

No.

ORDINANCE NO. 2000-04

Passed

March 21, 2000 ~~XX~~

AN ORDINANCE ESTABLISHING A POLICY FOR THE ASSESSMENT OF CORNER LOTS OF THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.

WHEREAS, the Municipality of Brookville has an ongoing sidewalk, curb and gutter replacement program; and

WHEREAS, the Municipality of Brookville may also require the construction of sidewalks, curbs and gutters in areas of the Municipality where there are no existing sidewalks, curbs and gutters; and

WHEREAS, the Council of the Municipality of Brookville desires to enact this Ordinance to provide an equitable assessment for owners of corner lots with sidewalks, curbs and gutters being required to be constructed or replaced on two sides of the corner lot.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION 1: In the event that a resolution of necessity is passed by this Council requiring the owner of a corner lot to construct new sidewalks, curbs or gutters or to replace existing sidewalks, curbs or gutters on two sides of the corner lot, then in that event, the total assessment for the construction or replacement of said improvements on that corner lot shall be reduced by fifty percent (50%) and the Municipality shall be responsible for the remaining 50% of the cost of construction of the sidewalks, curbs or gutters on the corner lot. The Municipality shall be responsible for the total cost of these improvements on the corner radii of intersections, and the length of the corner radii shall not be included in the frontage of the two sides of the corner lot upon which frontage the assessment is calculated. A corner lot is defined for purposes of this Ordinance as a single Village lot or a single parcel of land with sidewalks, curbs or gutters being constructed on two sides of the lot or parcel.

SECTION 2: In the event that a resolution of necessity is passed by this Council requiring the owner of a corner lot to construct or replace sidewalks, curbs or gutters on one side of a corner lot, then in that event, the total assessment for the construction or replacement of said improvements on that corner lot shall be reduced by fifty percent (50%) of the frontage on that side of the lot where the owner is presently required to construct or replace sidewalks, curbs or gutters, and in the event that thereafter another resolution of necessity is passed by this Council requiring the owner of the same corner lot to construct or replace sidewalks, curbs or gutters on the other side of the same corner lot, then in that event, the total assessment for the construction or replacement of said improvements on that side of the corner lot shall be reduced by fifty percent (50%) of the frontage on the side of the lot where the owner is presently required to construct or replace said sidewalks, curbs or gutters.

SECTION 3: In the event that a resolution of necessity is passed by this Council requiring the owner of a corner lot to construct or replace sidewalks, curbs or gutters, and the owner elects to construct or replace those improvements within the 31 day period of the resolution of necessity rather than be assessed for the cost of construction or replacement, then in that event, the cost of said construction or replacement would be solely the responsibility of the owner.

SECTION 4: This ordinance is not applicable to new subdivisions subject to provisions of 1183.10 of the Municipal Code of Ordinances, which provides that the developer is responsible for the construction of sidewalks in a new subdivision. The developer shall be responsible for cost of construction of new sidewalks on both sides of a corner lot in a new subdivision.

SECTION 5: This ordinance is hereby declared to be an emergency ordinance for the reason that immediate passage will permit usage of this policy during the sidewalk replacement program for this fiscal year and thereby provide timely relief to those residents of Brookville owning corner lots subject to assessment.

PASSED this 21st day of March, 2000.

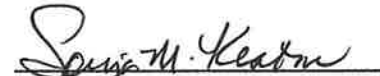
ATTEST:


Sonja M. Keaton, Clerk


Thomas L. Dafler, Mayor


CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2000-04 passed by the Council of the Municipality of Brookville, Ohio, on the 21st day of March, 2000.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2000-04 was posted at the Municipal Building, US Post Office, and the Brookville Branch of the Montgomery County Library, Brookville, Ohio, on the 22nd day of March, 2000, to the 22nd day of April, 2000, both days inclusive.


Sonja M. Keaton, Clerk