

ORDINANCE NO. 2003-1

AN ORDINANCE REGARDING CONSTRUCTION
OR REPAIR OF SIDEWALKS WITHIN THE
TOWN OF WESTPORT, INDIANA

WHEREAS, Ind. Code 36-9-36-17 authorizes a town council acting as a board of public works to require the owners of abutting property to construct or repair sidewalks or curbs;

NOW THEREFORE BE IT ORDAINED as follows:

Section 1. The town council, acting as the Board of Works for the town of Westport, may adopt a resolution for sidewalks or curbs to be constructed or repaired within the town. Such resolution must describe the area to be constructed or repaired, the nature of the work, and the identity of all owners of real estate abutting the sidewalk or curb to be constructed or repaired.

Section 2. After a resolution has been adopted, a copy shall be sent by certified mail to each owner of abutting property as shown by the records of the county auditor.

Section 3. The notice to abutting owners shall inform them that they have thirty (30) days from the date the notice was mailed to construct or repair the sidewalks or curbs as described in the notice.

Section 4. If a property owner fails to complete the work described in the notice within thirty (30) days, the town council may enter into a contract to have the work completed. The contract shall include an agreed price per square yard for sidewalk construction and may also specify the price per cubic yard for excavation and filling and a price per lineal foot for curbs.

Section 5. The entire cost of sidewalk or curb improvements or repairs which are included in one resolution shall be assessed and apportioned against each lot or parcel of property abutting on the improvement or repair in the proportion the improved lineal foot frontage of each lot or parcel of property bears to the entire length of the improvement or repair.

Section 6. Upon completion of a contract for improvement or repair of sidewalks or curbs by the town, the town council shall have an assessment roll prepared with the owner's name(s), property description, and assessment for each lot or parcel. The town council shall hold a public hearing to receive any remonstrances and determine whether assessments should be raised or lowered and shall give notice of that meeting to each owner by mail and by one publication at least ten (10) days before the hearing.

Section 7. After hearing any remonstrances, the town council shall prepare a final assessment roll and file it with the town clerk. The town clerk shall notify each owner of the assessment and shall collect the amount due within thirty (30) days, or in installments as allowed by I.C. 36-9-36-36.

Section 8. The assessments made by this ordinance are liens against the abutting real estate, as provided by I.C. 36-9-36-40 and may be collected through a foreclosure action.

Adopted this 9 day of June, 2003.

TOWN COUNCIL OF WESTPORT

Clifford D. Byard
Gary H. Pray III
J. B. Bomer

Barbara Handler
Clerk-Treasurer