

RESOLUTION NO. 386. ✓

By Mr. Dunlop.

Declaring it necessary to improve Bexley Drive from the North Line of the property of The Columbus, Newark and Zanesville Electric Ry. Co., (said line also being the north line of the No. 1 of John Hikes subdivision), to Livingston Avenue.

WHEREAS, the owners of three-fourths or more in interest of the assessable lots and lands bounding, fronting and abutting on Bexley Drive between the north line of the property of the Columbus, Newark and Zanesville Electric Ry. Co., (said line also being the north line of the No. 1 of John Hikes subdivision), to Livingston Avenue in the Village of Bexley, Ohio, have filed with the council of said village their written petition for the improvement of said Bexley Drive 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 ~~the~~ 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 value of the property of said owners" and waive all benefits of the provisions of section 3619 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 3614, 3616 and 3695 of the General Code providing for the services and publication of notices 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 Bexley Drive between the north line of the property of the Columbus, Newark and Zanesville Electric Ry. Co., (said line also being the north line of lot No. 1 of John Hikes Subdivision) and Livingston Avenue in said village, by grading, curbing and improving the roadway with brick, asphalt, bitulitic, concrete or some other form of permanent improvement, constructing the necessary storm sewers to furnish proper drainage for such improvement; constructing an eight inch sanitary sewer and a six inch water line with necessary fire hydrants, in said drive between the points aforesaid, and making sanitary sewer and water connections from said sanitary sewer and water line to the lots and lands fronting and abutting thereon in accordance with the plans, specifications, estimates and profiles heretofore filed with this council, which are hereby approved.

Section 2. That the grade of said avenue as improved shall be the

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grade shown by and upon the plans and profiles aforesaid, and the grade of the curbs shall be as follows, to-wit:

EAST CURB. Beginning at the north line of Livingston Avenue, Station 0+00, and elevation 88.34; thence northerly with a 1.86% ascending grade to Station 2+00, elevation 82.06; thence northerly with a 1.02% ascending grade to Station 5+00, elevation 85.12; thence northerly with a 0.36% ascending grade to Station 9+00, elevation 86.56; thence northerly with a 1.12% ascending grade to Station 11+00, elevation 88.80; thence northerly with a 0.30% ascending grade to station 23+00, elevation 92.10; thence northerly with a 0.81% descending grade to Station 27+14 and elevation 88.75.

WEST CURB. Same elevation as east curb.

Vertical curves to be used at breaks of grade.

Above elevations refer to Village datum.

Section 3. That the whole cost of said improvement, less one fiftieth (1/50) thereof and the cost of intersections shall be specially assessed in proportion to the benefits which may result from said improvement upon the following described lots and lands to-wit: all of the lots and lands bounding, fronting and abutting upon said proposed improvement between the points aforesaid, 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 cost thereof hereby determined to be assessed thereon.

Section 4. That the special assessments so 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 collection of such assessments.

Section 5. That said village may borrow money and issue notes due and payable not later than two years from the date of issue, in anticipation of the levy of said assessments and of the issuance of bonds in anticipation of the collection of said special assessments as provided in section 3914 of the General Code of Ohio. Said notes shall not exceed in amount that portion of the estimated cost of the improvement for which said special assessments are to be levied.

Section 6. That bonds of said village shall be issued in anticipation 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 7. That the village's portion of the cost of said improvement shall be paid from the proceeds of bonds, issued by said village in the manner provided by law.

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

Adopted December 11, 1923.

Attest: *[Signature]*, Clerk

[Signature]
S. E. Ludwig, Mayor