

ORDINANCE 44

An ordinance of the Borough of Lilly, Cambria County, Pennsylvania, authorizing the grading and paving of Portage Street between the intersection of Cleveland and Portage Street and a point on Portage Street where the present improved concrete highway ends at approximately State Highway Station 1148 plus 0 in the Borough of Lilly, County of Cambria, State of Pennsylvania, and the laying of such necessary pipes, inlets and appliances along and under said streets to conveniently take care of the surface water and providing for the payment of costs and expenses thereof, that may be incurred over and above the amount that is being appropriated by the County of Cambria for the work herein, assessing the entire cost of engineering, Costs of necessary advertising, costs of land to be appropriated and costs of grading and paving to the abutting property owners, according to the Foot-Front Rule, in accordance with Chapter 6, Article 7, of the Act of May 14th, 1915, P.L., 321, and the supplements and amendments thereto, particularly relating and referring to amendment known as Sub-Section 8 of the Act of the 17th day of May, A.D., 1921, P.L. 896. Whereas, the said Portage Street in the Borough of Lilly is being constructed and improved jointly by Lilly Borough and Cambria County 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 Portage Street in the Borough of Lilly between Cleveland Street and a point where the present improved concrete highway ends at State Highway Station 1148 plus 0 in Portage Street, be graded and paved, including street and alley intersections, eighteen (18) feet wide, this eighteen (18) feet to be a clearance and not including a curb of any thickness whatsoever; the said width of eighteen (18) feet to extend from the intersection of Cleveland Street and Portage Street to State Highway Station 1148 plus 0 in Portage Street, a distance of approximately eighteen hundred and eighty-four (1884) feet, in the manner and under the plans and specifications as adopted by the Engineer of the Borough of Lilly which plans have been approved by the County of Cambria and the State Highway Department of the Commonwealth of Pennsylvania, and under the direction and jurisdiction of the Engineer designated by the Council of the Borough of Lilly, with re-inforced concrete of a thickness of at least six (6) inches.

Section 2. That the work to be done under Chapter 6, Article 7, of the Act of Assembly called the Borough Code, approved the 14th day of May A.D., 1915, P.L. 321, and the supplements and amendments thereto, having reference particularly to the amendment known as Sub-Section 8, under the Act of the 17th day of May, A.D., 1921, P.L. 896, its supplements and amendments, and that the Burgess, President of Council and Borough Secretary be authorized to enter into a contract or contracts in the name of the Borough for said work with said party or parties and upon such terms as the Borough Council may agree upon.

Section 3. That the Borough Engineer be designated as the persons in charge of said work, together with the contractor, and that Patrick F. Campbell, be selected as such Engineer, or his successor in such Borough Engineering Office, with full power to act for the Borough Together with the Borough Solicitor in laying the assessments, if any assessments are necessary, and in other things connected with the said work and the contracts thereunder.

Section 4. That any pipes 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 the said Engineer.

Section 5. That the entire cost and expenses of said work, over and above the amount appropriated by the County of Cambria, if there are any costs or expenses, including costs of Engineering, costs of necessary advertising, costs of land to be appropriated and costs of grading and paving, shall be assessed against the owner of real estate abutting or abounding on the aforesaid Portage Street, according to the Foot-Front Rule as provided by the act of assembly, and the same is hereby assessed and the assessment appropriated therefor.

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Section 6. That the assessments made under Section 5 of this ordinance shall be estimated by the Borough Engineer, and Patrick F. Campbell or his successor in office, is hereby selected as such Engineer. Said assessments shall be filed with the Borough Secretary, who shall give thirty (30) days notice of the assessment to each party assessed, either by service on the owner or his agent, or left on assessed property. And if any assessment be left unpaid at the expiration of the notice, it shall be the duty of the Borough Solicitor to collect the same with interest from the time of the completion of the said work, by Action of Assumpsit or Lien to be filed and collected in the same manner as other municipal Claims.

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

Enacted and ordained this 23rd day of August, A.D., 1926.

Attest: H.H.Brady
Secretary

Grover Smith
President

Examined and approved by me this 7th day of September A.D., 1926.

O.J.Connell
Burgess

I, H.H.Brady, Secretary of Lilly Borough Council, do hereby certify that the foregoing ordinance was unanimously passed by Council on the 23rd day of August, A.D., 1926, and that the same was advertised, as required by law, in the Cambria Freeman, a newspaper of general circulation, and that twelve (12) copies of the foregoing ordinance were ^{POSTED} in public places in the Borough of Lilly.

H.H.Brady
Secretary
