

## ORDINANCE NO. 23-38

By Mr. Altnaier-

Determining to proceed with the improvement of certain alleys in the City of Bexley, as hereinafter described, by grading and paving, and constructing necessary drains, in cooperation with the Works Progress Administration of the United States of America, 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 the following described alleys in the City of Bexley, to-wit:-

1. Alley East of Grandon Avenue, from the alley south of Main Street to alley north of Livingston Avenue.
2. Alley East of Roosevelt Avenue, from the alley south of Main Street to alley north of Livingston Avenue.
3. Alley East of Vernon Road, from the alley south of Main Street to alley north of Livingston Avenue.
4. Alley East of Remington Road, from the alley south of Main Street to alley north of Livingston Avenue.
5. Alley East of Montrose Avenue, from Round Street to alley north of Livingston Avenue.
6. Alley East of Cassingham Road, from alley south of Main Street to alley north of Livingston Avenue.
7. Alley East of Euclaire Avenue, from alley south of Main Street to alley north of Havenwood Drive North.
8. Alley West of Euclaire Avenue, from Main Street to alley north of Livingston Avenue.
9. Alley South of Main Street, from Remington Road to Chelsea Avenue.
10. Alley North of Havenwood Drive North, from Euclaire Avenue to Cassingham Road.
11. Alley North of Livingston Avenue, from Cassingham Road to Chelsea Avenue.
12. Alley North of Main Street, from 185 feet west of Dawson Avenue to east end thereof.
13. Alley North of Sherwood Road, from alley east of Drexel Avenue to Remington Road.
14. Alley North of Bryden Road, from alley east of Drexel Avenue to Remington Road.
15. Alley North of Bexley Park Road, from alley east of Drexel Avenue to Cassidy Road.
16. Alley East of Drexel Avenue, from Fair Avenue to Sherwood Road.
17. Alley West of Cassidy Road, from Plymouth Avenue to Elm Avenue.
18. Alley East of Cassidy Road, from Dale Avenue to alley south of Broad Street.
19. Alley East of Ardenore Road, from Dale Avenue to alley south of Broad Street.
20. Alley East of Cassingham Road, from alley south of Broad Street to Elm Avenue.

21. Alley East of Remington Road, from alley south of Broad Street to Elm Avenue.
22. Alley East of Stanwood Road, from alley south of Broad Street to south end thereof.
23. Alley South of Broad Street, from Cassidy Road to Roosevelt Avenue.
24. Second Alley South of Broad Street, from Cassidy Road to Roosevelt Avenue.
25. Alley North of Broad Street, from Cassidy Road to east end thereof.
26. Alley East of Cassidy Road, from alley north of Broad Street to Ruhl Avenue.
27. Alley East of Ardmore Road, from alley north of Broad Street to Ruhl Avenue.
28. Alley East of Cassingham Road, from alley north of Broad Street to Ruhl Avenue.
29. Alley East of Remington Road, from alley north of Broad Street to Ruhl Avenue.
30. Alley South of Fair Avenue from alley east of Brexel Avenue to Remington Road.

by grading and paving the surface thereof with concrete, and constructing the necessary drains to furnish proper drainage for said improvement, in accordance with Resolution No. 5-38, adopted on the 12th day of April, 1938 and in accordance with the plans, specifications, estimates and profiles heretofore approved, and now on file in the office of the Mayor.

Section 2. That whereas, the Works Progress Administration of the United States of America has proposed and agreed to furnish all labor in the making of said improvement, together with a portion of the materials necessary therefor, said materials so to be furnished to be determined by the number of man-months of labor necessary to complete the improvement, and has proposed and agreed to perform said improvement at its own expense, on condition that the City of Bexley shall furnish the balance of said materials not so to be furnished by said Works Progress Administration, together with certain equipment and other direct costs, including engineering services, in accordance with the Works Progress Administration Form No. 501, now on file in the office of the Mayor, all of said city's portion of said cost being in the estimated sum of \$114,500.00, the council does hereby determine that said improvement shall be made in accordance with said proposal and agreement.

Section 3. That all claims for damages resulting therefrom shall be judicially inquired into for the completion of the proposed improvement, and that 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 4. That the entire part of the cost of said improvement hereinabove provided to be paid by the city, less 1/50th thereof, and the cost of intersections, shall be assessed in proportion to the benefits which may result from the improvement upon all the lots and lands bounding and abutting upon 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, of printing and publishing the notices, resolutions and ordinances required, and the serving of said notices, the cost of said notes and bonds issued in anticipation of the collection of deferred assessments, and all other necessary expenditures.

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 assessments by installments, and in an amount equal thereto, and the notes of said City shall be issued in anticipation of the levying of such assessments and the issue of such bonds.

Section 7. That the remainder of the City's portion of the cost of said improvement not specially assessed, including also the said 1/50th of said cost and the cost of

intersections, and the damages awarded any owner of adjoining lands and interest therein, and the costs and expenses of any such award estimated in the sum of \$8000.00, shall be paid from the general fund of the City, which said sum has heretofore by Ordinance No. 17-58, been appropriated from said fund for said purpose.

Section 8. That the Mayor and Auditor be and they are hereby authorized and directed as soon as the funds therefor are available to make and execute a contract, or contracts, for the materials and equipment so to be furnished by the City, with the lowest and best bidder, or bidders, after advertisement according to law.

Section 9. The Mayor and Auditor be and they are hereby authorized to enter into any and all necessary agreements with said Works Progress Administration reasonably necessary and proper for the completion of said improvement.

Section 10. That this ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that said alleys are in an impassible condition, and dangerous to traffic, and should be improved without delay, and said ordinance shall go into immediate force and effect.

Passed May 10, 1938.

Attest S. W. Roderick  
Clerk

F. H. Bonnet  
President of Council

Approved May 11, 1938.

W. A. Schneider  
Mayor

I, S. W. Roderick, Auditor of the City of Berley, 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 11th day of May, 1938.

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