

COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE KOC 16-910-104

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO IMPROVE CREEKSTONE CIRCLE, SUBDIVISION ROAD IN BOROWICK FARMS 5, LAGRANGE, KENTUCKY TO COUNTY STANDARDS; AND, TO BRING THEM INTO THE KENTUCKY COUNTY ROAD SYSTEM PURSUANT TO KRS 179.470(3); AND, TO IMPOSE A SPECIAL ASSESSMENT ON ALL LOTS SO IMPROVED BY SUCH EXPENDITURES BY THE COUNTY PURSUANT TO THE PROVISIONS OF KRS 91A.200 TO 298A.290; AND, TO REIMBURSE THE COUNTY FOR THE EXPENDITURES TO IMPROVE THE SUBDIVISION ROADS

* * * * *

WHEREAS, KRS 179.470(3) authorizes the Fiscal Court of Oldham County Kentucky (hereinafter "County") to improve subdivision roads to county road standards upon a petition from 50% of the abutting property owners that contain houses being actively utilized as residences to petition Fiscal Court to improve the subdivision roadways to which their property abuts; and,

WHEREAS, KRS 179.470(3) further requires that the County be reimbursed by special assessment of the abutting property owners for the improvements for the County's expenditures to improve the roadway to county road standards; and,

WHEREAS, KRS 91A.200 to 91A.290 require that the County promulgate a comprehensive report setting out the method by which assessments are to be made and the proportionate share of those assessments to each abutting property owner; and,

WHEREAS, the County has determined that the assessed value of each lot exclusive of appurtenances is the fair method of assessment of the abutting property owners, the estimated assessments of each homeowner being set out in detail in the spreadsheet attached hereto as **Exhibit 1** the same being the comprehensive report of the County Engineer, Beth Stuber, setting forth the basis of the assessments which is incorporated herein by reference; and,

WHEREAS, the County has received a petition from 50% or more of the homeowners whose property abuts the section of Creekstone Circle to be improved and brought up to mandated engineering standards of county roads and therefore eligible for future maintenance by the County which petition is attached and incorporated herein by reference as **Exhibit 2**; and,

WHEREAS, the County has indicated its willingness to accept Creekstone Circle into the County Road System following the completion of the improvements necessary to improve the road to county road standards; and,

WHEREAS, KRS 91A.250 requires a public hearing on the proposed assessments and an opportunity at a designated place and location for review of the comprehensive proposal prior to the public hearing to be held on the 2nd reading of this ordinance on March 15, 2016 and the required advertisement thereof in accordance with KRS Chapters 91A and 424; and,

WHEREAS, the County has considered the comprehensive report of the county engineer prior to the adoption of this ordinance; and,

WHEREAS, the County desires to authorize and appropriate the funds from the County treasury necessary to improve the said subdivision road in Borowick Farms Sec. 5 to county road standards and to assess each adjacent property owner in order to reimburse the County for said expenditures upon the holding of a public hearing as required by KRS 91A.250.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF OLDHAM COUNTY, COMMONWEALTH OF KENTUCKY, as follows:

SECTION 1

IDENTIFICATION OF PETITIONING PARTIES; DESCRIPTION OF PROJECT; ASSESSMENTS

Fifty percent (50%) or more of the property owners whose property abuts the subdivision road in Borowick Farms Sec. 5 identified in the plat attached as **Exhibit 3** have requested the construction of improvements to the road identified therein to county road standards. The Estimated total individual assessment for each parcel of benefited property is set out in the spreadsheet attached as **Exhibit 1** which together total the Estimated assessment in the amount of \$39,446.00.

In the event the Estimated assessment is insufficient to complete the construction of improvements, each parcel identified above shall be additionally assessed the same pro-rata basis as the Estimated assessment.

SECTION II

ACCEPTANCE OF PETITION; COVENANT OF COUNTY

The County by the adoption of this ordinance acknowledges and accepts the receipt of the petition and states its present intention to proceed with the improvement of the road set forth hereinabove to county road standards and to assess each abutting

property owner the amount necessary to reimburse the County for the funds expended by the County in the improvement of said road.

The County covenants that upon the completion of the project it will accept the public ways constituting the project into the county road system and thereafter will provide ongoing maintenance at the expense of the County.

SECTION III

PUBLIC HEARING

The Fiscal Court of Oldham County shall conduct a public hearing at the final reading of this ordinance at the Fiscal Court meeting to be held March 15, 2016 concerning adoption of this ordinance and the expenditure of county funds to improve the subdivision road set forth hereinabove to county road standards and to consider the assessments of each abutting property owner as set forth in Section I above.

SECTION IV

NOTICE OF PUBLIC HEARING

The Fiscal Court hereby directs the Clerk of the Fiscal Court of Oldham County to notify all abutting property owners whose property abuts the road sought to be improved by the petition attached hereto providing to them the notice of the public hearing to be held on the final reading of this Ordinance on March 15, 2016 said notice to comport with KRS 91A.250.

The County Attorney, upon passage of this Ordinance, is hereby directed to file the necessary assessment liens against those properties benefited by the road improvement indentified in the subdivision enumerated in Section I of this Ordinance and in accordance with law.

SECTION V

RIGHT TO CONTEST

Following the adoption of this Ordinance and in accordance with KRS 91A.270 any owner of property to be benefited by the proposed road improvements and subject to the assessment, may, within thirty (30) days following the publication of the summary of this Ordinance, proceed as set forth in KRS 91A.270(1).

Upon the institution of any litigation by a property owner the County will continue with the road improvement project to the extent allowed in KRS 91A.270(2) unless otherwise restrained by a Court of competent jurisdiction.

In the event no action is taken by any affected property owner within the time allotted by KRS 91A.270(2), any action by any owner of property affected by this Ordinance shall be forever barred.

SECTION VI

NOTICE OF ASSESSMENT; LUMP SUM PAYMENTS AUTHORIZED

Upon completion of the construction of the improvements to the road identified in Section I of this Ordinance, the County shall cause a Notice of Assessment to be delivered to each property owner to be assessed.

The Notice of Assessment shall indicate the individual assessment for each parcel of benefitted property which shall be based on that parcel's pro-rata portion of the costs of construction, plus its pro-rata portion of the initial administrative expenses based on the assessed value of each benefitted lot that abuts the road to be improved.

Each benefitted property owner shall have a period of thirty (30) days to elect to make a lump sum payment and a period of ninety (90) days from the receipt of the Notice of Assessment in which to make the lump sum payment which shall be deposited with the treasurer of Oldham County, Kentucky. Upon the County's receipt of a lump sum payment the County Attorney shall arrange for the release of the assessment lien on the records in the office of the County Clerk of Oldham County and the owner of the benefitted property shall have fulfilled all obligations in connection with said assessment.

SECTION VII

Any benefitted owner who chooses not to pay a lump sum for the assessment to his property may elect to pay the assessment over a period of five (5) years (60 months) at an interest rate of 6% per annum compounded annually.

SECTION VIII

LIEN ASSESSMENT ON BENEFITTED PROPERTY

The assessment on each benefitted property shall constitute a lien on that property which shall attach upon notice to the benefitted property owner upon completion of the road project. The assessment for the project shall be levied by the County when the levy for general county taxes is made and such improvement assessment levy shall be due at the same time when general county taxes are due, subject to the same penalties and accrual of interest in the event of nonpayment as in the case of general county taxes.

The assessment shall be collected by the Sheriff of the County in the same manner as general county taxes and shall be enforced in like manner.

SECTION IX

SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION X

EFFECTIVE DATE OF ORDINANCE

That upon the second reading and adoption and the publication of a summary as required by law, this Ordinance shall be effective as of the date of its passage and approval.

Introduced and given first reading on February 16, 2016.

Given second reading, public hearing, and passed and adopted on March 15, 2016.

HON. DAVID VOEGELE
Oldham County Judge/Executive

ATTEST:

Sheila Faehr
Oldham County Fiscal Court Clerk

EXHIBIT 1

Assessment

Owner	Address	value lot	%	Estimated Assessment
Herbert Whatt and Ann Teddie	2700 Creekstone Circle	\$35,000	10	\$3,944.60
Regina and Clement Adams	2701 Creekstone Circle	\$35,000	10	\$3,944.60
William Funk	2703 Creekstone Circle	\$35,000	10	\$3,944.60
Charles and Sandra Fizer	2705 Creekstone Circle	\$35,000	10	\$3,944.60
Claude and Susan Brock	2706 Creekstone Circle	\$35,000	10	\$3,944.60
Jan and Charlotte Akens	2707 Creekstone Circle	\$50,000	10	\$3,944.60
Fran and Catherine Scott	2708 Creekstone Circle	\$35,000	10	\$3,944.60
Michael and Jennifer Boblitt	2710 Creekstone Circle	\$35,000	10	\$3,944.60
John and Nicole Wheeler	2712 Creekstone Circle	\$45,000	10	\$3,944.60
Thomas and Bernadette Milazzo	2713 Creekstone Circle	\$50,000	10	\$3,944.60
		\$390,000	100	

Estimated Cost of Project \$39,446.00

Bidder: _____

RESURFACING BID FORM: CREEKSTONE CIRCLE

Oldham County Fiscal Court
Attn: Melissa Horn, County Treasurer
100 West Jefferson Street, Suite 4
La Grange, Kentucky 40031

Contractor: Flynn Brothers Contracting

Address: 1213 Outer Loop

City, State, Zip: Louisville Ky. 40291

Phone Number: 502-364-9100

Total Not to Exceed Bid Price: \$ 39,446⁰⁰

Edward Flynn (Signature) Project Manager (Title) 10-16-2015 (Date)

Requirements for bidding (these requirements become part of the contract for successful bidder):

- Project Scope:
 - By making a bid, the applicant stipulates that they have visited the site and have an understanding of the scope of work and have field verified the scope.
 - All driveways should be tapered in with asphalt as needed for a smooth transition. All concrete driveway flush with the existing pavement should be keyed in.
 - In general, roads may be closed to through traffic from 9 am to 3 pm with the exception Oldham County School buses. Exceptions may be made for deeper culvert replacements.
 - Oldham County reserves the right to make adjustments in the field. Examples include, but are not limit to avoiding high rock, adding culvert(s), changing the size of culvert(s), and widening or deepening dig-outs. Change orders must be used and approved in advance if any price difference is incurred.
 - All asphalt loads must be weighted on Kentucky Transportation Cabinet Department of Highways certified scales.
 - All successful bidders must adhere to the most current editions of the Kentucky Transportation Cabinet Department of Highways Standard Specifications for Road and Bridge Construction when performing the work.
 - All paving (overlay) shall include a level and wedge course. All overlays must be 1.5" thick and there must be a crown in the center of the road.
 - All new pavements must be to the Oldham County Road Specifications of 1.5" surface over 4" binder and 9" stone base.
 - Any questions, differences of opinion relative to quantities or aspects of work shall be brought to the attention of the County Engineer prior to the deadline for bid submission.
 - All bidders must carry a warranty for work performed in this bid package for one calendar year from the last day of performing said work.
 - The start date of the project must be approved by the County Engineer. All work must be completed by June 1, 2015.
 - Should the price of asphalt increase more than 5 percent between the bid due date and the work completion date (per the KYTC Method Average Asphalt Price Index (AAPI)), the successful bidder may adjust the invoice with the amount greater than the 5 percent fluctuation. For purposes of an adjustment calculation, the asphalt liquid content is assumed to be 5.3% and the bid quantities will be used.

Bidder: _____

- Administrative Procedures:
 - To be considered for this project, the office of the County Treasurer must receive a complete bid package using this form by **Friday, October 16, 2015, 12:00 pm.**
 - Bids must be submitted in a sealed envelope with the company name, street address, bid due date and project name: "**Creekstone Circle Resurfacing**" clearly marked. Bids must be mailed or delivered to Melissa Horn, County Treasurer at the above address. Bids sent via email will not be accepted.
 - All bidders and their employees, assigns, subcontractors, etc. must be fully covered by Workers Compensation. A certificate of liability insurance with workers compensation coverage must be included with the bid package.
 - All bids must be signed.
 - Successful bidders must be in good standing with the Kentucky Secretary of State, the Kentucky Revenue Cabinet, and must not be debarred or excluded from federal work. IRS Form W-9 must be included with bid.
 - Bids will be opened on Tuesday, September 7,, 2015, during the scheduled public Fiscal Court meeting.
 - Bid proposal shall remain unaltered unless bidder is directed otherwise by amendment.
 - It is the bidder's responsibility to receive and respond to any and all amendments.
 - All items/components of the project must be included in the bid.
 - Every page should identify the bidder.

Oldham County Fiscal Court reserves the right to waive any irregularities and/or reject any or all bids based on predetermined criteria of past performance, cost, comprehensiveness of bid proposal, etc.

Bidder: _____

Creekstone Circle

Pin Oak Drive to cul-de-sac

Length: 983 ft Average Width: 15 ft Pavement Depth with Tack Coat: 1.5 inches
Including cul-de-sac

Overlay: Qty: 132 tons Unit Price: \$111⁰⁰ Total: \$14,652⁰⁰

Level and Wedge: Qty: 40 tons Unit Price: \$84⁰⁰ Total: \$3,360⁰⁰

Keyway: Qty: 1 Unit Price: \$110⁰⁰ Total: \$110⁰⁰
At: Pin Oak Drive

Full Depth Dig Out:

Sta 5+50	14	20	32
cul-de-sac	920	1	103
			135

Qty: 135 sq. yd Unit Price: \$68⁰⁰ Total: \$9,180⁰⁰

Remove and Replace Dig Outs:

	width	length	sq yards
Sta 1+00	15	60	100
Sta 3+00	15	70	117
			217

Qty: 217 sq. yd Unit Price: \$32⁰⁰ Total: \$6,944⁰⁰

Remove and Replace Culvert:

Sta 4+75 Qty: 1 Unit Price: 15" x 20' \$130LF Total: \$2,600⁰⁰

Sta 7+20 Qty: 1 Unit Price: 15" x 20' \$130LF Total: \$2,600⁰⁰

EXHIBIT 2

PETITION TO ESTABLISH COUNTY MAINTENANCE OF CREEKSTONE CIRCLE

We, the undersigned, being abutting property owners on Creekstone Circle in the Borowick Farms Subdivision in Oldham County, Kentucky, hereby petition the Oldham County Fiscal Court, pursuant to, and in accordance with the terms and conditions set out in KRS 179.470 (2) and (4), for County maintenance of the roads in said subdivision. Said maintenance to be contingent on compliance with the Procedures for Accepting Private Rural and/or Subdivision Roads into the Oldham County Road Maintenance System. Each property owner will be responsible to pay his proportionate share of the cost based on the method calculated by the county engineer, ie, by lot value, property value, lot size or road frontage. The cost to each property owner becomes a lien on the property until paid in full. Fiscal Court may allow property owners to pay their assessment over a period of time, usually five (5) years at an interest rate set by Fiscal Court (usually 6%).

HOUSE NUMBER	NAME (print)	SIGNATURE	DATE
2708	Francis J. Scott	<i>Francis J. Scott</i>	9-3-15
2706	Claude Spud Brock	<i>CS Brock</i>	9/3/15
2707	Charlotte Akers	<i>Charlotte Akers</i>	9/3/15
2713	Bernadette Milazzo	<i>Bernadette Milazzo</i>	9/3/15
2701	Begina Adams	<i>Begina Adams</i>	9/3/15
2712	Cecil John Wheeler	<i>Cecil John Wheeler</i>	9/3/15
2710	Mike & Sena Boblitt	<i>Mike & Sena Boblitt</i>	9/3/15
2705	Sandra Fizer	<i>Sandra Fizer</i>	9/3/15
2703	Maurice Bill Funk	<i>Ma M. Funk</i>	9/3/15

original signatures given to Beth Stuber at 9-3-15 Neighborhood Mtg.

EXHIBIT 3

RECORD PLAT
BOROWICK FARMS
 SECTION NO. 5
 OLDHAM COUNTY, KENTUCKY
CARL P. CLORE, JR.
 OWNER - DEVELOPER



CERTIFICATE OF ACCEPTANCE AND DEDICATION
 This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of BOROWICK FARMS Section 5 and does hereby dedicate to public use the Right of Way and Easements shown thereon.
 OWNER: Carl P. Clore Jr.
Carl P. Clore

ENGINEER'S CERTIFICATE
 I hereby certify that the survey for this plan was made under my supervision and that the angular and linear measurements shown thereon are correct to the best of my knowledge and belief.
Richard H. Clore
 Registered Professional Engineer, Kentucky

