

ORDINANCE NO. 8 -84

AN ORDINANCE AUTHORIZING A CONTRACT WITH ANTHONY M. PILLA, BISHOP FOR THE CONSTRUCTION AND EXTENSION OF A MUNICIPAL WATER MAIN AND ENTERING INTO AN AGREEMENT REGARDING RESTRICTIONS AS TO FUTURE TAP INS. ON SAID EXTENDED WATER MAIN AND TO DECLARE AN EMERGENCY

WHEREAS, Anthony M. Pilla, Bishop, owner of Village Lot 140, being 6.9 acres of land desires to extend the Village water main from a point of its present terminus at or about the former north corporation line of the Village to the north line of said Village lot 140 in accordance with approved plans and specifications of the Village of Spencer, Ohio; and

WHEREAS, Anthony M. Pilla, Bishop has requested the Village of Spencer to restrict future connections to the extended water main by other property owners until said other property owners have paid their proportionate share of the original cost of said extended water main to Anthony M. Pilla, Bishop; and

WHEREAS, the Village of Spencer in consideration of the construction and extension of said water main is willing to enter into an agreement with Anthony M. Pilla, Bishop for such restriction on future connections to said extended water main,

NOW THEREFORE, BE IT ORDAINED, by the Council of the Village of Spencer, Ohio, three-fourths of its members concurring therein, as follows:

1. That the Board of Trustees of Public Affairs of the Village of Spencer, Ohio is hereby authorized to enter into

a written agreement with Anthony M. Pilla, Bishop for the extension of the Village water main from its present terminus at or about the former north boundary line of the Village corporation on North Main Street to the north boundary line of Village Lot 140 on North Main Street (SR 301) in accordance with plans and specifications for said extended water main approved by the Village Engineer. Said agreement shall provide that the original cost of constructing said extended water main will be certified by Anthony M. Pilla, Bishop to the Board of Trustees of Public Affairs of Spencer, Ohio. For a period of ten (10) years from date of completion of construction of said extended water main no other adjoining property owner, other than Anthony M. Pilla, Bishop, will be permitted to tap into said water main without first presenting evidence to said Board of Trustees that said property owner wishing to tap in has compensated Anthony M. Pilla, Bishop a proportionate amount of the original cost of said water main as specifically set forth in the agreement. Said agreement will have no effect upon the regular tap in fees or other charges required by the Board of Trustees of Public Affairs of Anthony M. Pilla, Bishop or any other person wishing to tap into said line in the future. Said agreement shall further provide that the Board of Trustees of Public Affairs must approve the original cost certified by Anthony M. Pilla, Bishop and that the Clerk of the Board of Trustees of Public Affairs shall prepare and attach to said agreement a schedule similar to an assessment roll which will show the current abutting land owners, the front footage owned by each, the lineal foot cost and the

total proportionate cost assessed to each parcel of property.

2. This Ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that an agreement is immediately needed with regard to the extension of the Village water main so as to allow the church construction project to proceed during the current building season and that this Ordinance shall be in full force and effect from and after its passage.

PASSED: April 25, 1984



Mayor

ATTEST:



Clerk