ARTER AMENDMENTS.

norder to cure a number of defects in the present charter and provided for the present floating induess of the city, the Council have had the City proceed to provide for the same mey prepare a number of amendments to the charmey prepare a number of amendments to the charmethod of the matter of otherwise as hereinbefore and mes drawn parameter and 38 feet therefrom. The Second
subdivision shall include all lands by
mey prepare a number of amendments to the charmey prepare a number of amendments to the charmethod of the matter of otherwise as hereinbefore and mes drawn parameter.

Section 8: If the Common Council subdivision shall include all lands by
mey prepare a number of amendments to the charmethod of the matter of the charmethod of the charmethod of the matter of the charmethod of the matter of the charmethod of the charmethod of the matter of the charmethod of the matter of the charmethod of the c be had and anyone who wishes may offer suggesbefore the amendments are voted on, the Council ordered these published and the amendments proa and the Resolution for their publication, are pubdin the following

d.Tillamook mend article R. a measnule 12, a measure a measure to add ar-Charter of the city of in conformity with the cil, and the date of its adoption, to issues of the Tillaand that the legal and taxpayers of Tillinvited to make and Recorder, within sixty es and suggestions in for the benefit of the the passage thereof. tonission to the voters not or rejection; and the

A MEASURE

success fund.

EESD ARTICLE VII O CHARTER OF TILLA-SOE CITY, OREGON.

Enacted by the People of ay, Oregon, as follows. Article VII of the Charmook City. Oregon, To ded so that the same as follows

WILCIE VII term ent" as used in this Armatinged to include all or ading, paving or re-

cting and repairing BEWEIN. City, or may part of

The Common Council,

my deep is expedient, original and enpowered tole or my part of the City to be improved, he character, kind and improvement, to levy improvement, and id owners of said propor-id property shall in and by thion agree upon the charimprovement which they deused therein, the Common it shall be bound by the selecmode, and in causing plans ecilications and estimates of thereof to be made, the same

cion 4: Whenever the Common and shall deem it expedient, it or upon petition presented wity with Section 3 of this Arprescribed for the improvement ar street by proceeding in the wing manner:

made upon the basis of the

or of improvement so select

shall require the City Engineer tepare and present to said Comouncil plans and specifications the improvements desired, and sates of the work to be done, and probable cost thereof, and the heer shall file such plans, speci-ions and estimates in the office he city Recorder. If the Come City Recorder. Council shall find such plans, fications and estimates to be it shall approve the and shall determine the boundof the district benefitted and assessed for such improvement, the action of the Common Councreating such assessment disshall be final and conclusive. upon the Common by resolution, declare its purof making such improvement, thing the same and including estimate of the probable total thereof, and also defining the daries of the assessment district the benefited thereby and assured the state of the state mon Council in declaring its into improve any street or tis, or any part or parts thereof, tting publication thereof, approvthe plans and specifications and mates aforsaid, and determining district benefited and to be asset thereby, may all be done in one the same resolution. The resoof the Common Council declarils purpose to make such improveas shall be kept of record in the ce of the City Recorder, and shall

and by the City Council of paper. The City Engineer, within three days from the first publication ove to amend article ; of said resolution, shall cause to conspicuously posted at each end of the line of the contemplated imtain in legible characters a copy of reported and submitted the resolution of the Common Coun-

arouns of F. R. Beats, (1) and the strains and remonas of the Tillamook Her- strances thereto may be files, and strances thereto may be files, and the resolution published in the city official presupages shall also have published in connection therewith a notice giving the information stated in the notice to be posted by the City-Engineer, Proof of the publishing of said notices shall be made by the affidavit of the City Engineer, as to the notices posted by him, and of the printer of the newspaper in which such notice is published, as to the publication thereof, which affidavit shall be filed with the City Recorder. All engineering expenses, cost of advertisement, cost of superintendency and other incidental costs and expenses necessary to earry into effect the resolutions and ordinances authurising the improvement, shall be included in the extraste of the entire cost and in the assessment upon the properly benefitted by such improvement, except as to such part thereof as the Common Council may in "steret" as vide shall be paid out of the general Article shall be cons funds of Tillamook City.

or lane, or any public the does of the first publication of now or may hereafter the said notice required to be pubclicated to public use. lished as provided for in Section 4. The term "improve" of this Article, the owners of twoof this Article, the owners of two thirds at more of the sees of the property within such improvement district may make and life with the Recorder a written objection to, or re-macufamizing remonstrance against said improve-re-graveling, and all most and said objection and famon-ing work and roadway strange shall be a bay to any further repair, and all man- proceedings in the making improvements for a period of six walks, gutters, curles, months. Provided, that if new a drams objection or remonstrance thin my of the streets agened by the agent or attorney of any property owner, there shall be filed with the recorder within the natrance, the written authority for the aigning of such objection or remonstrance, and otherwise such signatures shall be disregarded.

Section 5: If no such objection or remonstrance properly signes as afore said be made and filed with the City assessment upon all said be made and filed with the City of land specially ben. Recorder within the time designated, improvement, to de- the Common Council shall be deemar any portion of the ed to have acquired purisdiction to se thereof, and to de- order the improvement to be made, the limits hereinafter and it may be thereafter, and within lands are specially three months from the date of the final publication of its previous resowhich each parcel or letten, by ordinance provided for the with the Recorder, who shall there benefitted Provided, making of said improvement, which after publish notice of such comple whenever the awards shall conform in all particulars to the tion for not less than two pupiles. o-thirds or more of the plans and specifications previously property upon which an adopted. When the Common Counimprovement will be cil shall have so provided to the petition the Common making of an improvement as afororder improvements to be said, Tillamook City shall be deemed any of the streets of the to have appropriated and acquired sing the particular per- ownership of all earth above grade, owing the particular por-owing the particular por-ownership of all earth above grade, and within the street lines for said improvement, and no private owner-ship shall thereafter be chained to said earth. The Common Council is the manner prescribed shall have power and authority in providing for any street improvement also to provide for placing in the street where said improvement is to be made, all ner ssary surface pipes for water, gas, brat, power, sewerage or any other purpose, and all conduits for electric wires and other purposes that are or may bereafter be recessary. The Council may also provide a certain time after any strect improvement is made during which it shall not be torn up or disturbed, and shall also have power and authority to provide that no op ning of any street shall be made without first obtaining permit therefore, and the Common Council shall have power to prescribe, and enforce all rules regulating the opening of street surfaces in all streets of the city which it may deem necessary to secure the replacing of the street in good condition. And the Common Council shall further have the power and authority, whenever the grade of any street has been established. authorize the owner or owners of any property thereon to cut down or fill up such street in front of said property according to such grade under the supervision of the City Surveyor or City Engineer, at the expense of such owner or owners. In giving such anthority the Common Council may impose such terms and conditions as be necessary to secure the de posit of earth or other matter excavated from the street upon any thereof which may need to be filled, and to charge fees for such permits to cover any expense incurred by the ity in the survey and inspection of

the work to be done. Section 7: Immediately after the Common Council shall have determined by ordinance to proceed with iny improvement or work as hereinbefore provided, the City Council nay proceed to make the whole or my part of such improvements, roceed to let by contract the furnishing of all material for the making of such improvements, and to have the labor in making such improvements performed under the direction and control of the City Engineer. Or, the Common Council may cause all or any part of such improvements to be made by contract in the manner provided in this Ar-ticle, provided, that the Common Council may, in its discretion, permit the owner of any part of the property which is to be assessed for the cost Sublished for three consecutive mblished for three consecutive of such improvement, to make the improvement in front of the property

the furnishing of materials therefor by contract, it shall direct the margin, ion not for less than three ouncil shall have the power to impose conditions upon the hidders in regard to bonds and securities and me said district shall guarantees of the good faith and re-said subdivision shall sponsibility of bidders for insuring width herein originally in strict occordance with the specifications therefor, and to make all rules and regulations in the letting of conominon Council as advantageous to the City, and as a part of said regula tions they may require that the contractor, or contractors, agree to maintain and keep in repair all improve sts made under said contract fo such period of time (not exceeding 10 years) as the Common Council may determine.

Section 9. Such contract or contracts shall only be let to the lowest and improvements or such part there of as will not materially conflict with the completion of the remainder thereof, but the said Cammon Council shall have the right to reject any and all proposals received by it if they shall be deemed unreasonable or excessive, or which do not conto the rules of the Common council relative to the matter of receiving proposals and letting con tracts for street work, and provide further, that no such contract shall be let for a price in excess of the bity Engineer's estimate of the cost thereas piece 5 per cent.

Section to: It shall be the duty of the Common Council to fix the time in which every such improvement shall be completed, and it may extend such time should the circumstances warrant. The Common Council shall have power and authority to make all written contracts, to receive and approve all bonds authorized by this Section to provide proper mspection supervision of all work done under the provisions of this Article, and to do any other act necessary to secure the faithful carrying out of all contracts and the making of improve-

ments in strice compliance with the mancus and specifications there-Section 11: Whenever any street improvement is completed in whole or in part to the satisfaction of the City Engineer, he shall file a certilicate of the completion and his approval of such work so completed with the Recorder, who shall there tion for not less than two puplicasting therein when the acceptance the same will be considered by the Cammon Council, which time shall be not less than ten days from the date of the first puplication of said notice, and at that time, or any time prior thereto, any owner of any interest his or the agent of any property within the assessment dis trict of said improvement may appear and file, or make objections to the acceptance of said improvements, an said objections shall he considered and the merits thereof determined by the Common Council, and if it ap pears that said work or improvemen has not been completed in accordance with the specifications and contracts the Common Council shall require the same to be completed before cepting it. Whenever any work or improvement is accepted by the Com mon Council the Recorder shall en dorse the approval of the Common Council on the certificate of the City Engineer, and after the assessmen therefore is made and docketed, the Mayor and Recorder shall draw war rants on the fund created for said im

by bonds issued in conformity with the provisions of this article. Section 12: When the whole of the improvements covered by any one ordinance therefor shall have been fully completed and accepted by the Common Council, the Common Council shall then cause the cost of such work or improvement to be appor-tioned to the property affected there-by within the improvement district established therefor as required by the ordinance authorizing the same, in the manner following:

provements in favor of the parties en-titled thereto. When any work of

improvement shall have been let or

shall be paid out of the funds receiv

edfrom assessments made as in thi

Article provided, or out of funds de

rived from the sale of bonds issued

upon application of the owners of

assessed for said

ment, and no payments shall be made

upon any such contract except out o the funds provided by assessment and

performed by contract,

the same

Each lot, or tract, or part thereof, within the limits of said improvement district abutting upon any street improved, shall be liable for the full cost, or the proportion thereof here-inafter mentioned, or making said improvement upon half of the street in front of and abutting upon said lot, tract or part thereof, and also for a proportionate share of the cost of improving intersections of two of the streets bounding the block or tract in which such lot, tract or part thereof is situated, but the said total cast shall be apportioned in accord-ance with the following plan:

Said local improvement district shall, for the purpose of ascertaining the amount to be assessed against each seperate lot, tract or parcel of land, or other property or part there-

owned by him within such time after the passage of the ordinance therefor as the Common Council may deem proper, not exceeding to days, and if such improvements be not made by the owner within such time, the rest is the rest of the rest in the re made by the owner within such time, Third. The Pirst subdivision shall the Common Council may thereupon include all the lands within the disby triet lying between the street margin shall desire to have such improve- ing within the district lying between ments of any part thereof made, or lines drawn parallel with and 35 and 70 feet respectively, from said street margin. The Third subdivision shall Recorder to give notice by publicate include all lands within the districpublica- lying between lines drawn paralle tions in the city official paper, in-viting proposals for making said im-provements, or turnishing said mater-provements, or turnishing said materals, and may give such other notice abutting upon the street or streets to inviting such proposals as it may be improved be divided into block decon experient, provided that not described into blocks of less than 20 feet, the improvement destrict about not on the date of the first publication of said notice for the submission of the same, extend further back than proposals thereunder. The Common to the center of any such block, and to the said subdivisions shall be prosward the contract or contracts for portionately reduced in size as to said improvement, and to impose such part of said improvement district, unless the resolution establish ing said district shall provide that said subdivision shall be of the full usibility of hidders for insuring width herein originally provided for, faithful completion of the work Provided further, that in case of the construction or repair of sidewalks the Common Council may in estab lishing the local improvement dis-trict there for provide that the total cost thereof shall be assessed to and charged against the lots or tract improved fronting and abatting upon that portion of said streets where said sidewalks are to be constructed or repaired, in which case no part of the cost shall be charged or assessed against any other property than that immediately fronting and abutting upon said street so improved.

The rate of assessment per square foot in each subdivision shall be fixed on the basis that the special benefits onferred on a square foot of land in aubdivisions First, Second and Third respectively are related to each other as are the numbers 55, 30 and 15 respectively, and shall be ascertained in the following manner:

The product of the number of square feet in subdivision First, Secand and Third respectively, and the numbers 15, 30 and 15 respectively, shall be ascertained, and their sum taken, which sum shall be divided inthe total cost and expense of such improvement. The products of the resultant quotient and the numbers 33, 30 and 15 respectively shall be the acparate rates of assessment square foot for subdivisions I First econd and Third respectively. The total assessment thus ascertained against each separate lot, or part of lot, tract or parcel of land, or other property within such district, shall he apportioned as the amount to be and assessed against each parate lot or part of lot, tract, parcel of land or other property respec-tively. Provided however, that the Common Council may, in its discretion, at the time of establishing any local improvement district, further provide that any portion of the cost of the making of such improvements, or any specified part, thereof, shall out of the general fund of

Fillamook City, Section 13. After such apportion-ment shall have been made of the entire cost and expense of such im provement, the Common Council shall give notice of the time and place for hearing objections thereto by publication for two consecutive said city. Such notice of sale shall weeks in a weekly newspaper publication a description of the lot, or weeks in a weekly newspaper published in Tillamook City, which time hall not be less than is days more than to days, from the date of such notice, and at the time and place fixed in such notice, or at such other time as the hearing may be adjourn ed to, the Common Council shall hear and determine all objections to the apportionment of the cost of such street improvements, and upon such hearing may make such changes therein as shall be necessary to make such apportionment equitable and

Section 14: After the hearing pro-vided for in Section 13 in this Article and after making such changes in the apportionment as are therein provid d for, and when the same shall have been fully determined by the Common Council, the Common Council shall declare and assess the same by ordinance upon the property benefit-ed, which shall be described therein and each lot, part of lot, of parcel of ground shall be assessed with its proportionate share of such cost as hereinhefore provided, and said assess-ment shall be final and conclusive, and the said ordinance shall further direct the Recorder to enter a statement of the said assessed cost in docket of city liens as provided for

in_this Article. Section 15: The docket of city liens is a book in which must be entered by the Recorder the following matters in relation to assessments for the improvement and repair of streets, and the construction and repair of sewers and drains, and the benefits and damages assessed for opening, widening, straightening, and extending streets, and changing the grades thereof: First, the number or letter of the lot assessed, and the letter or number of block in which it is situated, and if a separate assessment is made upon a part of a lot, or tract of land, a particular description of such part of lot of tract; Second, the name of the owner thereof, or that the owner is unknown if such be the case; Third, the sum assessed upon each lot or part thereof, or tract of land or part thereof, and the date of the entry thereof; Provided, however, that a failure to enter the name of the owner, or a mistake in the name of the owner in such entry, or the entry of a name other than the true owner, shall not render void or vitiate such assessment or in any way effect the lien of Tillamook City or the property described in such lien docket.

Section 16: The docket of city liens is a public writing, and from the date of the entry therein of an assessment upon a lot, or part thereof, or a tract or parcel of land, or a part thereof, the same so entered is hereby declared to be a tax levied upon, the latest the latest the latest the latest the latest la and a lien upon and against such lot, or part thereof, or tract of parcel of land, which lien shall have priority over all other liens or incumbrances thereon, except taxes imposed under

authority of the State or of the Unit- of one year from the date of the ed States, and any sum or sums of money assessed for improvement or repair of a street, or benefit assessed for opening, widening, straightening or extending any street, or for a change of the grade thereof, or for the construction or repair of a sewer of drain, entered upon such lien docket shall be collected in the manner here inafter prescribed.

by the City Recorder to the owner or owners of any such lot or part there-of, or tract or parcel of land, of the entry of such assessment in said lien docket, specifying the amount there-of, within five days after the entry thereof in said docket, which notice shall be given by mail if the postof-fice address of the owner or his agent s known, and if unknown by addressing the same in the name of the own er at Tillamook City, Oregon, and also by publishing the notice thereof in one more of a weekly newspape published in Tillamook City.

Section :8: Whenever the owner of any such lot or part thereof, or tract or parcel of land upon which an assessment has been levied and docketed as herein provided docketed as herein provided for, shall desire, he may within thirty days after notice of such assessment is first published apply to the City Recorder of Tillamook City to pay said assessment in installments hereinafter provided, and thereafter no warrant to enforce the collection of such assessment shall issue or he enforced, except as provided by this article in such cases.

Section 19: If within 30 days from the date of the entry of such assessment in said lien docket the whole or any portion of the sum assessed upon a lot or part thereof, or tract or parcel of land, remains uspaid, and such owner shall not have applied for leave to make payment in install-ments as bereinafter provided, upon order of the Common Council a war-rant for the collection of the same shall be issued by the Recorder directed to the marshal of Tillamook City. Whenever such assessment shall have been paid to the City Treasurer, who is hereby authorized and designated as the person to re-ceive the same, the Treasurer shall issue a duplicate receipt for said pay ment and file one copy thereof with the City Recorder, and the Recorder shall upon receiving said duplicate receipt immediately cancel said lies tering upon the face thereof an entry of the satisfaction of such assessment signed by himself in his official ca-

Section 20: Such warrant shall for

the purpose of making sale of such

real property upon which assess ments are delinquent and unpaid, bedeemed and held as an execution against said real property for the amount of said assessment with in terests and costs, and the Marsha shall, within to days from the receip of said warrant, sell the propert therein described. Such sale shall b at public auction to the highest bid der for cash in hand, and shall take place at the front door of the build ing in which the Common Counci ds its sessions, and the Marshal shall give notice of such sale by pub lication thereof once a week for fouconsecutive and successive weeks is a weekly newspaper published in Til amook City, and by posting such notice for a like period of time is not less than three public places lots, or parts thereof, tracts of parts thereof, naming the block in which the same is situated, that the same is to be sold for said delinquent as sessment, with the amount of said assessment, interest and costs to date of sale, including cost of advertise ment, due upon each lot or tract o part thereof, together with the name of the owner or reputed owner, or that the owners are unknown as the same appears upon said docket of city liens, and shall also specify the time and place of sale, and that the lots, or parts thereof, of tracts of land lescribed therein will be offered for sale to satisfy the assessments, in terest and costs due upon each tract, lot or parcel of land, or part thereof and each lot, tract or parcel of land, or part thereof shall be sold separat-Providing however, that all de linquent assessments assessed in one ordinance may be included in one notice, and all such sales shall be made between the hours of a o'clock a.m. and 4 o'clock p.m. Provided further, that said sale may be postponed in like manner as now provided by the laws of Oregon for the adjournment of sales of real property upon

Section 21: The Marshal executing such warrant shall immediately issue a certificate of sale to the purchaser for the property sold, stating therein that the sale is made subject to redemption, and that a deed will be issued thereon at the expiration of the time for redemption if no redemption be made prior to said date. Within one year from the date of the sale the owner, or his successor, or any person having a lien by judgment, decree or mortgage upon the property sold, or any part thereof, may redeem the same by the payment of purchase money and twenty per cent thereon, with interest upon the purchase money from the date of the sale to the time of redemption at the rate of 6 per cent per annum, and the amount of any taxes which the purchaser his heirs or assigns may have paid upon said property, with interest thereon at the legal rate from the date of such assessment, to be paid to the CityRecorder for the purchaser. Notice of redemption shall be given as now provided for by the laws of the State of Oregon for the redemption of real property from sale upon execution.

Section 22: A redemption as pre-scribed in the foregoing Section dis-charging the property from the effect of sale upon such assessment, and if made by the owner or his sucand if made by the owner or his successor in interest, the ownership of said property is thereby restored to such owner or his successor in interest, but if made by a lien creditor the amount paid for the redemption shall thereafter be deemed to be a part of his judgment, decree, mortgage or other lien as the case may be, and shall bar interest, and may be infore-Section 23: After the expiration grade has not been established, and may require from the City Engineer all maps and data it may deem necessary in relation thereto. After the grade of any street has been established, and may require from the City Engineer all maps and data it may deem necessary in relation thereto. After the same may be by the Common Council the following provisions:

Whenever it shall be deemed expedient to change the grade of any

certificate of sale issued by the Mar-shal if no redemption shall have been made the then being Marshal shall execute and deliver to the purchaser, his heirs or assigns, upon application therefor, a sure of a relisted of the property sold, reciting the desc ption of the same as described in the docket of city liens, the amount Section 17: Notice shall be given name of the owner, or that the name of the owner is unknown, the date of docketing the lien, and that the pro-perty was sold for delinquent assessment for street improvements, or for opening, laying out, widening, atraightening, extending or coloning grade of stricts, or construction of sewers, or drains, as the case may be, and that said assessment was due and unpaid at the time of sale, and that no redemption had been made. Such deed shall de executed conformably to the laws of the State of Oregon so as to make it legible for record, and the same shall operate to convey to the purchaser a fee sample title to the said property free and clear of all incumbrances, except for taxes as mentioned in Section 16 of this Article. Upon the delivery of such deed the Marshal shall file a certificate of sale with the Recorder, and it shall be a public record. Upon delivery of such deed all of the proceedings required or directed by this Article in relation to the making, levying and docketing of such assessments and the sale of the property for the satisfaction thereof, shall be presumed to be regular, and such deed shall facie evidence of the regularity of all proceedings required to be had under the provisions of this Article and of title in the grantee.

Section 24: In any action, suit or proceeding instituted in any court for the recovery of any lands sold for any assessment under the provisions of this act, the party claiming to be the owner as against the holder of the deed from the Marshal, must, with his complaint or answer as the case may be, pay into the court the a-mount of the purchase money for which the particular tract of land or lot sought to be recovered was sold, together with 20 per cent thereof additional, and also interest on said purchase money from the date of sale to the date of the institution of such suit at the rate of six per cent per invano, together with all the costs and expenses of sale and of recordng the said deed, and also any and all taxes the purchaser may have enterest thereon from the date of payment thereof for the benefit of the holder of sold deed, his heirs or assigns, it case his or their title un-der such deed shall fail in said action, suit or proceeding. Provided further, that the person claiming title under the deed of the Morshal shall have judgment against the party claiming against said ded for such amount as the court may adjudge reasonable for the bringing or defending of any such action, suit or proceeding, re-gardless of the result of such suit, action or proceeding, or whether he be plaintiff or defendant therein.

Section 25: Whenever any lot or tract or part thereof sold for delin quent assesments as herein provided brings more than the amount of the assessment and all costs and charges of collection, the surplus shall be paid to the City Treasurer, and the person executing such warrant shall seperate receipt for such surplus and file the same with the Recorder on return of payment of the warrant, and the Common Council shall order such surplus paid to the person of persons entitled to the same mand, upon receiving satisfactory proof that such person is the one entitled to receive such surplus. Pro-vided further, that whenever any property is offered for sale for delinquent assessments as herein provided if a sufficient amount is not paid therefor to pay such assessment to-gether with all costs and expenses of sale in connection therewith, the Mayor of Tillamook City is hereby empowered and authorized to bid for and in behalf of said city the amount of such assessment, together with said costs and expenses assessed thereon or charged against said property or each part or parcel thereof, and if there be no higher or better bidder such land, lot or parcel of land or part thereof, shall be sold and become the property of said city, ject to redemption as hereinbefore provided, to be paid for by warrant of the city upon the general funds thereof. Whenever the city shall acquire litle to any such property the same may be sold by order of the Common Council at such price, and on such terms as it may seem proper. Section 26: All of the provisions of Sections 3245 to 3253, both inclusive, of Lord's Oregon Laws, are hereby made expressly applicable to

Article. Provided, however, that in all such cases the application to pay by installments provided for in tion 3245 of Lord's Oregon Laws may be made within 30 days after notice of assessment is first published instead of within 10 days as in said section provided. And provided further, that interest on all unpaid installments shall be paid semi- annually by the property owners, or other persons required to make such pay-ment, instead of annually as provided in Section 3249 of said Lord's Oregon Laws. Section 27: For all of the purposes of this Article the Surveyor of

all assessments for street improve-

mook City shall be deemed to be the City Engineer, and the Common Council is authorized to employ such assistants for the Surveyor as may be necessary to enable him to properly perform any and all of his duties arising under this Article or otherwise.

Section 28: The Common Council of Tillamook City is hereby authorized and enpowered to establish by ordinance the grade of any street within Tillamook City when such grade has not been established, and