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RESOLUTION NO. 765.

By Mr. R. J. Wheaton.

To amend Resolution No. 642, duly adopted by the Council of the Village of Bexley, Ohio, on the 24th day of May, 1927, and being entitled "Resolution No. 642, declaring it necessary to acquire the joint use of an outlet and intercepting sanitary sewer to be constructed by the Board of County Commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, for the use of Sanitary Sewer District No. 5 in the Village of Bexley, Ohio."

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BEXLEY, STATE OF OHIO:

That Resolution No. 642 adopted May 24th, 1927 and entitled, "Resolution No. 642, declaring it necessary to acquire the joint use of an outlet and intercepting sanitary sewer to be constructed by the Board of County Commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, for the use of Sanitary Sewer District No. 5 in the Village of Bexley, Ohio," be and the same is hereby amended to read as follows:

WHEREAS, it is proposed by the Board of County Commissioners of Franklin County, Ohio, that said Board of County Commissioners having heretofore caused to be prepared by the engineer all necessary plans and estimates of cost to connect the sewers of the Easterly portion of the Village of Bexley with a sanitary sewer to be constructed by said Board of County Commissioners, said sewer to be Thirty-six, forty-eight (48) and fifty-four (54) inches in diameter and to be constructed from the intersection of Charles Street with the easterly corporation line of said Village, southerly and westerly to a disposal plant or other suitable outlet to be constructed jointly by said Board of County Commissioners and said Village of Bexley near Alum Creek and north of the T. & O.C. Railroad, which said plans and estimates of cost have been approved by said Board of County Commissioners and are now on file in its office, and

WHEREAS, said Board of County Commissioners propose to grant to said Village of Bexley the joint use of such sewer for sanitary sewer only, such joint use on the part of said Village to be limited to Bexley Sewer District No. 5 as the same is now established and as

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hereinafter more definitely described, said grant to be upon the condition and for the considerations hereinafter contained, and

WHEREAS, it is proposed that a contract be entered into by the Village of Bexley with said Board of County Commissioners for the joint use of said sewer, containing the terms hereinafter specified and such other terms and conditions as may be necessary and proper for said purpose, and Council is of the opinion that for the preservation and promotion of the public health and welfare, it is necessary to acquire said joint use and to enter into said contract, NOW, THEREFORE:
BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BEXLEY, STATE OF OHIO:

Section 1. That for the preservation and promotion of the public health and welfare it is necessary to acquire the joint use of a sanitary sewer to be constructed by the Board of County Commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, to connect with the sewers of the easterly portion of the Village of Bexley, said sewer to be thirty-six (36), forty-eight (48) and fifty-four (54) inches in diameter, said sewer to be constructed of reinforced concrete pipe or concrete invert and segment block arch, or segment block and to be constructed from the intersection of Charles Street with the easterly corporation line of said Village southerly and westerly to a disposal plant or other suitable outlet to be constructed jointly by said Board of County Commissioners and said Village near Alum Creek and north of the T. & O.C. Railroad, according to the plans and estimates of the cost heretofore prepared by the sanitary engineer of said county and approved by the Board of County Commissioners and now on file in the office of said Board, which said plans and estimates of cost are hereby approved, said joint use on behalf of said Village to be for sanitary sewage only, and to be limited to Bexley Sewer District No. 5 as the same is now established and as hereinafter more definitely described.

Section 2. Be it further resolved that as a consideration for said joint use of said sewer, said Village of Bexley pay to said Board of County Commissioners the sum of Twenty three and seventy-one per cent (23.71%) of the cost of construction of said sewer from Charles Street to the point hereinabove mentioned, such costs to include engineering and inspection, necessary real estate and easements, preparation of plans and estimates of cost and all legitimate items of cost incident to such construction; said twenty three and seventy-one hundreths per cent (23.71%) of said estimates cost to be paid by said Village of Bexley before said work is advertised for bids, and on completion of such sewer, settlement to be made by the payment to or by said Village or said Board of County Commissioners of an amount equal to the difference between the stated percentage of the estimated cost and the same percentage of the actual cost, so that the actual net payments by said Village to said Board of County Commissioners shall equal twenty three and seventy-one hundreths per cent (23.71%) of the actual cost of said sewer, and that as a further consideration for the joint use of said sewer, that said Village shall pay annually, on or before the 1st day of February of each year, to said Board of County Commissioners, twenty three and seventy-one hundreths per cent (23.71%) of the cost of maintenance and repairs of said sewer, which cost of maintenance and repair of said sewer, together with said sewers in said Village so to be connected therewith, is hereby estimated to be \$200.00 for the first year.

Section 3. Be it further resolved that the Mayor and Clerk be authorized, in the name of and on behalf of the Village, to enter into a contract to be approved by the solicitor with said Board of County Commissioners of Franklin County, Ohio, for such joint use, containing the above terms, and such other terms and conditions that may be necessary and proper and as may be mutually agreed upon, for the preparation of all necessary plans and estimates of cost to secure the construction of said improvement and to provide for the joint use thereof by said Village and county, which said contract shall supersede any contract or contracts heretofore entered into between said Village and county for said improvement or for the joint use thereof; all of which

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improvements, proceedings and contract are had and made pursuant to the provisions of the General Code of Ohio affecting said improvement and said contract; which said contract before going into effect shall be approved by the Ohio State Department of Health.

Section 4. That the entire cost of acquiring the joint use of said sewer so to be apportioned to the Village of Bexley (being twenty three and seventy-one hundredths per cent (23.71%) of the entire cost thereof), less two per cent (2%) of said cost so apportioned to said Village shall be assessed in proportion to the benefits which may result from said improvement upon all of the lots and lands lying within said Sanitary Sewer District No. 5 in said Village of Bexley, which said Sanitary Sewer District No. 5 is described as follows: to-wit:-

Beginning at a point in the present north corporation line of the Village of Bexley, Ohio, said beginning point being the north east corner of Sanitary Sewer District No. 3; thence with the present corporation line easterly; thence southerly; thence easterly; thence southerly and thence easterly to the intersection of the corporation line with the Marion-Truro Township line; thence southerly with said Township line (the same being the east corporation line) to a point where the same intersects the south corporation line; thence westerly with the south corporation line to a point where the same is intersected by the center line of Roche Avenue produced, said point being the southeast corner of Sanitary Sewer District No. 4; thence northerly with the east boundary line of Sanitary Sewer Districts Nos. Four and Three to the place of beginning.

which said lots and lands are hereby determined to be specially benefitted by said improvement in the amount of the cost thereof, said cost to include said twenty three and seventy-one hundredths per cent (23.71%) of the cost of said improvement hereinabove provided, together with the cost of printing and publishing all required notices, resolutions, ordinances, the serving of notices, interest on notes and bonds issued in anticipation of the collection of deferred assessments and all other necessary expenditures.

Section 5. That the assessments so to be levied shall be paid in five 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 so assessed may, at its option, pay such assessments in cash within thirty days after the passage of the assessing ordinance.

Section 6. That said Village may borrow money and issue notes due and payable not later than two years from date of issue, in anticipation of the levy of said assessments and of the issuance of bonds in anticipation of the collection of said special assessments as provided in Section 3914 of the General Code of Ohio; said notes shall not exceed in amount that portion of the estimated cost of the improvement for which said assessments are to be levied.

Section 7. That bonds of said Village shall be issued in anticipation of the collection of said assessments in an amount sufficient to pay that portion of the estimated cost of said improvement hereinbefore determined to be assessed upon the property hereinabove described.

Section 8. That the remainder of that portion of the cost of said improvement to be paid by the Village, estimated in the sum of Four Hundred Seventy-seven Dollars and Ninety-seven Cents (\$447.97), shall be paid from the proceeds of bonds of said Village heretofore issued and now in the sewer fund, which amount is hereby appropriated for that purpose.

Section 9. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 12, 1929.

S. E. Ludwig
S. E. Ludwig.

Mayor.

Attest: *S. W. Roderick*
S. W. Roderick.

Clerk.

I, S. W. Roderick, Clerk of the Village of Bexley, Ohio, do hereby certify that there is no newspaper published in said municipality and that publication of the foregoing Resolution 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 Plate Avenue each for a period of fifteen days commencing on the _____ day of _____ 19____.

S. W. Roderick
Clerk of the Village of Bexley, Ohio.

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RESOLUTION NO. 705.

By Mr. R. J. Wheaton.
To amend Resolution No. 642, duly adopted by the council of the village of Bexley, Ohio, on the 24th day of May, 1927, and being entitled "Resolution No. 642, declaring it necessary to acquire the joint use of an outlet and intercepting sanitary sewer to be constructed by the board of county commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, for the use of sanitary sewer district No. 5 in the village of Bexley, Ohio."

Be It Resolved, By the council of the village of Bexley, state of Ohio: That Resolution No. 642, adopted May 24th, 1927, and entitled, "Resolution No. 642, declaring it necessary to acquire the joint use of an outlet and intercepting sanitary sewer to be constructed by the board of county commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, for the use of sanitary sewer district No. 5 in the village of Bexley, Ohio," be and the same hereby is amended to read as follows:

Whereas, It is proposed by the board of county commissioners of Franklin County, Ohio, that said board of county commissioners having heretofore caused to be prepared by the engineer all necessary plans and estimates of cost to connect the sewers of Bexley with a sanitary sewer to be constructed by said board of county commissioners, said sewer to be thirty-six, forty-eight (48) and fifty-four (54) inches in diameter and to be constructed from the intersection of Charles Street with the easterly corporation line of said village, southerly and westerly to a disposal plant or other suitable outlet to be constructed jointly by said board of county commissioners and said village of Bexley near Alum Creek and north of the T. & O. C. Railroad, which said plans and estimates of cost have been approved by said board of county commissioners and are now on file in its office, and

Whereas, Said board of county commissioners propose to grant to said village of Bexley the joint use of such sewer for sanitary sewage only, such joint use on the part of said village to be limited to Bexley sewer district No. 5 as hereinafter more definitely described, said grant to be upon the condition and for the considerations hereinafter contained, and

Whereas, It is proposed that a contract be entered into by the village of Bexley with said board of county commissioners for the joint use of said sewer, containing the terms hereinafter specified and such other terms and conditions as may be necessary and proper for said purpose, and council is of the opinion that for the preservation and promotion of the public health and welfare, it is necessary to acquire said joint use and to enter into said contract, now, therefore:

Be It Resolved, By the council of the village of Bexley, state of Ohio:

Section 1. That for the preservation and promotion of the public health and welfare it is necessary to acquire the joint use of a sanitary sewer to be constructed by the board of county commissioners of Franklin County, Ohio, in Franklin County Sewer District Truro No. 1, to connect with with the sewers of Bexley, said sewer to be thirty-six (36), forty-eight (48) and fifty-four (54) inches in diameter, said sewer to be constructed of reinforced concrete pipe or concrete invert and segment block arch, or segment block and to be constructed from the intersection of Charles Street with the easterly corporation line of said village southerly and westerly to a disposal plant or other suitable outlet to be constructed jointly by said board of county commissioners and said village near Alum Creek and north of the T. & O. C. Railroad, according to the plans and estimates of the cost heretofore prepared by the sanitary engineer of said county and approved by the board of county commissioners and now on file in the office of said board, which said plans and estimates of cost are hereby approved, said joint use on behalf of said village to be for sanitary sewage only, and to be limited to Bexley sewer district No. 5 as hereinafter more definitely described.

Section 2. Be it further resolved, That as a consideration for said joint use of said sewer, said village of Bexley pay to said board of county commissioners a sum of twenty-three and seventy-one hundredths per cent (23.71%) of the cost of construction of said sewer from Charles Street to the point hereinafter mentioned, such costs to include engineering and inspection, necessary real estate and easements, preparation of plans and estimates of cost and all legitimate items of cost incident to such construction; said twenty-three and seventy-one hundredths per cent (23.71%) of said estimated cost to be paid by said village of Bexley before said work is advertised for bids, and on completion of such sewer, settlement to be made by the payment to or by said village or said board of county commissioners of an amount equal to the difference between the stated percentage of the estimated cost and the same

large so to be connected therewith, is hereby estimated to be \$200.00 for the first year.

Section 3. Be it further resolved, That the mayor and clerk be authorized, in the name of and on behalf of the village, to enter into a contract to be approved by the solicitor with said board of county commissioners of Franklin County, Ohio, for such joint use, containing the above terms, and such other terms and conditions that may be necessary and proper and as may be mutually agreed upon, for the preparation of all necessary plans and estimates of cost to secure the construction of said improvement and to provide for the joint use thereof by said village and county, which said contract shall supersede any contract or contracts heretofore entered into between said village and county for said improvement or for the joint use thereof; all of which improvements, proceedings and contract are had and made pursuant to the provisions of the general code of Ohio affecting said improvements and said contract; which said contract before going into effect shall be approved by the Ohio state department of health.

Section 4. That the entire cost of acquiring the joint use of said sewer so to be apportioned to the village of Bexley (being twenty-three and seventy-one hundredths per cent (23.71%) of the entire cost thereof), less two per cent (2%) of said cost so apportioned to said village shall be assessed in proportion to the benefits which may result from said improvement upon all of the lots and lands lying within said sanitary sewer district No. 5 in said village of Bexley, which said sanitary sewer district No. 5 is described as follows, to-wit:

Beginning at a point in the present north corporation line of the village of Bexley, Ohio, said beginning point being the northeast corner of sanitary sewer district No. 3; thence with the present corporation line easterly; thence southerly and thence easterly to the intersection of the corporation line with the Marion-Truro Township line; thence southerly with said township line (the same being the east corporation line) to a point where the same intersects the south corporation line; thence westerly with the south corporation line to a point where the same is intersected by the center line of Roche Avenue produced, said point being the southeast corner of sanitary sewer district No. 4; thence northerly with the east boundary line of sanitary sewer district Nos. Four and Three to the place of beginning.

Which said lots and lands are hereby determined to be specially benefited by said improvement in the amount of the cost thereof, said cost to include said twenty-three and seventy-one hundredths per cent (23.71%) of the cost of said improvement hereinafore provided, together with the cost of printing and publishing all required notices, resolutions, ordinances, the serving of notices, interest on notes and bonds issued in anticipation of the collection of deferred assessments and all other necessary expenditures.

Section 5. That the assessments so to be levied shall be paid in five 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 so assessed may, at its option, pay such assessments in cash within thirty days after the passage of the assessing ordinance.

Section 6. That said village may borrow money and issue notes due and payable not later than two years from date of issue in anticipation of the levy of said assessments and of the issuance of bonds in anticipation of the collection of said special assessments as provided in Section 3914 of the General Code of Ohio; said notes shall not exceed in amount that portion of the estimated cost of the improvement for which said assessments are to be levied.

Section 7. That bonds of said village shall be issued in anticipation of the collection of said assessments in an amount sufficient to pay that portion of the estimated cost of said improvement hereinafore determined to be assessed upon the property hereinafore described.

Section 8. That the remainder of that portion of the cost of said improvement to be paid by the village, estimated in the sum of four hundred seventy-seven dollars and ninety-seven cents (\$477.97), shall be paid from the proceeds of bonds of said village heretofore issued and now in the sewer fund, which amount is hereby appropriated for that purpose.

Section 9. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 12, 1929.
S. E. LUDWIG, Mayor.
Attest: S. W. RODERICK, Clerk.
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percentage of the actual cost, so that the actual net payments by said village to said board of county commissioners shall equal twenty-three and seventy-one hundredths per cent (23.71%) of the actual cost of said sewer, and that as a further consideration for the joint use of said sewer, that said village shall pay annually, on or before the 1st day of February of each year, to said board of county commissioners, twenty-three and seventy-one hundredths per cent (23.71%) of the cost of maintenance and repairs of said sewer, which cost of maintenance and repair of said sewer, together with said sewers in said vil-

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