

ORDINANCE NO. O-04-2023

AN ORDINANCE CONFIRMING THE CITY ENGINEER'S ESTIMATE OF THE COST OF THE IMPROVEMENT AND CERTIFICATE OF APPORTIONMENT FOR THE IMPROVEMENT OF ALTAMONT COURT FROM ITS INTERSECTION WITH BIVOUAC AVENUE TO ITS TERMINUS; AVON PLACE FROM ITS INTERSECTION WITH SUMMIT AVENUE TO ITS INTERSECTION WITH EDGEWOOD DRIVE; BIVOUAC AVENUE FROM ITS INTERSECTION WITH S. FORT THOMAS AVENUE TO ITS INTERSECTION WITH BIVOUAC POINT; CAROLINA AVENUE FROM ITS INTERSECTION WITH TREMONT AVENUE TO ITS TERMINUS; GARDEN WAY HEADING NORTH FROM ITS INTERSECTION WITH HOLIDAY LANE TO ITS TERMINUS; GLENWAY AVENUE FROM ITS INTERSECTION WITH S. FORT THOMAS AVENUE TO ITS TERMINUS; HAWTHORNE AVENUE FROM ITS INTERSECTION WITH ALEXANDRIA PIKE TO ITS INTERSECTION WITH THE HAWTHORNE EXTENSION; LINDEN AVENUE FROM ITS INTERSECTION WITH S. FORT THOMAS AVENUE TO ITS INTERSECTION WITH CAROLINA AVENUE; LINDEN COURT FROM ITS INTERSECTION WITH LINDEN AVENUE TO ITS TERMINUS; ROSSMORE AVENUE FROM ITS INTERSECTION WITH S. FORT THOMAS AVENUE TO ITS TERMINUS; SUMMIT AVENUE FROM ITS INTERSECTION WITH GRAND AVENUE TO ITS INTERSECTION WITH AVON PLACE; AND TOWER HILL ROAD FROM ITS INTERSECTION WITH N. FORT THOMAS AVENUE TO ITS INTERSECTION WITH WATCHPOINT DRIVE; ALL IN THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY, AND ALL IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS THERETO AS SUBMITTED BY THE CITY ENGINEER AND AS APPROVED BY THE BOARD OF COUNCIL; APPROVING AND LEVYING A SPECIAL ASSESSMENT AGAINST THE ABUTTING PROPERTY OWNERS AND PROVIDING FOR ITS PAYMENT; DIRECTING THE CITY CLERK TO PUBLISH AN ABSTRACT OF THIS ORDINANCE, DIRECTING THE CITY TREASURER TO PREPARE AND DISTRIBUTE THE ASSESSMENT BILLS REQUIRING ALL ABUTTING PROPERTY OWNERS TO PAY THE IMPROVEMENT ASSESSMENT.

BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY,
KENTUCKY:

SECTION I

That the Public Works Committee of the Board of Council of the City of Fort Thomas, Kentucky, and the City Engineer of said City recommend the acceptance of the improvement of Altamont Court from its intersection with Bivouac Avenue to its terminus, Avon Place from its intersection with Summit Avenue to its intersection with Edgewood Drive, Bivouac Avenue from its intersection with Bivouac Point to its intersection with S. Fort Thomas Avenue, Carolina Avenue from its intersection with Tremont Avenue to its terminus; Garden Way heading North from its intersection with Holiday Lane to its terminus; Glenway Avenue from its intersection with S. Fort Thomas Avenue to its terminus; Linden Avenue from its intersection with S. Fort Thomas Avenue to its intersection with Carolina Avenue; Linden Court from its intersection with Linden Avenue to its terminus; Rossmore Avenue from its intersection with S. Fort Thomas Avenue to its terminus; Summit Avenue from its intersection with Grand Avenue to its intersection with Avon Place; and Tower Hill Road from its intersection with N. Fort Thomas Avenue to its intersection with Watchpoint Drive; all performed by spot curb repair and spot sidewalk repair (by the City), full depth pavement repair as necessary (by the City), bituminous asphalt pavement surface milling, 2" ±, asphalt resurfacing: 0.75" asphalt leveling and 1.25" fiber reinforced asphalt surface to be applied. Adjust/raise manholes and other utility meters and valves, as necessary (as per local utility requirements), adjust downspout leads at edge of pavement as necessary, and any necessary pavement markings to match existing.

That the Public Works Committee of the Board of Council of the City of Fort Thomas, Kentucky, and the City Engineer of said City recommend the acceptance of the improvement of Hawthorne Avenue from its

intersection with Alexandria Pike to its intersection with the Hawthorne extension; performed by removal of existing curb and construction of a new 4" vertical concrete curb, depressed at driveways and fill behind new curb with topsoil (by the City). Spot sidewalk repair and full depth pavement repair as necessary (by the City). Bituminous asphalt pavement surface milling, 2" ±. Asphalt resurfacing: 0.75" asphalt leveling and 1.25" fiber reinforced asphalt surface to be applied, Adjust/raise manholes and other utility meters and valves, as necessary (as per local utility requirements), adjust downspout leads at the curb as necessary, and any necessary pavement markings to match existing.

All of these improvements have been constructed in accordance with the plans and specifications thereof as submitted by the City Engineer, and the Board of Council, on the advice of the Public Works Committee and the City Engineer, who deem the work completed; and said work is hereby declared to be completed and the City Engineer's estimate of the cost to said improvement and the Certificate of apportionment are hereby accepted, approved, and confirmed.

SECTION II

That special assessment rates as set out below per linear foot and fronting on listed streets, be and the same is hereby apportioned, levied, and assessed against said real estate and the owners thereof (see attached Exhibit "A") at the stated cost per foot, as set out as follows:

| STREET | FRONT FOOT COST CITY PORTION | FRONT FOOT COST PROPERTY OWNER PORTION | FINAL COST |
|---------------------|---|---|-------------------|
| Altamont Court | \$9.06 | \$9.06 | \$28,216.55 |
| Avon Place | \$11.22 | \$11.22 | \$13,167.72 |
| Bivouac Avenue | \$9.87 | \$9.87 | \$39,696.91 |
| Carolina Avenue | \$8.47 | \$8.47 | \$23,997.90 |
| Glenway Avenue | \$9.23 | \$9.23 | \$16,183.02 |
| Hawthorne Avenue | \$13.26 | \$13.26 | \$57,798.05 |
| Linden Avenue | \$11.54 | \$11.54 | \$41,679.35 |
| Linden Court | \$6.87 | \$6.87 | \$9,067.41 |
| Rossmore Avenue | \$8.91 | \$8.91 | \$25,819.06 |
| Portions Of: | | | |
| Garden Way | \$10.42 | \$10.42 | \$24,758.64 |
| Summit Avenue | \$10.90 | \$10.90 | \$13,555.01 |
| Tower Hill Road | \$9.32 | \$9.32 | \$84,317.69 |

SECTION III

Payments for all improvements shall be due within forty-five (45) days of the publication of the Ordinance of Apportionment and any assessment levied that is not paid when due shall bear a penalty of five percent (5%). An additional ten percent (10%) penalty will be levied thirty-one (31) days after the due date, and any unpaid assessment shall accrue eight percent (8%) per annum interest, except for those property owners participating in the Installment Payment Plan, as outlined below, and shall continue to accrue and be liable as provided by law. The City's portion of the entire improvement cost shall be paid within thirty (30) days from the acceptance of said work under the contract.

INSTALLMENT PAYMENT PLAN

A property owner may have the option to finance the payment of their assessment bill over a specified period of time subject to the total amount of their assessment. Property owners with assessment bills of more

than \$400, but less than \$1,000 may finance their bill over a three (3) year period with equal payments. Property owners with assessment bills of more than \$1,000 may finance their bill over a five (5) year period with equal payments. The total amount of the assessment to qualify for the improvement installment plan shall not be less than \$400. An interest rate of eight per cent (8%) per annum shall be levied on the unpaid portion of the balance. The first annual installment shall become due and payable on July 1, following the year in which the project was completed.

Any interested property owner qualifying for the improvement Installment Payment Plan shall initiate this process by completing an Installment Agreement Form with the City's Director of Finance within thirty (30) days of the publication of the Ordinance of Apportionment. A non-refundable administrative fee of thirty-five dollars (\$35) shall be required to process the Installment Agreement Application Form. Installment payments shall be made to the Finance Office on or before July 1 of each year as outlined in the Agreement.

If any property owner fails to make their installment payment by July 1 of each year as outlined in the Agreement, the entire unpaid balance will become due immediately and payable in full with no recourse. The City shall exercise its rights to proceed to collect all amounts in default of improvement assessment bills by initiating appropriate legal action.

SECTION IV

The City Clerk is hereby directed to publish an abstract of this Ordinance in the manner provided by law for general ordinances of the City.

SECTION V

The City Treasurer shall, at the time that the afore-mentioned Ordinance is published, or one week thereafter, give notice by distribution of assessment bills requiring all property owners to pay the improvement tax levied in accordance with Section III of this Ordinance.

SECTION VI

This Ordinance shall be in full force and effect from and after its passage, approval and publication as designated by law.

APPROVED:

Eric Haas, Mayor

1st Reading: February 21, 2023

ADOPTED:

ATTEST:

Melissa K. Beckett, City Clerk