

## RESOLUTION NO. 662.

By Mr. Sam'l Betz,

Providing for agreement with The A. W. Burns Construction Company for relaying asphalt surface on Chelsea Avenue and on Columbia Avenue.

WHEREAS, The Yale Avenue Construction Company has heretofore entered into an agreement with the Village of Bexley for the improvement of Chelsea Avenue from Livingston Avenue to Main Street, and Columbia Avenue from Maryland Avenue to Caroline Avenue, and said The Yale Avenue Construction Company employed The A. W. Burns Construction Company to lay the asphalt surface upon said avenues between said points, and

WHEREAS, a portion of said surface of Chelsea Avenue, being a distance of approximately 121 feet between Mound Street and Main Street and a distance of approximately 143 feet between Mound Street and Astor Avenue, is unsatisfactory and the Village of Bexley has refused to grant final acceptance of said improvement until said unsatisfactory portions shall be relaid, and

WHEREAS, the condition of said asphalt surface of Columbia Avenue as so constructed, can not at this time be ascertained as to whether same does or does not comply with the specifications contained in said contract and it does not seem desirable at this time to require said surface to be replaced as said apparent defect may be cured by the use of said street, and said The Yale Avenue Construction Company is now in receivership and said receiver is indebted to said The A. W. Burns Construction Company under said contract and a settlement can not be arrived at by said The A. W. Burns Construction Company with said The Yale Avenue Construction Company, or its receiver, or with The Globe Indemnity Company, surety upon the bond of said The Yale Avenue Construction Company until the Village of Bexley shall have accepted said streets and authorized the payment of said final estimate, and

WHEREAS, said The A. W. Burns Construction Company offers to deposit with said Village the sum of Fifteen Hundred Dollars (\$1500.00) as a guarantee that it will before November 1st, 1927, re-construct said portions of the surface of said Chelsea Avenue and will deposit the sum of Four Thousand Dollars (\$4,000.00) with the Village to be held in addition to the retainer and maintenance bonds required by the contract for the five year maintenance period, said funds to be a guarantee for the relaying of said surface if same shall be required, if said Village will grant an acceptance of said Street and pay a final estimate thereon, and

WHEREAS, Council is of the opinion that said proposition should be accepted, NOW, THEREFORE:

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BEXLEY, STATE OF OHIO:

Section 1. That an agreement be entered into with Said The A. W. Burns Construction Company with the approval of the receiver of said The Yale Avenue Construction Company and of The Globe Indemnity Company, surety on the bond of said The Yale Avenue Construction Company, for the carrying out of the above proposal of said The A. W. Burns Construction Company, and that when said agreement has been duly executed that a final acceptance of said streets be made and said final estimates paid, and the Mayor and Clerk are hereby authorized to enter into said agreement on behalf of the Village.

Section 2. This resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted September 6th, 1927.

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

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