

## ORDINANCE NO. 440

By Mr. Dunlop

## TO APPROPRIATE PROPERTY FOR STREET PURPOSES.

Be it Ordained by the Council of the Village of Bexley, State of Ohio:

Section 1. That the following described property be and the same hereby is appropriated to public use for the purpose of opening and extending Bexley Drive in said village so as to constitute a continuous thoroughfare from Main Street to Livingston Avenue, to-wit:

**First Tract:** Being a parcel of land in Marion Township, Franklin County, Ohio, and in Half Section 20, Section 13, Township 5, Range 22, Refugee Lands, and being also a part of the tract conveyed to Belle M. Hustle by Mary A. Hikes by deed shown of record in Deed Book 412, Page 174, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a stake in the south line of said tract, which stake is located 370 ft. westerly from a stake in the west line of College Avenue at the south-east corner of said tract; thence N. 12° 15' W. 121.63 ft. to a stake in the north line of said tract, which stake is located 372.60 ft. from a stake in the west line of College Avenue at the north-east corner of said tract; thence westerly with the north line of said tract 51.01 ft. to a stake; thence S. 12° 15' E. Parallel to and 50 ft. distant from the line first described 121.40 ft. to a stake in the south line of said tract; thence easterly with the said south line 51.55 ft. to the place of beginning, containing 0.139 acres, owned by Belle M. Hustle.

**Second Tract:** Being a parcel of land in Marion Township, Franklin County, Ohio, and in Half Section 20, Section 13, Township 5, Range 22, Refugee Lands, and being a part of the tract conveyed to A. C. Kuhn by John Hikes by deed shown of record in Deed Book 461, page 265, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a stake in the south line of the said tract, which stake is located 272.60 ft. from a stake in the west line of College Avenue at the south-east corner of said tract; thence N. 12° 15' W. 46.63 ft. to a stake in the north line of said tract, which stake is located 373.65 ft. westerly from a stake in the west line of College Avenue at the north-east corner of said tract; thence westerly with the north line of said tract 51.81 ft. to a stake; thence S. 12° 15' E. Parallel to and 50 ft. distant from the line first described 46.63 ft. to a stake in the south line of the said tract; thence easterly with the said south line 51.81 ft. to the place of beginning, containing 0.053 acres.

Said Second Tract is owned in fee simple by Ambrose C. Kuhn.

**Third Tract:** Being a parcel of land in Marion Township, Franklin County, Ohio, and in Half Section 20, Section 13, Township 5, Range 22, Refugee Lands, and being a part of the tract which Helen E. Kuhn acquired under a life lease from Lemuel P. Kuhn, et al., as shown of record in Lease Record Vol. 15, Page 169, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a stake in the south line of said tract, which stake is 373.65 ft. westerly from a stake in the west line of College Avenue at the south-east corner of said tract; thence from said beginning point N. 12° 15' W. 95.95 ft. to a stake in the north line of said tract; which stake is located 375.74 ft. westerly from a stake in the west line of College Avenue at the north-east corner of said tract; thence westerly with said north line 51.83 ft. to a stake; thence N. 12° 15' E. Parallel to and 50 ft. distant from the line first described, 96 ft. to a stake in

the south line of said tract; thence easterly with the said south line 51.83 ft. to the place of beginning, containing 0.110 acres.

Said third tract is owned in fee by Lemuel P. Kuhn, Catharine M. Kuhn, Clara A. Snider, Dalas Snider, Miller J. Kuhn, Hattie E. Kuhn, Silas H. Kuhn, Ambrose C. Kuhn, Rebecca M. Kuhn, Alice V. Kuhn and Angie L. Kuhn, subject however to an estate for life therein owned by Helen M. Kuhn.

Fourth Tract: Being a parcel of land in Marion Township, Franklin County, Ohio, and in Half Section 20, Section 13, Township 5, Range 22, Refugee Lands, and being a part of two tracts conveyed to The Columbus, Buckeye Lake & Newark Traction Company by deed shown of record in Deed Book 345, page 381, and in Deed Book 347, and more particularly described as follows:

Beginning at an iron pin in the north line of the 40 ft. strip described in Deed Book 345, which point is also in the east line of Bexley Drive as same is shown of record on plat of Bexley Drive Subdivision No. 2, recorded in Plat Book 14, page 1; thence from said beginning point S. 12° 15' E. 121.60 ft. to a stake in the south line of the tract described in Deed Book 347, page 475, which stake is located 376.80 ft. westerly from a stake in the west line of College Avenue at the south-east corner of said tract; thence N. 12° 15' W. parallel with and 50 ft. distant from the line first described 112.50 ft. to a point in the west line of said Bexley Drive produced southerly; thence N. 4° 4' W. with the said west line produced 11.06 ft. to an iron pin in the north line of said 40 ft. strip conveyed to The Columbus, Buckeye Lake & Newark Traction Company, as before mentioned; thence easterly with the said north line 50.40 ft. to the place of beginning, containing 0.140 acres.

Said fourth tract is owned in fee by The Indiana, Columbus and Eastern Traction Company.

Section 2. That the solicitor be and hereby is authorized and directed to apply to a Court of Competent Jurisdiction to have a jury empowered to make inquiry into and assess the compensation to be paid for such property.

Section 3. That one half of the cost and expense of appropriating said property shall be levied and assessed by the front foot upon lots and lands bounding and abutting upon said Bexley Drive between Main Street and Livingston Avenue except two certain tracts on the east side of said drive and fronting on College Avenue, one owned by Angie L. Fishpaw and the other by Marion Smith, which hereby are exempted from such assessments.

Section 4. That the assessments so to be levied shall be paid in *one* (1) substantially equal annual installments with interest at the same rate as shall be borne by the notes or bonds to be issued in anticipation of the levy and of the collection of said assessments.

Section 5. That money may be borrowed by said village and its notes issued therefor in an amount not to exceed one half of the cost of appropriating said property, due and payable not later than two years from date of issue in anticipation of the levy of said special assessments and of the issuance of bonds in anticipation of the collection of such assessments.

Section 6. That bonds of said village shall be issued in anticipation of the collection of said special assessments in an amount sufficient to pay that part of the cost of appropriating said property for which assessments are to be levied.

Section 7. That the remainder of said cost shall be paid from the proceeds of bonds issued in the manner provided by law, or from the general funds of said village not appropriated for any other purpose.

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

Passed August 28, 1923.

Attest:

*S. W. Roderick*  
S. W. Roderick, Clerk

*Stephen E. Ludwig*  
S. E. Ludwig,

Mayer

I, S. W. Roderick, Clerk of the Village of Bexley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the council, as follows: Main Street and Parkview Avenue, Main Street and College Avenue, Main Street and Drexel Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Platte Avenue, each for a period of fifteen days commencing on the 29th day of August, 1923.

*S. W. Roderick*  
Clerk of the Village of Bexley, Ohio

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