

↻ ORDINANCE – Commerce Ave Assessment Corrections ↻

AN ORDINANCE TO AMEND, CORRECT AND REDUCE THE ASSESSMENTS OF CERTAIN SPECIFIC OWNERS OF ABUTTING PROPERTY ON COMMERCE AVENUE FOR THE INSTALLATION OF SIDEWALK AND CURB AND GUTTER

WHEREAS, the Council of the Town of Front Royal, Virginia having PREVIOUSLY ENACTED AND ADOPTED, pursuant to Title 15.2, Subtitle II, Chapter 24, Article 2 (15.2-2404, et seq.) of the Code of Virginia, and the Charter and Chapter 48 of the Code of the Town of Front Royal, Virginia, an Ordinance assessing abutting property owners for the installation and construction of sidewalk and curb and gutter along portions of Commerce Avenue, on March 10, 2008, on its second reading (passed on first reading February 25, 2008), and;

WHEREAS, at the time of assessment, the total cost to install the sidewalk and curb and gutter was anticipated to be approximately \$80,016.00, based on a construction cost of \$30.75 per lineal foot for sidewalk and \$42.20 per lineal foot for curb and gutter; and,

WHEREAS, the total number of lineal feet estimated in the total project at the time said Ordinance was adopted was 2,197.17 as to sidewalk, and 156.47 as to curb and gutter, however, now that construction of the project has been completed, the actual total amount of sidewalk is 1,902.75 lineal feet and the actual amount of curb and gutter is 130.11 lineal feet, because the number of lineal feet used in calculating the total assessment of certain hereinafter identified property owners was over-estimated; and,

WHEREAS, the Town desires to amend the assessments to reflect the actual total of linear feet for sidewalk and for curb and gutter for those abutting property owners who were over estimated, and, thereby, to reduce the assessed costs to such owners only, leaving costs assessed against the other owners identified in the aforesaid Ordinance exactly as stated therein, in that those estimates of lineal feet and cost were, in fact, accurate.

NOW THEREFORE, the Town's above Ordinance adopted March 10, 2008, assessing only the following named owners of abutting property on Commerce Avenue for the installation of sidewalk and curb and gutter is **AMENDED AND CORRECTED**, nunc pro tunc, as follows:

CLIFTON GOOD REALTY, INC.
P.O. Box 1445
Front Royal, VA 22630

Tax Map 20A8 1 2 8, 9A, 10
44.5 feet C & G @\$42.20 +
44.5 feet Swalk @\$30.75 X.50 = **\$1,623.14**

**JOHN ROLES, JR. and
MAXINE H. ROLES**
190 N. Commerce Avenue
Front Royal, VA 22630

Tax Map 20A8 1 2 11
14.75 feet C & G @\$42.20 +
116 feet Swalk @\$30.75 X.50= **\$2,094.73**

CRIM'S TRAILER SALES, INC.
214 Commerce Avenue
Front Royal, VA 22630

Tax Map 20A8 20 12
109 feet Swalk @\$30.75 X.50 = **\$1,675.88**

BORDEN LIMITED PARTNERSHIP
71 Ruth Court
Strasburg, VA 22657

Tax Map 20A10 1 8
247.6 feet Swalk @\$30.75 X.50 = **\$3,806.85**

DELEK SERVICES, INC.
830 Crescent Center Dr., Ste 300
Franklin, TN 37067

Tax Map 20A10 1 4 C2
85.5 feet Swalk @30.75 X .50= **\$1,314.56**

SHENANDOAH PROPERTIES II
6001 N. 5th Road
Arlington, VA 22203

Tax Map 20A10 1 4 D4
97 feet Swalk @\$30.75 X.50 = **\$1,491.38**

AND BE IT, FURTHER, ORDAINED Pursuant to Town Code Section 48-18, the assessment may be paid in eight (8) equal annual installments, with interest on the unpaid balance at an annual interest rate now set at 3.06%, which is a rate the index of average yield of United States Treasury securities adjusted to a constant maturity of one (1) year as made available by the Federal Reserve Bank at the time this assessment Ordinance is adopted. Such rate shall be determined by the Director of Finance to which she shall certify in writing.

AND BE IT, FURTHER, ORDAINED That the procedures for recording of assessments, payment of assessments, liens upon assessed property, payment of costs of recording, and appeals shall be in accordance with the Front Royal Town Code Chapter 48, and, if any assessments have been previously recorded pursuant to the Ordinance of March 10, 2008, they shall remain undisturbed **unless changed by this Ordinance**, and, if so changed, the Town Manager and the Clerk shall cause such previous erroneous assessment to be released at the expense of the Town, and shall record a New Assessment in the name of the owner or owners identified hereinabove and in the corrected amount herein stated.

November 10, 2008