

ORDINANCE NO. 10-49

By Mr. Harlor

Determining to proceed with the improvement of Elm Avenue, from Roosevelt Avenue to Gould Road, by grading and paving the roadway thereof, constructing curbs and gutters, sidewalks, the necessary drains and water connections, 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 improvement of Elm Avenue, from Roosevelt Avenue to Gould Road, by grading and paving the roadway thereof with concrete foundation, with bituminous top, constructing curbs and gutters, the necessary drains to furnish proper drainage for said improvement, and constructing sidewalks on each side thereof, and installing water connections, and doing all things incident and necessary thereto, in accordance with Resolution No. 7-48, adopted on the 8th day of June 1948, and in accordance with the plans, specifications, estimates and profiles of the proposed improvement heretofore prepared by the engineers and now on file in the office of the Mayor.

Section 2. That all claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and that the Mayor be and he is hereby authorized and directed to institute proceedings in a court of competent jurisdiction to inquire into such claims.

Section 3. That the entire cost of said improvement less 2% and the cost of intersections shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to-wit: all lots and lands bounding and abutting upon said proposed improvement, which said lots and lands are hereby determined to be specially benefited by said improvement, in an amount not less than the cost thereof, and the cost of said improvement shall include the expense of the preliminary and other surveys, and of the printing and publishing of notices, resolutions

and ordinances required, the serving of said notices, the cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments, and of all other necessary expenditures.

Section 4. That the assessments so to be levied shall be paid in ten annual installments with interest on 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 assessment in cash 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 the assessments by installments and in an amount equal thereto, and notes of said city shall be issued in anticipation of the issuance of such bonds.

Section 6. That to pay the remainder of the cost of said improvement there be and is hereby appropriated from the General Fund the sum of \$2,400.00.

Section 7. That the Mayor and Auditor be and they are hereby authorized and directed to enter into a contract for the making of said improvement after advertisement according to law.

Section 8. This ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that said street is in a condition dangerous to public traffic and should be immediately improved, and said ordinance shall go into immediate force and effect.

Passed March 22, 1949.

F. H. Bonnet
President of Council

E. D. Stackhouse

Attest: E. D. Stackhouse
Clerk of Council

Approved March 22, 1949.

W. A. Schneider
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 24th day of March, 1949.

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

96

ZP 403

