

ELECTION NOTICE FOR TILLAMOOK CITY, OREGON.

Notice is hereby given, that on Monday the 4th day of December, 1916 at the City Hall in Tillamook City, Tillamook County, Oregon, a regular election will be held in said city for the election of the following officers, to-wit:

Mayor, to serve for one year.
Five Councilmen, one from each ward, to serve for one year.
Water Commissioner from First ward to serve for five years.
City Treasurer for five years.

Further, that in pursuance of a Resolution adopted by the Common Council of Tillamook City, Oregon, on the 20th day of November, 1916, there will be submitted to the qualified electors of Tillamook City, Oregon, for their adoption or rejection, two measures for the amending of the Charter of Tillamook City, Oregon, proposed by the Common Council, being a measure to amend Article VII of the Charter, and a measure to amend Article IX of the Charter by adding thereto a new Section to be known as Section II, and the said Resolution and measures being in words as follows, to-wit:

RESOLUTION.

BE IT RESOLVED, by the Common Council of Tillamook City, Oregon, that at the general election in Tillamook City, Oregon, to be held on the 4th day of December, 1916, there be submitted to the legal voters of said City, for their approval or rejection, the measures hereto attached and made a part of this Resolution; that each legal voter who votes for the adoption or rejection of said measure shall vote Yes or No in answer to the affirmative or negative of the question propounded upon the ballot for the adoption or rejection of such measure; that the ballot title to be used at said election for voting upon the first measure proposed shall read as follows:

whole or any part of the streets or public highways of the city to be improved, and is authorized to determine the character kind and extent of such improvement, to levy and collect assessments upon all lots or parcels of land specially benefited by such improvements, to defray the whole or any portion of the cost thereof, except as limited by this Article.

Section 4.—The council in improving any street or public highway, or any part thereof within Tillamook City, shall require from the City Engineer plans, specifications and estimates for the improvements desired, and the probable total cost of such improvement, and the Council may, in its discretion, require the City Engineer to furnish such plans, specifications and estimates for two or more of the same time. The City Engineer shall file such plans, specifications and estimates in the office of the City Recorder. If the council shall find such plans, specifications and estimates to be satisfactory it shall approve the same, and shall determine the limits of the street proposed to be improved, and fix the boundaries of the district to be assessed for such improvement, and by resolution declare its purpose and intention of making said improvement. The action of the council in declaring its intention to make any such improvement, specifications and estimates of the City Engineer and fixing the boundaries of the district to be assessed, may all be done at one and the same meeting of the Common Council and by the same resolution, and the same resolution shall designate the district to be assessed for the particular improvement contemplated as "Local Improvement District No. ____." Upon the passage of such resolution by the Common Council, the Recorder shall give notice by publication for not less than two issues in a weekly

be so made and filed, the council at its earliest convenience thereafter and within six months from the final publication of such notice, may establish the proposed grade or alteration thereof, and commence to make the proposed improvement as hereinafter provided.

Section 5.—In case of a notice to establish a grade or alteration thereof of the council, within the time limited in Section 4, may establish the same by resolution or ordinance, as proposed in the notice.

Section 9.—In case the notice be for the improvement of a street or a part thereof, and the same shall not be defeated by a remonstrance as provided for herein, the council shall direct the Mayor and Recorder to enter into a contract with the person, firm or corporation submitting the lowest bid, as hereinafter provided, to make said improvement, and shall require any such contractor to execute a good and sufficient bond in sum equal to the amount of the contract price, conditioned to make said improvement according to the plans and specifications and according to the terms and conditions of such contract, and to complete the same within a reasonable time, to be determined by the common council, and such contract to contain such terms and conditions as may be required by law for the payment of laborers or material men engaged in laboring upon or supplying materials for the work covered by said contract. After such contract and bond are executed and the council have thereby ascertained and determined the actual cost of such improvement, including a sum not to exceed ten per cent, of such contract price for engineering expenses, acquiring descriptions of property and other special expense connected with the making of such improvement, the council shall then apportion to each lot, tract or part thereof liable therefor its proportionate share of such cost, or the Common Council may, in its discretion, defer apportioning the cost of such improvement until after the completion and acceptance of the work to be done under the contract so executed. In either event the proportionate share of such cost shall be assessed in the manner following:

Each lot, or tract, or part thereof, within the limits of said improvement District shall be liable for the full cost or the proportion thereof hereinafter mentioned for making said improvement upon the half of the street in front of and abutting upon the half block in which the particular lot, tract, or part thereof is situated, and for the proportion of the cost of the improvement of street intersections as hereinafter defined.

The Local Improvement District shall be divided into three subdivisions paralleling the margins of the street to be improved. The first subdivision to include all lands lying between the street margins and lines drawn parallel therewith and 35 feet therefrom. The second subdivision shall include all lands lying between lines drawn parallel with and 35 and 70 feet respectively from such street margins. The third subdivision shall include all lands between lines drawn parallel with and 70 and 105 feet respectively from such street margins.

Section 13.—Notice shall be given by the City Recorder to the owner or owners of any parcel of land of any assessment so made, within five days after the entry of said assessment in said lien docket, stating the amount of such assessment. Said notice shall be given by mail addressed to the owner or his agent if their address be known, and if unknown by addressing the same to the owner at Tillamook City, Oregon, and also by publishing a notice thereof in one issue of a weekly newspaper published in Tillamook City.

Section 14.—All of the provisions of Section 1245 to 1253, both inclusive, of Lord's Oregon Laws, are hereby made expressly applicable to all assessments for street improvements under the provision of this Article. Provided, however, that the application to pay by installments provided for in Section 1245 of Lord's Oregon Laws may be within 30 days after the first publication of notice of assessment, and provided further that interest on all unpaid installments shall be paid semi-annually instead annually.

Section 15.—If within 20 days from the date of publication of notice provided for in Section 13 the owner of any property affected by such assessment shall not have applied for leave to make payments in installments, and any portion of said assessment shall remain unpaid, the Common Council may thereafter order a warrant for the collection of the same to be issued by the Recorder, directed to the Marshal of Tillamook City.

Section 16.—Such warrant must require the person to whom it is directed to forthwith sell the lot, tract or part thereof upon which the assessment is unpaid, in the manner prescribed by law for the sales of real property upon execution, and to return the proceeds of such sale to the treasurer, and the warrant to the Recorder with his doings thereon, together with the receipt of the City Treasurer for the proceeds of such sale as paid to him, and such return shall be made within 60 days from the date of such warrant.

Section 17.—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. Any such sale which shall be made in pursuance of any such warrant shall be made at the front door of the City Hall of Tillamook City. All or any part of the various assessments made by one resolution or ordinance upon which there is delinquency as to payment may be included in one warrant, and all the property covered by such assessment sold at one time, but separate sales to be made of each tract separately assessed.

Section 18.—The Marshal shall, after making sale, deliver to the purchaser a certificate of sale reciting the proceedings leading up thereto, and stating that the property covered thereby is subject to redemption as hereinafter provided.

Section 19.—Redemption of any real property sold for delinquent assessment or taxes under the provisions hereof may be made by paying to the recorder the purchase at any time within two years from the date of the certificate of sale the purchase price and 10 per cent additional, together with interest at the rate of 6 per cent per annum 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

entitled thereto. When any work or improvement shall have been let or performed by contract, the same shall be paid out of the funds received from assessments made as in this Article provided, or out of funds derived from the sale of bonds issued upon application of the owners of property assessed for said improvement, and no payment shall be made upon any such contract except out of the funds provided by assessment and by bonds issued in conformity with the provisions of this Article.

Section 10.—When the cost of the improvement has been ascertained and determined, and the proportionate share thereof for each lot or part thereof has been assessed or provided in Section 9, the council must declare the same by resolution or ordinance, and direct the Recorder to enter a statement thereof in the docket of city liens as provided in the next Section.

Section 11.—The docket of city liens is a book in which must be entered by the City Recorder the following matters in relation to assessments for the improvement and repair of streets, and the benefits and damages assessed for opening, widening, straightening and extending streets.

(1) The number of letter of the lot assessed and the number or letter of the block in which it is situated, and if a separate assessment is made upon a part of a lot or tract, a particular designation of such part or tract.

(2) The name of the owner thereof, or that the owner is unknown.

(3) The sum assessed upon each lot or part thereof or tract of land and the date of entry, but a failure to enter the name of the owner, or a mistake of the name of the owner so entered will not render void or vitiate any such assessment or affect the lien of Tillamook City upon the property against which such lien is attempted to be entered.

Section 12.—The docket of city liens is a public writing and from the date of an entry therein of an assessment on a lot or part thereof or a tract or parcel of land or a part thereof, the sum so entered is hereby declared to be a tax levied upon and a lien upon and against the lot or part thereof or tract so assessed, and said lien shall have priority over all other liens or encumbrances upon said property, except tax imposed under authority of the state, and any such assessment shall be collectible in the manner herein prescribed, and such tax shall bear interest from the date of the entry of said assessment until paid at the rate of 6 per cent per annum.

Section 13.—Notice shall be given by the City Recorder to the owner or owners of any parcel of land of any assessment so made, within five days after the entry of said assessment in said lien docket, stating the amount of such assessment. Said notice shall be given by mail addressed to the owner or his agent if their address be known, and if unknown by addressing the same to the owner at Tillamook City, Oregon, and also by publishing a notice thereof in one issue of a weekly newspaper published in Tillamook City.

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Section 15.—If within 20 days from the date of publication of notice provided for in Section 13 the owner of any property affected by such assessment shall not have applied for leave to make payments in installments, and any portion of said assessment shall remain unpaid, the Common Council may thereafter order a warrant for the collection of the same to be issued by the Recorder, directed to the Marshal of Tillamook City.

Section 16.—Such warrant must require the person to whom it is directed to forthwith sell the lot, tract or part thereof upon which the assessment is unpaid, in the manner prescribed by law for the sales of real property upon execution, and to return the proceeds of such sale to the treasurer, and the warrant to the Recorder with his doings thereon, together with the receipt of the City Treasurer for the proceeds of such sale as paid to him, and such return shall be made within 60 days from the date of such warrant.

Section 17.—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. Any such sale which shall be made in pursuance of any such warrant shall be made at the front door of the City Hall of Tillamook City. All or any part of the various assessments made by one resolution or ordinance upon which there is delinquency as to payment may be included in one warrant, and all the property covered by such assessment sold at one time, but separate sales to be made of each tract separately assessed.

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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, shall bear like interest and may be enforced and collected as a part thereof.

Section 20.—After the expiration of two years from the date of certificate of sale, if no redemption shall have been made, the Marshal shall execute to the purchaser, his heirs or assigns, a deed of conveyance of the property sold, containing a description of the property sold, the amount paid, the name of the owner if known, or that the name of the owner is unknown, and the improvement for which the assessment is made with the year in which the taxes are levied; that the assessment was unpaid at the time of the sale, and that no redemption has 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 such grantee, and that the proceedings and acts necessary to make such deed good and valid have been had and done.

Section 21.—Every action, suit or proceeding which may be prosecuted for the recovery of land sold under the provisions hereof for any assessment or tax, except in cases where the assessment or tax under 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 recording the deed executed by the Marshal and not thereafter, and in any such action, suit or proceeding the party claiming to be the owner as against the holder of such deed executed by the Marshal must pay in court with his complaint, or answer as the case may be, the amount of the purchase money for which the tract of land sought to be recovered was sold, together with 20 per cent thereon, and also interest on said purchase money from the date of sale to the date of the institution of such action, suit or proceeding, at the rate of 6 per cent per annum, and also the amount of any and all taxes the purchaser may have paid on said property, with legal interest thereon from the date of payment, for the benefit of the holder of said deed, or his heirs or assigns. In case the title under said deed shall fail in said action, suit or proceeding, the person claiming title under such deed shall also have judgment for such amount as the court may adjudge reasonable for attorney's fees in any such suit, action or proceeding regardless of the results of such suit or action and regardless whether he be plaintiff or defendant therein.

Section 22.—Whenever any lot or parcel of land shall be sold for more than the amount necessary to discharge the delinquent assessment or tax, with the costs and expenses of sale, the surplus shall be paid to the city treasurer with the remainder of the purchase price and receipt given therefor in duplicate, which shall be filed with the Recorder. On return of the warrant the Common Council shall order such surplus paid to the person entitled thereto on demand, upon receiving satisfactory proof such person is entitled to receive the same.

Section 23.—Whenever any property is offered for sale for delinquent taxes hereunder, the Common Council may authorize the Mayor to bid for and in behalf of Tillamook City the amount of such assessment, costs and expenses, and if there be no higher bid therefor such land shall be sold to Tillamook City if such bid be made on its behalf, and shall be paid by the warrant of Tillamook City drawn upon the general fund thereof. Whenever any property shall acquire title to any such sale, the same may be sold thereafter by order of the Common Council at such price and on such terms as it may deem proper.

Section 24.—The City Surveyor of Tillamook City shall be deemed to be the City Engineer thereof for the purposes of this Article, and the Common Council is authorized to employ such assistance for him as may be necessary to enable him to properly perform any and all of his duties under the charter of Tillamook City.

Section 25.—The Common Council is authorized to repair any street or part thereof whenever it deems it expedient, and to declare by ordinance before doing the same whether the cost thereof, in whole or in part, shall be assessed upon the adjacent property of be paid out of the funds of the city. If the Common Council determines that the proposed repair shall be made at the cost of the adjacent property, such repair shall not be made at the expense of the adjacent property without first giving notice of the intention of the Common Council to have such repair so made by notice published in one issue of a weekly newspaper published in Tillamook City, and the owner or owners of the property to be chargeable with the cost of such repair may, at any time within 10 days from the publication of said notice, remonstrate to the Common Council against such proposed repair. Such remonstrance shall be heard and determined by the Common Council, and it shall then proceed to make such repair or not as it may find just and proper under the circumstances.

Section 26.—Nothing contained in the foregoing sections of this article shall be held to in any way restrict the power of the Common Council to construct or repair sidewalks along any street or other public highway in Tillamook City at the expense of the owners of the lots, blocks or parcels of land adjacent to and abutting such streets, and the Common Council is hereby authorized and empowered at any time to compel, by ordinance or resolution, the owners of lots, blocks or parcels of land adjacent to and abutting upon any street, avenue, alley or public thoroughfare, to construct or repair sidewalks along the same at the expense of the owners of such lots, blocks or parcels of land, and to provide that in case said sidewalk or sidewalks be not so constructed or repaired within 30 days after

the passage of a resolution or ordinance requiring the same, that Tillamook City may construct or repair such sidewalk or sidewalks, and assess upon each lot, block or parcel of land, or part thereof, its proportionate part or share of the whole cost of the same as herein provided, and the Common Council shall have the right to designate the width of said sidewalk, the character of material to be used and the manner of construction thereof.

Section 27.—Whenever the Common Council shall deem it expedient to order the construction or repair of any sidewalk or sidewalks within Tillamook City, it shall declare the same by ordinance or resolution, which shall specify the particular sidewalk or sidewalks to be constructed, or repaired, the manner of construction thereof and the character of material to be used therein, and the width thereof, and the time within which the owner or owners of the adjacent or abutting property are required to construct or repair the same, specifying therein the name of the owners or reputed owners of the abutting lots, blocks or parcels of land, and describing the lots, blocks and parcels of land, or portions thereof abutting upon such sidewalk or sidewalks, and if the owner or owners of such lots, blocks or parcels of land shall fail within 30 days after the passage of such resolution or ordinance requiring the same, to construct or repair said sidewalk or sidewalks, the Common Council shall cause the same to be constructed or repaired by or under the supervision of the City Engineer, and the cost thereof shall be reported to the Common Council within ten days after the completion thereof. Provided, however, that immediately upon the passage of such ordinance or resolution requiring such construction or repair of such sidewalk, the City Recorder shall give notice thereof by publication in one issue of a weekly newspaper published in Tillamook City.

Section 28.—Immediately after the cost of the construction or repair of such sidewalk shall have been ascertained by the Common Council, the cost thereof shall be apportioned and a notice of such apportionment given by publication thereof in one issue of a weekly newspaper published in Tillamook City, and notifying all persons concerned that the Common Council will consider the making of an assessment of such cost against the abutting and adjacent property described at a date specified, and not less than ten days after the publication of said notice, and at the date set therefor the Common Council shall hear and determine any objections that may be offered, if any, and shall thereupon, after determining the same, by ordinance or resolution, assess the cost of such construction or repair on the lots, blocks, and parcels of land, or parts thereof abutting upon such sidewalk, and thereby benefited, and the same shall thereupon be entered by the recorder in the docket of city liens as other assessments are required to be entered by the provisions of this Article, and the same shall become immediately due and collectible, and the payment thereof enforced as is in this Article provided for the enforcement of payment of other assessments and taxes, provided that all expenses of advertising and other incidental expenses in carrying out the provisions thereof in regard to construction or repair of sidewalks shall be considered a part of the cost of such construction or repair and apportioned to and assessed against the property charged with the payment of such sidewalk construction or repairs. The Common Council shall not be prevented from making such construction or repairs of sidewalks by any remonstrance which may be filed thereto, save and except that if the owners of two-thirds or more of the property to be charged with the cost thereof shall remonstrate against the same, such construction or repair shall not be made unless four-fifths of the members of the Common Council shall vote in favor of the same.

Section 29.—Tillamook City shall not be responsible for the cost of making any of the street improvements provided for herein, but the person making such improvements, in whole or in part, shall be required to look solely to the funds to be derived from assessments against property specially benefited by said improvements, or the proceeds of the sale of bonds which may be issued in pursuance thereof, except for such part thereof as the Common Council may determine should be paid out of the general funds of Tillamook City, but whenever it shall appear to the Common Council that street improvement bonds which may be issued under the provisions thereof are apt for any reason not to sell at par, if the Common Council shall deem it expedient that Tillamook City as a whole should guarantee the payment of such bonds, it may, by ordinance, provide that the payment of such bonds shall be guaranteed by Tillamook City, and in such event any deficit shall be paid out of the general funds of Tillamook City, but any ordinance authorizing such guarantee shall be subject to the referendum thereon and no emergency clause shall be attached thereto. If upon the completion of any improvement it is found the sums assessed therefor upon any lot or part thereof are not sufficient to defray the cost thereof, the Common Council must ascertain the deficit and declare the same by ordinance or resolution; when so declared the Recorder must enter the sum of the deficit in the docket of city liens, in a column reserved for that purpose, with the date thereof, and such deficit shall thereafter be a lien upon such lot or part thereof in like manner and with like effect, and collectible in like manner as the sum originally assessed. If it be found that the sum assessed upon any lot or part thereof is more than sufficient to defray the cost thereof, the Common Council must ascertain and declare the surplus in like manner as in case of a deficit, and when so declared the same shall be entered as in the case of a deficit in the docket of city liens. Thereafter the person who paid such surplus, or his or her representative,

100 Yes.
101 No.

That the ballot title to be used at said election for voting upon the

Proposed by the Common Council
Shall a Measure entitled "A Measure to Amend Article VII of the Charter of Tillamook City," as referred to the people of Tillamook City, Oregon, by Resolution adopted November 20, 1916, be enacted?

The Measure proposed would amend the Charter of Tillamook City, by shortening the time for remonstrances, for advertisement for bids for street improvements, and also would empower the Common Council to order sidewalk improvements without regard to remonstrances, if four-fifths of the Common Council favored such Measure.

Mark X between the Number and Answer Voted for.

adoption or rejection of the second Measure proposed shall be as follows:

Proposed by the Common Council
Shall a Measure entitled "A Measure to Amend Article IX of the Charter of Tillamook City, Oregon, by adding thereto a new Section to be known as Section II," as referred to the people of Tillamook City, by Resolution adopted by the Common Council of Tillamook City on November 20, 1916, be enacted?

This Measure proposes to amend the Charter of Tillamook City by doing away with the present Water Commission and placing the Common Council in charge of the Water System of Tillamook City instead. The Common Council to be governed by the same regulations heretofore provided for the Water Commission.

Mark X between the Number and Answer Voted for.

That the City Recorder be, and he is hereby directed to give notice thereof in the Tillamook Headlight and the Tillamook Herald, newspapers published in Tillamook City, Oregon, together with a true copy of the title and text of said Measures, with the ballot title thereto as in this ordinance set out, and to post notices thereof in twelve public places in Tillamook City not less than 10 days before the date of said election. Said publication to be made in not less than two issues of said newspapers, and the first publication in one thereof to be made not less than 10 days before the date of said election; that C. E. Reynolds and W. S. Hays are hereby appointed Judges of said election, and E. J. Clausen, J. S. Stephens and L. V. Eberhardt are hereby appointed clerks of said election to act at such election, and the City Recorder is instructed to furnish the necessary supplies therefor.

A MEASURE TO AMEND ARTICLE VII OF THE CHARTER OF TILLAMOOK CITY.

Be it Enacted by the people of Tillamook City, Oregon, as follows:

Section 1.—Article VII of the Charter of Tillamook City, Oregon, is hereby amended so that the same shall read as follows:

ARTICLE VII.
Section 1.—The Common Council shall have the power, and is authorized, whenever it deems it expedient, to improve the public grounds within Tillamook City, including all streets, avenues, alleys or other public thoroughfares, now or which may hereafter be opened or dedicated to public use, including all county roads over which jurisdiction has been granted to Tillamook City by the Legislative Assembly, and to establish or alter the grade of any such street or highway.

Section 2.—The term "improve" or "improvement" as used in this article shall be construed to include all grading, or regrading, paving or regrading, planking or replanking, macadamizing or re-macadamizing, graveling or re-graveling, and all manner of bridge work repair, or manner of improvement or repair, and all street improvement and repairing manner of constructing and repairing sidewalks, cross-walks, gutters, curbs, manholes, culverts, sewers, drains and tunnels, on any street or public highway in Tillamook City, or any part thereof.

Section 3.—The council, whenever it deems it expedient, may order the

newspaper published in Tillamook City, Oregon, inviting bids for making said improvement, and bids to be received up to ten days from the date of the first publication of such notice. Each bid submitted must be accompanied by certified check equal to an amount of 5 per cent. of the amount of the bid. When such bids are received, and the amount of the lowest responsible bid for each kind or class of improvement has been ascertained, the Common Council shall, by resolution, determine the character of the improvement to be made and the lowest responsible bid, and the Recorder shall thereupon return to the bidders whose bids have been rejected the checks submitted with their said bids, and retain the check accompanying the bid selected and adopted for the improvement by the council, until such time as the improvement is completed or contract and bond executed as provided by law, or said check is ordered returned by the Common Council.

Section 5.—When the Common Council has determined the kind and character of improvement to be made in accordance with the foregoing Section, they shall order the Recorder to give notice of the council's intention to make the improvement contemplated by publishing such notice to two issues of a weekly newspaper published in Tillamook City, Oregon, which notice must specify with convenient certainty the sewer or street or part thereof proposed to be improved, or for which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made.

Section 6.—Within ten days from the first publication of such notice the owners of more than two-thirds of the superficial area of the property assessable for the cost of such improvement, may make and file with the Recorder a written remonstrance against the proposed improvement, grade or alteration thereof, and thereupon the same shall be then proceeded with or made, and the particular improvement so defeated by remonstrance shall not be again proposed for six months, except on petition of the owners of two-thirds of the property to be affected thereby, but notice may be at once given of a different kind or character of improvement from the one first proposed, provided, however, that the power of the Common Council to compel the construction or repair of sidewalks shall not be affected by any such remonstrance.

Section 7.—If no such remonstrance