

AFFIDAVIT OF POSTING
ORDINANCE CB-0-107-87


STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 2nd day of November, 1988, I caused to be posted copies of the attached Ordinance CB-O-107-87, a Special Ordinance spreading and levying assessments on property following nuisance abatement by the city; said abatement procedure specified in Section 6.230 of the City of Wilsonville Code; and declaring an emergency, in the following four public and conspicuous places of the City, to wit:

- WILSONVILLE CITY HALL
- WILSONVILLE POST OFFICE
- LOWRIE'S FOOD MARKET
- KOPPER KITCHEN

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 7th day of November, 1988.


VERA A. ROJAS, City Recorder

Subscribed and sworn to before me
this 18th day of November, 1988.


NOTARY PUBLIC, STATE OF OREGON

My Commission expires: 8-23-89

ORDINANCE NO. 338

A SPECIAL ORDINANCE SPREADING AND LEVYING ASSESSMENTS ON PROPERTY FOLLOWING NUISANCE ABATEMENT BY THE CITY; SAID ABATEMENT PROCEDURE SPECIFIED IN SECTION 6.230 OF THE CITY OF WILSONVILLE CODE; AND DECLARING AN EMERGENCY

WHEREAS, the City of Wilsonville has notified the below listed property owners of grass and weeds growing uncontrolled on their property; and

WHEREAS, the existence of these grasses and weeds on said property do constitute a nuisance and a hazard in that they increase the fire danger and pose a risk to adjoining properties during the warm and dry months of the year; and

WHEREAS, the property owners desired the City to perform the abatement of the nuisances by mowing. Said mowing was completed and inspected by the Building Official; and

WHEREAS, the Building Official filed a statement of all costs per Wilsonville Code Section 6.242(3) with the City Recorder; and

WHEREAS, pursuant to Wilsonville Code Section 6.244, Notices of Assessment were mailed to the affected property owners, giving the affected property owner an opportunity to either object to or pay the proposed assessment; and

WHEREAS, thirty (30) days have passed from the date of mailing said notice, and there have been no payments or objections received on the proposed assessments; and

Assessment #9

Portland Warehouse Venture \$ 41.10
Section 31W 13CA Tax Lot 8500

Assessment #10

Portland Warehouse Venture \$ 41.10
Section 31W 13CA Tax Lot 8600

Assessment #11

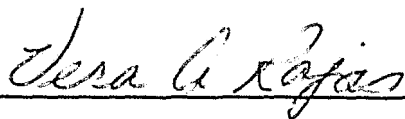
Portland Warehouse Venture \$ 41.10
Section 31W 13CA Tax Lot 8700

Section 2 The City Recorder is hereby directed to enter in the Docket of City Liens, a statement of the amounts assessed upon each of the above described parcels of land, together with the description of the improvements, the name of the owners and the date of the assessment ordinance, as required by Section 6.244(3) in the City of Wilsonville's Code, and upon entry, the same constitutes a lien.

Section 3 Said lien shall bear interest at the rate of one percent (1%) per month from ten (10) days after date of entry in the lien docket.

Section 4 It being determined by the Wilsonville City Council an emergency exists, this ordinance shall take effect immediately upon final reading and passage by the Wilsonville City Council.

SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 7th day of November, 1988, commencing at the hour of 7:30 o'clock p.m. at the Wilsonville City Hall.



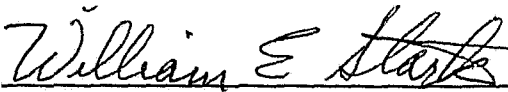
VERA A. ROJAS, City Recorder

ENACTED by the Council on the 7th day of November, 1988 by the following
votes: YEAS: 5 NAYS: 0.



VERA A. ROJAS, City Recorder

DATED and signed by the Mayor this 7th day of November, 1988.



WILLIAM E. STARK, Mayor

SUMMARY of Votes:

Mayor Stark	<u>AYE</u>
Councilor Edwards	<u>AYE</u>
Councilor Braymen	<u>AYE</u>
Councilor Clarke	<u>AYE</u>
Councilor Jameson	<u>AYE</u>

(3) The City Recorder shall refer the statement to the Council as a part of the Council's regular agenda at the next regular meeting, or as soon thereafter as possible. Notice of the time and place of the hearing shall be given to the person filing the statement not less than five (5) days prior to the time set for hearing. At the time set for consideration of the abatement, the person protesting may appear and be heard by the Council, and the Council shall determine whether or not a nuisance in fact exists. The determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where a written statement has been filed.

(4) If the Council determines that a nuisance does in fact exist, the person responsible shall, within ten (10) days after Council determination, abate the nuisance. (Amended Ord. #257, 5/2/84).

6.242 Abatement by City. (1) If, within the time allowed, the nuisance has not been abated by the owner or person responsible for abating a nuisance, or cause has not been shown, pursuant to Section 6.240 why such nuisance should not be removed and abated, the Building Official may cause the nuisance to be abated.

(2) The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

(3) The Building Official shall keep an accurate record of the expenses incurred by the City in abating the nuisance, including any costs and materials, and an additional charge of 20% for administrative overhead. The Building Official shall, after completion of removal and abatement, file a statement of the costs thereof with the City Recorder. (Amended Ord. #257, 5/2/84).

6.244. Abatement - Assessment of Costs. (1) Upon receipt of such statement, the City Recorder, by registered or certified mail, postage prepaid, shall send to the owner and the person responsible a notice stating:

(a) The total cost of abatement, including the administrative overhead and other costs and materials.

(b) That the total cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice.

(c) That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the City Recorder not more than ten (10) days from the date of the notice.

(2) Upon the expiration of ten (10) days after the date of the notice, the Council in the regular course of business shall hear and determine the objections to the costs to be assessed. Any objections filed pursuant to paragraph (1)(c) shall be heard and determined at such time.

(3) If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the

costs as stated or as determined by the Council shall be made by ordinance and shall be entered in the docket of city liens. When the entry is made, the assessment shall constitute a lien upon the property from which the nuisance was removed or abated.

(4) The lien shall be enforced and collected in the same manner as liens for street improvements, and shall bear interest at the rate of one (1%) percent per month. The interest shall begin to run from the date of the entry of the lien in the lien docket.

(5) An error in the name of the owner or person responsible shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.
(Added Ord. #257, 5/2/84).

6.250 Abatement - Summary.

(1) The procedures provided by Section 6.230 to 6.244 are not exclusive, and in addition to procedures provided by this and other ordinances, the City's Building Official, Fire Chief or any police officers of this City may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property, after determining that the summary abatement is the only adequate method of eliminating the danger.

(2) When summary abatement is authorized, notice to the owner or person responsible prior to abatement is not required. Following summary abatement, the Building Official shall post upon the property liable for the abatement of the nuisance a notice describing the action taken to abate the nuisance.

(3) "Summary abatement" as used in this chapter means abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair, or other acts necessary to abate the nuisance and without notice to the owner, agent, or occupant of the property, except for the notice required by this section.

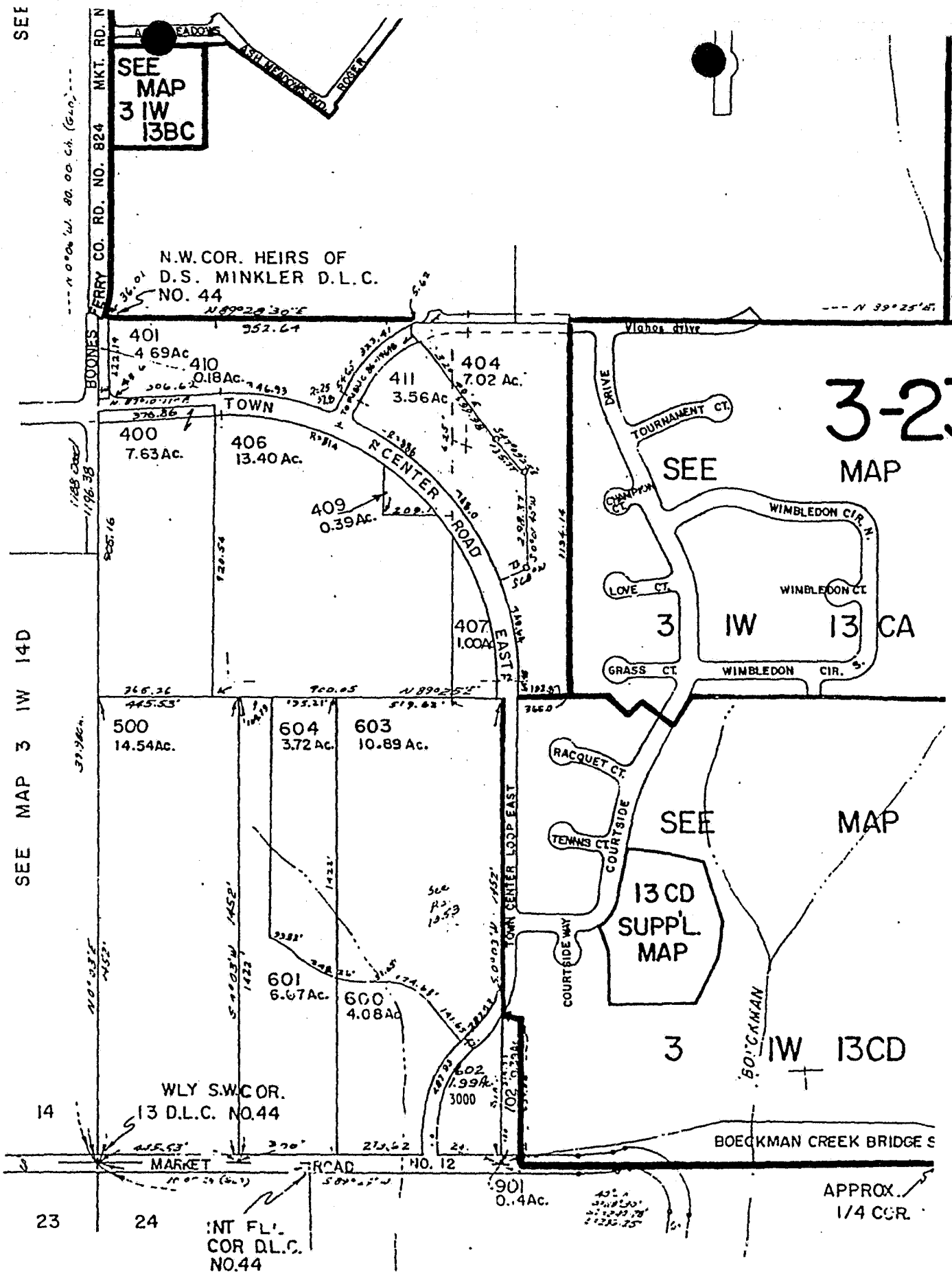
(4) When a pre-abatement hearing is not possible, an owner or person responsible may file a request for a post-abatement hearing, pursuant to Section 6.240. (Added Ord. #257, 5/2/84).

6.260. Violation - Civil Injunction. (1) The abatement procedures provided in other section of this Code or any other ordinance of the City are not exclusive remedies of the City in order to abate a nuisance. The City Council may authorize the City Attorney to institute and prosecute on behalf of the City and in its name an appropriate suit in a state court of this state to enjoin the creation, maintenance or continuance of any nuisance as defined by Sections 6.202 to 6.226 or any other ordinance or resolution of the City Council; and for the recovery of the City's costs of suit and the City's reasonable attorneys fee as may be allowed by the trial court and an appellate court on appeal.

SEE

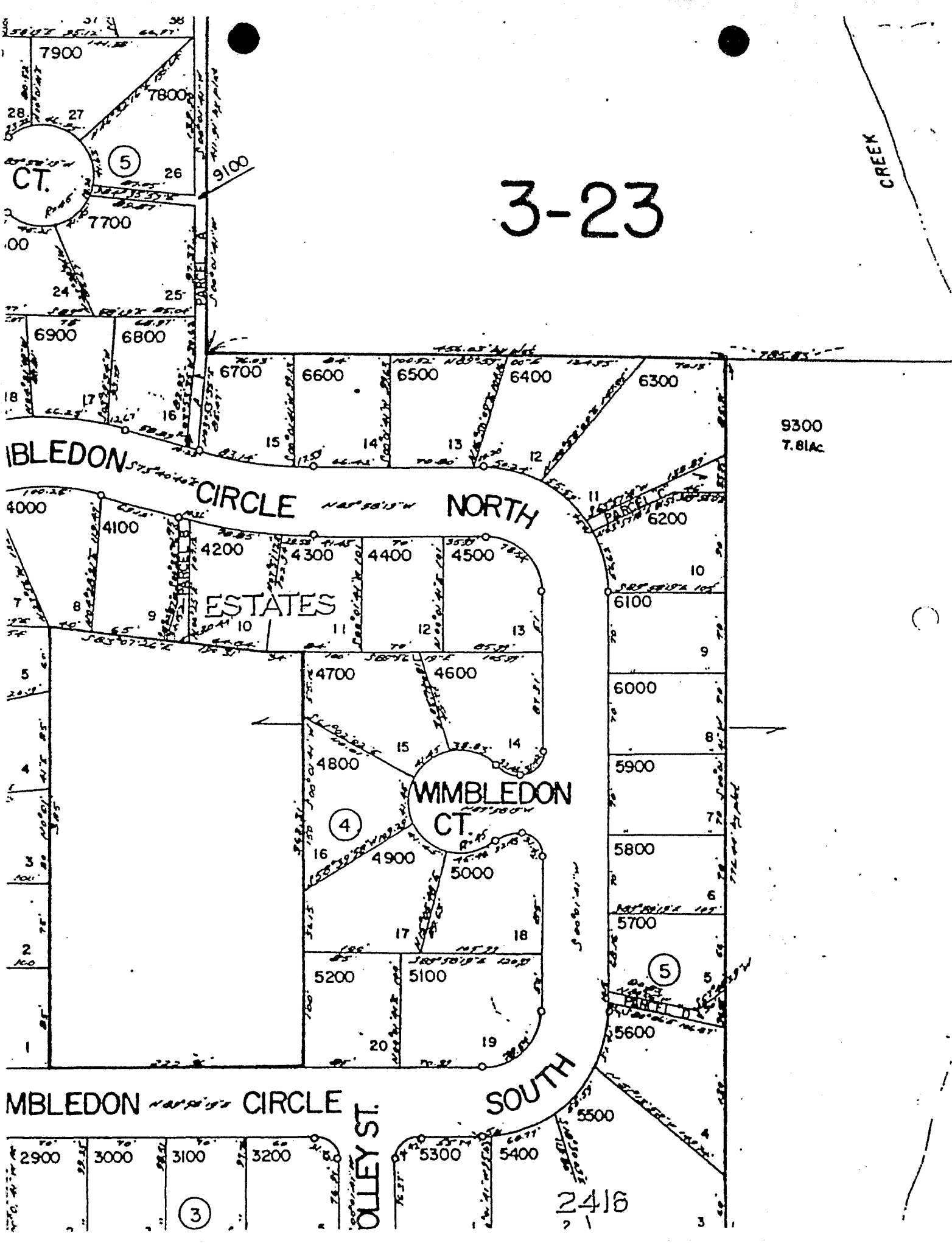
SEE MAP 3 IW 14

SEE MAP 3 IW 14D



3-23

CREEK



NE 1/4 SW 1/4 SEC 13 T.3S. R.1W.

CLACKAMAS COUNTY.

1" = 100'

SEE MAP 3 IW 13B

