

ORDINANCE NO. 29-38

By Mr. Altmaier:

Determining to proceed with the improvement of Sherwood Road between Remington Road and Gould Road, by constructing a black bituminous surface thereon, and declaring an emergency.

Whereas, more than three-fourths in interest of the owners, being also the owners of more than 60% of the foot frontage of the property abutting upon Sherwood Road between Remington Road and Gould Road, have petitioned in writing for the improvement of Sherwood Road between the above named points, in the manner hereinafter described, and therein agreeing and consenting that the entire cost of said improvement may be assessed and collected in equal annual installments proportioned to the whole assessment in the manner which may be fixed by council, and further therein consenting and agreeing that said assessments may be levied and collected without reference to the value of the property of the subscribers thereto, and thereby waiving all the benefits of the provisions of the General Code of Ohio limiting the assessment to 33 1/3% 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 Sherwood Road between Remington Road and Gould Road, by constructing a black bituminous surface thereon, in accordance with Resolution No. 6-38, adopted of the 3rd day of May, 1938, and in accordance with the plans, specifications,

estimates and profiles of the proposed improvement heretofore prepared by the engineers and now on file in the office of the Mayor.

Section 2. That the grade of said street 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 3. That the whole cost of said improvement 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 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 preliminary and other surveys, and of printing and publishing the ordinances, resolutions and notices required, 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 five annual installments with interest on deferred payments at the same rate as are 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 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 said improvement with the lowest and best bidder, after advertisement according to law.

Section 7. 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 a condition dangerous to public traffic and should be immediately improved, and said ordinance shall go into immediate force and effect.

Passed June 28, 1938.

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

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

Approved June 29, 1938.

W. A. Schneider
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 29th of June, 1938.

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

