

ORDINANCE NO. 110.

Sec. 35
rec'd 15 11/10/12
VII Charter
pages 220-223

An Ordinance entitled "An Ordinance referring and submitting an amendment to Chapter VII. of the Charter of the Town of Stayton, Oregon, to the legal voters of said Town, for their adoption or rejection at a special election to be held on the 17th day of June, 1912.

THE TOWN OF STAYTON DO ORDAIN AS FOLLOWS:

Section 1. That an amendment to Chapter VII, of the Charter of the Town of Stayton, is hereunto attached, marked "Exhibit A" and made a part hereof, be and the same is hereby referred and submitted to the qualified electors of the Town of Stayton, Oregon, for their adoption or rejection, at a special election to be held, and which is hereby called to be held on the 17th day of June, 1912, which election shall be held in all respects and in the manner in which general elections are held in said town.

Section 2. The Ballot title of said proposed amendment shall be as follows: "Charter Amendment submitted to the Voters of the Town of Stayton, Oregon, by the Council!"

Shall Chapter VII. of the Charter of the Town of Stayton, Oregon, be so amended as to require the cost of all street and side walk improvements to be charged to the adjacent property holders, and that the same shall be a lien upon the property immediately abutting upon such improvement, and for the cost of sewers and necessary drains in connection therewith to be charged to the property directly benefited thereby.

Vote Yes or No	
Yes	100
No	101

Section 3. The Recorder shall not later than ten days before said election, cause notices of said election together with the ballot title and full text of said proposed amendment to be posted in three public places, in said Town of Stayton, and also to cause said notice of election and the full text of said proposed amendment to be published in the Stayton Mail at least five days before said election.

Passed by the Council of the Town of Stayton, Oregon, this 15th day of May, 1912.

Attest- J. B. Grier,
Recorder of the Town of Stayton.

Approved by the Mayor this 15th day of May, 1912.

H. A. Beauchamp,
Mayor.

"EXHIBIT A."

CHARTER AMENDMENT SUBMITTED TO THE VOTERS BY THE COUNCIL.

Chapter VII. of the Charter of the Town of Stayton, Oregon, shall be, and hereby is, amended to read as follows:

Section 1. The Council shall have power and is authorized, whenever it deems it expedient, to improve the public grounds, streets, alleys, crosswalks, sidewalks, and any and all public ways; to define what shall constitute public grounds, streets, alleys, crosswalks, sidewalks and other public ways and to regulate their use; to establish and open streets, alleys, and all other public ways within the limits of said town in continuation of those now or hereafter laid out or established within the limits of said town; to construct sewers and drains; to build, maintain, or cause to be built or maintained any street, alley, or other public way, or any part thereof; to establish the grades of said streets, or other improvements, or parts thereof; to construct, improve, repair, and keep in repair, streets, alleys, public ways, crosswalks, sidewalks, pavements, sewers and drains, and to determine and to provide everything convenient and necessary concerning such improvements and repairs, and shall direct the character of materials used in and the manner of building all streets, improvements and repairs above mentioned, the said improvement of streets and sidewalks shall be done at the expense of the owners of the adjacent property; and said Town shall not in any event be liable in damages to any person for any injury caused by any defect or dangerous place at or in any street, alley, bridge, public grounds, public buildings, or ditch, unless said town shall have an actual notice of such defect or dangerous place, and a reasonable time thereafter in which to repair or remove such defect or dangerous place before the happening of such accident or injury; and in no case shall more than \$100.00 be recovered as damages from the town for such accident or injury.

Section 2. The Council in improving any street or streets, or any part or parts thereof within the Town of Stayton, Oregon, may within its discretion employ an engineer to prepare plans, specifications, and estimates for one or more kinds of appropriate improvements, at least one of which must be of a non-patentable kind, and the probable total cost of each class of improvement, and said engineer shall file said plans, specifications and estimates in the office of the Recorder of the Town of Stayton, Oregon.

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. The action of the Council in declaring its intention to improve any street or streets, or any part of parts thereof, approving and adopting the plans, specifications and estimates of said engineer, and determining the portion of the street to be improved may all be done at one and the same meeting of the Council. Upon the passage of such resolution by the Council, the Recorder shall duly give notice by publication for not less than five successive days in a daily newspaper published in the City of Salem, Oregon, and also that said notice shall be published at least twice in a newspaper published within the limits of the Town of Stayton, Oregon, inviting bids for making said improvements. Each bid submitted must be accompanied by a certified check equal in amount to 10% 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

Council shall, by resolution, determine the character of the improvement to be laid, and lowest responsible bid.

(When the Council shall have determined the kind of improvement to be made and the lowest bid submitted therefor, the recorder shall return to the respective bidders whose bids have been rejected the checks submitted with their said bids, and shall retain the check accompanying the bid selected and adopted for the improvement by the Council. Such check shall be held until such time as a remonstrance is filed sufficient to defeat said improvement, the contract and bond executed, as provided by law or ordered returned by the Council. Provided, that no grade or improvement mentioned in this section or in section one (1), except the original establishing of the grade can be made without eight (8) days notice thereof, being first given by posting notices in five (5) public places in said town of Stayton, three of which said notices must be posted upon the property to be improved. Provided further that the provisions of this section shall apply, so far as practicable, to all public improvements within said town. (2)

Section 3. The five (5) notices required to be posted in section 2, must be posted by the Recorder, by order of the Council, and must specify with convenient certainty the street or sewer or other improvement proposed to be made, or of which the grade is proposed to be established or altered, and the kind of improvement which is proposed to be made. The Council may within its discretion, have said notices also published in some newspaper in said town of Stayton.

Section 4. Within eight days from the posting of said notices a majority of the property owners of property adjacent to such street or part thereof, as the case may be, may make and file with the Recorder a written remonstrance against the proposed improvement, grade or alteration thereof, and thereupon the same shall not be then further proceeded with or made, and the particular improvement so defeated by remonstrance shall not be again proposed for three months except on petition of a majority of the property owners to be affected thereby, but notice may at once be given of a different kind or character of any improvement from the first proposed.

Section 5. If no such remonstrance be so made and filed, the Council at its earliest convenience thereafter and within six months from the final posting of such notices, may establish the proposed grade or alteration thereof or commence to make the proposed improvement, as hereinafter provided.

Section 6. In case the notice be for the improvement of a street or part thereof and the same shall not have been defeated by a remonstrance, as provided in Section 4, the Council shall direct the Mayor and Recorder of the Town to enter into a contract with the person, persons, firm or corporation submitting the lowest bid as hereinbefore provided, to make said improvement, and shall require any such contractor to execute a good and sufficient bond and undertaking in a 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 Council. 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 5% of such contract price for engineering expenses, acquiring descriptions of property and other special expenses connected with making such improvement, shall assess upon each lot or part thereof liable therefor, its proportionate share of such costs. Provided, however, that the Council shall have the right to reject any and all bids for any of said proposed improvements.

Section 7. When the probable cost of the improvement has been ascertained and determined, and the proportionate share thereof of each lot or part thereof has been assessed as provided in Section 6, the Council must declare the same by Ordinance, and direct the recorder to enter a statement thereof in the docket of town liens as provided in the next section.

Section 8. The docket of town liens is a book in which must be entered, in pursuance of Section 6, the following matter in relation to assessments for the improvement of streets (1) The number, letter, or description of the lot assessed and the number, letter, or description of the block in which it is situated and if a separate assessment is made upon a part of a lot, a particular designation of such part; (2) the name of the owner thereof or that the owner is unknown; (3) the sum assessed upon each lot or part thereof, and the date of entry.

Section 9. The docket of town liens is a public writing, and the original or certified copies of any matter authorized to be entered therein are entitled to the force and effect thereof, and from the date of entry therein of an assessment upon a lot or part of lot, the sum so entered is to be deemed a tax levy and a lien thereon, which shall have priority over all other liens or incumbrances thereon whatsoever. The Town of Stayton, by and through its Recorder, shall also keep and maintain a certain book or record, properly bound and ruled, to be known as the "Minor Lien Docket of the Town of Stayton, Oregon," in which shall be entered and kept, upon the order of the Common Council, all matters having relation to the establishment and enforcement of the claims and liens of the said town against the property of the citizens under the authority of this charter and the ordinances of said town, which said book, or record, so known as the "Minor Lien Docket of the Town of Stayton, Oregon," shall be ruled into columns headed as follows: "Date of Entry - Month, Day, Year"; "Ordinance authorizing Liens", "Officer Filing Lien", "Notice to Owner- Month, Day, Year", "Order of Council- Month, Day, Year"; "Copy of Advertisement Calling for bids for work Ordered"; "Amount of Bid Accepted"; "Name of Contractor"; "Items of Expense"; "Amount"; "Bill Rendered by Whom" "Paid by Warrant No-" "Lien paid by whom"; "Lien Discharged- Month, Day, Year"; "remarks"; Each and every entry made in said docket, as hereinbefore provided, by order of the Common Council, shall have the same force and effect as the original documents and recorded orders leading up to said entries and record; and said book or record shall be and is a public record, entitled to prevail and stand as such in law.

Section 10. A sum of money assessed for the improvement of streets cannot be collected until by order of the Council ten days' notice thereof is given by the Recorder by personal service, or if personal service cannot be had within the Town of Stayton, then a notice may be served by publication in a newspaper published in the Town of Stayton, for two weeks, and notice of such assessment shall be sent by mail, when service is by publication, when postoffice address of the owner is known; such notice must, substantailly, contain the matters required to be entered on the docket of Town liens concerning such assessment.

Section 11. If, within ten days from the service of the notice of final publication, _____ thereof as prescribed in Section 10, the sum assessed upon any lot or part thereof is not wholly paid to the Town Treasurer, and a duplicate receipt therefor filed with the recorder, the Council may thereafter order a warrant for the collection of the same to be issued by the recorder, directed to the Town Marshal or other person authorized to collect taxes due to the town.

Section 12. Such warrant must require the person to whom it is directed to forthwith levy upon the lot or part thereof upon which the assessment is unpaid, and sell the same in the manner prescribed by law for the sale and collection of delinquent state and county taxes, and to return the proceeds of such sale to the Town Treasurer and the warrant to the Recorder, with his doings indorsed thereon, together with the receipt of the Town Treasurer for the proceeds of such sale as paid to him.

Section 13. 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.

Section 14. The Town Marshal shall, immediately after having sold any real property by virtue of such warrant for the collection of delinquent taxes, make a certificate of sale of the property so sold, setting forth therein the object for which the sale was made, a description of the property sold, a statement of the amount it sold for, for the improvement for which the assessment was made and the year in which the tax was levied, the amount of such tax or assessment, the name of the purchaser, and that the sale is made subject to redemption within three years from the date of the certificate; and then deliver such certificate to the purchaser. The owner or his successors in interest, or any person having a lien by judgment, decree or mortgage on any property sold, may redeem the same upon the conditions provided in the next section.

Section 15. Redemption of any real property sold for delinquent assessments or taxes under the provisions of this act may be made by the paying to the Recorder for the purchaser, at any time within three years from the date of the certificate of sale, the purchase price and twenty-five per cent additional, together with six per cent interest upon the purchase price from the date of such certificate, and the amount of any taxes paid thereon by such purchaser, and interest thereon from the date of their payment. Such redemption shall discharge the property so sold from the effect of such sale, and if made by a lien creditor the amount paid for the redemption shall thereafter be deemed a part of his judgment, decree or mortgage, as the case may be, and shall bear like interest and may be enforced and collected as a part thereof.

Section 16. After the expiration of three years from the date of such certificate, if no redemption shall have been made, the Town Marshal shall execute to the purchaser, his heirs or assigns as deed of conveyance, containing a description of the property sold, a statement of the amount bid of the improvement for which the assessment was made, of the year in which the tax was levied, that the assessment was unpaid at the time of the sale, and that no redemption had been made; and the effect of such deed shall be to convey to the grantee therein named the legal and equitable title, in fee simple, to the real property in such deed described, and such deed shall be prima facie evidence of title in such grantee, and that all proceedings and acts necessary to make such a deed in all respects good and valid have been had and done; such prima facie evidence shall not be disputed, overcome or rebutted or the effect thereof avoided, except by satisfactory proof of either (1) fraud in making the assessment, or collection of the tax; (2) payment of the assessment or tax before sale or redemption after sale; (3) that payment or redemption was prevented by fraud of the purchaser; or (4) that the property was sold for assessment or tax for which neither said property nor the owner, at the time of the sale, was liable, and that no part of the assessment of tax was assessed or levied upon the property sold.

See Sec 30

Section 17. Every action, suit, and proceeding which may be commenced for the recovery of land sold by the Town Marshal of said town for any assessment or tax, except in cases where the assessment or tax, for which the land was sold had been paid before the sale or the land redeemed as provided by law, shall be commenced within three years from the time of recording the deed as executed by the Town Marshal, and not thereafter.

Section 18. Each lot or part thereof within the limits of the proposed street improvement shall be liable for the full cost of making the same upon the half of the street in front of and abutting upon it, and also for a proportionate share of the cost of improving the intersection of two streets and the crosswalks bounding the block, in which such lot or part thereof is situated; but when the land adjacent to said street to be improved shall not be laid off in blocks, then the cost of the improvement shall be assessed to the owner or owners of the tract of land lying within one-hundred feet of such improvement.

Section 19. The probable cost of improving such intersection is to be assessed upon the lots or parts thereof situated in the quarters of the four blocks adjoining such intersection, but only upon the lots or parts thereof within the quarters nearest thereto, and in the following proportion two-thirds of the cost to the corner lot and one-third of the cost to the lot next inside; provided, that when any tract adjacent to said improvement shall not be laid off in blocks, the proportionate cost of the improvement of such intersection shall be assessed to the owner or owners of such land as lies within one-hundred feet of the intersection.

Section 20. A sale of real property under the provisions of this act conveys to the purchaser, subject to redemption as herein provided all the estate or interest therein of the owner, whether known or unknown, together with all the rights and appurtenances thereunto belonging.

Section 21. When an assessment upon any lot or part thereof becomes delinquent, any person having a lien thereon by judgment, decree or mortgage may, at any time before the sale of such lot or part thereof the same, and such payment discharges the property from the effect of the assessment and the amount of such delinquent taxes, and all accruing charges if any when so paid are thereafter to be deemed a part of such lien creditor's judgment, decree or mortgage, as the case may be, and shall bear like interest and may be enforced and collected as a part thereof.

Section 22. If upon the completion of any improvement it is found the sums assessed therefor upon any lot or part thereof is not sufficient to defray the cost thereof, the Council must ascertain the deficit and declare the same by Ordinance; when so declared, the Recorder must enter the sum of the deficit in the docket of town liens, in a column reserved for that purpose in the original entry, 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 as in the case of the sum originally assessed, and shall also be payable and may be collected in like manner and with like effect as in the case of such sum so assessed.

Section 23. If upon the completion of any improvement it is found that the sum assessed therefor upon any lot or part thereof is more than sufficient to defray the cost thereof, the Council must ascertain and declare the surplus in like manner as in the case of a deficit; when so declared it must be entered as in the case of a deficit in the docket of town liens. Thereafter the person who paid such surplus, or his or her legal representative, is entitled to repayment of the same by warrant upon the Town Treasurer.

Section 24. All the money paid or collected upon assessments for the improvement of streets shall be kept as a separate fund, and in nowise used for any other purpose whatever.

Section 25. The proceedings authorized by this act for the establishment or alteration of a grade or the improvement of a street or part thereof may be taken and held without giving the notice prescribed in Section 2, whenever a majority of the adjacent property owners shall, in writings, petition the Council therefor; and whenever any street or part thereof shall be in such condition as to become unsafe or dangerous, in the judgment of the Council, to persons or teams passing on, along or over the same, the Council may declare the same by resolution, and may thereupon cause the improvement of such street to be made without any petition therefor.

Section 26. The Council shall have the power to lay down all necessary sewers and drains, and cause the same to be assessed on the property directly benefited by such drain or sewer, but the mode of apportioning estimated costs of improvement of streets prescribed in sections 18 and 19 of this act shall not apply to the construction of such sewers and drains; and when the Council shall direct the same to be assessed on the property directly benefited, such expense shall in every other respect be assessed and collected in the same manner as is provided in the case of street improvements; provided, that the Council may at its discretion appoint three disinterested persons to estimate the proportionate share of the cost of such sewer or drain to be assessed to the several owners of the property benefited thereby. And in the construction of any sewer or drain, the town shall have the right to use and divert from their natural course any and all creeks or streams running through the town into such sewer or drain.

Section 27. The 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 or be paid out of the general fund of the town.

Section 28. If the Council declares that a proposed repair shall be made at the cost of the adjacent property, thereafter the proposed repair is to be deemed an "improvement" and shall be made accordingly; but if it declares that the cost of the same shall be paid out of the general fund, such repairs may be made as the Ordinance may provide, and shall be paid accordingly.

Section 29. Whenever any lot or part thereof sold under the provisions of this act shall bring more than the assessment thereon with costs and charges of collection, the surplus must be paid to the Treasurer, and the officer executing the warrant must take a separate receipt for such surplus, and file it with the Recorder on the return of the warrant. At any time thereafter, the owner or his legal representative is entitled to a warrant upon the Treasurer for such surplus.

Section 30. The return to the officer executing the warrant must specify the amount for which each lot or part thereof sold, and the name of the purchaser.

Section 31. Whenever any lot or part thereof is sold for delinquent assessments for a street improvement and afterwards sold for a deficit in such assessment, as in this act provided, to any person other than the purchaser at the first sale or his successors in interest, such purchaser or successor, for the purpose of making redemption from the purchaser at such sale, is to be deemed an owner within the meaning of this act.

Section 32. All special taxes levied as provided and authorized by Section 6, and all assessments for the opening, extension, improvements or repairs of streets, alleys, or for laying sewers or drains, and every part thereof, shall bear interest at the legal rate from the time it is due and payable until paid or collected, unless otherwise provided in this act.

Section 33. The procedure for the opening, laying out, establishing, widening, altering or extending of any street or alley in the Town of Stayton, Oregon, shall be as follows:

1. Whenever the council shall deem it expedient to open, lay out and establish a new street or alley, or to change an existing street, by widening, altering or extending the same, it shall by resolution direct the Town Engineer to make a survey of such street or alley, or change, and to make a plat of the same, and a written report containing a full and complete description of such street or change, and of the boundaries thereof, and of the portions of each lot and tract of land to be appropriated therefor. The Town Engineer shall make such survey, report and plat and file the same with the Recorder of the Town of Stayton, within ten days from the date the same was ordered by the Council, unless said Council grant him further time. Should the Council deem said survey, plat and report satisfactory, it shall adopt the same by Ordinance embodying such report.

2. Thereafter within thirty days from the adoption of such report, the Council shall appoint three disinterested freeholders of the Town of Stayton, possessing the qualifications of jurors of the Circuit Court of Marion County, to view such proposed street or change and make an assessment of damages and benefits as provided in the next following section of this Charter, and shall assign a day and place for them to meet, and shall cause a notice to be given by publication for three successive weeks in a newspaper published in Stayton, of the appointment of such viewers, with their names and the time and place appointed for them to meet, and specifying with convenient certainty the boundaries and descriptions of the private property to be appropriated for such purpose; and the recorder shall send by mail, postpaid, a copy of such notice to each of the property owners whose property is proposed to be appropriated, or to the agent of such owner, when the postoffice address of such owner or agent is known to him, and if such postoffice address be unknown, then such notice shall be directed to such owner or agent at Stayton, Oregon; The published notice herein provided for shall be deemed conclusive notice to all owners of property whose property shall be appropriated for such purpose.

3. The recorder shall at least five days before the day set for such meeting, cause said viewers to be notified of their appointment and of the time and place of such meeting, and said viewers shall meet at the time and place designated, and shall then be sworn faithfully to discharge the duties assigned them. They shall then, or on any subsequent day to which they may adjourn (which adjournment shall not exceed one week at a time), proceed to view the proposed street or change, and to determine and assess how much, if any, less valuable the lands or other property, or any part thereof through or over which the proposed street or alley is to be opened, laid out, established, or changed, will be rendered thereby; and shall also ascertain the respective interests of all persons claiming to be the owners of the lands, or other property aforesaid, or the improvements thereon or to have any interest in such lands or improvements and the damage which each of the said owners of such improvement shall not be affected by such proceedings and the appropriation of such lands, if such owners shall within sixty days after the appropriation of such lands shall be completed or within such further time as the Council shall allow therefor, remove such improvements from said lands; otherwise such improvements shall become and be the property of the Town of Stayton. Said viewers shall also make a just and equitable estimate and assessment of the value of the benefits and advantages of said proposed street or change to the respective owners, and

other persons interested in all lands, or other property, which said viewers shall deem specially benefited by such opening, laying out, establishing or change.

Said viewers shall thereafter, at their earliest convenience, report the assessment for damages and benefits as in this section required to the Council, but any failure to state the name of any owner, or a mistake in the name of any owner, or a statement of a name other than that of the true owner, in such report, assessment, or in the ordinance adopting such report, or in the Docket of Town Liens where the name is entered, or in any notice required by this Charter, shall not render void nor in any way affect the lien of such assessment upon the property assessed. The viewers shall receive as compensation for their service the sum of three dollars each day actually engaged in said service, to be paid by the town and charged as costs, and assessed as part of the benefits by said viewers.

4. Upon the filing of said report of the viewers with the Recorder, he shall immediately cause a notice to be published for a period of two weeks in a newspaper published in Stayton of the filing of said report, giving the date when the same will be considered by the Council, describing with convenient certainty the boundaries of the district assessed by the viewers in said report, and notifying all persons interested to present, in writing, their objections to said report, if any they have, and said objections, if any there be, together with said report, shall be heard and determined by the Council.

It shall also be the duty of the Recorder, forthwith, to send by mail, postpaid, a notice of each assessment, stating the date when the same will be considered by the Council and directing all persons interested to present in writing their objections to said report, if any they have, to the owner (if known) of each lot or part thereof, or tract of land assessed, any part of which is appropriated for the proposed street, or to the agent of such owner, when the post-office address of such owner or agent is known to him, and if such postoffice address be unknown to him, then such notice shall be directed to such owner or agent at Stayton, Oregon. If such report shall appear to the Council to be in all respects reasonable and just, it may be adopted by Ordinance embodying such report; or if it shall appear to the Council that the damages or benefits assessed are unreasonable, unjust, or insufficient in any respect, the Council may send the same back to the same viewers for further consideration, and the viewers may alter and revise the same as they shall deem just, and again report the same to the Council, who may thereupon adopt or reject the same; or said Council may appoint new viewers with like powers, duties and obligations as the first viewers, to make such assessments and awards, and to report the same to the Council, which shall have the same power over such report as over that of the original.

5. When it is deemed advisable to open, lay out, establish, widen, alter or extend any street or alley in said town and the benefits and damages on account thereof, have been ascertained and determined, and the proceedings hereinbefore stated acted upon favorably by the Council, the said Council shall, by resolution, direct the Recorder to enter in the Docket of Town Liens, the respective sums of benefits over damages, so assessed upon each particular lot or part thereof or parcel of land benefited, on account of the opening, laying out, establishing, widening, altering, or extending of any such street or alley, and the named of the owners or other parties interested in any such lot or part thereof or parcel of land so benefited and assessed, in like manner as assessments for street improvements are entered in the Town Lien Docket and when so docketed, said sums shall be a lien or charge upon each lot or part thereof or parcel of land assessed, but said excess so assessed shall be paid to the Treasurer of the Town of Stayton, within ten days of the time of entering the same in the

Docket of Town Liens, or the same shall be deemed delinquent and thereupon shall be collected, in like manner as provided for the collection of delinquent street improvement assessments for said town. All moneys arising from such assessments or benefits, shall be kept in a separate fund and be applicable to the satisfaction of the excess of damages over benefits, assessed to owners and other persons interested in property taken, or damages for the purpose of laying out, opening, establishing, widening, altering or extending any street or alley, in the manner in which such benefits are assessed and for the payment of expenses incurred by the Town for surveying, advertising and for viewers in said proceeding.

Section 34. Each lot or part thereof within the limits of a street where a sidewalk or crosswalk is proposed to be built or improved or repaired shall be liable for the full cost of making, improving, or repairing the same in front of or abutting on it.

Sec. 35 - Added by Ord. 182 Page 220

Approved by a majority of the legal voters of the Town of Stayton, Oregon, on the 17 day of June 1912.

PROCLAMATION.

WHEREAS, on the 15th day of May, 1912, the Council of the Town of Stayton, Marion County, Oregon, passed an Ordinance submitting an amendment to Chapter VII. of the Charter of the said Town of Stayton, to the voters of said town, at a special election to be held on the 17th day of June, 1912. The ballot title of said amendment to be as follows:

Charter Amendment submitted to the voters of the Town of Stayton, Marion County, Oregon.

Shall Chapter VII. of the Charter of the Town of Stayton, Oregon be so amended as to require the costs of all street and sidewalk improvements to be charged to the adjacent property holders, and that the same shall be a lien upon the property immediately abutting such improvement and for cost of sewers and necessary drains in connection therewith to be charged to the property directly benefited thereby--- Vote Yes or No.

WHEREAS, on the 17th day of June, 1912, said election was duly held in said Town as prescribed by law, and said amendment was duly submitted to the voters of said town, for their approval or refection and whereas the vote cast at said election was duly canvassed, and the returns certified to me according to law, and 72 votes were cast for and 52 votes against said amendment, the returns of said election show that a majority of the legal voters of said town did approve said amendment, and that Chapter VII. of the Charter of the Town of Stayton, was duly amended as submitted to the voters by the Council, in Ordinance No. 110 passed May 15th, 1912.

Now, Therefore, I, H. A. Beauchamp, Mayor of the Town of Stayton, Marion County, Oregon; as the Executive officer of said Town, do by the authority in me vested hereby proclaim and declare that said Chapter VII. of the Charter of the Town of Stayton, Marion County, Oregon, be and the same is hereby amended by the Legal voters of said Town to read as shown by exhibit "A" submitted to the voters of said Town by the common Council, and that this Proclamation be duly published in the Town of Stayton, and the said amendment shall be in force on and after the date thereof,

In Witness Whereof, I have hereunto set my hand and caused the seal of the Town of Stayton to be hereunto affixed this 20th day of June, A.D. 1912.

H. A. Beauchamp,

L. S.

Mayor.

Attest a true copy

J. B. Grier,

Recorder.