

ORDINANCE NO. 70-40

By Mr. Altmaier

Determining to proceed with the improvement, re-improvement and repair of Pleasant Ridge Avenue between Mound Street and the south end of the present pavement of Pleasant Ridge Avenue, being the south line of Charles F. Wehlert's Amended Subdivision, by widening the improved portion thereof to 30 feet between the faces of the curbs, repairing the present foundation and constructing new concrete foundation in widened portion thereof, constructing concrete curbs and gutters, surfacing and resurfacing the same with bituminous concrete surfacing, constructing necessary drains, re-locating street lighting cables and lights, and doing all things incident and necessary thereto, in cooperation with the Work Projects Administration, and declaring an emergency.

Whereas, petitions have been filed with Council by the owners of three-fourths, or more, in interest, and the owners of 60% of the foot frontage of property bounding and abutting upon Pleasant Ridge Avenue between the points above mentioned, petitioning in writing for the improvement, re-improvement and repair of Pleasant Ridge Avenue, in the manner hereinafter described, therein agreeing and consenting that in the event that said improvement shall be made in cooperation with said Work Projects Administration, or other governmental agency, 50% of the entire part of the cost of said improvement not borne by said Work Projects Administration, or other governmental agency, may be assessed and collected in equal annual installments proportioned to the whole assessment in the manner which may be fixed by Council, and in the event that said improvement shall be made without the cooperation of said Work Projects Administration, or other governmental agency, then said property owners therein consented and agreed that 50% of said entire cost of said improvement may be assessed and collected in equal annual installments against such abutting property, and

Whereas, said petitioners therein further consented and agreed that said assessments be levied and collected without reference to the value of the property of the subscribers thereto, and waived all the benefits of the provisions of the General Code of Ohio, limiting the assessments to 33 1/3% of the value of the property assessed for any and all purposes within the period of five years, and limiting the assessments which may be levied for the re-improvement of streets, and further waived all benefits of the provisions of the General Code providing for the service and publication of any and all notices of the proceedings ^{for same} for the making and levying of assessments therefor, NOW, THEREFORE:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEALEY, STATE OF OHIO:

Three-fourths of all members elected thereto concurring:

Section 1. That it is hereby determined to proceed with the improvement, re-improvement and repair of Pleasant Ridge Avenue between Mound Street and the south end of the present pavement of Pleasant Ridge Avenue, being the south line of Charles F. Woehlert's Amended Subdivision, by widening the improved portion thereof to 30 feet between the faces of the curbs, repairing the present foundation and constructing new concrete foundation in widened portion thereof, constructing concrete curbs and gutters, surfacing and re-surfacing the same with bituminous concrete surface, constructing necessary drains, re-locating street lighting cables and lights, and doing all things incident and necessary thereto, in accordance with Resolution No. 23-40, adopted on the 22nd day of October, 1940, 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 whereas, the Work Projects Administration 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 W. P. A. Form No. 301, now on file in the office of the Mayor, 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 cost of said improvement, less that portion thereof which is to be performed and borne by said Work Projects Administration, or other governmental agency, shall be paid as follows: 50% thereof shall be paid by the City of Bexley, (said 50% being in excess of 1/50th of said cost and the cost of intersections), and 50% thereof 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 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, 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 Work Projects Administration. It is hereby determined and declared that said proposed assessment against said respective lots and lands is less than would be an assessment calculated for an original

improvement reduced by one-half of the amount paid on the highest prior assessment heretofore levied and paid for the improvement of said street.

Section 5. That the assessments so to be levied shall be paid in five annual installments with interest on deferred payments at the same rates 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 notes of said city shall be issued in anticipation of the issuance of such bonds.

Section 7. That to pay the remainder of the cost of said improvement there be and is hereby appropriated from the Streets, Maintenance & Repair, Motor Vehicle License Fund the sum of \$4700.00.

Section 8. 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 9. 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 November 26, 1940.

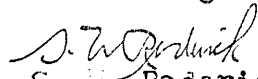
F. H. Bonnet
F. H. Bonnet
President of Council

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

Approved November 26, 1940.


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 November, 1940.


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

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