

## ORDINANCE NO. 35-46

By Mr. Betz

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO: Three-fourths of all members elected thereto concurring:

Section 1. That it is hereby determined to proceed with the construction of the certain part hereinafter described of the sanitary sewers provided for in a general plan for a system of sewerage for said City, which general plan was adopted by Council on the 18th day of June, 1918, and is now on file in the office of the Clerk of Council and 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 sewers shown upon the plans of said Sewer District No. 5, as follows:

(a) An eight (8) inch sewer in the easement east of Roosevelt Avenue, from the present sewer in Powell Avenue to the first alley south of Broad Street.

(b) An eight (8) inch sewer in the first alley south of Broad Street, from a point 50 feet east of Roosevelt Avenue to a point 30 feet of Merkle Road.

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

It is further ordained that said sewers, together with the necessary house connections for each lot fronting and abutting upon said improvement shall be constructed in accordance with Resolution No. 3-46, adopted on the 9th day of July, 1946, and in accordance with the plans and specifications on file in the office of the Mayor, 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 that the solicitor be, and he is hereby directed and authorized to institute proceedings in a court of competent jurisdiction to inquire into such claims.

Section 3. That the entire cost of said improvement, in accordance with the petition filed in this proceeding, shall be assessed in proportion with the benefits which may result from said improvement upon all lots and lands abutting thereon, which lots and lands are hereby determined to be specially benefitted by said improvement in an amount equal to the cost thereof; and said cost of said improvement shall include the expense of preliminary and other surveys, the printing and publishing of notices, resolutions and ordinances required, the serving of notices, the cost of construction, together with interest on bonds issued in anticipation of the collection of assessments, and all other necessary expenses.

Section 4. That the assessments so to be levied shall be paid in ten annual installments, with interest on the 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 assessments in cash at any time within thirty days after the passage of the assessing ordinance.

Section 5. That the bonds of the City of Bexley shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto; and notes of the city shall be issued in anticipation of the issue of said bonds.

Section 6. That the Clerk be and he is hereby authorized and directed to advertise for bids for the construction of said improvement according to law.

Section 7. That this ordinance is an emergency ordinance, necessary for the immediate preservation of the public peace, health and safety, said emergency being that said lots and lands to be benefitted by the improvement are without sanitary sewerage, and the same shall go into effect upon the passage thereof.

Passed September 10, 1946.

*F. H. Bonnet*  
F. H. Bonnet  
President of Council

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

Approved September 10, 1946.

*W. A. Schneider*  
W. A. Schneider  
Mayor

I, S. W. Roderick, Clerk of Council, 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 & Parkview Avenue  
Main Street & College Avenue  
Main Street & Drexel Avenue  
Broad Street & Drexel Avenue

and Parkview Avenue & Clifton Avenue each for a period of fifteen days commencing on the 12th day of September, 1946.

*S. W. Roderick*  
S. W. Roderick  
Clerk of Council,  
City of Bexley, Ohio

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