

ORDINANCE NO. 5-40

By Mr. Stackhouse

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 Work Projects 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 whereas, certain alleys described in Resolution No. 7-39, adopted July 11th, 1939, declaring it necessary to improve the alleys therein described, have been vacated, and no necessity now exists for the improvement thereof, it is hereby determined to proceed with the improvement of the alleys described in said resolution that have not been vacated, to-wit: the following described alleys in said City of Bexley:

- (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.
- (f) 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.
- (g) 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 for said improvement, in accordance with Resolution No. 7-39, adopted on the 11th day of July, 1939, and in accordance with the plans, specifications, estimates and profiles heretofore approved, and now on file in the office of the Mayor.

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 Bexley 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 Works Progress Administration Form No. 301, 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 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, 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 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 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 \$2000.00, shall be paid from the General Fund of the city, which amount is hereby appropriated from said fund for that 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 Projects 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 March 5, 1940.

Attest S. W. Roderick
Clerk

Approved March 5, 1940

F. H. Bonnet
President of Council

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 11th day of March, 1940.

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