

ORDINANCE NO. 47-41

By Mr. Harlor

Providing for the cooperation of the City of Bexley with the City of Columbus in the construction of a 60-inch storm water drain parallel to the south side of Livingston Avenue between College Avenue and Alum Creek.

Whereas, the City of Columbus is contemplating the improvement of Livingston Avenue from College Avenue to Alum Creek as a Work Projects Administration project, and it is necessary in connection with said improvement to construct a 60-inch reinforced concrete pipe storm water drain to replace the present open ditch which is located in general parallel to and south of said improvement, and

Whereas, approximately 91 per cent of the area tributary to said open ditch and which will be served by said 60-inch storm drain is located in the City of Bexley, which fact makes it desirable and proper that the City of Bexley should bear its proper share of the cost of constructing said storm drain, and whereas, the City of Columbus agrees to prepare the necessary plans and specifications and furnish the necessary engineering and inspection, together with such city-owned equipment as may be available to it as a part of its contribution to the sponsor's share of the cost of said improvement so to be constructed by Work Projects Administration, and estimates that the entire cost of said water drain, other than that portion of the work to be performed and the cost to be borne by said work Projects Administration will amount to \$18,000.00, all of which street improvement, including said storm water drain, is to be done in accordance with plans dated June 19, 1941, marked Dr. D-1174, and plans dated October 10, 1938, marked MM-336, respectively, on file in the office of the Chief Engineer, Division of Engineering and Construction, City of Columbus, Ohio, on condition that the City of Bexley

shall furnish a sum equal to 91 per cent of the actual cost of materials and the rental of necessary equipment involved in the construction of the aforementioned storm drain, said 91 per cent, however, not to exceed \$16,400.00, and to be payable to the City of Columbus as and when said storm drain is completed and accepted by the City of Columbus, and

Whereas, the City of Bexley deems it necessary and proper that it should cooperate with said City of Columbus in the construction of said storm water drain upon condition that the same shall be approved and accepted, and the work performed by the Work Projects Administration, NOW, THEREFORE:
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Section 1. That the City of Bexley cooperate with the City of Columbus in the construction of a 60-inch reinforced concrete pipe storm water drain to replace the existing open ditch located in general parallel to and south of Livingston Avenue between College Avenue and Alum Creek, which storm water drain is to be constructed as a part of the improvement of Livingston Avenue between the points above mentioned, by the payment to the City of Columbus of 91 per cent of the actual cost of materials and the rental of necessary equipment involved in the construction of said storm water drain, provided, however, that said sum so contributed shall not exceed \$16,400.00, and that payment of said 91 per cent of said cost shall be made to the City of Columbus as and when said storm drain is completed and accepted by said City.

Section 2. That the Mayor and Auditor be and they hereby are authorized and directed to enter into a contract with the City of Columbus for the purpose of carrying out the foregoing agreement to cooperate in said improvement, which agreement shall be substantially as follows, to-wit:

AGREEMENT

Between the City of Bexley, Ohio
and
The City of Columbus, Ohio

Relative to the Improvement of Livingston Avenue
From College Avenue to Alum Creek.

Whereas, it is necessary and desirable, in order to eliminate certain hazardous traffic conditions, to improve Livingston Avenue from College Avenue to Alum Creek, and

Whereas, it is necessary, in connection with this improvement, to construct a 60-inch reinforced concrete pipe storm water drain to replace an existing open ditch, located in general parallel to and south of this improvement, and

Whereas, 91 per cent of the area tributary to said open ditch and which will be served by said 60-inch storm drain is located in the City of Bexley, Ohio, and

Whereas, the City of Bexley is willing to bear its proper share of the cost of constructing said storm drain, and

Whereas, the City of Columbus plans to construct this improvement as a Work Projects Administration project, sponsored by the said City of Columbus, with funds obtained in part from the City of Bexley, Ohio, now, therefore;

This agreement made by and between the City of Bexley, Ohio and the City of Columbus, Ohio,

WITNESSETH:

- 1). That the City of Columbus, Ohio agrees to prepare the necessary plans and specifications and furnish the necessary engineering and inspection, together with such city-owned equipment as may be available, as a part of its contribution to the sponsor's share of the cost of this improvement.
- 2). The City of Columbus agrees to submit the work to the Work Projects Administration for approval and construction, in which connection, the City of Columbus, as Sponsor, will be required to provide certain funds for the purchase of materials and other non-labor expense.
- 3). It is understood that the entire cost of the aforesaid 60-inch storm water drain is estimated to amount to \$18,000 and that the work of improving this street is to be done in accordance with plans dated June 19, 1941, marked Dr. D-1174, and plans dated October 10, 1938, marked MM-336, respectively, on file in the office of the Chief Engineer, Division of Engineering and Construction, City of Columbus.
- 4). In consideration whereof, the City of Bexley, Ohio agrees to contribute, to the City of Columbus, Ohio, a sum equal to 91 per cent of the actual cost of materials and the rental of necessary equipment involved in the construction of the aforementioned 60-inch reinforced concrete pipe storm drain, provided, however, said sum shall not exceed \$16,400.00.

Said sum shall be payable to the City of Columbus, as and when said storm drain is completed and accepted by the City of Columbus, which sum, together with funds furnished by the City of Columbus, the said City of Columbus agrees to use for the purchase of necessary materials, rental of equipment and other Sponsor expenses in connection with the construction of said storm drain.

5). It is understood and agreed that the provisions of this Contract are contingent upon the approval, acceptance and performance of the work by the Work Projects Administration.

Section 3. The sum of \$16,400.00 is hereby appropriated from the general fund for the purposes aforesaid.

Section 4. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed July 22, 1941.

Attest S. W. Roderick
Clerk

J. H. Altman
President of Council
pro tempore

Approved July 22, 1941.

W. E. 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 23rd day of July, 1941.

S. W. Roderick
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Auditor of the City of Bexley