

## ORDINANCE NO. 23-41

By Mr. Kurtz

Determining to proceed with the improvement of Merkle Road from Fair Avenue to Powell Avenue by grading and paving the roadway thereof with concrete foundation, constructing curbs and gutters, the necessary drains, water main extensions and water connections, and sidewalks, 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 more than 60% of the foot frontage of property bounding and abutting upon Merkle Road from Fair Avenue to Powell Avenue, petitioning in writing for the improvement of said Merkle Road between said points, in the manner hereinafter provided, in cooperation with Work Projects Administration of the Public Works of the United States Government, or other governmental agency, therein agreeing and consenting that the entire cost of said improvement, except that portion thereof to be borne by said Work Projects 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 agreeing that if said Work Projects Administration, or other governmental agency, shall fail to cooperate in the improvement then the entire cost of said improvement may be assessed and collected in equal annual installments proportioned to the whole assessment in the manner which may be fixed by Council, and agreeing that if said Work Projects Administration, or other governmental agency, having undertaken to construct said improvement, shall for any reason fail to complete the same, then the same may be completed by the City of Bexley and the cost thereof, except such as may be 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 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 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 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 Merkle Road from Fair Avenue to Powell Avenue, by grading and paving the roadway thereof with concrete foundation with bituminous top, constructing concrete curbs and gutters, the necessary drains to furnish proper drainage for said improvement, water main extensions and water connections, and constructing sidewalks on each side thereof, in accordance with Resolution No. 4-41, adopted on the 11th day of February, 1941, 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, which plans, specifications, estimates and profiles are hereby approved.

Section 2. That whereas, the Work Projects 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 Work Projects Administration, or other governmental agency, 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 hereof, and which are on file in the office of the Mayor.

Section 4. That in accordance with said petition the entire cost of said improvement, less that portion which is to be performed and borne by said Work Projects Administration, and except the cost of water connections, 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.

Section 5. That the assessments to be levied shall be paid in five (5) 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. The cost of constructing said water connections

shall be paid from the Water Fund, and said fund shall be re-imbursed by a proper charge to the respective property owners at such time as they shall complete their connections therewith for the purpose of obtaining water service.

Section 7. 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 8. That the Mayor and Auditor be and they hereby are 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, 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 March 25, 1941.

Attest S. W. Roderick  
Clerk.

Approved March 25, 1941.

S. J. Altman  
President of Council  
Pro tempore

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 corporation and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said municipality 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 March 26, 1941.

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