

RESOLUTION NO. 7-39

By Mr. S. J. Altmeyer

Providing for the improvement of certain alleys in the City of Berley, as hereinafter described, in cooperation with the Work Projects Administration of the United States of America, or other governmental agency, and declaring an emergency.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BERLEY, STATE OF OHIO: Three-fourths of all members elected thereto concurring:

Section 1. The Council has determined, and hereby does determine, that it is necessary to improve the following described alleys in the City of Berley, to-wit:

- (a) The first alley north of Livingston Avenue from Chelsea Avenue to the first alley east of Chelsea Avenue.
- (b) The first alley north of Charles Street from Montrose Avenue to Vernon Road.
- (c) The first alley south of Astor Avenue from Montrose Avenue to Remington Road.
- (d) The first alley south of Astor Avenue from Vernon Road to Roosevelt Avenue.
- (e) The first alley north of Astor Avenue from Remington Road to Roosevelt Avenue.
- (f) The first alley south of Round Street from the first alley west of Euclaire Avenue to Euclaire Avenue.
- (g) The first alley south of Main Street from the first alley west of Euclaire Avenue to Euclaire Avenue.
- (h) The first alley south of Main Street from Chelsea Avenue to the first alley east of Chelsea Avenue.
- (i) That part of the alley between Brentwood Road and Berley Park Road extending westerly from Remington Road a distance of 100 feet.
- (j) The first alley east of Roosevelt Avenue extending from the north line of Berley Highlands Amended Addition to the north line of Ardmore Addition No. 2.
- (k) The first alley east of Cassidy Road from Maryland Avenue to Ruhl Avenue.
- (l) The first alley east of Remington Road from Maryland Avenue to Ruhl Avenue.
- (m) The second alley south of Round Street from the first alley west of Euclaire Avenue to Euclaire Avenue.

by grading and paving the surface thereof with concrete, and constructing the necessary drains to furnish proper drainage for said improvement, all in accordance with the plans, specifications, estimates and profiles of said improvement heretofore prepared by the engineers and now on file in the office of the Mayor, which are hereby approved.

It is further found, determined and declared by council that said alleys so to be improved by paving are so situated in relation to each other that in order to complete the improvement thereof in the most practical and economical manner, the same

should be improved at the same time with the same kind of materials and in the same manner, and said alleys shall be treated as a single improvement, and the same legislation and same contracts providing for said improvement shall include all of said alleys hereinabove described.

Section 2. That whereas, the Work Projects 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 Berkeley shall furnish the balance of said materials not so to be furnished by said Work Projects Administration, together with certain equipment and other direct costs, including engineering services, in accordance with the Work Projects 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 \$10,000.00, the council does hereby resolve that said improvement shall be made in cooperation with said Work Projects Administration, or other governmental agency, in accordance with said proposal and agreement.

Section 3. That the grades of said alleys 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 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, where the lots front upon said respective alleys, and less two-thirds thereof, and the cost of intersections, where the lots lie sidewise to the improvement, 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 materials so to be furnished by the municipality, together with interest on 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 Lerley 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 issue of said bonds.

Section 7. That the remainder of the City's portion of the cost and expense of said improvement not so especially assessed, and the damages awarded any owner of adjoining lands and interest thereon, and the costs and expenses of any such award, said remainder of said cost being ⁱⁿ the estimated sum of \$4000.00 shall be paid from the General Fund of the City.

Section 8. The Mayor and Auditor be and they are hereby authorized to enter into any and all necessary agreements with said Works Projects Administration or other governmental agency reasonably necessary and proper for the completion of said improvement.

Section 9. That this resolution is an emergency measure,

Adopted July 11, 1939.

Attest S. W. / Roderick
Clerk

Approved July, 11, 1939.

LEGAL NOTICE
Notice is hereby given to the owners of lots and lands bounding and abutting upon the alleys in the City of Bexley, Ohio, hereinafter described, between the points herein designated, that on July 11th, 1924, the Council of the City of Bexley duly adopted Resolution No. 7-39 determining it to be necessary to improve the following alleys in said city between the points herein designated, to-wit:

- (a) The first alley south of Astor Avenue from Vernon Road to Roosevelt Avenue.
 - (b) The first alley north of Astor Avenue from Remington Road to Vernon Road.
 - (c) The first alley south of Main Street from Chelsea Avenue to the first alley east of Chelsea Avenue.
 - (d) That part of the alley between Brentwood Road and Bexley Park Road extending westerly from Remington Road a distance of 100 feet.
 - (e) The first alley east of Roosevelt Avenue extending from the north line of Bexley Highlands' Amended Addition to the north line of Ardmore Addition No. 2.
 - (f) The first alley east of Cassady Road from Maryland Avenue to Ruhl Avenue, by grading and paving the surface thereof with concrete, and constructing the necessary drains to furnish proper drainage.
- The engineer said in accordance with the plans, specifications, estimates and profiles of said improvement prepared by the engineers and on file in the office of the Mayor, and which were therein approved.

and which were therein approved. Said resolution further provides:

That said alleys are so situated in relation to each other that in order to complete the improvement in the most practical and economical manner, the same should be improved at the same time with the same kind of materials and in the same manner, and said alleys should be treated as a single improvement, that, whereas, the Works Progress Administration, now Works Projects Administration, has proposed, and agreed to furnish all labor together with a portion of the necessary materials, said materials to be determined by the number of man-months of labor necessary to complete the improvement, and to make said improvement at its own expense, on condition that the city shall furnish the balance of the materials, together with certain equipment and other direct costs, in accordance with said W. P. A. Form No. 301, on file in the office of the Mayor, the Council determined that said improvement should be made in accordance with said proposal and agreement; that the grades of said alleys as improved should be as shown by the engineer's plans and profiles on file in the office of the Mayor. That the entire part of the cost of said improvement therein provided to be paid by the City less one-fiftieth thereof, and the cost of intersections, where the lots front upon said respective alleys, and less two-thirds thereof, and the cost of intersections, where the lots lie sidewise to the improvement, shall be assessed in proportion to the benefits resulting from the improvement upon the lots and lands adjoining and abutting thereon, which said lots and lands are therein determined to be specially benefitted by the improvement in an amount not less than the cost thereof, as said costs are set forth in said resolution.

are set forth in said resolution. That said assessments 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; that the City shall be authorized in anticipation of the collection of said assessments by installments and notes shall be issued in anticipation of the issuance of said bonds; that the remainder of the city's portion of the cost and expense of said improvement not especially assessed, and the damages awarded any owner of adjacent lands and interest thereon, and the costs and expenses of any such award shall be paid from the general fund of the city.

By order of the Council of the City of
Bexley, Ohio.

. W. Roderick, Auditor of the City of Bexley, Ohio, testified that there is no newspaper published in said city and that publication of the foregoing resolution may be accomplished by posting true copies thereof at five of the most prominent places in said corporation as determined by the Council, to-wit: Main Street and Parkview Avenue, Main Street and Broadway Avenue, Main Street and Lenzel Avenue, Parkview Avenue and Broad Street and Clifton Avenue each for fifteen days commencing on the 12th day of July, 1939.

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