

## ORDINANCE NO. 50-42 ✓

By Mr. Altmaier

Authorizing payment of claim of Madeline Jex for sidewalk injuries.

Whereas, on or about June 24, 1942 Madeline Jex of 2465 Powell Avenue, Xenia, Ohio, fell over a break in the sidewalk located on the west side of Drexel Avenue near the Optima Club resulting in injuries to her ankle, knee, face, nose and other portions of the body, and in damages to her clothing and glasses, said damage to property and doctors' bills amounting to \$103.14, and

Whereas, said Madeline Jex has proposed to settle her claim for damages against the City by reason of said accident for the sum of \$75.00, and Council being of the opinion that there is probably a legal liability on the part of the municipality by reason of the condition of said sidewalk at the time of the accident, and that said claim should be allowed and paid, NOW, THEREFORE:

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

Section 1. That the claim of Madeline Jex in the sum of \$75.00 for damages to her person and property, as hereinabove described, sustained on or about June 24, 1942, in the manner hereinabove set forth, be and the same is hereby approved and ordered paid.

Section 2. That for the purpose of paying said claim there be and is hereby appropriated from the General Fund the sum of \$75.00, and the Auditor is hereby authorized and directed to draw a proper voucher therefor upon receipt of a release properly executed by said Madeline Jex of all claims for damages arising out of said accident.

Section 3. This ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed September 22, 1942.

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

*F. K. Bonnet*  
F. K. Bonnet  
 President of Council

Approved September 22, 1942.

*J. H. Schaefer*  
J. H. Schaefer  
 Mayor

I, S. W. Roderick, Clerk of Council 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 College Avenue, Main Street and Parkview 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 23rd day of September, 1942.

*S. W. Roderick*  
S. W. Roderick

RELEASE OF MADELINE JEX

KNOW ALL MEN BY THESE PRESENTS:

That I, Madeline Jex, residing at 2456 Powell Avenue, Bexley, Ohio, in consideration of the sum of \$75.00, received or to be received to my full satisfaction of the City of Bexley, Ohio, do for myself and for my executors, administrators and assigns, hereby release and forever discharge the City of Bexley, Ohio, its successors and assigns, from all debts, claims, demands, damages, actions and causes of action whatsoever, including especially such as have arisen by reason of, or in any manner growing out of the injuries received both to my person and property on or about the 24th day of June, 1942, resulting from my having fallen over a break in the sidewalk on Drexel Avenue near the Optima Club; this release to be effective upon receipt by me of the voucher of the City of Bexley in said sum of \$75.00.

IN WITNESS WHEREOF, I have hereunto set my hand on the 25th day of September, 1942.

*Harley E. Peters*  
Harley E. Peters

*Madeline Jex*  
Madeline Jex