

CITY OF VANDALIA
MONTGOMERY COUNTY, OHIO

ORDINANCE NO. 11-09

AN ORDINANCE ESTABLISHING INTERVENING USER FEES FOR PROPERTIES ALONG THE EAST SIDE OF PETERS PIKE AND THE NORTH SIDE OF STONEQUARRY ROAD THAT DESIRE TO USE OF THE 12" WATERLINE EXTENSION

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 has paid for and installed a 12" waterline along Peters Pike and Stonequarry Road (the "Waterline"); and

WHEREAS, one or more property owners on the east side of Peters Pike and the north side of Stonequarry Road 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 lineal foot cost, based on the installation cost of the main, of construction of the Waterline for users located on the east side of Peters Pike and the north side of Stonequarry Road 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 along the east side of Peters Pike and the north side of Stonequarry Road that desire to tap into the Waterline.

Section 2. The Intervening User Fees as set forth in Exhibit "A" attached hereto (and incorporated into this ordinance by this reference) 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 Fees at the time of application to tap into the Waterline 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 day 15th day of August, 2011.

APPROVED:

William M. Loy, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council