

Chapter 3.25

LIENS

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3.25.010 Lien Docket, Contents. A. There is hereby created the Scappoose City Lien Docket.

B. The City Manager, or his or her designee, may create a lien by recording the lien in the lien docket.

C. The City Manager or his or her designee shall record in the city's lien docket:

- 1. All liens on real property in favor of the city, including but not limited to, liens for:
 - a. assessments for local improvements;
 - b. assessments for Economic Improvement Districts;
 - c. system development charges;
 - d. facility charges;
 - e. delinquent utility bills;
 - f. delinquent administrative enforcement fees;
 - g. delinquent transient room taxes;
 - h. delinquent sidewalk repair costs; and
 - i. nuisance abatements.

2. All releases, satisfactions, assignments, apportionments, amendments and modifications of liens recorded in a lien docket. No transfer or assignment of any certificate of purchase of real property sold under ORS 223.505 to 223.590 is valid unless the recorder has noted an entry of such transfer or assignment in the appropriate lien docket.

3. Documents that provide notice regarding potential obligations of property including, but not limited to, backwater valve building drain separation variance, backwater prevention device waiver, reimbursement agreements, reimbursement district resolutions, agreements relating to future obligations to build or fund public improvements, and private stormwater operations and maintenance

agreements. The recording of such documents shall not create a lien. The document and the lien docket shall prominently state "NOTICE OF POTENTIAL OBLIGATION."

4. Such other documents required or permitted by law to be recorded, filed, or noted in a lien docket maintained by the City of Scappoose. (Ord. 818 §1, 2011)

3.25.020 Informational Recording Permitted. In addition to recording liens and notices in a lien docket, the City Manager or his or her designee may make informational recordings in county indices. The informational recording shall include a clear statement of the purpose of the recording and a reference to how the lien docket can be accessed. (Ord. 818 §1, 2011)

3.25.030 Lien Record Requirements. Each lien record recorded in a lien docket shall consist of:

- A. The effective date of recording;
- B. A reference to the location of source documents or files;
- C. A description of the real property affected by the recording, including the county recording number, state identification number and a description meeting the requirements of ORS 93.600;
- D. A site address, if appropriate;
- E. A state property identification number or county property tax identification number;
- F. The lien account number or other account identifier;
- G. The amount of the estimated assessment or system development charge installment payment contract;
- H. The amount of the final assessment in the case of a local improvement district; and
- I. The current amount of principal balance as of the date of recording. (Ord. 818 §1, 2011)

3.25.040 Additional Requirements for Local Improvement Assessment.
A. Each lien record for the purpose of an assessment for local improvements shall also include the name or number of the local improvement, a description of each lot or parcel of land or other property against which the final assessment is made, or which bears or is chargeable for a portion of the actual cost of the local improvement, with the name of the owner and the amount of the unpaid final assessment.

B. Payments of installments, interest and late payment penalties or charges for assessments for local improvements shall be noted in the lien docket as they are received, with the date of payment. The payments so made and entered shall discharge the lien to the amount of the payment and from the date of the payment. (Ord. 818 §1, 2011)

3.25.050 Previous Recording with County. If the lien record was previously recorded in one of the indices maintained by the County Clerk under ORS Chapter 205, in addition to the information above, the lien record shall include the original recording date and a reference to the location of the original recording. (Ord. 818 §1, 2011)

3.25.060 Effect of Lien. Each lien recorded in the lien docket shall be a lien in favor of the City of Scappoose against each lot or parcel of land or other property identified, until paid, for the following:

A. For the amounts of the unpaid principal amount docketed, with interest at the rate determined by the city; and

B. For any additional penalties or collection charges imposed by the city with respect to any amounts that are not paid when due. (Ord. 818 §1, 2011)

3.25.070 Recording of Satisfaction of Lien. Recording of a satisfaction of a lien shall be made in the same location as the original recording, either in the indices maintained by the County or in the lien docket maintained through an electronic medium. (Ord. 818 §1, 2011)

3.25.080 Lien Recording, Foreclosure. Unless otherwise provided in this code, when a lien remains unpaid for 60 days after it has been recorded in the city's lien docket, the lien may be recorded in county indices and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or as otherwise provided by law. (Ord. 818 §1, 2011)

3.25.090 Electronic Access Permitted. The City Manager or his or her designee is authorized to make the city lien docket accessible online through an electronic medium such as the internet. If the City Manager or designee chooses to make records accessible through an online electronic medium, lien records shall be accessible through such medium to any individual or organization by mutual agreement with the city. Users shall be authorized to access lien records from equipment maintained at sites of their choosing. (Ord. 818 §1, 2011)