

ORDINANCE NO. 10-38

By Mr. Sam Betz

Determining to proceed with the improvement of Francis Avenue from Mound Street to Livingston Avenue by grading, paving, curbing and constructing necessary sewers, drains and water lines, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Three-fourths of all members elected thereto concurring:

Section 1. That it is hereby determined to proceed with the improvement of Francis Avenue from Mound Street to Livingston Avenue by grading the full width of said street, curbing and paving the roadway thereof with brick, asphalt, bitulithic, tarvia, concrete, or some other form of permanent improvement, by constructing the necessary sanitary sewers and the necessary drains to furnish the proper drainage for said improvement, and constructing the necessary water lines with fire hydrants to furnish water to the properties fronting and abutting upon said improvement, in accordance with Resolution No. 2-38, adopted on the 25th day of January, 1938, and in accordance with the plans, specifications, estimates and profiles of the proposed improvement heretofore approved and now on file in the office of the Mayor.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the Mayor be and he is hereby authorized and directed to institute proceedings in a court of competent jurisdiction to inquire into such claims.

Section 3. That the whole cost of said improvement less one-fiftieth thereof and the cost of intersections, shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to-wit: All lots and lands bounding and abutting upon the proposed improvement, which said lots and lands are hereby determined to be especially benefitted by said improvement in an amount

not less than the cost thereof, and the cost of said improvement shall include the expense of the preliminary and other surveys and of printing and publishing the notices, resolutions and ordinances required, and the serving of said notices, the cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments, and all other necessary expenditures.

Section 4. That the assessments so to be levied shall be paid in ten annual installments, with interest on deferred payments at the same rate as shall be borne by the bonds to be issued in anticipation of the collection thereof; provided that the owner of any property assessed may, at his option, pay such assessment in cash within thirty days after the passage of the assessing ordinance.

Section 5. That the bonds of the City of Bexley shall be issued in anticipation of the collection of assessments by installments, and in an amount equal thereto, and notes of said City shall be issued in anticipation of the issue of such bonds.

Section 6. That the remainder of the entire cost of said improvement not specially assessed, including the cost of intersections, together with the cost of any real estate or interest therein, purchased or appropriated, and the cost and expense of any appropriation proceeding therefor, and the damages awarded any owner of adjoining lands and interest thereon, and the costs and expenses of any such award, shall be paid by the issuance of bonds in the manner provided by law.

Section 7. That whereas, the Works Progress Administration of the Public Works of the United States has entered into an agreement with the City of Bexley wherein it is agreed that said Works Progress Administration will furnish all labor for the grading and for the installation of all sanitary and storm sewers, and water lines, and to furnish a portion of the materials for such installation, as set forth in said contract, all without cost to said City of Bexley, and by the terms of which contract the City of Bexley is to furnish


certain materials and equipment, which said contract is on file in the office of the Mayor and is by reference made a part hereof, and whereas, it is necessary that after the fills have been made and said grading has been completed and said underground services installed, sufficient time shall be allowed for the settling thereof before the curbs and paving shall be constructed, it is hereby determined that said Public Works Administration shall proceed to do said grading and to make said underground installation, as hereinabove described, and that the Mayor and Auditor be and they hereby are authorized and directed as soon as the funds therefor are available to make and execute a contract for the purchase of said materials so to be furnished by the City with the lowest and best bidder after advertisement according to law; it is further determined that the letting of a contract for the construction of said curbing, gutters and pavement shall be deferred until further determination of council.

Section 8. That the Clerk be and he is hereby authorized and directed to advertise for bids for said materials for said improvement according to law.

Section 9. This ordinance is an emergency measure, necessary for the public peace, health and safety, said emergency being that said street is in an impassable condition and should be immediately improved, for which reason said ordinance shall go into immediate force and effect.

Passed February 8, 1938.

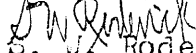
Attest 
S. W. Roderick
Clerk


S. J. Altmaier
President of Council
Pro tempore


Approved February 8, 1938.


W. A. Schneider
Mayor

I, S. W. Roderick, Auditor of the City 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 Clifton Avenue, each for a period of fifteen days commencing on the 9th day of February, 1938.


S. W. Roderick
Auditor of the City
of Bexley, Ohio

I, S. W. Roderick, Auditor of the City 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 Clifton Avenue, each for a period of fifteen days commencing on the 12th day of June, 1940.


S. W. Roderick
Auditor of the City of
Bexley, Ohio