

ORDINANCE NO. 2 -59

By Mr. [Signature]

Authorizing the Mayor and Auditor to enter into a contract on behalf of the City of Bexley with the City of Columbus, Ohio, for furnishing Bexley with fire protection, and declaring an emergency.

WHEREAS, the contract with the City of Columbus, Ohio, to furnish fire protection to the City of Bexley has expired and it is deemed to be for the best interests of said respective municipalities that a contract shall be entered into for the furnishing of fire protection, including the services of Inhalator Squad of the Division of Fire, for the period beginning January 1, 1959, and ending on the 31st day of December, 1959, 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, Ohio, for the furnishing of fire protection by said City of Columbus to the City of Bexley and the inhabitants thereof, including the services of the Inhalator Squad of the Division of Fire for the period of one year, beginning January 1, 1959, and ending December 31, 1959, which agreement shall be substantially as follows:

AGREEMENT

THIS AGREEMENT made and entered into the 16th day of January, 1959, by and between the City of Columbus, Ohio, by Leo L. Phillips, its Director of Public Safety, party of the first part, and the City of Bexley, Ohio, by W. A. Schneider, its Mayor, party of the second part, WITNESSETH:

WHEREAS, by Ordinance No. 391-54, passed by the Council of the City of Columbus, Ohio, March 22, 1954, the Director of Public Safety of the City of Columbus, on behalf of said city, was authorized to enter into a contract with the City of Bexley, for the services of the Division of Fire on the terms and conditions in said ordinance set forth, and,

WHEREAS, the City of Bexley, party of the second part, by Ordinance No. 2-59, passed January 16, 1959, by the Council of the City of Bexley, authority was granted by that body to the Mayor and Auditor, on behalf of said city, to contract with the said City of Columbus for such services; now, therefore,

FOR THE CONSIDERATION hereinafter named, the first party, the City of Columbus, Ohio, hereby agrees that its Division of Fire, Department of Public Safety, will answer fire calls from said City of Bexley and its inhabitants and send fire apparatus and firemen thereto for the purpose of extinguishing fires in said City of Bexley in like manner as fire calls are answered and fires extinguished in the City of Columbus, the said City of Bexley being also to receive the services of the Inhalator Squad of the Division of Fire, under this agreement.

IN CONSIDERATION for which the said City of Bexley, the second party, agrees to pay to the said first party for said services, the sum of \$75,000.00 for the year 1959. The amount to be paid in equal semi-annual installments on or before January 15th and July 15th of the year 1959.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that in no case shall the first party be liable in damages to said City

of Bexley, or any of its inhabitants, for failure to answer any fire call, or for lack of speed in answering any such call, or for any inadequacy of equipment, negligent operation of apparatus, failure to extinguish any fire, or for any cause whatsoever growing out of this agreement for the use of the fire equipment and personnel of said party of the first part.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that either party hereto may cancel and terminate this contract or agreement, before the expiration thereof, by giving a ninety (90) day written notice to the opposite party of its intention so to do.

IN WITNESS WHEREOF, the said parties have caused their names to be subscribed hereto by their proper officers duly authorized in the premises, as hereinabove set forth, on the day and year first shown above written.

THE CITY OF COLUMBUS, OHIO

By Leo L. Phillips
Director of Public Safety
PARTY OF THE FIRST PART

Approved as to form:

CITY ATTORNEY, COLUMBUS, OHIO

Howard C. Park
CITY SOLICITOR, BEXLEY, OHIO

THE CITY OF BEXLEY, OHIO

By *H. H. Schuman*
MAYOR

By R. C. Linscott
AUDITOR

Section 2. This ordinance is an emergency measure, necessary for the immediate preservation of the public peace, health and safety, said emergency being that the city is in need of immediate fire protection, for which reason this ordinance shall go into immediate force and effect.

Passed: Jan 16., 1959

Attest: *R. C. Linscott*
Clerk of Council

C. J. Kuntz
President of Council

Approved: Jan 16th, 1959

H. H. Schuman
Mayor