

CITY OF JEANNETTE

BILL NO. 95- 1

ORDINANCE NO. 95- 1

AN ORDINANCE OF THE CITY OF JEANNETTE PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS TO MARYLAND PLACE, TO RATIFY THE CONTRACT ENTERED BETWEEN THE CITY OF JEANNETTE AND FRANK J. ZOTTOLA CONSTRUCTION, INC. FOR SUCH IMPROVEMENTS AND TO ASSESS THE COSTS OF CURBING AND RELATED IMPROVEMENTS UPON ABUTTING PROPERTY OWNERS ON A FRONT-FOOT BASIS.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the City of Jeannette at a regular meeting thereof, held on the 17th day of MAY, 1995, that:

WHEREAS, on or about July 12, 1989, the Council of the City of Jeannette enacted Ordinance No. 89-7 providing for methods of curbing the streets within the City of Jeannette and providing for the assessment of the costs and expenses thereof against abutting property owners; and

WHEREAS, by motion of City Council, approved at a public meeting held August 18, 1993, the engineer for the City of Jeannette was directed to prepare certain specifications and advertise for bid necessary improvements to various sections of

Maryland Place, a public road within the City of Jeannette, such specifications including curbing and the general paving, grading and/or macadamizing of such street; and

WHEREAS, the City engineer prepared specifications and advertised for such construction bids; and

WHEREAS, in a closed bid proceeding, Frank J. Zottola Construction, Inc. submitted a bid for the construction of said improvements in the total amount of ONE HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED NINETY-SEVEN AND 50/100 (\$124,997.50) DOLLARS, said bid being declared the lowest responsible bid for the project and awarded to Frank J. Zottola Construction, Inc., by motion approved by City Council at a public meeting on September 22, 1993 with a formal contract for such improvement being entered on or about September 30, 1993; and

WHEREAS, the bid of Frank J. Zottola Construction, Inc. accepted by Council on September 22, 1993 included a proposal to install concrete curbs and gutters, including curing, joint sealing and the installation of depressed curbs for driveways at a price of TWENTY-FOUR and 00/100 (\$24.00) DOLLARS per linear foot as part of the overall paving/improvement project; and

WHEREAS, it is the desire of Council to enact an Ordinance ratifying the acceptance of the aforesaid contract with Frank J. Zottola Construction, Inc.; and

WHEREAS, it is the intention of Council to assess the costs and expenses associated with the curbing of Maryland Place

against abutting property owners on a "front-foot" basis and to collect same by the filing of municipal claims, municipal liens, actions in assumpsit or any other action necessary to be taken for the collection of such improvements; and

WHEREAS, it appears that eight (8) properties abutting Maryland Place have received the benefit of the installation of curbing as a result of the aforesaid Maryland Place improvements, said properties bearing the following Westmoreland County and City of Jeannette Tax Map Parcel Nos.:

1. Parcel No. 14-4-1-416;
2. Parcel No. 14-4-5-226;
3. Parcel No. 14-4-5-235;
4. Parcel No. 14-4-5-227;
5. Parcel No. 14-4-5-228;
6. Parcel No. 14-4-5-229;
7. Parcel No. 14-4-5-261; and
8. Parcel No. 14-4-5-262.

NOW, THEREFORE, in consideration of the above, and with the foregoing recitals incorporated herein, the Council of the City of Jeannette hereby adopts the following Ordinance:

1. The Council of the City of Jeannette hereby approves or ratifies its prior acceptance of the bid of Frank J. Zottola Construction, Inc. submitted pursuant to specifications prepared by the City engineer for the Maryland Place reconstruction project;

2. The Council of the City of Jeannette hereby approves or ratifies the contract entered between the City of Jeannette and Frank J. Zottola Construction, Inc. dated September 30, 1993, as well as the improvements made to Maryland Place thereunder;

3. All curbing work performed by Frank J. Zottola Construction, Inc. pursuant to the aforesaid contract shall be and is hereby assessed against the owners of property abutting any such curbing improvement on a "front-foot" basis at a rate of TWENTY-FOUR and 00/100 (\$24.00) DOLLARS per linear foot for same, such assessment being a municipal claim or lien immediately assessable against the property;

4. The front-footage of each abutting property shall be determined by the City engineer with such determination being immediately provided to each abutting property owner and the City Solicitor;

5. Upon enactment of this Ordinance, the City Solicitor shall proceed with the filing of municipal claims, municipal liens or take any other action as may be authorized by law, in equity or otherwise to collect from such abutting property owners the costs and expenses of the curbing improvements herein assessed;

6. The specific portion of Maryland Place subject to the within referenced improvements is more specifically set forth and described in a drawing known as the "Maryland Place Geometry and Drainage Plan", prepared by Antonacci and Associates, 405

Michigan Avenue, Jeannette, Pennsylvania 15644, a copy of said Plan being attached hereto, made a part hereof and marked Exhibit "A";

THIS ORDINANCE is ordained and enacted this 17th DAY OF MAY, 1995 and shall take effect immediately upon final passage.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 17th day of MAY, 1995.

ATTEST:


THE CITY OF JEANNETTE:

BY Glenn D. Hoak
Glenn D. Hoak, Mayor

James F. Solomon
James F. Solomon, Councilman

Edward F. Singer, Jr.
Edward F. Singer, Jr.,
Councilman

John J. Orange
John J. Orange, Sr.,
Councilman

Edmund J. Holmes, Councilman