

## RESOLUTION NO. 577.

By Mr. Sam'l Betz.

Declaring it necessary to improve Montrose Avenue from Livingston Avenue to Charles Street.

WHEREAS, the owners of three-fourths or more in interest of the lots and lands bounding, fronting and abutting on Montrose Avenue between Livingston Avenue and Charles Street in the Village of Bexley, Ohio, have filed with the Council of said Village their written petition for the improvement of said Montrose 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 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 fixed 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 Montrose Avenue from Livingston Avenue to Charles Street, by grading, curbing and paving the roadway thereof with brick, asphalt, concrete or some other form of permanent improvement, constructing sewers or drains necessary to furnish proper drainage for such improvement and constructing water line with necessary fire hydrants of sufficient capacity to furnish water to the properties fronting and abutting on said 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 Montrose 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 north line of Livingston Avenue, Station 0+00 and elevation 95.68; thence northerly with a 0.33% ascending grade to the center line of Charles Street 7+86.45 and elevation 98.20; thence northerly with a 0.45% ascending grade to the north line of Charles Street, Station 8+16.45 and elevation 98.42.

WEST CURB:

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

The above elevations will refer to Village Datum.

Section 3. That the whole cost of said improvement 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 June 22, 1926

*S. E. Ludwig*  
S. E. Ludwig.

Mayor.

Attest: *S. W. Godarich*  
S. W. Godarich  
Clerk.