

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

ORDINANCE NO. 11-04

**AN ORDINANCE ESTABLISHING INTERVENING USER FEES FOR PROPERTIES
ALONG NORTH DIXIE DRIVE IN BUTLER TOWNSHIP, SOUTH OF THE MIAMI
COUNTY/MONTGOMERY COUNTY DIVISION, THAT DESIRE TO TAP FOR
SERVICE THE NAWA TRANSMISSION WATERMAIN**

WHEREAS, pursuant to its Charter authority under the Constitution of the State of Ohio, the Ohio Revised Code, including but not limited to sections 715.08 and 717.01(G) and the Codified Ordinances of the City of Vandalia, including but not limited to Section 1042.01, the City may provide for municipal water service and extend water outside the municipal boundaries of the City and develop reasonable fees associated with the provision of water; and

WHEREAS, the City, in conjunction with NAWA, has paid for and installed approximately 4,800 feet of 24" waterline along North Dixie Drive; and

WHEREAS, one or more property owners on North Dixie Drive have expressed a desire to tap into the Waterline; and

WHEREAS, the City recognizes that there may be other future or existing dwellings and/or commercial structures in the proximity of the Waterline that could benefit from the extension of water services; and

WHEREAS, the City is willing to provide water to the property owners that desire to tap into the Waterline provided such users agree to pay a fair and reasonable share of the City's cost of installing the Waterline; and

WHEREAS, the city manager has computed and is prepared to certify a pro-rata cost of construction (the basis being 10% of the total cost) of the Waterline for users located on the North Dixie Drive that desire to tap into the Waterline.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The City hereby institutes Intervening User Fees to be charged to parties on North Dixie Drive that desire to tap into the 24" transmission waterline along North Dixie Drive.

Section 2. The Intervening User Fees as set forth in Exhibit "A" attached hereto and made part hereof are determined to be fair and reasonable and are hereby approved.

Section 3. An Intervening User Fee shall be due and payable by an applicable property owner at the time when the property seeks access and/or use of the Waterline and the City's potable water system.

Section 4. The city manager, or his designee, is authorized to collect the applicable Intervening User Fee and to remit said Intervening User Fee to the "City of Vandalia." If the proposed property is not within the corporate limits of the City of Vandalia at the time of application, the property owner shall execute an agreement with the City specifying terms and conditions for the provision of water service including but not limited to annexation requirements if applicable.

Section 5. It is the intent of City Council that if any provision of this legislation or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or provisions and the application of such sections and provisions shall not be affected thereby.

Section 6. This ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this 18th day of April, 2011.

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council