

**CITY OF JEANNETTE**

**WESTMORELAND COUNTY, PENNSYLVANIA**

**BILL NO: 04-08**

**ORDINANCE NO: 04-09**

**AN ORDINANCE OF THE CITY OF JEANNETTE AUTHORIZING THE PAVING OF AN ALLEYWAY RUNNING PERPENDICULAR TO CEDAR STREET, EXTENDING FROM CEDAR STREET TO A FIFTEEN FOOT (15') ALLEYWAY RUNNING PERPENDICULAR TO LEWIS AVENUE; AN ALLEYWAY KNOWN AS THE TAFT ALLEY RUNNING PARALLEL BETWEEN SEVENTH AND EIGHTH STREETS FROM BRICKEL AVENUE TO PITCAIRN AVENUE; AND A PORTION OF NEW HAMPSHIRE WAY RUNNING PARALLEL BETWEEN ARLINGTON AVENUE AND NORTH FIRST STREET FROM PARKMAN STREET TO AN UNNAMED TWENTY FOOT (20') ALLEY RUNNING PARALLEL TO HARRISON AVE; AND AUTHORIZING THE ASSESSMENT OF ABUTTING PROPERTY OWNERS FOR A PORTION OF THE COSTS OF SAME.**

WHEREAS, the City of Jeannette is authorized under the laws of the Commonwealth of Pennsylvania to pave streets, highways and alleyways within the City upon request from a sufficient number of abutting property owners; and

WHEREAS, under the laws of the Commonwealth of Pennsylvania and City of Jeannette Ordinance No. 63-15, adopted December 16, 1963, the City is able to assess the costs of such paving upon abutting property owners on a "front foot basis" with each abutting property owner paying one-third (1/3) the cost of the paving project; and

WHEREAS, following receipt of Petitions signed by an appropriate and sufficient number of property owners, the City desires to pave the following alleyways located within the City of Jeannette:

1. That alley running perpendicular to Cedar Street, extending from Cedar Street to a fifteen foot (15') alleyway running perpendicular to Lewis Avenue;
2. That alley known as the "Taft Alley" running parallel between Seventh and Eighth Streets from Brickell Avenue to Pitcairn Avenue; and

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3. A portion of New Hampshire Way running parallel between Arlington Avenue and North First Street from Parkman Street to an unnamed twenty foot (20') alley running parallel to Harrison Avenue; and

WHEREAS, the City has advertised for bids for the aforesaid paving of such alleyways and accepted a bid from El Grande Industries of 84 Helen Avenue, Monessen, PA 15062, at a public meeting held the July 9, 2003, such bid being in the total amount of \$163,657.50; and

WHEREAS, the Council of the City of Jeannette desires to adopt an Ordinance authorizing the assessment of the costs of such paving against abutting property owners on a "front foot basis" consistent with City of Jeannette Ordinance No. 63-15 referenced above.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ORDAINS AND ENACTS AS FOLLOWS:

1. The paving of those alleyways referenced above is hereby authorized.
2. Each owner of property abutting those portions of alleyways to be paved, set forth above, shall be assessed for such paving on a per linear foot basis calculated by the "front foot rule". The City Engineer shall calculate the number of lineal feet for each property subject to assessment and shall calculate the total amount of the assessment due and owing. The lineal foot charge for each of the aforesaid alleyways has been determined by the City Engineer as follows:
  - a. The alleyway running perpendicular to Cedar Street extending from Cedar Street to a fifteen-foot (15') alleyway running perpendicular to Lewis Avenue, the sum of FIVE and 68/100 DOLLARS (\$5.68) per lineal foot;
  - b. The "Taft Alley" running parallel between Seventh and Eighth Streets from Brickell Avenue to Pitcairn Avenue, the sum of FIVE and 02/100 DOLLARS (\$5.02) per lineal foot; and

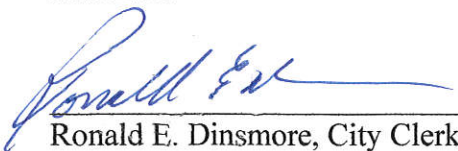
c. The portion of New Hampshire Way running parallel between Arlington Avenue and North First Street from Parkman Street to an unnamed Twenty Foot (20') alley running parallel to Harrison Ave, the sum of FOUR and 88/100 DOLLARS (\$4.88) per lineal foot.

3. In adopting this Ordinance, the Council of the City of Jeannette acknowledges that no Certificate of Completion has been issued by the City Engineer indicating that the aforesaid paving of such alleyways was completed on the ground. Accordingly, the City Treasurer is hereby directed to bill each abutting property owner for the assessed amount due, with payment to be made no later than ONE HUNDRED TWENTY (120) days from the date of the City Engineer's Certificate of Completion for each of the roadways referenced herein.

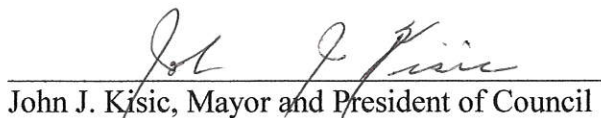
4. In the event any person subject to assessment fails to make such payment to the City Treasurer within the aforesaid ONE HUNDRED TWENTY (120) day period, then the City Treasurer shall immediately turn over the account of the non paying party to the City Solicitor for collection. The City Solicitor is hereby authorized and directed to take whatever steps are necessary to lien the property subject to assessment for the costs and expense associated with same together with interest at a rate of not less than one-half per cent (1/2 %) per month from the date of filing such lien consistent with the City's Municipal Claims Collection Ordinance, Ordinance No. 01-05.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED AT A PUBLIC MEETING OF JEANNETTE CITY COUNCIL HELD THE 14<sup>th</sup> DAY OF JULY, 2004 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

  
Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

  
John J. Kisic, Mayor and President of Council