

*Underground
detention*

ORDINANCE NO. 1430

AN ORDINANCE

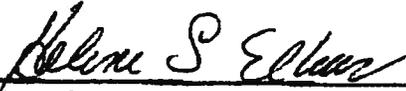
BE IT ORDAINED by the City Council of the City of Mountain Brook that the owner of any property located in the City of Mountain Brook on which a surface or underground drainage detention system ("Drainage System") is hereafter constructed ("Property") shall be required to prepare, sign and submit to the City covenants, which shall run with the land and be in such form that they may be recorded in the office of the Judge of Probate of Jefferson County, Alabama, by which the owner of such property and his heirs, successors and assigns shall be obligated to maintain (and replace, when necessary) the Drainage System in such manner so that the Drainage System shall produce the results for which it was designed ("Covenants"). The Covenants shall be subject to the written approval of the City Council, the City Manager and the City Attorney. A certificate of occupancy shall not be issued for any building on the Property until the Covenants have been so approved and have been recorded in the office of the Judge of Probate of Jefferson County, Alabama. The owner of the Property shall be required to pay the expense of recording the Covenants.

BE IT FURTHER ORDAINED that if the Drainage System is not maintained in accordance with the Covenants the City Manager shall, on behalf of the City: (1) take such action as he deems necessary to enforce the Covenants, including the filing of a lawsuit in a court or competent jurisdiction; or (2) have independent contractors or employees of the City enter upon the Property and perform such work as the City Manager considers necessary to put the Drainage System in proper working condition. A lien on the Property is hereby established to secure the cost of such work. If the City is not reimbursed for the cost of such work by the party or parties who are obligated under the Covenants to maintain the Drainage System, within ten days of the City Manager sending a statement for the cost of such work to such party or parties or the designated representative of such party or parties, the City may enforce its lien on the Property, through appropriate legal proceedings, to recover the cost of such work.

BE IT FURTHER ORDAINED that the provisions of this ordinance are severable. If any provision hereof is held by a court of competent jurisdiction to be invalid, such invalidity shall in no way affect the remaining provisions of this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately when published or posted as required by law.

ADOPTED: This 25 day of September, 2000.



Helene S. Elkus
Council President

APPROVED: This 25 day of September, 2000.



Lawrence T. Oden
Mayor

CERTIFICATION

I, Ann R. McCutcheon, City Clerk of the City of Mountain Brook hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, at its meeting held on September 25, 2000 as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 26, 2000 at the following public places, which copies remained posted for five (5) days as required by law:

City Hall, 56 Church Street
Glichrist Pharmacy, 2805 Cahaba Road
Rite Aid of Alabama, 2020 Cahaba Road
CVS Pharmacy, 49 Church Street



City Clerk