

ORDINANCE NO. 17-38

By Mr. Boeshaar:

Determining to proceed with the improvement of Havenwood Drive, North, between Euclaire Avenue and Cassingham Road, by grading, curbing and paving, constructing necessary drainage and sidewalks, in cooperation with the Works Progress Administration, and declaring an emergency.

Whereas, a petition has been filed with Council by certain property owners of lots and lands bounding and abutting upon the north side of Havenwood Drive, North, between Euclaire Avenue and Cassingham Road, petitioning in writing for the improvement of said Havenwood Drive, North, between said points, in the manner hereinafter described, thereby agreeing and consenting that the entire cost of said improvement, except only such portion thereof as is by law chargeable against the City and excepting that proportion thereof which should be paid by the City of Bexley by reason of the frontage of a public park on the south side of said street, may be assessed and collected in equal annual installments proportionate to the whole assessment in such manner as may be fixed by council, and further therein consenting and requesting that said assessments be levied and collected without reference to the value of the property of said petitioners, and therein waiving all the benefits of the provisions of the General Code limiting the assessments to 33 1/3 per cent of the value of the property assessed for any and all purposes within the period of five years; and further waiving all benefits of the provisions of the General Code providing for the service and publication of any and all notices of the proceedings for the construction of said improvement, and for the making and levying of the assessments for said improvement,

NOW, THEREFORE,

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 Havenwood Drive, North, from Euclaire Avenue to Cassingham Road, by grading, curbing and paving the roadway thereof with brick asphalt, bitulitic, tarvia, concrete, or some other form of permanent improvement, and constructing the necessary drains to furnish proper drainage for said improvement, and constructing a sidewalk along the north side thereof, in accordance with Resolution No. 4-38, adopted on the 22nd day of March, 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 whereas, the Works Progress Administration of the Public Works of the United States has proposed and agreed to furnish all labor in the making of said improvement and a portion of the materials necessary therefor, and to make and perform said improvement on condition that the City of Bexley shall furnish the balance of said materials and equipment and other direct costs, including engineering services, in accordance with the Works Progress Administration Form No. 301, now on file with the Mayor, said improvement shall be made in cooperation with said Works Progress Administration in accordance with said proposal and agreement.

Section 3. That the grade of said streets and curbs as improved shall be as shown by the engineer's plans and profiles, which are made a part hereof, and which are on file in the office of the Mayor.

Section 4. That part of the cost of said improvement, which under said proposal and agreement with the Works Progress Administration, as hereinabove set forth, shall be paid as follows, to-wit: The City of Bexley shall pay 52% thereof by reason of the fact that the entire south side of said improvement abuts upon a public park, being the property of the City of Bexley, and the other 48% thereof 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 north side of said proposed improvement, which said lots and lands are hereby determined to be specially 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 the printing and publishing of 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 of all other necessary expenditures, as provided in said proposal and agreement of the Works Progress Administration.

Section 5. That the assessments so to be levied shall be paid in five 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 6. That the bonds of the City of Bexley shall be issued in anticipation of the collection of the assessments by installments and in an amount equal thereto, and notes of said city shall be issued in anticipation of the issuance of such bonds.

Section 7. That the remainder of that portion of the cost of said improvement not to be borne by said Works Progress Administration, and not specially assessed, shall be paid out of the Streets Maintenance and Repair Gasoline Tax Fund of the City.

Section 8. That the Mayor and Auditor be and they are hereby authorized and directed to enter into a contract or contracts for that part of said improvement to be borne by the City under said agreement, as hereinabove set forth, after

advertisement according to law.

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

Passed April 12, 1938.

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

F. H. Bonnet
F. H. Bonnet
President of Council

Approved April 12, 1938.

J. A. Schneider
J. 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 14th day of April, 1938.

S. W. Roderick
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Auditor of the City
of Bexley