

AN ORDINANCE PROVIDING FOR THE PAVING WITH BRICK AND CURBING OF A PORTION OF MAIN STREET IN THE BOROUGH OF BENTLEYVILLE, INSTEAD OF THE MACADAMIZING THEREOF, NOW IN PROGRESS UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT, AND PROVIDING FOR THE ASSESSMENT OF THE EXCESS EXPENSE OF SUCH IMPROVEMENT AND THE COLLECTION OF A PORTION THEREOF FROM THE OWNERS OF PROPERTY ABUTTING ON SUCH ADDITIONAL IMPROVEMENT.

WHEREAS, Main Street traversing the Borough of Bentleyville, Washington County, Pennsylvania, is being improved under an agreement with and under the supervision of the State Highway Department of the State of Pennsylvania, with crushed stone and foundation; and

WHEREAS, a petition or offer has been presented to the Burgess and Town Council of the Borough of Bentleyville, Washington County, Pennsylvania, praying that the portion of the said Main Street hereinafter designated, shall be improved with brick and curbing for such width and distance as the Burgess and Town Council shall deem advisable, and the said property owners, who signed said petition or offer, are the owners of property abutting on said Main Street, and have offered to pay one-third ( $1/3$ ) of the cost of such curbing and paving, as may be placed in front of their respective properties, upon the same being estimated and determined, as fully set forth in said offer; and,

WHEREAS, the Burgess and Town Council of the Borough of Bentleyville have elected to accept the said offer, and to secure the curbing and paving of the portion of Main Street hereinafter designated, and the State Highway Department has indicated its willingness to have the present contractors make such additional improvement by the placing of curb and the paving with brick instead of macadam, provided the Borough shall agree to pay, in addition to the 12% already provided for under the contract for the general improvement of said Street with macadam, the whole of such excess



amount, as shall be expended in securing the curbing and paving with brick.

Therefore, be it ordained and enacted by the Burgess and Town Council of the Borough of Bentleyville, Washington County, Pennsylvania, and it is hereby ordained and enacted by authority of the same.

SECTION 1. That the offer of the owners of property abutting on said Main Street in the Borough of Bentleyville, who have signed the petition or offer heretofore presented, be and the same is hereby accepted.

SECTION 2. That a contract be entered into and executed on behalf of the said Borough by the Burgess and President of Council, attested by the Borough Clerk, with the State Highway Department (of the Commonwealth of Pennsylvania, or such other proper person as the said State Highway Department) may require, providing that the portion of Main Street in said Borough, extending from the railroad crossing at the present railroad station to the railroad crossing at or near the Acme Brewing Company's plant, be curbed and paved with brick for the width of twenty-four (24) feet, upon such plans and specifications as shall be prepared by the Engineer representing the State Highway Department, such plans and specifications to be first submitted to and approved by the Burgess and Town Council; and the said Borough agreeing to pay therefor, in addition to the 12% which it is already obligated to pay in the event of macadamizing said Highway, such additional expense as shall accrue by reason of the placing of curb and brick pavement instead of macadam. The excess charge not to exceed, however, the sum of \$ 1.25 per square yard for paving, and the sum of \$ .50 fifty cents per lineal foot for curbing.

SECTION 3. That upon the completion of the said curbing and paving, in accordance with the plans and specifications of the State Highway Engineer, approved by the Burgess and Council as afore-



said, the said Borough shall pay to the State Highway Department, or such other proper person as the said Department shall designate, the excess cost as aforesaid, not exceeding the amounts above designated, and shall forthwith proceed to have such excess cost estimated and determined by the Borough Engineer of the said Borough and assessed against the properties abutting on said improvement, assessing against each of said properties one-third (1/3) of the total cost and expense of placing the said curbing and paving in front of each such property abutting on said improvement, which estimate and assessment the said Borough Engineer shall file with the Borough Clerk, and immediate notice thereof shall be given to the owners of property abutting upon said improvement against which the assessment has been made, and the amount of such assessment shall be payable to the said Borough on or before the expiration of thirty days from the date on which the Borough Engineer files his assessment with the Borough Clerk, and in the event the same is not paid within such time, it shall be the duty of the Borough Solicitor to proceed to collect the same according to law.

SECTION 4. That all ordinances, or parts of ordinances, conflicting with the provisions of this ordinance be and the same are hereby repealed, in so far as the same conflict with the provisions hereof.

Ordained and enacted into an ordinance this 7<sup>th</sup> day of June, A. D. 1909.

ATTEST:-

J. G. Frye  
Borough Clerk.

J. B. Garrett  
President of Council.

Examined and approved by me this 8<sup>th</sup> day of June, A. D. 1909.

ATTEST:-

J. G. Frye  
Borough Clerk.

W. M. Johnson  
Burgess.