

ORDINANCE NO. 61**AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CERTIFICATED OF LIEN SEARCH; PRESCRIBING THE FEES TO BE CHARGED; AND REPEALING ORDINANCE NO. 2551, AS AMENDED BY ORDINANCE NO. 144 AND 221**

The City of Coos Bay Ordains as follows:

Section 1. Recorder to Make Lien Searches. The City Recorder shall make searches of the lien records of the City and issue certificated concerning the existence of liens upon property within the City, after receiving applications for the certificates and the fees provided for in this ordinance.

Section 2. Contents of Lien Search Certificate. A certificate of lien search authorized by this ordinance set forth any lien or liens that may be recorded in the lien records of the City on the date that the certificate is issued, and shall be directed and issued to the applicant for the certification.

Section 3. Search Fees. Before any certificate of lien search is issued, the applicant shall pay to the Recorder \$20.00 as a fee for making the lien search and for preparing the certificate. All fees collected under this section shall be deposited in the general fund of the City. [Section 3 amended by Ordinance No. 144, section 1, passed September 19, 1989] [Section 3 amended by Ordinance No. 221, section 1, passed December 5, 1995]

Section 4. Separate Certificate and Fees. The Recorder shall issue a separate certificate and shall collect a separate fee for each distinct and noncontiguous parcel of land for which an application for certificate is made.

Section 5. Extent of City Liability. No person, firm or corporation, other than the party to whom a certificate is directed and issued, shall be entitled to rely upon any information contained in a certificate of lien of the City. The City assumes no responsibility and shall have no liability to any third party as a result of issuing any certificate of lien. There shall be no liability for an error in a certificate in excess of the actual loss to the party to whom a certificate has been issued, and such damages shall in no event exceed the amount of the omitted lien or liens existing upon the property in question on the date of the issuance of the certificate. There shall also be no liability if any person to whom a certificate has been issued has knowledge or notice of the lien, or has suffered a loss through his or her own neglect or carelessness. If the City is liable for damages in the issuance of a certificate of lien search, it shall, upon payment of the damage, become subrogated to all the rights of the damaged party and shall be entitled to an assignment of such rights against any and all third parties who may be liable for such damage.

Section 6. Repeal. Ordinance No. 2551, enacted March 12, 1973, as amended by Ordinance No. 2565, enacted July 23, 1973, is repealed.

Passed by the Council and approved by the Mayor January 27, 1986.