

ORDINANCE NO. 4 -55

By Mr. Belf

To authorize and direct the Mayor to enter into a contract with the City of Columbus, Ohio, for the improvement of East Livingston Avenue from College Avenue to the east corporation line of the City of Bexley.

Whereas, it has been determined that East Livingston Avenue should be improved from College Avenue east to James Road; and

Whereas, municipalities so situated may enter into a cooperation contract to apportion the cost of such improvements as authorized by the Statutes of Ohio, Sec. 727.08, Revised Code; and

Whereas, the above referred to agreement is immediately necessary in order that the contracts for the said improvement be let according to law, and that construction proceed without delay for the immediate preservation of the public health, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:

Section 1. The Mayor be and he is hereby authorized to enter into a contract with the City of Columbus in words substantially as follows:

Whereas, the City of Columbus is desirous of improving Livingston Avenue, from College Avenue to James Road, and

Whereas, the south corporation line of the City of Bexley is the north line of Livingston Avenue extending from College Avenue to the east corporation line of Bexley, and

Whereas, the City of Bexley desires to cooperate in the expense of that portion of the proposed improvement which abuts its corporation line, such portion being the portion pertinent to this agreement, now, therefore,

This agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1955, by and between the cities of Columbus and Bexley, Ohio, pursuant to the authority of Ordinance No. 934-54, passed June 28, 1954, by the Council of the City of Columbus, and pursuant to the authority of Ordinance No. \_\_\_\_\_-55 passed February \_\_\_\_\_, 1955, by the Council of the City of Bexley, witnesseth:

1. It is mutually agreed that the proposed improvement of Livingston Avenue pertinent to this agreement shall be accomplished by grading, draining, constructing an asphaltic concrete pavement upon a Portland cement concrete foundation with combined curbs and gutters, constructing sidewalks, and doing such other things as may be necessary to complete the improvement, all in accordance with the plans therefor marked 1600, Drawer D, the specifications and the estimate of quantities and costs thereof, on file in the office of the Chief Engineer of the City of Columbus, prints and copies of such plans, specifications and estimates being on file in the office of the Mayor of Bexley.

2. The City of Bexley shall pay that portion of the cost of said improvement as will be within the area between a point five (5) feet north of the center line of said improvement and the south corporation line of the City of Bexley and extending from College Avenue to the east corporation line of Bexley, in accordance with the detailed estimates of quantities and costs as submitted by The Jennings-Lawrence Company, Engineers, such estimated costs being in the amount of \$61,114.25.

3. It is further mutually agreed that upon the necessary legislative and assessment procedures having been had by both cities, the City of Bexley shall deposit with the Treasurer of the City of Columbus the sum of \$61,114.25 to finance its portion of the cost of said proposed improvement, such deposit to be placed in the "Livingston Avenue, College Avenue to James Road Improvement Fund" and shall be used for no other purpose.

4. Thereafter, the City of Columbus shall proceed to advertise for bids and enter into contract for said improvement and shall have complete charge of the construction of said improvement, through its engineers, The Jennings-Lawrence Company, pursuant to Contract No. 3581, dated April 21, 1954, with said company. It is understood that the contract documents for the proposed improvement shall provide for liability insurance for Bexley in that Bexley shall be made to be an additional insured.

5. It is further mutually agreed that after the actual cost of said improvement has been finally determined, any surplus in the funds deposited with Columbus by Bexley for its share of the cost of said improvement shall be refunded to Bexley at the earliest possible time. In the event there is a deficiency in the funds so deposited, Columbus will notify and secure the approval of Bexley and then Bexley will proceed, according to law, to provide such additional funds as are required.

6. Each party hereto shall determine whether or not any portion of the cost to be paid by it shall be specially assessed or shall be paid out of the general street improvement fund of each respective party and shall by proper legislation levy such assessments, if any, upon the property bounding and abutting each respective party's side of said improvement.

7. It is further mutually agreed that after the proposed improvement of East Livingston Avenue, from College Avenue to James Road, is completed, Columbus shall supervise, maintain and have jurisdiction to promulgate and enforce traffic regulations thereon, provided, however, that regulations prohibiting left and right turns on streets within Bexley that intersect East Livingston Avenue, from the north, shall not be adopted without the consent of the Council of Bexley; all other authority over traffic matters is hereby reserved to Columbus.

8. The cost of the proposed construction of this improvement shall be paid from the Livingston Avenue, College Avenue to James Road Improvement Fund. Said fund shall be composed of the monies paid by Bexley to the purpose of the project provided for herein and the amounts made available by the Council of the City of Columbus for the purpose of this project.

Section 2. That the funds for the construction of this improvement shall be paid to the City of Columbus, to be deposited in a fund designated "Livingston Avenue, College Avenue to James Road Improvement Fund" which fund will be used only for the project provided for herein.

Section 3. That said contract shall meet with the approval of the City Solicitor and may contain such other terms and conditions not inconsistent herewith, as he deems necessary.

Section 4. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor.

Passed: Feb 8 - 1955

C. J. Kestner  
President of Council

Approved: Feb 8 - 1955

J. W. Schneider  
Mayor

Attest: A. P. Russell  
Clerk