

RESOLUTION NO. 538. ✓

By Mr. Pretzman.

Declaring it necessary to improve Drexel Avenue from Maryland Avenue to Caroline Avenue.

WHEREAS, the owners of three-fourths or more in interest of the lots and lands bounding, fronting and abutting on Drexel Avenue between Maryland Avenue and Caroline Avenue in the Village of Bexley, Ohio, have filed with the Council of said Village their written petition for the improvement of said Drexel 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 upon our respective properties and collected in equal annual installments, proportioned to the whole assessment, in the manner which may be affixed by Council, which assessments we hereby agree to pay as and when they become due, " and

WHEREAS, said owners also " consent and agree that said assessments shall be levied and collected without reference to the value of the property of subscribers hereto," and waive all benefits of the provisions of Section 3819 of the General Code, limiting assessments to 33-1/3% of the value of the property assessed for any and all purposes within the period of five years, and also waive the benefits of any other statutory or constitutional provision limiting the amounts which may be specially assessed upon said properties for public improvements and waiving 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 proceedings for the construction of said improvement and for 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 Drexel Avenue between Maryland Avenue and Caroline Avenue in said Village by grading, curbing and paving the roadway thereof with brick, asphalt, concrete or some other form of permanent improvement, constructing a water line with necessary fire hydrants of such capacity to furnish water to the properties fronting or abutting on said improvement and constructing the necessary sewers or drains to furnish proper drainage for such improvement and erecting street signs, 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 Drexel 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:

EAST CURB.

Beginning at the south line of Maryland Avenue, Station 0+00 and elevation 119.52; thence northerly with a 0.24% ascending grade to the south line of Caroline Avenue Station 11+57.9 and elevation 122.30.

WEST CURB.

The elevation of the west curb to be the same as that of the east curb.

The above elevation will 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 improvement and in the 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 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 _____, 1926.

S. E. Ludwig

S. E. Ludwig.
Mayor.

Attest: S. W. Roderick.
S. W. Roderick
Clerk.

I, S. W. Roderick, Clerk of the Village of Berley, State of Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing resolution 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 Broad Avenue, Broad Street and Broad Avenue and Parkview Avenue and Platte Avenue, each for a period of fifteen days commencing on the 27th day of February, 1926.

S. W. Roderick
Clerk of the Village of Berley, Ohio

~~270~~ 270

72LDJ

