

ORDINANCE NO. 5-44

By Mr. O. F. Rehn

Determining to proceed with the construction of sanitary sewer in part of Sanitary Sewer District No. 5, and declaring an emergency.

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

Three-fourths of the members elected thereto concurring:

Section 1. That it is hereby determined to proceed with the construction of a certain part hereinafter described of the sanitary sewers provided for in a general plan for a system of sewerage for the City of Bemley, which general plan was adopted by Council on the 11th day of June, 1918, and is now on file in the office of the Mayor; that the portion of the work provided for in said general plan which it is hereby determined to construct, is as follows, to-wit: The sanitary sewer shown upon the plan of said Sewer District No. 5, as follows:

An eight (8) inch sanitary sewer in Delmar Drive beginning at the end of the present sewer, being westerly 109 feet from the present manhole in Stanwood Road, running thence westerly in said Delmar Drive a distance of 203 feet.

That part of said sewer district so to be improved, being all the lots and lands bounding, abutting and fronting upon said improvement.

It is further ordained that said sewer together with the necessary "Y" Branches for each lot fronting and abutting upon said improvement, shall be constructed in accordance with the provisions of Resolution 5-43 passed December 14th, 1943, and in accordance with the plans and specifications on file in the office of the Mayor, which are hereby approved, and shall be of vitrified pipe.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the solicitor be and he is

hereby authorized and directed to institute proceedings in a court of competent jurisdiction to inquire into such claims.

Section 3. Be it further resolved that the entire cost of said improvement shall be paid by the City of Berley out of the general fund, and a proper charge shall hereafter be fixed by Council for the privilege of connecting with and using said sewer, said charge to be paid by the respective owners of the properties bounding and abutting upon said improvement at the time of tapping into said sewer and connecting their respective properties therewith, and the amounts so charged therefor shall be deposited in the general fund and credited to the cost of said sewer. The sum of \$500.00 is hereby appropriated from the general fund for said purpose.

Section 4. That the Mayor and Auditor be and are hereby authorized to enter into a contract for said construction according to law.

Section 5. This ordinance is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being that the houses on premises fronting on said improvement are without sanitary sewerage and this ordinance shall go into immediate force and effect.

Adopted January 11, 1944.

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

F. H. Bonnet
President of Council

Approved January 11, 1944.

H. A. Schumacher
Mayor

I, S. W. Roderick, Clerk of Council, City of Berley, 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 12th day of January, 1944.

S. W. Roderick
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Clerk of Council, City of
Berley, Ohio