

ORDINANCE NO. 26-48

By Mr. Kurtz

To provide for the issue of notes in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the construction of sidewalks as provided in Ordinance No. 24-48, passed August 3, 1948, and declaring an emergency.

Whereas, the Council of the City of Bexley has heretofore by proper legislation declared the necessity of constructing sidewalks upon the streets hereinafter named, and

Whereas, the Council contemplates the use of \$11,000 for the purpose of paying the cost of said improvements, which is to be paid by assessments, and which amount will also care for interest maturing previous to the receipt of the assessments from which such interest is ultimately to be paid, either upon the bonds or notes, and

Whereas, Council has by Ordinance No. 24-48 provided for the construction of sidewalks on said streets herinafter mentioned, and has directed the Mayor, being also ex-officio Director of Public Service, to have said sidewalks constructed at the expense of property owners abutting thereon, NOW,

THEREFORE:

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 declared necessary to issue the bonds of the City of Bexley in the principal sum of \$11,000.00 for the purpose of raising money in anticipation of the collection of special assessments for the construction of sidewalks upon the following described streets and highways between the following points, to-wit:

Remington Road, Powell Avenue to Broad Street
Montrose Avenue, Main Street to Livingston Avenue
Remington Road, Main Street to Livingston Avenue
Cassingham Road, Main Street to Livingston Avenue
Cassingham Road, Broad Street to Ruhl Avenue
Stanwood Road, Powell Avenue to Broad Street
Remington Road, Broad Street to Maryland Avenue

Astor Avenue, College Avenue to Pleasant Ridge Avenue
Vernon Road, Main Street to Livingston Avenue
Euclaire Avenue, Main Street to Livingston Avenue

Section 2. That said bonds shall be in the denomination of \$1,000.00, and shall be dated approximately September 15, 1950. They shall bear interest at the rate of 3% per annum, payable semi-annually on the first days of April and October of each year until the principal sum is paid, and shall mature in five annual installments after their issuance.

Section 3. That for the purpose of raising money in anticipation of the levy of special assessments and in anticipation of the issuance of bonds in anticipation of the collection of special assessments for the construction of said sidewalks in the manner hereinabove described, and in accordance with the legislation heretofore passed by the City Council with respect thereto, to pay the property owners' share of the cost and expense of said improvement, it is hereby declared necessary to issue, and there shall be issued, notes of the City in the amount of \$11,000.00, which shall be placed to the credit for the construction of said sidewalks.

Provided, however, that the appropriation hereinabove made for said improvements is subject to the qualification that interest at the rate of 3% per annum for the period prior to the collection of the first installment so to be levied shall be included in said respective amounts, and the amount necessary to pay such interest is hereby appropriated for the payment thereof and for no other purpose, and the respective amounts above set forth shall be reduced by the apportioned amounts for the payment of said interest.

Section 4. That such anticipatory notes in the amounts aforesaid shall be issued bearing interest at the rate of 3% per annum, payable semi-annually, such notes shall be dated the 15th day of September, 1948 and shall mature on the 15th day of September, 1950. Such notes shall be executed and delivered in such manner and such denomination as may be requested by the purchaser of such notes.

Section 5. Such notes shall be executed by the Mayor and City Auditor and shall bear the seal of the corporation. They shall be payable at the office of the Auditor in the City of Bexley, Ohio; they shall express upon their face the purpose for

which they are issued and that they are issued ~~under~~ ⁱⁿ this ordinance.

Section 6. All assessments collected for the ~~improvements~~ ^{improvements} aforesaid and unexpected balances remaining in the fund after the costs and expenses of said improvements have been paid, shall be applied to the payment of said notes and the interest thereon until both are fully provided for.

Section 7. Said notes shall first be offered to the City Auditor in his capacity as City Treasurer and so many of the same as shall not be taken by said Auditor in his capacity as such Treasurer shall be sold according to law, but for not less than par and accrued interest, and the proceeds from such sale, except any premium and accrued interest thereon (and the amount necessary for the payment of interest prior to the maturity of said notes), shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. Any premium and accrued interest (and the amount necessary for the payment of interest prior to their maturity) shall be transferred to the Bond Payment Fund to be applied in the payment of principal and interest of said notes in the manner provided by law.

Section 8. Said notes shall be the full general obligations of the city, and the full faith, credit and revenue of said city are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by said notes and any excess fund resulting from the issuance of said notes shall, to the necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 9. In the event that such assessments are not collected or bonds are not issued to provide a fund for the payment of said notes at maturity, a general tax shall be levied on all property in said city for the payment of such notes and the interest thereon.

Section 10. That the sum of \$400.00 is hereby appropriated from the General Fund for the payment of the city's portion of said improvement, including costs of intersections.

Section 11. The City Auditor is hereby directed to for-

ward a certified copy of this ordinance to the County Auditor.

Section 12. That this ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that said streets are without sidewalks and in an impassible condition and dangerous to traffic and should be improved without delay, and said ordinance shall go into immediate force and effect.

Passed September 14, 1948.

S. J. Ottum
President of Council
Pro Tempore

Attest: E. D. Stackhouse
Clerk of Council

Approved September 14, 1948

W. A. Schneider
Mayor

I, E. D. Stackhouse, 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 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 27th day of September, 1948.

E. D. Stackhouse
Clerk of Council
City of Bexley, Ohio