

BILL NO. 98-6

ORDINANCE NO. 98-6

**AN ORDINANCE OF THE CITY OF JEANNETTE
AUTHORIZING THE PAVING OF A CERTAIN ALLEYWAY RUNNING
PARALLEL BETWEEN JEFFERSON AVENUE AND LEWIS AVENUE
FROM LOCUST STREET TO SPRUCE STREET,
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 a Petition signed by a majority in number and interest of the owners of property abutting or bounding upon the line of various alleyways within the City of Jeannette, such Petition 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 Petition request the following alley be graded, paved or otherwise improved:

The alleyway running parallel between
Jefferson Avenue and Lewis Avenue from Locust
Street to Spruce Street.

WHEREAS, the City desires to pave the aforesaid alleyway 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 has received a quotation from Cipra Construction of North Huntingdon Township, Pennsylvania to furnish and install two and one-half (2 1/2") inches of ID-2 Binder Course at a rate of THIRTY-FIVE and 00/100 (\$35.00) DOLLARS per ton and to furnish and install a one (1") inch ID-2 Wearing Course at a rate of THIRTY-EIGHT and 00/100 (\$38.00) DOLLARS per ton, for a total installation cost of THREE THOUSAND SEVEN HUNDRED FORTY-FIVE and 00/100 (\$3,745.00) DOLLARS; and

WHEREAS, the City has prepared and desires to enter into a contract with Cipra Construction for the paving of the aforesaid alley, a copy of such contract entered or to be entered between the City and Cipra Construction being attached hereto, made a part hereof and marked Exhibit "B";

WHEREAS, due to the possibility of cost overruns, the City believes that 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 alleyway 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-FIVE and 00/100 (\$35.00) DOLLARS per ton and an ID-2 Wearing Course at a cost of THIRTY-EIGHT and 00/100 (\$38.00) 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 the 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. Upon the completion of such 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 such alleyway was commenced;
- b. The date upon which such 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

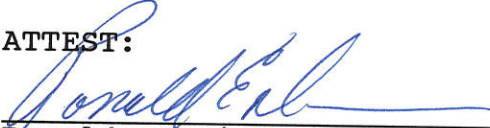
each abutting property owner five (5) months from the date of the completion of improvements to pay such assessment or have a lien placed against the abutting property owner.

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 8th day of July, 1998 by the Council of the City of Jeannette at a public meeting and shall be effective immediately.

ATTEST:



Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

By 

Carl J. Matt, Mayor

Date 4-7-97

THE UNDERSIGNED, being a majority in number and interest of the owners of property abutting _____ alley, between JEFFERSON Street and LEWIS Street, in the City of Jeannette do hereby respectfully petition the Council of the City of Jeannette to establish the grade, and pave said alley between said points and to assess the cost of said paving against the owners of property abutting on said alley, between said points, according to the front foot rule, and in consideration thereof, the undersigned, for themselves, their heirs, executors, administrators and assigns, do by these presents release, quitclaim and forever discharge the City of Jeannette from any and all liability for damages which may be occasioned to their properties by the establishment of the grading and the paving of said alley, between said points.

THE UNDERSIGNED, certify that they are the owners of the property set opposite their respective names, and that no person other than as herein shown has any interest in the property set opposite their respective names.

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared John F. Supers, who being first sworn, deposes and says that he/she circulated the above petition, and the signatures appearing thereon are those of the persons represented.

John F. Supers
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME, this 7th day of April, 1997.

Mary S. DiClaudio
Notary
MARY S. DICLAUDIO, DISTRICT JUSTICE
District Court 10-1-01
Westmoreland County, PA
My Commission Expires
1st Monday in January, 2000

Petition

Name	Address	City	Date
1. ⁽¹²⁾ James + Deborah Laughlin	311 LOCUST ST	JEANETTE	3/9/97
2. ⁽¹⁰⁾ John + Marguerite Dupont	504 JEFFERSON	JEANETTE	10 MAR 97
3. ⁽⁵⁾ Edward J. Dominick	510 Lewis Ave.	JEANETTE	3-10-97
4. Betty Dominick	510 Lewis Ave	JEANETTE	3-10-97
5. ⁽⁶⁾ Francis Lepiti	503 JEFFERSON AVE	JEANETTE	3-12-97
6. Loretta Lepiti	503 JEFFERSON AVE.	JEANETTE	3-12-97
7. ⁽¹²⁾ Susan Negich	502 Lewis Ave	JEANETTE	3-12-97
8. Jeffrey Negich	503 Lewis Ave	JEANETTE	3-12-97
9. ⁽¹³⁾ Edna M. Vardette	506 Lewis Ave.	JEANETTE	3-12-97
10. ⁽⁹⁾ Marlene A. Conte	507 JEFFERSON AVE	JEANETTE	3-25-97
11. ⁽¹⁰⁾ Mr + Mrs David Caran	501 JEFFERSON AVE	JEANETTE	3-25-97
12. ⁽⁵⁾ Mike + Lynn Maiotto	508 Lewis Ave	JEANETTE	3-25-97
13. ⁽¹¹⁾ Minnie K. Kigano M.D.	511 Jefferson Ave	JEANETTE	3-26-97
14. ⁽¹⁰⁾ Renee Sulzette	505 Jefferson Ave	JEANETTE	3-28-97
15.			
16.			

AGREEMENT

This Agreement, made the ____ day of June the year Nineteen Hundred ninety-eight City of Jeannette and Cibra Construction located at 11600 Wilshire Drive, North Huntingdon, PA 15642 hereinafter called "Contractor"

THE WORK

1. The Contractor will commence and complete the construction of the Alley from Spruce to Locust between Jefferson and Lewis Streets which are located in the City of Jeannette.

THE CONTRACT SUM

2. The Owner agrees to pay the Contractor the Contract Sum of \$3745.00

The Contract Sum is determined as follows:

Alley from Spruce to Locust between Jefferson and Lewis Streets

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Price</u>
Furnish and Install 2- 1/2" ID-2 binder course	69	Ton	\$35.00	\$2415.00
Furnish and Install 1" ID-2 wearing course	35	Ton	38.00	1330.00

The Owner reserves the right to add or delete any item in order to conform to budget constraints.

TIME

3. Work to commence on _____, and proceed on a daily basis Monday thru Friday until complete.

WORKING CONDITIONS

4. No deviation from the terms of this Agreement is acceptable unless approved by the City of Jeannette. The Contractor will furnish the paved alley in accordance with Penn Dot Form 408 Specifications.

Exhibit "B"

INSURANCE

5. Prior to starting work the Contractor shall obtain a Certificate of Insurance before start up of work on site. Certificate holder made to City of Jeannette, Second Street and Clay Avenue, Jeannette, PA 15644. City should be listed as additional insurance.
6. Payment of Contract shall be due when the Work described in this Contract is fully completed and is satisfactory to the Owner.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND

7. No bonds are required for this Project.

OWNER:

City of Jeannette

CONTRACTOR:

Cipra Construction