

## ORDINANCE NO. 52-39

By Mr. Harlor

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

Whereas, a petition has been filed with Council for the improvement of the alleys hereinafter described by paving the roadway thereof with concrete, in cooperation with the Work Projects Administration of the Public Works of the United States Government, or other public agency, therein agreeing and consenting that the entire cost of said improvement, except that portion thereof which is to be borne by the Work Projects Administration, may be assessed against the premises of said petitioners as hereinafter described, 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 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 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 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:

Section 1. That it is hereby determined to proceed with the improvement of the following described alleys in the City of Bexley, to-wit:

(a) The first alley south of Main Street, from Park Drive to the first alley east of Park Drive.

(b) The first alley east of Park Drive, from the first alley south of Main Street to the south terminus thereof.

(c) The second alley south of Main Street, from Park Drive to the first alley east of Park Drive,

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. 10-39, adopted on the 25th day of August, 1939, and 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.

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, 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 Work Projects Administration of the Public Works of the United States Government in accordance with said proposal and agreement.

Section 3. That all claims for damages resulting therefrom shall be judicially inquired into after 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 shall be assessed in proportion to the benefits which may result from said improvement upon the following lots and lands, to-wit:

(a) All the lots and lands bounding and abutting upon both sides of the first alley south of Main Street, from Park

Drive to the first alley east of Park Drive.

(b) All the lots and lands bounding and abutting upon the west side of the first alley east of Park Drive, from the first alley south of Main Street, to the south terminus thereof.

(c) All the lots and lands bounding and abutting upon the north side of the second alley south of Main Street, from Park Drive to the first alley east of Park Drive,

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 ten 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 the notes of said city shall be issued in anticipation of the issuance of such bonds.

Section 7. 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 paid for by the City under said agreement with the Work Projects Administration, as hereinabove set forth, after advertisement according to law.

Section 8. 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 September 26, 1939.

S. J. Altman  
President of Council  
Pro tempore

Attest S. W. Roderick  
Clerk

Approved September 27, 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 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 27th day of ~~August~~ <sup>September</sup>, 1939.

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