

#9

ORDINANCE AUTHORIZING CONSTRUCTION OF A SEWER ON ALLEY A, AS  
SHOWN ON THE PLAT OF BEECH BOTTOM, SAID ALLEY BEING IN THE  
VILLAGE OF BEECH BOTTOM, BROOKE COUNTY, WEST VIRGINIA  
ORDINANCE #9

Special Meeting, April 26, 1956. (Page 68, Recorder's Book).

Motion by Craft, seconded by Campbell, that the Ordinance on the sewer for Alley "A"  
be read only one time. (Note: Check on Reading of Ordinances, Rule 6, Page 13 of  
Recorder's Book; Page 4 of this booklet on Beech Bottom Ordinance.)

Be it ordained by the Council of the Village of Beech Bottom: That on the 26th  
day of April, 1956, this resolution was passed authorizing the construction of an eight inch  
sewer, commencing at the North end of a fifteen-inch sewer on Park Avenue, as  
shown on the Plat of Beech Bottom, and running from said corner along Alley A; said  
sewer will run along Alley A and will abut Lot No. 1 as shown on said plat and Lots No.  
4 and 16 inclusively, together with a fifteen-foot alley; that Notice of the intention of the  
Council of the Village of Beech Bottom to lay said sewer along the aforesaid Alley A  
was given to all owners of abutting property on said Alley by publication once a week of  
r three successive weeks before said meeting, in the Wellsburg Daily Herald, a Brooke  
County newspaper, and the affidavit of the publisher of said paper showing publication  
~ for such period of time, together with a copy of said notice attached has been files with  
the City Recorder who is hereby directed to spread the same upon the records of the  
minutes of this meeting.

Council now shall proceed with the laying of said sewer along Alley A in  
accordance with the plans, specification, estimates and profiles of r said improvement; it  
is now therefore ordered that Alley A be improved by the laying of and eight-inch sewer  
along said Alley nom the north end of present fifteen-inch sewer in Park Avenue to and  
including Lot No. 16. The total cost of said improvement, when completed, shall be  
borne, including the cost of intersections and alleys, by the owners of the land abutting  
upon the portion of the alley so improved, according to the following plan, that is to say:

Each lot or parcel of land so abutting shall be assessed with that portion of the total cost of the entire project which is represented by the proportion which the abutting frontage in feet of such lot or parcel bears to the total abutting frontage or parcels of land abutting on said alley so improved. However, all lots abutting on said alley from Lot No. 4 to Lot No. 16 inclusively, shall not be assessed since it will not be served by this sewer, Assessment shall be payable in five installments, each installment payable yearly, in accordance with the provisions of Chapter 8, Article 8, Section 8 of the West Virginia Code of 1949. And the assessment shall be recorded and constitute a lien as hereinafter provided.

It is ordered that when the assessments are laid against the abutting property owners, certificates shall be issued payable to Joseph Coss the contractor against each h owner of a lot or parcel of land abutting upon the aforesaid alley<sup>9</sup> and for the actual amount which shall then have been determined to be assessed against each abutting property owner upon which said contractor may bring suit in case of any default ii payment. To each assessment certificate there shall be attached five coupons and each

one of the coupons shall be made for one-fifth (1/5) portion of the entire assessment certificates shall be executed by the Mayor and attested by the City Recorder and coupons may have their names lithographed thereon, when said certificate and coupons are mead, executed and sealed, they shall be delivered to the contractor, and said assessment certificates as certificates of indebtedness shall be describes in detail, and Notice of the Lien on the property therein described until discharged by payment. The lien created by such assessment and issuance of such certificates may be released as provided by law in the cases of other liens, and addition there to upon presentation to the Clerk of the County Court of Brooke County all certificates issued there under as to any specific real estate therein described or located, showing that the same have all been paid, such clerk is hereby empowered to release the lien of such assessment as to such real estate on the margin of the deed of trust book, where the same is recorded, and such notation by such clerk shall have the effect to release such real estate from such lien as

effectively as a regularly executed and recorded release thereof.

The proceeds of the sale of such certificates of indebtedness shall be applied to the payment of the indebtedness incurred in making improvement on account of which such certificates of indebtedness were issued, and certificates issued shall contain a provision to the effect that in the event of default of payment of any one of said certificates when due, the said default continuing for a period of sixty days, then all unpaid certificates shall become due and payable and the holder of said certificates shall proceed to collect all of such unpaid certificates in the manner herein-before provided, certificates issued pursuant to this ordinance shall be negotiable in any bank in the County.

The owner of the lot of land assessed under this Ordinance may at any time anticipate and pay such assessment of certificate with accrued interest thereon.

(Page 72, Recorder's Book, pertaining to change in plan on above Sewer on Alley A voted and passed that contractor be instructed to change course of sewer from a 90 degree bend to two 45 degree bends where sewer from alley "A" connects sewer at Park Avenue.)

(Page 72, Recorder's Book, Custer moved, Campbell seconded that Contractor Coss connect old drainage sewer into new sewer at a cost of approx. \$15.00, Motion carried.)

(Page 74, Recorder's Book, Reported by Custer and Wallace that W. S. Mumper and Vaughan Augustine did not wish extension of proposed water line to their lots. They are situated East of aforementioned Lot No. 16.)