of the amount for which the same was sold with interest at the rate of fifteen (15%) per cent per annum together with all taxes and special assessments, interest, penalties costs and other charges thereon paid by the purchaser of such property at or since such sale, with like interest thereon. Unless written notice of taxes and assessments subsequently paid and the amount thereof shall be deposited with the city treasurer, redemption may be made without including the same. On any such redemption being made, the treasurer shall give to the redemptioner a certificate of redemption therefor, and pay over the amount so received to the purchaser of the certificate of sale or his assigns. Should no redemption be made within said period of two years the treasurer shall, on demand of the purchaser or his assigns and the surrender to him of the certificate of sale, execute to such purchaser or his assigns, a deed for the property therein described: Provided, that no such deed shall be executed until the holder of such certificate of sale shall, according to the record in the office of the County Recorder, have notified the owners of such property that he holds such certificate, and that he will demand a deed therefor. Said notice shall be given by personal service upon said owners: Provided, that in case said parties are non-residents of the state or cannot be found therein after diligent search, then such notice may be given by publication once a week for three successive weeks. Such notice and return thereof, with the affidavit of the person, or in case of the city of the recorder, claiming such deed showing that such service was made, shall be filed with the treasurer. If, notwithstanding such notice, no redemption be made within sixty days after the date of service, or the date of first publication of such notice, the holder of such certificate of sale shall be entitled to a deed thereon. Such deed shall be executed only for the property described in the certificate, and after payment of all delinquent taxes and special assessments thereon, or installments thereof, the certificates of delinquency or other certificates issued for special or local assessments, whether the same were levied, assessed or issued prior or subsequent to the issuance of said certificate of sale: Provided, that any such deed may be issued to the city for the face amount for which said certificate of sale was issued, plus accrued interest, costs, penalties and charges, and shall be held by the city subject to the liens of general taxes and special assessments.

The deed shall be executed in the name of the city; shall recite in substance the matters contained in the certificate of sale, the notice to the owner, and that no redemption has been made of the property within the time allowed by law. The deed shall be signed and acknowledged by the City Treasurer, as such, and shall be prima facie evidence that the property was assessed according to and as required by law; that the assessment was not paid; that the property was sold as required by law; that it was not redeemed; that due notice of demand for deed had been given, and that the person executing the deed was the proper officer; and the deed shall be conclusive evidence of the regularity of all other proceedings from the assessment, up to and including the execution of the deed, and shall convey the entire fee simple title to the property therein described, except as otherwise provided herein for the city, stripped of all liens and claims except taxes and assessments for local improvements or installments thereof, not delinquent.

Such deed, at the expiration of one year from its issuance, shall in all respects become absolute, and no suits of any kind or character shall be maintained or shall set aside or annul the sale of said property for said lien. In case any sale of property shall be vacated or set aside or declared void by any court within the time herein limited, because of any irregularity or defect in the proceeding leading up to the levying of the assessment, whereon same is based, or in the collection thereof, or the proceedings leading up to the sale of said property the city shall, upon the application in writing setting forth said facts with a certified copy of such judgment or decree attached thereto, repay to the purchaser at said sale, or his assigns, the amount paid by him at said sale, together with all special assessments, interests, penalties, and costs thereon paid by him at or since such sale with interest there on at the rate of six (6) per centum per annum.

The City Treasurer shall charge for the issuance of each certificate of sale the sum of fifty cents; for each deed the sum of one dollar.

Foreclosure.

Section 153. The City may proceed with the collection or enforcement of any delinquent assessment, or delinquent installment, whether the same become a lien after this act shall become effective, or prior thereto, by proceedings in court therefor in an action brought in its own name in the Circuit Court of Jackson County. It shall not be necessary to bring a separate suit for each such separate piece or parcel of property delinquent, but all or any part of the property delinquent may be proceeded against in the same action and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in the action to foreclose, and all or any liens for such delinquent assessments or installments thereof, may be foreclosed in such proceeding. Such proceedings shall be tried before the court without a jury. In any such proceedings it shall be sufficient to allege the passage of the ordinance providing such improvement, the making of such improvement, the levying of the assessment, the confirmation thereof, the date of delinquency of such assessment or installment, and that such assessment was not paid prior to such delinquency or at all. Such lien docket and confirmatory order or duly authenticated copies thereof, shall be prima facie evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be on the defendants. In any such action where the owners or parties interested in any particular lot, tract or parcel of land or other property included in such suit shall suffer a default, the court may enter judgment of foreclosure and sale as to such parties and property as in default and order execution thereon, and the action may proceed as to the remaining defendants and property. The judgment of the court shall specify separately the amount of the assessment or installment thereof with interest, penalty, and costs, chargeable to the several lots, tracts and parcels of land in such proceedings. Such judgment shall have the effect of a separate judgment as to each lot, tract or parcel of land described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment the court shall decree that such lots, tracts or parcels of land be sold to enforce such judgment, and execution shall issue for the enforcement of such decree. Judgment may be entered as to any one or more separate lots, tracts, or parcels of land involved in such proceedings and the court may retain jurisdiction of the case as to the balance. All proceedings supplemental to judgment, including appeal, order of sale, sale, period of redemption and the issuance of deed shall be had and conducted in accordance with the law, now or hereafter in force, relating to property sold under or upon foreclosure of real estate mortgages.

Lien of Purchaser.

Section 154. The purchaser at any sale authorized in this act acquires a lien on the properties so bid in by him for the amount paid by him at such sale as well as for all taxes and delinquent assessments, or delinquent installments thereof, and certificates of delinquency, and all interest, penalties, costs and charges thereon whether levied previously or subsequently to such sale, and whether for state, county, city, or school district purposes, subsequently paid by him on such property, and shall be entitled to interest at the rate of fifteen (15) per cent per annum on the original amount paid by him from the date of said sale, and upon such subsequent payments from the date of the payment of the respective amounts.

Local Assessments to Be Included in Certificates of Delinquency for General Taxes.

Section 155. The holder of any certificate of delinquency for general taxes shall, before commencing any action to foreclose the lien of such certificate pay in full all local assessments or installments thereof outstanding against the whole or any portion of the property included in such certificate of delinquency, or, he may elect to proceed to acquire title to such property subject to certain or all local assessments as liens thereon, in which case the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state. If such holder shall pay such local assessments, he shall be entitled to fifteen (15) per cent interest per annum on the amount of the delinquent assessments or delinquent installments thereof so paid, from date of payment.

In any suit to foreclose any lien for general taxes upon any property a copy of the complaint shall be served on the treasurer of the city within five days after such complaint is filed. In any case where any property shall be struck off to or bid in by the county at any sale for general taxes, and such property shall subsequently be sold by the county, the proceeds of such sale shall first be applied to discharge in full the lien or liens for general taxes for which the same was sold, and the remainder, or such portion thereof as may be necessary, shall be paid to the city to discharge all local assessment liens upon such property, and the surplus, if any, shall be distributed among the proper county funds.

Reassessments.

Section 156. Whenever heretofore or hereafter the council has caused or may cause, any street or alley to be improved, or has caused any sewer or watermain to be laid and has, or may hereafter assess or attempt to assess upon the property adjacent thereto or benefitted thereby the cost of such improvement, and said assessment by reason of any failure to give any requisite notice or by reason of any other defect in the proceedings leading up to the making of such improvement or the levying of such assessment shall be declared to be void by any court, or if the council shall be of the opinion that said assessment is illegal or doubtful by reason of any such omission or defect, said council may cause the cost of said improvement to be re-assessed against the property adjacent to said improvement, or benefited thereby, in the following manner:

The council shall declare by resolution its intentions to make such reassessment, which resolution shall briefly describe the improvement, and shall declare the intention of the council to assess the cost thereof upon the property adjacent to said improvement, or benefitted thereby, describing in said resolution each parcel of property which it intends so to re-assess and the amount it proposes to assess against each parcel. Said resolution shall fix the time and place for holding a meeting of the council at which all protests against re-assessing the costs of said improvement against adjacent property, or property benefited thereby, shall be heard. Said resolution shall be published, the date of the first publication of which shall be at least ten days before the date of said hearing.

At said hearing the council shall consider all protests against the levying of such assessment, and if after considering the matter the council shall determine that the property adjacent to said improvement or any other property has been specially benefited thereby, it may cause the cost of said improvement to be assessed against said adjacent property, or other property especially benefited by said improvement to the extent of the special benefit so received by said property therefrom: Provided, however, that no parcel of property shall be so assessed unless the same has been described in the notice of intention to make reassessment above provided for, and no parcel of property shall be assessed for a greater amount than the amount designated therefor in said notice. In determining the property to be assessed and the amount to be assessed against each parcel of property, the provisions of the charter and ordinance for making an original assessment shall be followed by the council in making such reassessment.

The council shall have the right to assess any parcel of property for said improvement notwithstanding the same may not have been assessed in the original assessment proceeding, in case the council find said property specially benefited by said improvement, and the provisions of the charter relating thereto otherwise gives the council power to assess said property. In making said reassessment the council shall distribute the cost of said improvement between the various parcels adjacent thereto or benefitted thereby in proportion to the benefits received or the frontage of the property on said improvement, as the case may be, assessing no parcel any greater amount than the actual benefit received by it from said improvement, but the council shall enter no assessment against any parcel of property which has been previously assessed and which assessment has been paid. Any existing assessments so re-assessed shall be marked "Cancelled by Reassessment." Said reassessment shall be declared by ordinance and entered in the city lien docket and collected in the same manner as the original assessments shall be collected under the provision of this charter and the ordinances of the city.

Ordinances and Resolutions.

Section 157. The city council shall pass all ordinances and resolutions necessary and proper to carry out the provisions of this act.

Validation of Local Improvement Assessments

Section 158. Whenever the city council has made, or shall hereafter make any assessment against property for any local improvement authorized by law and this charter and has in making such assessment, acted in good faith and without fraud or shall hereafter act in good faith and without fraud, the said assessment shall be valid and enforceable as such and a lien upon the property upon which the same purports to be a lien; and all assessments heretofore or hereafter made by the city authorities in good faith and without fraud are hereby declared to be valid and in full force and effect, and to be collectible in the manner which is now or may hereafter be provided by law and this charter.

Assessments Paid by Joint Owner.

Section 159. Whenever any local assessment, or installment thereof, shall be paid, or any certificate of sale therefor be redeemed, or any judgment therefor be paid by any joint owner of any property assessed for any local improvement, such joint owner may, after demand and refusal, by an action brought in the circuit court, recover from each of his co-owners the respective amounts of such payment which each such co-owner should bear, with interest thereon at ten (10) per cent per annum from the date of such payments, and costs of the action, and the joint owner making such payment shall have a lien therefor upon the undivided interests of his co-owners in and to such property from date of such payment.

City May Purchase at Tax Sale.

Section 160. Whenever any property situate in the city shall be offered for sale for general taxes, the city shall have the power to protect the lien or liens of any local assessments outstanding against the whole or any portion of such property by purchase or otherwise.

Acts Repealed.

Section 161. All acts and parts of acts both state law and City charter in conflict herewith are hereby repealed; and all acts or parts of acts, either general or special in conflict herewith, are hereby repealed insofar as they conflict herewith or restrict the powers or duties hereby conferred upon said city or its Mayor or Council or other officers. Any acts or parts of acts herein repealed which are re-enacted in form or substance in this act shall not be construed as new enactments, but as continuations and amendments of such acts or parts of acts.

Publication.

Section 162. When this act requires notice by publication, such notice shall be published once in a newspaper published in said city and of general circulation therein, except as otherwise in this act provided.

Notice to be Mailed.

Section 163. In all cases of assessments or installments thereof becoming due and payable the city treasurer shall mail to the owner of the property assessed a copy of the notice required to be published when the post office address of such owner is known, and failure to mail the same shall not be fatal when publication is made.

Assessments Paid in Error.

Section 164. Whenever, through error or inadverdance, any person shall pay any local assessment, or installment thereof, upon the lands of another, such payor, may, after demand and refusal, by an action in the Circuit Court, recover from the owner of such lands the amount so paid, and costs of the action.

New Paving Based on Petition Only.

Section 165. After this act shall become effective, the city council shall not have power to levy special assessments for paving hereafter to be made except upon petition signed by the owners, according to the records in the office of the county recorder, of property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor.

Acts to be Liberally Construed.

Section 166. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act, but the same shall be liberally construed for the purpose of carrying out the objects for which this act is intended.

Discharge of Liens.

Section 167. Entries of payments of assessments and of installments, interest and costs made under the provisions of this act shall be made in the consolidated lien docket aforesaid as the same shall be received, with the date thereof, and such payments made and entered in said consolidated lien docket shall be and operate as a discharge of such lien, to the amount of such payment, and from the date thereof.

Enforcement of Subsequent Liens Authorized.

Section 168. The enforcement of the lien of any installment or interest payment by any method herein authorized shall not prevent the enforcement of the lien of any subsequent installment or interest payment or any method herein authorized when the same shall become delinquent.

Pending Proceedings.

Section 169. If any proceedings shall be pending for the enforcement of the lien or liens of any delinquent assessment or assessments for paving, sewers, or watermains at the time this act becomes effective the city may proceed with the enforcement of any such lien or liens under the provisions of law and the city charter and ordinances of said city existing at the time of the taking effect of this act.

Outstanding Certificates of Sale.

Section 170. The holder or holders of any outstanding certificate of sale heretofore issued for special assessments for paving, sewers, or watermains may proceed with the enforcement of the liens of such special assessments under the provisions of law and the city charter and ordinances of said city existing at the date this act becomes effective.

The following is the form in which the foregoing measure will appear upon the ballot:

Annual City Election, January 9th, 1917.

Mark a cross (x) between number and answer voted for.

Submitted by Initiative Petition and ordered by the City Council.

Charter Amendment, vote "yes," or "no."

BALLOT TITLE.

"An Act to amend the Charter of the City of Medford, Oregon, by adding thereto a new Chapter of 21 Sections relating to special assessments for local improvements heretofore levied and assessed, known as "The Hanson Plan," providing for the collection thereof and the enforcement of such liens and assessments; providing the manner of foreclosure, sale and redemption, with penalties and interest, of property assessed for such local assessments; providing for the issuance and sale of refunding bonds therefor, the extension of time in which to redeem such bonds, and the method and time of their retirement."

104———Yes.
105———No.

MADE IN MEDFORD SUITS KLEIN FOR CLOTHES
TO ORDER $25.00 UP
Also Cleaning, Pressing and Altering
126 E. MAIN. UPSTAIRS

Money to Loan
ON FARM PROPERTY
Six Per Cent Interest
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