

COMMONWEALTH OF KENTUCKY
OLDHAM COUNTY
ORDINANCE KOC 16-620-167

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS TO IMPROVE BRIARWOOD ROAD, 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 Briarwood Road 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 Briarwood Road 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 May 17, 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 \$35,909.05.

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 May 17, 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 May 17, 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.

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 April 19, 2016.

Given second reading, public hearing, and passed and adopted on May 17, 2016.

HON. DAVID VOEGELE
Oldham County Judge/Executive

ATTEST:

Sheila Faehr
Oldham County Fiscal Court Clerk

EXHIBIT 1

Briarwood Road Assessment

Owner	Property Address	Mailing Address	%	Estimated Assessment
Owen and Ellyn Heslin	2800 Briarwood Road	same	10	\$3,590.91
Chris Elsey and Nancy O'Brien	2801 Briarwood Road	same	10	\$3,590.91
Jerry and Patty Wisdom	2802 Briarwood Road	same	10	\$3,590.91
Donald and Rita Powers	2803 Briarwood Road	same	10	\$3,590.91
James and Cheri Moriarty	2806 Briarwood Road	same	10	\$3,590.91
John and Paula Eads	2807 Briarwood Road	7005 Green Springs, Lou 40241	10	\$3,590.91
Jeffrey and Patricia Schwartz	2809 Briarwood Road	10714 Eagle Ridge, Lou, 40223	10	\$3,590.91
Roy Thomes Clifford	2810 Briarwood Road	2604 W Hwy 146, LaGrange	10	\$3,590.91
Claude and Jodi Blacketter	2812 Briarwood Road	same	10	\$3,590.91
Robert and Julie Dupin	2814 Briarwood Road	same	10	\$3,590.91
			100	
	Estimated Cost of Project			\$35,909.05

Bidder: Hall Contracting of Kentucky, Inc.

RESURFACING BID FORM: BRIARWOOD ROAD

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

Contractor: Hall Contracting of Kentucky, Inc.

Address: 3800 Crittenden Drive

City, State, Zip: Louisville, Kentucky 40209

Phone Number: 502-367-6151

Briarwood Road

Length: 1130 ft Average Width: 12 ft Pavement Depth with Tack Coat: 1.5 inches

Mill: Qty: 1507 syd Unit Price: \$ 4.15 Total: \$ 6,254.05

Mill through existing surface (assume 4 inches) and recompact

1.5 inches of Surface: Qty: 126 tons Unit Price: \$ 80.00 Total: \$ 10,080.00

3.5 inches Base: Qty: 300 tons Unit Price: \$ 65.00 Total: \$ 19,500.00

Keyway: Qty: 1 Unit Price: \$75.00 Total: \$ 75.00
At: Maple Leaf

Total Not to Exceed Bid Price: \$ 35,909.05



(Signature)

Roscoe Willis - Project Manager

Title

Friday April 1, 2016

Date

Bidder: Hall Contracting of Kentucky, Inc.

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.
 - 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) must be crowned in the center of the road.
 - 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.

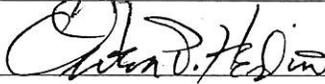
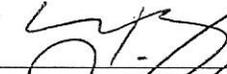
- Administrative Procedures:
 - To be considered for this project, the office of the County Treasurer must receive a complete bid package using this form by **Friday, April 1, 2016, 12:00 pm.**
 - Bids must be submitted in a sealed envelope with the company name, street address, bid due date and project name: **"Briarwood Road 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, April 5, 2016, 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.

EXHIBIT 2

PETITION TO ESTABLISH COUNTY MAINTENANCE OF BRIARWOOD ROAD

We, the undersigned, property owners in the Borowick Farms Subdivision, upon plat, recorded with the office of Oldham County Clerk, 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 51% or more of the land owners that they accept this financial responsibility once a bid for the work has been obtained by the County.

HOUSE NUMBER	NAME (print)	SIGNATURE	DATE
2801	Elsey O'Brien		8/2/15
2800	Owen P. Heslin		8/2/15
2803	Rita Powers		8/9/15
2814	Rob Dupin		8/9/15
2806	JIM MORIARTY		8/9/15
2812	Lori Greenwell		9/9/15
2802	Patty Wisdom		9/10/15

Per Stuber petition not binding!!

EXHIBIT 3

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



CERTIFICATE OF VERIFICATION 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 declare to public use the Rights of Ady. and Easement shown thereon.
 DRAWN BY: Carl P. Clore Jr.
Carl P. Clore Jr.

ENGINEER'S DECLARATION
 I hereby certify that the survey for this plat was made under my supervision and that the angles and linear measurements shown thereon are correct to the best of my knowledge and belief.
Carl P. Clore Jr.
 Registered Professional Engineer, Kentucky

