RESOLUTION NO. 4-39

By Mr. Boeshaar

Declaring it necessary to improve Denver Avenue from Ashbourne Road to Cassady Road by grading and paving the roadway thereof, constructing curbs and gutters, and the necessary drains, together with sidewalks, in cooperation with the Works Progress Administration, and declaring an emergency.

Whereas, petitions have been filed with Council by the owners of all property bounding and abutting upon Denver Avenue between Ashbourne Road and Cassady Road, petitioning in writing for the improvement of said Denver Avenue between said points, in the manner hereinafter described, in cooperation with the Public Works Administration of the United States Government, therein agreeing and consenting that not to exceed 50% of the entire cost of said improvement, except that portion thereof to be borne by said Works Progress Administration, 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 request 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 of Ohio limiting the assessments to thirty three and one-third 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 improvements, NOW, THEREFORE:

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

Three-fourths of all members elected thereto concurring:

Section 1. That it is necessary to improve Denver

Avenue from Ashbourne Road to Cassady Road, by grading and
paving the roadway thereof with concrete foundation, with
bituminous top, constructing curbs and gutters, and the
necessary drains to furnish proper drainage for said improve-
ment, and constructing sidewalks on each side thereof, 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,
which plans, specifications, estimates and profiles are here-
by approved.

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 street and curbs as
improved shall be as shown by the engineers' plans and profiles,
which are made a part thereof, and which are on file in the
office of the Mayor.

Section 4. That in accordance with said petitions
50% of the entire cost of said improvement, less that portion
which is to be performed and borne by said Works Progress
Administration, 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 said proposed improvement, which said lots and lands are
hereby determined to be specially benefitted by said improve-
ment, 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, 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 said Works Progress Administration.

Section 5. That the assessments so to be levied shall be paid in ___/0___ 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 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 the entire cost of said improvement, which is not be performed or borne by said Works Progress Administration, and which is not to be specially assessed, shall be paid out of the _Street Repair (Gas)_ Fund.

Section 8. This resolution 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 resolution shall go into immediate force and effect.

Adopted April 25, 1939.

S. W. Roderick
President of Council
Pro tempore

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

Approved April 25, 1939.

W. A. Schneider
Mayor

     I, S. W. Roderick, Auditor of the City of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing resolution 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, Parkview Avenue and Clifton Avenue and Broad Street and Drexel Avenue each for a period of fifteen days commencing on the 26th day of April, 1939.

S. W. Roderick
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Auditor of the City of Bexley