

RESOLUTION NO. 329. ✓

By Mr. Dunlop

Declaring it necessary to improve Roche Avenue from Main Street to Aster Avenue and to repeal Resolution No. 321 adopted December 29, 1922, "Declaring it necessary to improve Roche Avenue between Main Street and Mound Street."

WHEREAS, the owners of three-fourths or more in interest of the lots and lands bounding, fronting and abutting on Roche Avenue between Main Street and Aster Avenue, in the Village of Bexley, Ohio, have filed with the council of said village their written petition for the improvement of said Roche Avenue between the points above named, and,

WHEREAS, by the terms of said petition, said owners consent and agree "That the entire cost of said improvement except only such portion thereof as is by law chargeable against the Village, may be assessed and collected in equal annual installments in proportion to the whole assessment in the manner which may be fixed by the council," and,

WHEREAS, said owners also "Consent and request that said assessments be levied and collected without reference to the market value of the property of said owner" and waive all benefits of the provisions of section 3819 of the General Code limiting assessments to thirty-three and one-third per cent of the value of the property assessed for any and all purposes within the period of five years; and also waive all benefits of the provisions of Sections 3814, 3818 and 3895 of the General Code providing for the service and publication of notice of the proceeding for the construction of said improvement and the making and levying of the assessments therefor.

Be it resolved by the council of the Village of Bexley,

State of Ohio:

Section 1. That it is necessary to improve Roche Avenue between Main Street and Aster Avenue in said village, by grading, curbing and improving the roadway with brick, asphalt, bitulithic, tarvia, concrete or some other form of permanent improvement, constructing the necessary storm sewers to furnish proper drainage for such improvement, constructing a six inch water line with necessary fire hydrants in said Avenue between the points aforesaid, and making water connections therefrom to the lots and lands fronting and abutting thereon, in accordance with the plans, specifications, estimates and profiles of the proposed improvements prepared by the engineers of said village and now on file in the office of the Village Clerk, which plans, specifications, estimates and profiles hereby

are approved.

Section 2. That the grade of said Avenue as improved shall be the grade shown by and upon the plans and profiles aforesaid, and the grade of the curbs shall be as follows, to-wit:

West Curb. Beginning at the north line of Aster Avenue, Station 8 plus 44.8 and elevation 106.85; thence northerly with 0.30% descending grade to Station 12 plus 00, elevation 105.05; thence northerly with a 0.30% ascending grade to the south line of Main Street, Station 25 plus 02.5, elevation 103.75
 East Curb. Same elevation as west curb.
 Above elevations refer to village datum.

Section 3. That one-half of the cost of that part of said improvement, along property on the west side thereof owned by the Board of Education of said Village between Main Street and Mound Street, plus two per cent (2%) of the remaining cost and the cost of intersections, shall be paid up by said village and the remainder of the cost of said improvement shall be assessed in proportion to the benefits which may result from said improvement upon the following described lots and lands to-wit: the lots and lands bounding, fronting and abutting upon the east side of said proposed improvement between ~~Mound Street and Aster Avenue~~ ^{and the lots and lands bounding, fronting and abutting upon the west side of said improvement between Mound Street and Aster Avenue} which said lots and lands hereby are determined to be specially benefited by said improvement and in an amount equal to that part of the estimated cost thereof hereby determined to be assessed thereon.

Section 4. That the assessments as to be levied shall be paid in not less than nine or more than ten equal annual installments, with interest on the deferred payments at the same rate as shall be borne by the bonds to be hereafter issued in anticipation of the levy and of the collection of such assessments.

Section 5. That bonds of said village shall be issued, in anticipation of the levy and of the collection of said assessments, in an amount sufficient to pay that portion of the estimated cost of said improvement hereinbefore determined to be assessed upon the property fronting and abutting thereon.

Section 6. That the remainder of the cost of said improvements shall ^{either} be paid from the proceeds of bonds of said village issued in the manner provided by law, or from the street improvement funds of said village.

Section 7. That Resolution No. 321 adopted December 29, 1922, and described in the title hereof, be and the same hereby is repealed.

Section 8. This resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 21, 1923.

Attest:

S. W. Rodrick, Clerk

S. E. Ludwig, Mayor