

MINUTES OF SPECIAL MEETING OF
NOVEMBER 30, 1959 (Continued)

Present: Mayor Clay; Councilmen Howard, Mortensen, Aebi and Sedgwick; Manager Mullan, Attorney Sheldahl and Clerk Martin.

Mr. Allen Imholt came before the Council and requested that he be permitted to bond his property (Lot 32 Sellwood Gardens) for the sewer assessment against the same which was due March 20, 1959. Proper notices of the assessment had been sent to J. M. Welter c/o Allen Imholt. It appears Mr. Welter, (a relative of Imholt) had sold the property to Imholt and that Imholt had not recorded his deed. Therefore he (Imholt) claimed he had not received notice of the assessment in time to bond for the same. It was moved by Howard and seconded by Aebi that the following Resolution be adopted.

RESOLUTION NUMBER 34-1959

WHEREAS, Mr. Allen Imholt is the owner of Lot 32, Sellwood Gardens Addition to Milwaukie, Oregon, against which a certain sewer assessment became due on March 20, 1959; and

WHEREAS, notices of such assessment had been sent to J. M. Welter who deeded to Allen Imholt; and

WHEREAS, the said Allen Imholt had not caused such deed to be recorded and therefore did not receive notice of such assessment; and

WHEREAS, the said Allen Imholt desires to bond the said assessment; and

WHEREAS, the Council believes that justice and equity require that he be given an opportunity to bond the said assessment; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that Mr. Allen Imholt be permitted to make application for bonding said sewer assessment, nunc pro tunc, as of a day upon which he might have made such application, and that the City Recorder be authorized and directed to make appropriate entries, nunc pro tunc, upon the Lien Records of said City.

Motion carried and so ordered.

The Mayor opened the hearing on the question of withdrawal from the Milwaukie Rural Fire Protection District, those territories recently annexed to the City, and called for any objections or protests to same. There was no person present who made objection, and no written protest or objection had been received. The Mayor declared the hearing closed.

The Mayor opened the hearing on the question of sewers in the Re-Plat of Cole Addition and in Walnut Addition, and called for protests or objection to the same. There was no citizen present who objected to this improvement and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 768 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 768 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 768 AN ORDINANCE providing for the construction of sanitary sewers and sewer service laterals in the Re-plat of Cole Addition and Walnut Addition, directing the City Manager to give notice inviting proposals therefor, and declaring an emergency, was again taken up and read and put on its passage with the following result being had: Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick, Nays: None. Ordinance Number 768 passed the Council and was so declared by the Mayor.

Mr. Peter Kolik appeared before the Council on behalf of Ralph Thompson, Yakima, Washington, owner of the West 52.8 feet of Lot 12 and the East 10.8 feet of Lot 13, Keil Heights. Ralph Thompson was negotiating the purchase of this property at the time sewers were laid in Keil Heights. Notice of Sewer Assessments and hearings were sent to the sellers of the property who failed to forward the same to Thompson, who knew nothing of the assessment until he received a letter from the City Recorder notifying him of the penalty and that time for bonding had elapsed. Mr. Thompson requested permission to pay two years of the assessment with interest and to be permitted to bond the balance, and requested that the penalty be excused. There was discussion on the matter and the Council agreed that inasmuch as Mr.