

ORDINANCE NO. 16, 1955

An Ordinance ratifying, confirming and approving a resolution adopted by the Board of Public Works and Safety establishing sewer connection charges under the provisions of Chapter 179 of the Acts of 1949.

WHEREAS, the Board of Public Works and Safety of the City of Bloomington, Indiana, at its regular meeting on August 1, 1955, adopted the following resolution:

RESOLUTION OF THE BOARD OF PUBLIC WORKS AND
SAFETY
OF THE CITY OF BLOOMINGTON, INDIANA

WHEREAS, the City of Bloomington, Indiana, pursuant to a Contract, duly signed by the Board of Public Works and Safety, and approved by the Common Council of the City of Bloomington, has authorized Consulting Engineers to survey and study existing needs for sewers and sewage treatment plant facilities in said CITY, and

WHEREAS, said Engineering Firm, so employed, has submitted to said Board and the Common Council of the City of Bloomington, its preliminary report and plans, specifications and estimates, for the enlargement of the sewage treatment plant and trunk line sewer system, and local and lateral sewer system, and

WHEREAS, it has been determined by the Board of Public Works and Safety, and the Common Council of said CITY, to enlarge and extend the sewer mains within and without the City of Bloomington, so that every parcel and tract of land within the present corporate limits of said CITY will be accessible to sewer lines, and

WHEREAS, certain trunk lines, forming a part of said expansion program, will necessarily be constructed beyond the present corporate limits of said CITY, in order to provide for future growth and to take advantage of terrain elevations so that waste may flow by gravity, or with minimum lift facilities, to the Sewage Treatment Works, now operated by said CITY, and

WHEREAS, Chapter 61 of the Acts of the General Assembly, State of Indiana, 1932, as amended, authorizes Cities or Towns to construct and operate Works for the treatment and disposal of sewage; and Chapter 179 of the Acts of the General Assembly, State of Indiana, 1949, approved and adopted on March 8, 1949, authorizes Cities or Towns to construct and extend sewers as a part of such Works; and authorizes the Board of Public Works and Safety to make appropriate charges for connection therewith on the basis of the pro rata cost of construction of said sewers; and to approve or disapprove applications for connections, and to fix and determine the amount of said charges for connections; and to require the property owners to agree to pay such connection charges, prior to approving applications for service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
PUBLIC WORKS AND SAFETY OF THE CITY OF BLOOMINGTON,
INDIANA:

Section 1: As provided by Chapter 179 of the Acts of 1949, if the City of Bloomington shall construct a sewer, or sewers, as a part of its Sewage Works, which are suitable for use as local or lateral sewers by abutting or adjoining property owners, the owners of such property may apply to the CITY for connection privileges; and before connection is authorized, shall sign an agreement, provided by the CITY, agreeing to pay the sum of Two Hundred Forty-Two (\$242.00) Dollars in one (1) payment; or in thirty-six (36) monthly installments of Six (\$6.73) Dollars and Seventy-three Cents each, substantially in the form and form and figures following:

CAA480

:
 :
 : _____
 : Last name, 1st name, Int.
 :
 :
 : _____
 : No. Street Address
 :
 :
 : _____
 : File Number
 :
 : _____

CITY OF BLOOMINGTON, INDIANA

APPLICATION FOR SEWER CONNECTION

Name of Applicant _____

Address _____ Tel. No. _____
 No. Street

The undersigned do hereby apply to the CITY OF BLOOMINGTON, INDIANA, for sewer service for property located at _____

_____ Street

which said property, located in the City of Bloomington, Indiana, is legally described as follows:

a. The undersigned applicant represents that there has heretofore been no City sewer service available to the above described property; and that said property has not been heretofore assessed on account of, or charged with, the cost of construction of any local sewer.

b. In consideration of the CITY'S building and making available a sewer, suitable for use as a local or lateral sewer, adequate in size to service said property above described, this applicant agrees to pay to the Sanitation Department of the City of Bloomington, the rates and charges, now or hereafter in effect, for sewage treatment service. The first such charge to be paid simultaneously with the payment of the applicant's first water bill issued after said sewer service is established.

c. In addition to paying said rates and charges now in effect, or which hereafter may be established by said CITY for sewage treatment service, the applicant does hereby agree to pay the pro rata cost of the construction of the sewer serving said property, which the applicant and the CITY agree will be in the amount of Two Hundred Forty-Two (\$242.00) Dollars, and in the manner herein specified.

d. The applicant hereby agrees to comply and conform with all Ordinances of the City of Bloomington in connecting said property to said sewer; and that the connection from applicant's property to the sewer at the point where a "Y" is provided for such connection, shall be made at the applicant's expense.

e. The agreed connection charge in the amount of Two Hundred Forty-Two (\$242.00) Dollars is paid in full, the receipt whereof is hereby acknowledged by said CITY.

f. The agreed connection charge shall be paid in monthly installments, the first installment to be paid at the time of the signing of this application in the amount of Six (\$6.73) Dollars and Seventy-three Cents; the second installment to be paid in a like amount of Six (\$6.73) Dollars and Seventy-three Cents, on or before the 10th day of _____, 19____, and all subsequent installments shall be paid on or before the same day of each and every successive month thereafter until a total of thirty-six (36) such installments, amounting to Two Hundred Forty-Two (\$242.00) Dollars, shall have been paid.

(Strike out Paragraph e or f, whichever does not apply.)

The applicant, or applicants, do hereby warrant that they are the owners of the real estate hereinabove described and do hereby agree that, from and after the signing of this application, that the agreement to pay the amount specified herein, shall be a lien upon the property hereinabove described until the same is fully paid.

SIGNED at Bloomington, Indiana, this _____ day of _____, 19____.

Approved for
CITY OF BLOOMINGTON, INDIANA _____

By _____

Section 2: The above and foregoing application for sewer connection, with all blanks appropriately filled out, shall be signed by all owners, both husband and wife, of the property for which application is made, and shall be countersigned and approved by the Board of Public Works and Safety of the City of Bloomington, Indiana.

Section 3: Moneys received from connection charges, whether paid in full when application is made, as provided for in this Resolution; or whether paid in monthly installments, as provided for herein, shall be accounted for and deposited in the Sewage Works General Fund, and shall be distributed and applied, as other revenue of the CITY'S Sewage Works.

Section 4: Connection charges, fixed and established under the terms of this Resolution, shall not be applicable to properties presently accessible to existing sewers heretofore constructed.

Section 5: It is further provided that applicants, who agree to pay said connection charges on an installment basis, and who shall thereafter desire to pay the full balance of said installments in one (1) payment, shall have the privilege of doing so; and shall pay the amount of the monthly installments remaining unpaid.

Section 6: Upon the payment of said connection charge by a payment in full with the signing of the application; or upon the completion of the installment payments herein provided; or upon prepayment of said connection charge, as herein provided, the City Clerk-Treasurer of said City of Bloomington, shall issue to the applicants the following statement, which shall be affixed to the applicant's copy of said application; or, in the event, the applicant's copy of said application is lost or misplaced, to a copy made to conform with the copy on file in the City Water Office; which certification shall be stamped and signed by said City Clerk-Treasurer, and shall be in the words and figures as follows:

"This is to certify that the sewer connection charge, applicable to the real estate described hereinabove, has been fully paid and satisfied, and the lien thereby created, is released.

CITY OF BLOOMINGTON, INDIANA

By _____
City Clerk-Treasurer."

Section 7: In making application for such connection, the property owners shall agree to pay such connection charge, and in the event the same is not paid as agreed, the balance remaining unpaid shall constitute a lien on the property for which such connection is made, enforceable in the manner provided by Chapter 61 of the Acts of 1932, and Acts supplemental thereto or amendatory thereof.

Section 8: The application, hereinabove referred to, shall be prepared and signed in triplicate; the original shall be appropriately indexed and placed of record in the office of the City

CAA480

Clerk-Treasurer; the second copy shall be placed on file in the Water and Sanitation Office, where connection charges shall be collected; and the third copy shall be given to, and retained by, the applicant.

Section 9: Sewer service shall not be provided to any property which lies outside the corporate limits of the City of Bloomington, until and unless the owners, requestign said services, sign and execute a waiver of their right to protest future annexation, which waiver shall describe said property, and shall be binding upon said applicants, and their successors in title; and shall be a covenant running with the land so described.

Section 10: Nothing contained in this Resolution shall be construed as obligating the City of Bloomington to the same use charges for sewage service beyond the corporate limits of the CITY, as exist within the corporate limits of said CITY: and the CITY hereby reserves to itself the right, at any future time, to charge an increased amount for sewage treatment service beyond the corporate limits of the City of Bloomington, in the manner as water users beyond the corporate limits are charged.

ADOPTED this 1st day of August, 1955.

BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF BLOOMINGTON, INDIANA

By /s/ Emmett Kelly
Emmett Kelly, Mayor

/s/ J. M. Cason, City Engineer
J. M. Cason

/s/ Robert F. McCrea
Robert F. McCrea, City
Attorney

ATTEST:

/s/ Esther F. Leavitt
Esther F. Leavitt, City Clerk-Treas.

AND WHEREAS, said Board has recommended to the Common Council of the City of Bloomington that said resolution be ratified, approved and confirmed by Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, IDNAIAN:

Section 1: That the action of the Board of Public Works and Safety in adopting the above and foregoing resolution be and the same is hereby ratified, approved and confirmed, and the provisions of said resolution are hereby approved, confirmed, incorporated herein by reference and adopted with the same force and effect as if set out as sections of this Ordinance.

Section 2: This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana, on the 2nd day of August, 1955.

S/Emmett Kelly
Presiding Officer.

ATTEST:

S/Esther F. Leavitt, Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington, on the 2nd day of August, 1955, at the hour of 10 o'clock P.M.

S/Esther F. Leavitt, Clerk-Treasurer
This Ordinance approved and signed by me on the 2nd day of August, 1955, at the hour of 10 o'clock P.M.

S/Emmett Kelly, Mayor