

ORDINANCE NO. 1854

By Mr. Hunt

To authorize and direct the Mayor and Auditor to enter into an agreement with the City of Columbus, Ohio, relative to the construction and maintenance of the sewer hereinafter described and declaring an emergency.

WHEREAS, sections of the existing 36-inch segment block sewer constructed by Franklin County in 1928 in the alley west of Kenwick Road between the alley north of Livingston Avenue and Charles Street, collapsed in November of 1952 and again in March of 1954; and,

WHEREAS, the apparent condition of the sewer, as observed at these points of collapse and as evidenced by inspection of the remainder, is such that it should be replaced at the earliest possible time; and

WHEREAS, the present 36-inch sewer should be replaced by a 48-inch sewer in order to provide needed additional capacity; and,

WHEREAS, the sewer in question serves a considerable portion of the City of Columbus including Eastmoor, part of East Columbus and the Port Columbus area as well as a considerable portion of the City of Bexley, the Village of Whitehall and certain unincorporated areas in Franklin County, and accordingly is a vital part of the sewerage system; and,

WHEREAS Council deems it to be necessary to collaborate with the City of Columbus in the above project in accordance with the terms of the construction and maintenance agreement executed between the Board of County Commissioners of Franklin County, Ohio, and the City of Bexley at the time said sewer was originally built, wherein this City agreed to pay 23.71 per centum of the cost of construction and 23.71 per centum of the repairs of said sewer; Now, therefore,

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

Section 1. That the Mayor and Auditor be and they are hereby authorized and directed to enter into a contract with the City of Columbus providing for the construction and maintenance of said sewer above described, said agreement to provide substantially as follows, to-wit:

AGREEMENT. This agreement, by and between the City of Columbus, Ohio,  
and the City of Bexley, Ohio,

WITNESSETH

1. That in consideration of the payments hereinafter provided to be made by the City of Bexley to the City of Columbus and in consideration of the other grants and covenants by said City of Bexley, the City of Columbus agrees to prepare all necessary plans and estimates of cost and to construct a 48-inch sewer to replace the present 36-inch sewer in the A/W Kenwick Road between the A.N Livingston Avenue and Charles Street, in accordance with the plans marked MM-507 and the specifications therefor, on file in the office of the director of public service, which are hereby approved.

2. In consideration of the covenants by the City of Columbus, the City of Bexley agrees to pay the said City of Columbus an amount equal to twenty-three and seventy-one hundredths per cent (23.71%) of the costs of construction, provided for in section 1 hereof, including costs of inspection and of obtaining rights of way or easements. The City of Bexley further agrees to pay to the said City of Columbus \$ 157.45, such amount being representative of 23.71% of the costs of work previously performed on this project by the said City of Columbus.

3. It is further mutually agreed by both cities that the portion of trunk sewer replaced as above mentioned and in addition, that portion of the existing trunk sewer located downstream in an easement west of Kenwick Road extending from the alley north of Livingston Avenue to the north property line of Livingston Avenue (south corporation line of Bexley) may be jointly used by both cities without further charge, therefore provided, however, that this agreement shall not excuse either party from any obligation, present or future, to pay all proper and legal charges for disposal of sewage from this trunk sewer into the sewer lines or sewage treatment works of either party. Further, the City of Bexley agrees to permit the employees or agents of the City of Columbus to enter upon the lands to make the aforementioned construction.

Section 2. That the sum of \$7,200.00 is hereby appropriated from  
the General Fund for the above purposes.

Section 3. This ordinance is an emergency measure, necessary for the  
immediate preservation of the public peace, health and safety, in that said  
sewer is damaged and broken so as to leave the sewage exposed, and same should  
be repaired and re-constructed without delay, and this ordinance shall go into  
full force and effect upon its passage and approval.

Passed July 25<sup>th</sup>, 1954

[Signature]  
President of Council

Approved: July 28<sup>th</sup>, 1954

[Signature]  
Mayor

Attest: [Signature]  
Clerk