

CITY OF KINGSLEY, KENTUCKY

ORDINANCE #3

SERIES 1961

An ordinance of the City of Kingsley, Kentucky, determining that it is necessary in the interest of public health, safety, and welfare that the City of Kingsley undertake the "sewer project" as heretofore proposed in Ordinance #1, Series 1961, of the City of Kingsley, Kentucky, and that sanitary sewers in ~~land necessary~~ ^{incidental} facilities, ~~be~~ constructed and installed. That the lands, facilities, easements, and rights by acquired, to provide sanitary sewer service to properties in said City which were identified with particularity in said Ordinance #1, Series 1961, and again herein identified; the same to be done at the cost of the benefitted properties, to be benefitted thereby according to the "front-foot basis" as authorized by KRS Chapter 107.

WHEREAS at a meeting held on February 10, 1961, by the Board of Trustees of the City of Kingsley, Kentucky, it adopted Ordinance #1, Series 1961, of the City of Kingsley, Kentucky, which was duly passed and acted upon and signed by the Chairman of the Board of Trustees of said City, and attested by the City Clerk, and the same was thereafter duly published in the Louisville Times on February 15, 1961, a newspaper having the largest circulation in Louisville, Jefferson County, Kentucky, and otherwise complying with KRS Chapter 424 and further posted in three public places and said Ordinance having been duly enacted, posted, and published as required by law and is now in full force and effect and is identified by its title or caption as follows.

An Ordinance of the City of Kingsley, Kentucky, proposing and initiating proceedings to authorize, acquire, construct, and finance sanitary sewers and necessary appurtenant facilities to provide sanitary sewer service to benefitted properties, which are identified with particularity as same being described in general terms of the lots and parcels of land within the present corporate limits of the City of Kingsley, Jefferson County, Kentucky except (a) properties where sewer service is already otherwise provided, and (b) undeveloped areas where sewers will not be installed.

WHEREAS it is also provided in said Ordinance in Section #1 thereof conforming ~~to~~ the requirements of the provisions of KRS Chapter 107 that a public hearing should be held in the Kingsley Stamon's Inn, 2720 Taylorsville Road, Louisville, Kentucky, at 8:00 P. M., February 27, 1961, and public notice of such hearing was duly given through the publication of said identified Ordinance as above set forth and by publications of a "notice of public hearing" in the Louisville Times on February 21, 1961, and February 23, 1961, conforming to KRS Chapter 424; and a public hearing was duly held at such designated time and place and the owners of the properties to be benefitted by the proposed "sewer project" were permitted to and did appear and be heard as to (a) whether the proposed sewer project should be undertaken or abandoned; (b) whether the nature and scope of the project should be altered; (c) whether the project, if undertaken, should be financed by and through the "assessed valuation basis" or the "front-foot basis"; (d) or whether the project, if undertaken, should be financed by and through assessments made and a portion on a "front-foot basis", both of which methods as otherwise provided by KRS Chapter 107 and,

WHEREAS conforming to KRS Chapter 107, a record was made of the proceedings had at said public hearing, and the same has been submitted to and considered by the Board of Trustees of the City of Kingsley at the regular meeting of the Board of Trustees on March 10, 1961, at 8:00 P. M., any and all owners of said abutting and benefitted properties were given a further opportunity to appear and be heard at said meeting of the Board of Trustees and,

WHEREAS the Board of Trustees has considered all commitments, protesting, or advocating the undertaking of said proposed sewer project and all ~~con~~ commitments, protesting, or advocating one or the other of the two proposed methods of financing the same, and is sufficiently advised: NOW, THEREFORE, the Board of Trustees of The City of Kingsley, Kentucky, does hereby ordain as follows. For title purposes, this Ordinance shall further be known and described as the "SECOND ORDINANCE" as provided by KRS Chapter 107.

SECTION 1. It is hereby determined that it is necessary in the interest of public health, safety, and general welfare of the City of Kingsley, Kentucky, and its inhabitants, both those residing in said described area and those residing elsewhere in said City and the immediate vicinity, that sanitary sewer lines and necessary incidental facilities be constructed and installed ~~ain~~ the land, roads, dedicated right-of-ways, and easements, and the right to use a sewer lateral line, and a lateral line outside the corporate limits, to provide sanitary sewer service to all the lots and parcels of land abutting upon the following roads: southside of Taylorsville Road from Kings Highway to Bon Air Lane, consisting of 33 lots to be served; both sides of Gladstone Avenue from the southwestern boundary of the city ~~to~~ Kings Highway, 5 lots to be served; both sides of Kings Highway from Kings Highway and Taylorsville Road at the northwesterly boundary of the City of Kingsley, to Kings Highway, Bon Air, and Taylorsville Road at the northeasterly line of the city, 69 lots to be served; both sides of Tyler Lane, from kings Highway, to the southwesterly city boundary line, and both sides of Montrose Avenue from Kings Highway to Tyler Lane, 45 lots to be served; south side of Sidney Avenue from Montrose to Gladstone, 4 lots to be served; both sides of Winston Avenue from Kings Highway to the southwesterly city boundary line, 14 lots to be served; both sides of Emerson Avenue from Kings Highway, to the southwesterly city boundary line, 5 lots to be served; and an easement over the lots known as 2352 and 2356 Winston Avenue and 2337 and 2339 Gladstone Avenue within the City of Kingsley; and more particularly described as Kingsley Subdivision, as described, in Plat and Subdivision Book 5, page 82-83, recorded in the County Court Clerk's Office of Jefferson County, Kentucky; more detailed and accurately described in the priliminary survey for the construction of sanitary sewers for the City of Kingsley, in the office of Alan L. Keal, Consulting Engineer, 703 Center Building, Louisville 2, Kentucky, and to include the present corporate limits, of the City of Kingsley, as established by the judgment, of the Jefferson Circuit Court in Action Number 263115.

SECTION 2. Said sewer project of the City of Kingsley, Kentucky, shall be undertaken forthwith and completed as soon as possible, substantially and in accordance with plans and specifications prepared by Alan L. Keal, Consulting Engineer, 703 Center Building, Louisville 2, Kentucky, and ^{the} his costs of the installation and acquisitions described in Ordinance #1, Series 1960, City of Kingsley, Kentucky, and further shown by the plans and specifications of said engineer. The house connections is being carried to the property line, and it is the responsibility of the abutting property owners to extend the sewer connection from the property line to the premises to be served. The approved plans and specifications, a copy of which may be examined in the custody of the City Clerk, and Alan L. Keal, Consulting Engineer, 70e Center Building, Louisville 2, Kentucky, are hereby incorporated herein and for a complete and detailed representation of said sewer project.

SECTION 3. It is hereby determined that the proposed project shall be undertaken at the cost of the owners of properties which will be benefited thereby, and it is hereby determined that the properties to be benefited thereby are all abutting real properties, as identified in Section 1 of this Ordinance, in such other properties as described in Section 6 of Ordinance 1, 1961, excepting only those properties within the corporate limits of the City of Kingsley, Kentucky, where sanitary sewer service is already otherwise provided, and accepting areas of land not developed, and not subdivided.

SECTION 4. It is hereby determined that the costs of the entire project as defined by KRS 107.020, including labor, materials, equipment necessary to complete the sewer project in a satisfactory manner, the cost of land, easements, and other necessary facilities to complete said project, including preliminary and other services, inspections of the work, engineers fees and costs, attorneys fees, preparation of plans and specifications, publication of Ordinances and Notices, interest, if any, which will accrue until the due date of the assessment levied in connection herewith, provided in this Ordinance, a reasonable allowance for unforeseen contingencies, the cost of printing or other costs of financing and the cost to the City of any litigation which might

arise in connection herewith shall be provided for, in the assessments against the said benefitted properties according to the "Front-foot basis" as provided by KRS Chapter 107. The City does not propose to contribute any part of the cost of said sewer project from its general funds except preliminary surveys heretofore contracted for by the City of Kingsley, Kentucky, but will apply thereto any and all sums received as grants in aid of said project from any Governmental agency or other sources.

SECTION 5. KRS Chapter 107 affords the owner or owners of said identified benefitted properties a limited period of time in which to institute any court action that they may desire to institute, with regard to the proposed sewer project, and in the absense of such action, the provisions of this Ordinance as provided by law will become final and binding, and thereafter all actions by owners of the properties to be benefitted will be forever barred as provided more particularly in KRS Chapter 107.

SECTION 6. This Ordinance shall take effect from and after adoption, approval, attestation, and publication as provided by law.

ADOPTED by the Board of Trustees of the City of Kingsley, Kentucky, at a regular meeting held on the tenth day of March, 1961, on the same occasion signed in open session by the chairman of the Board of Trustees, attested by the City Clerk, and ordered published in the Louisville Times and posted in three public places as provided by law.

Amos L. Zimlich

Amos L. Zimlich, Chairman of the Board of
Trustees for the City of Kingsley

ATTEST:

William R. Nold
William R. Nold, City Clerk

CERTIFICATION

The undersigned, City Clerk of the City of Kingsley, Kentucky, does hereby certify that the foregoing is a true copy of Ordinance #3, Series 1961, of the City of Kingsley, Kentucky, duly adopted, signed, and attested is therein recited and ordered posted and published as provided by law.

Witness my hand this tenth day of March, 1961.

William R. Nold
William R. Nold, City Clerk for the City of
Kingsley, Kentucky