

ORDINANCE NO. 36-41

By Mr. Rehn

Determining to proceed with the improvement of Dale Avenue from Parkview Avenue to Dawson Avenue, by grading and paving the roadway thereof with concrete base and bituminous concrete surface, constructing concrete curbs and gutters and necessary drains to provide drainage for said improvement and constructing sidewalks on each side thereof, in cooperation with the Work Projects Administration, and declaring an emergency.
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BERLEY, STATE OF OHIO:

Section 1. That it is hereby determined to proceed with the improvement of Dale Avenue from Parkview Avenue to Dawson Avenue, by grading and paving the roadway thereof with concrete base and bituminous concrete surface, constructing concrete curbs and gutters and necessary drains to provide drainage for said improvement and constructing sidewalks on each side thereof, and doing all things incident and necessary thereto, in accordance with Resolution No. 7-41, adopted March 11, 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.

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 Berley 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. 501, 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: Two-thirds (2/3rds) thereof shall be paid by the City of Berkeley (said two-thirds being in excess of 1/50th of said cost and the cost of inter-sections), and one third 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.

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 Berkeley 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 General Fund the sum of \$8400.00

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 May 13, 1941.

S. J. Altmaier
S. J. Altmaier
 President of Council
 Pro tempore

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

Approved May 13, 1941.

W. A. Schneider
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 Drexel Avenue, Main Street and College Avenue, Main Street and Parkview Avenue, Broad Street and Drexel Avenue and Parkview Avenue and Clifton Avenue for a period of fifteen days commencing on the 14th day of May, 1941.

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

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