

225

RESOLUTION NO. 643.

By Mr. Sam'l Betz.

Declaring it necessary to improve Boston Avenue from Columbia Avenue to Drexel Avenue.

WHEREAS, the owners of the entire interest in all lots and lands bounding, fronting and abutting on Boston Avenue between Columbia Avenue and Drexel Avenue in the Village of Bexley, Ohio, have filed with Council of the Village their written petition for the improvement of said Boston Avenue between said points above named, and

WHEREAS, by the terms of said petition, said owners "consent and agree that for the purpose of expediting the improvement we will, prior to the letting of a contract by the Village for the improvement, pay the estimated cost thereof into the Village Treasury, in proportion to our relative frontages upon said street, said funds to be placed in a special fund to be known as "Boston Avenue Improvement Fund" and to be used to pay the cost and expense of said improvement, we hereby further agreeing that if said estimated cost shall prove insufficient to complete said improvement that we will pay said additional amount found to be necessary when called upon so to do. Provided however, should said payments exceed the amount necessary, said excess shall be refunded by said Village to the undersigned in proportion to their respective payments. We further consent and agree that said assessments shall be levied and collected without reference to the value of the property of the subscribers hereto; and hereby 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 the benefits of any other statutory or constitutional provision limiting the amount which may be specially assessed upon private property for public improvements; 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 proceedings 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 Boston Avenue from Columbia Avenue to Drexel Avenue in said Village, by grading, curbing and

paving the roadway thereof with Amiesite or Scioto Rock, and constructing sewers or drains necessary 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 Boston 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:

NORTH CURB:

Beginning at the east property line of Columbia Avenue, Station 0+00 and elevation 121.10; thence easterly with a 0.36% ascending grade to Station 1+20 and elevation 121.53; thence easterly with a vertical curve to Station 1+80 and elevation 121.38; thence easterly with a 0.87% descending grade to the west property line of Drexel Avenue, Station 5+00 and elevation 118.59.

SOUTH CURB:

The elevation of the south curb shall be the same as that of the north curb.

The above elevations 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 all the lots and lands bounding and abutting upon said improvement, which said lots and lands are hereby 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 accordance with the agreement of the owners of said lots and lands so to be assessed, as set forth in their petition for this improvement, that is to say, that prior to the letting of the contract by the Village for said improvement, they shall pay the estimated cost thereof into the Village Treasury in proportion to their respective abuttings upon said street, said funds to be placed in a special fund to be known as "Boston Avenue Improvement Fund" and to be used to pay the cost and expense of said improvement and in the event that said estimated costs shall not prove sufficient to complete said improvement that they will pay said additional amount found to be necessary when called upon so to do and said special assessment, in case same shall be