

**CITY OF PEWEE VALLEY**  
**ORDINANCE NO. 4 Series 2019**  
**AN ORDINANCE OF THE CITY OF PEWEE VALLEY, KENTUCKY ACCEPTING**  
**THE PUBLIC DEDICATION OF CERTAIN PRIVATE ROADWAYS**

WHEREAS, The City of Pewee Valley has received requests from Rest Cottage Lane residents to accept Rest Cottage as a public roadway of the city; however, there are long standing issues with Rest Cottage Lane, as the road was built piecemeal and not to Oldham County standards of construction,

WHEREAS, because of the substandard construction on Rest Cottage Lane, the City of Pewee Valley has never agreed to accept the public dedication request from residents pursuant to KRS 82.400. However, recent negotiations between the parties have led to the passage of a Municipal Order dated the 4<sup>th</sup> day of February 2019 setting conditions under which Rest Cottage could be improved and then accepted as a public roadway,

WHEREAS, construction on those improvements is now complete and the acceptance of the roadway can now occur, upon the specific condition of payment of the final cost of those improvements by the residents of Rest Cottage as set out in the Municipal Order dated the 4<sup>th</sup> day of February 2019,

**THEREFORE, BE IT RESOLVED:**

**Section 1. The City Council approves the acceptance of Rest Cottage upon the following conditions and based on the following findings of fact:**

- (1) The City of Pewee Valley Council hereby agrees to accept Rest Cottage Lane as the City's publicly maintained roadway including all Right-of-Ways, more particularly

described in the attached (See Exhibit One), but upon the following conditions, findings and order:

- a. The Municipal Order dated the 4<sup>th</sup> day of February 2019 clearly states that the Rest Cottage residents will pay 50% of the final, actual cost of the roadway improvements. (See Exhibit Two).
- b. The engineer's estimate prior to construction was \$52,932.00. The Rest Cottage residents consented and agreed to the condition of payment of their 50% contribution by paying into the City prior to construction beginning, the total sum of \$29,812.65. (See Exhibit Three).
- c. However, the final actual cost of the construction was increased by unknown and unforeseeable subsurface conditions of the roadway, which required considerable undercutting and stabilization of the Rest Cottage roadbed, along with other unforeseen but necessary final expenses. This resulted in a final total cost for the project of \$105,552.15. This leaves a balance of \$22,963.42 yet to pay by the Rest Cottage residents to comply with the term of the Municipal Order dated the 4<sup>th</sup> day of February 2019. (See Exhibit Four).
- d. Some Rest Cottage residents have objected to paying the full amount and a letter was generated by Rest Cottage community leaders offering to lend their support to paying a lesser amount of \$14,746.92. (See Exhibit Five). The City Council reviewed and considered the Rest Cottage community leader's letter and proposal at the regular City Council meeting held on September 4<sup>th</sup>, 2019. However, after

much discussion the City Council took no action to revise the terms of the Municipal Order dated the 4<sup>th</sup> day of February 2019.

- e. Therefore, the City Council based on the foregoing findings, which include all the attached Exhibits, all of which are incorporated hereto, hereby finds and orders that the sum of \$22,963.12 is still owed under the terms of the Municipal Order dated the 4<sup>th</sup> day of February 2019 and each Rest Cottage resident must pay their remaining pro-rata share of this cost. The City Mayor is hereby authorized to collect \$22,963.12 from the Rest Cottage Residents.
-