

ORDINANCE 29

An ordinance of the Borough of Lilly, Cambria County, Pennsylvania, authorizing the grading, paving and curbing of Cleveland Street and part of Piper Street between Railroad Street and Harris Street in the Borough of Lilly, Cambria County, Pennsylvania, and laying of such pipes, inlets and appliances along and under said streets to conveniently take care of surface water, and providing for the payments of costs and expenses thereof, assessing two-thirds of the cost to abutting property owners, according to the foot-front rule, in accordance with Chapter six, Article seven, of the act of assembly, called the Borough Code, approved the 14th day of May, A.D., 1915, P.L. 312, and the supplements relating thereto. WHEREAS, two-thirds of the owners of property, representing two thirds in number of feet of the property fronting or abutting on aforesaid Cleveland Street and part of Piper Street, have presented thier petition to the Council of the Borough of Lilly requesting that said paving be done under the provisions of the appropriate Acts of Assembly relating thereto:

Be it enacted and ordained by the Town Council of the Borough of Lilly, and it is hereby enacted and ordained by the authority of the same.

Section 1. That Cleveland Street and a part of Piper Street in the Borough of Lilly between Railroad and Harris Streets be graded paved and curbed, including street and alley intersections, twenty six feet wide, this twenty six feet in width to be from the inside of curb, or a clearance of twenty six feet, in the manner and under the plans and specifications as adopted by the Council, either with brick or concrete, as Council may determine. That the said grading, paving and curbing begin at the Pennsylvania Railroad right-of-way at a point ten feet from the intersection of Railroad And Cleveland Streets, and extending through Cleveland Street and a part of Piper Street to a point where Piper Street and Harris Street intersect, a distance of approximately eighteen hundred and fifty (1850) feet, this particularly including street and alley intersections. This paving as stipulated above, to be twenty six feet in width a six inch curb on either side of substantial material, as Council, through thier Borough Engineer, may determine.

Section 2. That the work be done under Chapter Six, Article seven of the act of Assembly, called the Borough Code, approved the 14th day of May, A.D., 1915, P.L. 312, and the supplements thereto, and that the Burgess, President of the Council and the Borough Secretary be authorized to enter into a contract or contracts in the name of the Borough for said work with such party or parties and upon such terms as Council may determine and agree upon.

Section 3. That the Borough Engineer be designated as the person in charge of said work and that Patrick F. Campbell be selected as such Engineer or his successor in such office with full power to act for the Borough in all things connected with said work, and the contracts thereunder.

Section 4. That any pipe or other material interfering with the free and full construction of the said work are hereby declared to be nuisances and may be removed or changed by the party or parties with which the Borough contracts or by the direction of said Engineer.

Section 5. That two-thirds of the cost and expense of said work shall be assessed against the owners of real estate abutting or bounding on said street, according to the foot-front rules as provided by Act of Assembly, and the same is hereby assessed and the assessments appropriated therefor, the one-third thereof to be paid by the Borough and the same is hereby appropriated therefor out of the funds now or hereafter in the Borough Treasury.

Section 6. That the assessments made under Section Five of this ordinance shall be estimated by the Borough Engineer, and Patrick F. Campbell is hereby selected as such Engineer. Said assessments shall be filed with the Borough Secretary, who shall cause thirty days notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises, and if any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the Borough Secretary to collect the same with interest from the time of the collection, by action of assumpsit or lien to be filed and collected in the same manner as municipal claims.

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Section 7. That all ordinances or resolutions or parts thereof inconsistent herewith be and the same are hereby repealed.

Enacted and ordained this twenty-fourth day of April, 1922.

Fred J. Walters
President of Council

Attest: W.T. McCloskey
Secretary of Council.

Examined and approved by me this Eighth day of May, A.D., 1922.

Joseph McGonigle
Burgess.

I, W.T. McCloskey, Secretary of Lilly Borough Council, do hereby certify that the foregoing ordinance was duly passed by the Council of The Borough of Lilly, Cambria County, Pennsylvania, on the twenty fourth day of April, A.D., 1922, and that the said day of April, 1922, and at least twelve (12) copies of said ordinance were posted in public places in the Borough of Lilly, Cambria County, Pa.

W.T. McCloskey
Secretary.
