

RESOLUTION NO. 2-58

By Mr. Stackhouse

Declaring it necessary to improve Francis Avenue from Mound Street to Livingston Avenue by paving, curbing, constructing necessary sewers, drains and water lines.

Whereas, more than three-fourths in interest of the owners, being also the owners of more than sixty per cent of the foot frontage of the property abutting upon Francis Avenue between Mound Street and Livingston Avenue, have petitioned in writing for the improvement of Francis Avenue between the points named, in the manner hereinafter described, thereby agreeing and consenting that the entire cost of said improvement, except only such proportion thereof as is by law chargeable against the City, being two per cent thereof and the cost of intersections, may be assessed and collected in equal annual installments proportionate to the whole assessment, in the manner which may be fixed by council; and further therein consenting and requesting that said assessments may be levied and collected without reference to the value of the property of said signers, and therein waiving all the benefits of the provisions of the General Code of Ohio limiting the assessments to 33 1/3% of the value of the property assessed for any and all properties within the period of five years; and further waiving all benefits of the provisions of the General Code providing for the service and publication of any and all notices of the proceedings for the construction of said improvement, and for the making and levying of the assessments for said improvement, NOW, THEREFORE: BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, STATE OF OHIO:

Three-fourths of all members elected thereto concurring:

Section 1. That it is necessary to improve Francis Avenue from Mound Street to Livingston Avenue by grading the full width of said street, curbing and paving the roadway thereof with brick, asphalt, bitulithic, tarvia, concrete, or some other form of permanent improvement, by constructing the necessary sanitary sewers and the necessary drains to furnish the proper drainage for said improvement, and by constructing the necessary

water lines with fire hydrants to furnish water to the properties fronting and abutting upon said improvement, 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, which plans, specifications, estimates and profiles are hereby approved.

Section 2. That the grade of said street and curbs as improved shall be as shown by the engineer's plans and profiles, which are made a part hereof, and which are on file in the office of the mayor.

Section 3. That the whole cost of said improvement less one-fiftieth thereof 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 the proposed improvement, which said lots and lands are hereby determined to be especially benefitted 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 printing and publishing the notices, resolutions and ordinances required, and 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 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 assessments by instalments, and in an amount equal thereto, and notes of said City shall be issued in anticipation of the issue of such bonds.

Section 6. That the remainder of the entire cost of said improvement not specially assessed, including the cost of intersections, together with the cost of any real estate or interest therein, purchased or appropriated, and the cost and expense of any appropriation proceeding therefor, and the damages awarded any owner of adjoining lands and interest thereon, and the costs and expenses of any such award, shall be paid by the issuance of bonds in the manner provided by law.

Section 7. In accordance with said petition for said improvement it is resolved that in the event that said grading, or any part thereof, or any other part of said improvement, shall be performed by the Works Progress Administration of the Federal Government, that the portion of the cost of said grading, or other part or parts of said improvement, which shall not be borne by said Works Progress Administration be paid by the municipality and included in the cost of said street improvement and assessed upon the properties bounding and abutting upon said improvement in the proportion hereinabove set forth for the assessment of the cost of said improvement, to all intents and purposes as if said grading, or other work, had been let by contract as a part of the cost of such improvement, and the municipality shall be reimbursed for said cost out of the bonds issued in anticipation of the collection of such assessments.

Section 8. This resolution shall take effect and be in force from and after the earliest period allowed by law.

Adopted January 25, 1938.

Attest *S. W. Roderick*
S. W. Roderick
Clerk

F. H. Bonnet
F. H. Bonnet
President of Council

Approved January 25, 1938.

W. A. Schneider
W. A. Schneider
Mayor

I, S. W. Roderick, Auditor of the City of Bexley, State of 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 25th day of January, 1938.

S. W. Roderick
S. W. Roderick
Auditor of the City of Bexley

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