

ORDINANCE NO. 8 - 1943

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF WELLER AVENUE, BETWEEN MAIN STREET AND EAST AVENUE BY CONSTRUCTING SAID STREET TO THE GRADE ESTABLISHED BY ORDINANCE NO. 6, 1941, DULY PASSED BY COUNCIL ON THE 12TH DAY OF MAY, 1941, WHICH CONSTRUCTION SHALL CONSIST OF NOT LESS THAN FOUR(4) INCHES OF THOROUGHLY COMPACTED SLAG, GRAVEL, WATERBOUND MACADAM, SOIL-CEMENT OR THE EQUIVALENT, AND A TOP DRESSING OF NOT LESS THAN TWO (2) INCHES OF GRAVEL OR CRUSHED STONE SCREENINGS BOUND WITH PENETRATION ASPHALT OR ROAD OIL APPLIED AT THE RATE OF ONE-HALF (1/2) GALLON PER SQUARE YARD.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERVILLE, STATE OF OHIO, THREE-FOURTHS OF ALL MEMBERS ELECTED THERETO CONCURRING:

SECTION I

That it is hereby determined to proceed with the improvement of Weller Avenue between Main Street and East Avenue in accordance with Improvement Resolution No. 2, passed May 17, 1943, by constructing said street to the grade established by Ordinance No. 6-1941, which construction shall consist of not less than four (4") inches of thoroughly compacted slag, gravel, waterbound macadam, soil-cement or the equivalent, and a top dressing of not less than two (2") inches of gravel or crushed stone screenings bound with penetration asphalt or road oil applied at the rate of one-half (1/2) gallon per square yard.

SECTION II

All claims for damages resulting therefrom shall be judicially inquired into after the completion of the proposed improvement, and the solicitor be and he is hereby authorized and directed to institute proceedings in a court of competent jurisdiction to inquire into such claims.

SECTION III

That the whole cost of said provement, less one-fiftieth part thereof, and the cost of intersections shall be assessed by the foot front, 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 specially benefitted by said improvement; and the cost of said improvement shall include any damages assessed in favor of any owner of adjoining lands and interest thereon, and the cost and expense of all proceedings in connection therewith, and the cost and expense of the assessment, 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 IV

That the assessments so to be levied shall be paid in one annual installment, with interest 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 V

That bonds of the Village of Centerville shall be issued in anticipation of the collection of assessments in an amount equal thereto, and notes of said Village shall be issued in anticipation of the levying of such assessments and the issue of such bonds.

SECTION VI

That the Engineer be and he is hereby directed to prepare and file with this Council a tentative assessment showing the amount to be assessed on each lot or parcel of land to be assessed.

SECTION VII

That to pay the remainder of the cost of said improvement, there be and is hereby appropriated from the General Fund the sum of \$\_\_\_\_\_.

SECTION VIII

That the Clerk be and he is hereby authorized and directed to advertise for bids for the construction of said improvement, according to law.

SECTION IX

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

PASSED by Council, this 28th day of June, 1943.

ATTEST:

EMORY W. BRADSTREET  
MAYOR

GEORGE E. HOWE  
CLERK