

BILL NO. 96-6

ORDINANCE NO. 96-9

**AN ORDINANCE OF THE CITY OF JEANNETTE
AUTHORIZING THE PAVING OF CERTAIN ALLEYWAYS UPON
PETITION OF ABUTTING PROPERTY OWNERS AND
PERMITTING THE ASSESSMENT OF THE COSTS OF SAME
AGAINST ABUTTING PROPERTY OWNERS ON A FRONT FOOT BASIS**

WHEREAS, the City of Jeannette is duly empowered under the terms of the Third Class City Code to pave, macadamize, grade or improve streets or alleyways within the City of Jeannette upon Petition of a majority in number or interest of the owners of property abutting or bounding the line of the proposed paving or improvement; and

WHEREAS, the City of Jeannette is authorized under the terms of the Third Class City Code, specifically 53 P.S. §37934, to assess the costs of such paving against abutting property owners; and

WHEREAS, the City has received Petitions signed by a majority in number or interest of the owners of property abutting or bounding upon the line of various alleyways within the City of Jeannette, such Petitions requesting the grading and paving of said alleyways, a copy of the aforesaid Petitions being attached hereto, made a part hereof and marked collectively as Exhibit "A"; and

WHEREAS, the Petitions request the following alleys be graded, paved or otherwise improved:

1. The alleyway running parallel between Johnston Street and Harrison Avenue from the Easterly side of Hissam Street South $64^{\circ} 45'$ East approximately 155 feet;
2. The alleyway running parallel between Zimmerman Street and Darlington Avenue, from the Southerly side of Ripley Street South 35° West approximately 345 feet;
3. The alleyway running parallel to Division Street from the Easterly side of Charles Street to the Westerly side of Third Street;
4. The alleyway running parallel with Penn Avenue from a point on the Eastern side of Fifteenth Street to the Westerly side of Fourteenth Street;
5. The alleyway running parallel between Margaret Street and First Street, from the Easterly side of Frothingham Avenue to the Westerly side of Wood Street;
6. The alleyway running parallel between Arlington Avenue and Ellsworth Avenue from the Easterly side of Morningside Road to the Westerly side of Walters Street; and
7. The alleyway running parallel between Evans Street and North Second Street from the Northeast side of Elizabeth Street to the Southwest side of Louise Street.

WHEREAS, the City desires to pave the aforesaid alleyways to approximately twelve (12) to thirteen (13) feet in width and to assess the costs of such paving to the property owners abutting the line of said improvements on a "front foot basis" with the City bearing one-third of the cost, owners of property abutting

one side of the improvement bearing one-third of the cost and the owners of property abutting the opposite side of the improvement bearing the final one-third of the cost (see Ordinance No. 63-15); and

WHEREAS, to complete the aforesaid paving, the City solicited bids and awarded a bid for said alley pavings to Consolidated Paving Company on August 14, 1996; and

WHEREAS, the City has entered into a contract with Consolidated Paving Company for the paving of said alleyways through the use and installation of an ID-2 Binder at a cost of THIRTY-FOUR and 00/100 (\$34.00) DOLLARS per ton and an ID-2 Wearing Course at THIRTY-SIX and 65/100 (\$36.65) DOLLARS per ton, said contract being entered between Consolidated Paving Company and the City of Jeannette on _____, 1996; and

WHEREAS, the City believes it is impossible to determine the specific front foot assessment cost at this time until the Binder and Wearing Courses have been applied due to varying grades and methods of installation.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED AS FOLLOWS:

1. The aforesaid alleyways shall be graded, paved and/or otherwise improved to a general width of twelve (12) to thirteen (13) feet by the installation of an ID-2 Binder Course at a

cost of THIRTY-FOUR and 00/100 (\$34.00) DOLLARS per ton and an ID-2 Wearing Course at a cost of THIRTY-SIX and 65/100 (\$36.65) DOLLARS per ton.

2. The costs of said improvements shall be assessed against all property owners abutting the line of such improvement on a "front foot basis".

3. The amount of the assessment per linear foot shall be determined by the City Engineer following the completion of each alleyway set forth above by determining the total cost of the ID-2 Binder and ID-2 Wearing Course installed and dividing same on a front foot basis among all abutting property owners in the manner set forth above.

4. Forthwith upon the completion of each alleyway for assessment purposes, the City Engineer shall file with the City Clerk a Certificate of Completion pursuant to 53 P.S. §36504, said Certificate to include the following information:

- a. The date upon which the improvement of any particular alleyway was commenced;
- b. The date upon which the particular alleyway was completed for assessment purposes;
- c. The cost and expense associated with the improvement of the alleyway in question;
- d. The per linear foot charge; and
- e. Specific amount charged or assessable against each abutting property owner on a "front foot basis".

5. Immediately upon receipt of the Certificate of Completion from the City Engineer, the City Clerk shall transmit same to the Office of the City Treasurer. Within ten (10) days of the receipt of the Certificate of Completion, the City Treasurer shall send to each abutting property owner a Notice or billing statement indicating the linear foot charge and the amount of monies owed by the abutting property owner by virtue of this Assessment Ordinance. Each Notice or billing statement shall likewise include the date upon which the Certificate of Completion was filed by the City Engineer, the date upon which the bill or assessment Notice is being sent to the abutting property owners from the City Treasurer's Office and shall give each abutting property owner five (5) months from the date of the completion of improvements to pay such assessment or have a lien placed against the abutting property owner.

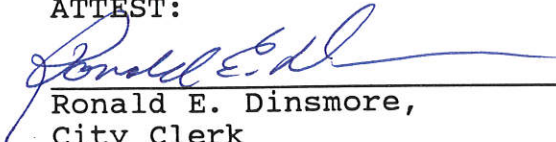
6. In the event any abutting property owner fails to pay any bill or assessment associated with the within paving project within five (5) months of the date of completion of the improvements as certified by the City Engineer, the City Treasurer shall file a Proof with the City Solicitor indicating that said bill or assessment remains unpaid.

7. Upon receipt of the Proof from the City Treasurer, the City Solicitor shall take the steps necessary to file any applicable Municipal Lien or claim against the abutting property owner in the amount of such bill or assessment, together with interest, costs and any other expenses permitted to be collected

by law, or to enter an action of assumpsit against the owners of such properties on which assessments have not been paid (see Ordinance 63-15).

THIS ORDINANCE is Ordained and Enacted this 16 day of OCTOBER, 1996 by the Council of the City of Jeannette and shall be effective immediately.

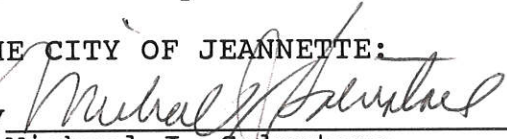
ATTEST:



Ronald E. Dinsmore,
City Clerk

THE CITY OF JEANNETTE:

By



Michael J. Salvatore,
Mayor/President of Council