

the cost under Federal Aid Highway Acts.

SECTION 10.

The STATE shall have charge of all disposition of property or property rights taken for the project, whether purchased or appropriated, if any, and all damages to owners of abutting property or other property on account of the improvement herein contemplated.

The cost of property and property rights described in the preceding paragraph shall be borne entirely by the Bureau of Public Roads, STATE and CITY.

The COMPANY agrees to grant to the STATE at a price to be agreed upon or as may be judicially determined an aerial easement for overhead highway purposes, the total width of which shall not exceed the corresponding width of the structure plus an additional width of five feet on each side thereof, and a ground easement for any of the highway structure or fill which under plans referred to in Section I is to occupy COMPANY'S property. The CITY will furnish plans and descriptions of these easements.

In case any action involving said improvement is brought by or against any party hereto, said party shall promptly notify the other parties of the pendency of such action.

SECTION 11.

Each party hereto waives, but only as against the others any and all damages or right to claim damages to any of its real property growing out of or in any way connected with the improvement herein contemplated, except as otherwise provided for in this agreement.

The STATE shall require of its contractor a bond, conditioned according to Section 5525.16 of the Revised Code of Ohio in favor of the STATE, CITY and the COMPANY, and shall further require its contractor to take out before work is commenced, and to keep in effect until work is completed and accepted, Public Liability and Property Damage Policies of Insurance in an insurance company authorized to do business in the State of Ohio to protect the STATE and CITY jointly and a like policy to protect the COMPANY against loss or damage to property and injury to or death of persons, and against all claims, demands, expenses, suits or judgments arising because of or resulting from the operations of the contractor, his sub-contractor, agents or employees, each such policy of insurance to provide for payment as to its insured to the extent of \$200,000.00 for injury to or death of one person and \$500,000.00 for any one accident, and \$200,000.00 for property damage for any one accident, and with a total or aggregate property damage limit of \$500,000.00.

SECTION 12.

The work provided for in this agreement shall be commenced by the parties within thirty (30) days from the date on which this agreement becomes effective and Federal approval is received on the PROJECT, and all funds necessary therefor on the part of the CITY and STATE have been properly certified and made available, and it shall be completed within a reasonable time thereafter.

Upon completion of the improvement herein contemplated, the CITY shall, without cost to the STATE or COMPANY, maintain and renew, or cause to be maintained and renewed, the bridge structure, the approach grades and all other highway facilities constructed or changed under the terms of this agreement. The COMPANY shall maintain all parts of its facilities built or changed under the terms of this agreement. In the event of railway derailments, accidents or collisions resulting in damage to the bridge structure, the CITY shall make all necessary repairs to restore the structure substantially to its former condition, and the COMPANY agrees to reimburse the CITY for the actual cost of such repairs, if such derailments, accidents or collisions were caused by the negligence of the COMPANY, its agents or servants.

This agreement does not intend to

cover other relations between the CITY, STATE, the Baltimore and Ohio Railroad Company and the Pennsylvania Railroad Company, as regards construction of the PROJECT herein contemplated, as other agreements will cover such items.

SECTION 13.

General Administrative Memorandum No. 325 of The Bureau of Public Roads, classifies this PROJECT in classification No. 4 as one in which no cognizable benefits accrue to the COMPANY. The parties signatory to this agreement accept this classification as applicable in this instance. The COMPANY'S contribution is zero dollars.

IN WITNESS WHEREOF, The parties hereunto have caused this agreement to be duly executed in triplicate as of the day and year above written.

(SEAL)

Attest Secretary

(SEAL)

Attest Secretary

(SEAL)

Attest F. A. Grogan

Assistant Secretary

APPROVED AS TO FORM

Attorney General

Date

THE STATE OF OHIO

By:

Director of Highways

THE CITY OF COLUMBUS

By:

Director of Public Service

THE NEW YORK CENTRAL RAILROAD COMPANY, LESSEE OF THE RAILWAY AND PROPERTY OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY

By: J. F. Nash

Vice President

Sec. 2. 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 February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 254-58—To pay the county of Franklin for costs incurred for the preparation of construction plans, specifications and estimates for that portion of the North Freeway, north of S.R. No. 161, as shown on state highway plans designated as FRA 1-30.05.

Whereas, by ordinance No. 1342-55, passed October 17, 1955, the city of Columbus consented to have Franklin county prepare the plans for that portion of the North Freeway, north of S.R. No. 161, as shown on state highway plans designated as FRA 1-30.05, and requested said county to immediately proceed with such plan preparation, and

Whereas, in section 1 of said ordinance, the city of Columbus agreed that upon the completion of said plans, specifications and estimates and the approval thereof by the proper city, county, state and Federal authorities, and the determination by said authorities to proceed with the construction of said expressway and freeway project, to then agree upon, assume and pay that portion of the actual cost of said expressway and freeway project as may properly belong to the city of Columbus, and

Whereas, said plans, specifications and estimates have been completed and approved by the proper, city, county, state and Federal authorities, and contract awarded for the construction thereof, and

Whereas, an emergency exists in that it is immediately necessary to make final payment to Franklin county for the costs of said plans, specifications and estimates in order that Franklin county can proceed to pay its contracting firm for such preparation, and in

order that there will be no delay in receipt of future plans for expressway projects, and for the immediate preservation of the public property, peace and safety; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That for the purpose of making final payment to the county of Franklin for preparation of plans, specifications and estimates for that portion of the North Freeway, north of S.R. No. 161, as shown on state highway plans designated as FRA 1-30.05, the sum of \$15,471.23 be and the same is hereby appropriated from the general expressway notes fund No. 7.

Sec. 2. That the city auditor be and he is hereby authorized and directed to draw his warrant upon the city treasurer in said sum of \$15,471.23 for payment to Franklin county, upon receipt of voucher properly approved by the director of public service.

Sec. 3. 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 February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 255-58—To vacate the alley west of Sixth street, extending from the private alley north of Peru alley to Fourth avenue.

Whereas, petition, signed by the owner of all lots and lands abutting upon the alley west of Sixth street, from the private alley north of Peru alley to Fourth avenue, was duly presented to this council, praying for and consenting to the vacation of said alley, between the points named, and

Whereas, council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and ought to be made; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the alley west of Sixth street, extending from the private alley north of Peru alley to the south line of Fourth avenue, be and the same is hereby vacated.

Sec. 2. That the city of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the city, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alley hereby vacated, and shall have the right to enter thereon at any time for the purpose of constructing, installing, replacing, operating and maintaining the same.

Sec. 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 256-58—To vacate the first alley south of Beck street, extending from Briggs street to Lathrop street.

Whereas, petition, signed by the board of education of the city school district of Columbus, Ohio, owner of all lots and lands abutting upon the first alley south of Beck street, from Briggs street to Lathrop street, was duly presented to this council, praying for and consenting to the vacation of said alley, between the points named, and

Whereas, council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said

petition, that it will not be detrimental to the general interests and ought to be made; now, therefore.

Be it ordained by the council of the city of Columbus:

Section 1. That the first alley south of Beck street, extending from the east line of Briggs street to the west line of Lathrop street, be and the same is hereby vacated.

Sec. 2. That the city of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the city, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alley hereby vacated, and shall have the right to enter thereon at any time for the purpose of constructing, installing, replacing, operating and maintaining the same.

Sec. 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 257-58—Determining to proceed with the improvement of Elmore avenue, from Atwood terrace to Karl road, in the city of Columbus, Ohio; and to declare an emergency.

Whereas, an emergency exists in the usual daily operation of the department of public service, division of engineering and construction, in that it is immediately necessary to proceed with the said improvement in order that the same may be completed at the earliest possible time, thereby protecting the public health, peace and safety; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That it is hereby determined to proceed with the improvement of Elmore avenue, from Atwood terrace to Karl road, by grading, draining, constructing combined curb and gutter, Portland cement concrete foundation with asphaltic concrete leveling and surface courses, and doing such other things as may be necessary, in the city of Columbus, Ohio, in accordance with the resolution declaring it necessary to improve the same adopted by council December 9, 1957; and in accordance with the plans, profiles, specifications and estimate of cost thereof approved and now on file in the office of the department of public service.

Sec. 2. That all claims for damages resulting therefrom shall be judicially inquired into after completion of the proposed improvement, and the city attorney be and he is hereby authorized and directed to institute proceedings in a court of competent jurisdiction to inquire into such claims.

Sec. 3. That the whole cost of said improvement, together with interest on notes issued in anticipation of the issuance of bonds and on bonds issued in anticipation of the collection of the assessment to be levied for said improvement and all other necessary expenditures, less one-fiftieth thereof and the costs of intersections and 18-inch storm sewer shall be assessed in proportion to the special benefits which may result from the improvement upon the following described lots and lands, to-wit: All lots and lands bounding or abutting upon the proposed improvement, which said lots and lands are hereby determined to be specially benefited by said improvement and in an amount to be determined.

Sec. 4. That the sum of \$6,600.00 be and the same is hereby appropriated from the maintenance and repair No. 65-602 fund to pay the remainder of the cost of said improvement.

Sec. 5. That the assessments so to be levied shall be paid in twenty semi-annual installments with interest on deferred payments at a rate not ex-

ceeding six per cent. per annum; provided that the owner of any property assessed may, at his option, pay such assessment or any number of installments thereof, at any time after said assessment has been levied.

Sec. 6. That notes of the city of Columbus, Ohio, shall be issued in anticipation of the issuance of bonds to be issued in anticipation of the collection of assessments by installments, and in an amount equal thereto.

Sec. 7. That the director of public service be and he is hereby authorized and directed to make and execute contract for the said improvement with the lowest and best bidder after advertising according to law.

Sec. 8. 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 February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 258-58—To authorize the Director of Public Service to enter into a concession lease agreement with William E. Burkes, 1951 Maryland Ave., Columbus, Ohio, for the operation of the barber shop and shoe shine concession for a period of five (5) years commencing February 20, 1958, at the Columbus Municipal Airport, Port Columbus.

Whereas, Ordinance No. 1465-57, passed December 9, 1957, authorized the Director of Public Service to advertise and open bids for a concession lease agreement for the barber shop and shoe shine concession and specified certain terms and conditions concerning the operation thereof; and,

Whereas, the bid opening on February 11, 1958, disclosed the bid of William E. Burkes in the amount of \$60.00 per month minimum plus 2 1/4% of gross receipts to be the highest bid; and,

Whereas, it is the recommendation of the Metropolitan Airport and Aviation Commission that the bid of William E. Burkes be accepted for the operation of the barber shop and shoe shine concession at the Columbus Municipal Airport; and,

Whereas, an emergency exists in the usual daily operation of the Division of Municipal Airport, Department of Public Service in that it is immediately necessary to enter into a barber shop and shoe shine concession agreement in order to provide this service to the public and for the preservation of the public health, property and safety; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the Director of Public Service be and he is hereby authorized and directed to enter into a concession lease agreement with William E. Burkes, 1951 Maryland Avenue, Columbus, Ohio, for the operation of the barber shop and shoe shine concession at the Columbus Municipal Airport upon such terms and conditions as specified in the bid documents of William E. Burkes opened February 11, 1958 and such others as may be required for the operation of a modern barber shop facility.

Sec. 2. 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 February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 259-58—To authorize payment of the claim of Mrs. Christine Weinbrenner, 1202 Twenty-sixth Avenue, Columbus, Ohio.

Whereas, on or about December 18, 1957, a city of Columbus police vehicle collided with the car of the claimant at the intersection of High Street and Oakland Park, thereby causing damages to her vehicle; and,

Whereas, the claimant has suffered reasonable damage in the amount of \$60.52 as the result of this accident; and,

Whereas, the city of Columbus, Ohio, while denying all legal liability in paying this claim, does recognize it as being in the nature of a moral obligation; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the claim of Christine Weinbrenner in the amount of \$60.52 for damages sustained on or about December 18, 1957, as hereinabove set forth, be and the same is hereby recognized as a lawful claim against the city of Columbus.

Sec. 2. That the recognition of this claim as a lawful claim against the city of Columbus is to be used only for the purpose of this ordinance and is not to be construed as an admission of liability for any other claims arising out of the facts hereinabove set forth.

Sec. 3. That for the purpose of paying said claim, there be and hereby is appropriated from the General Miscellaneous, 21-H Fund, the sum of \$60.52.

Sec. 4. That the city auditor be and he is hereby authorized to draw his warrant upon the city treasurer in the sum of \$60.52 in payment of said claim, upon receipt of voucher approved by the city attorney and a release properly executed by the said Christine Weinbrenner, of all damages arising out of said accident.

Sec. 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed February 17, 1958.

W. WESLEY LLEWELYN,

President of Council.

Approved February 17, 1958.

M. E. SENSENBRENNER, Mayor.

Attest:

RUSSELL D. DRAKE, City Clerk.

AN ORDINANCE No. 260-58—To authorize payment of the claim of Shelby Mutual Insurance Company, P.O. Box 6716, Bexley Station, Columbus 9, Ohio.

Whereas, the Shelby Mutual Insurance Company is subrogated to the rights of its insured, the Eastmoor Electric Company for damages resulting from an accident which occurred on or about July 8, 1957, when a city of Columbus vehicle, Division of Water, struck the truck of the Eastmoor Electric Company, thereby causing damage to its vehicle; and,

Whereas, the claimant has suffered reasonable damage in the amount of \$260.63 by reason of this accident; now, therefore,

Be it ordained by the council of the city of Columbus:

Section 1. That the claim of Shelby Mutual Insurance Company, in the amount of \$260.63 for damages sustained on or about July 8, 1957, as hereinabove set forth, be and the same is hereby recognized as a lawful claim against the city of Columbus.

Sec. 2. That the recognition of this claim as a lawful claim against the city of Columbus is to be used only for the purpose of this ordinance and is not to be construed as an admission of liability for any other claims arising out of the facts hereinabove set forth.

Sec. 3. That for the purpose of paying said claim, there be and hereby is appropriated from the Department No. 90, D-9 Fund, the sum of \$260.63.

Sec. 4. That the city auditor be and he is hereby authorized and directed to draw his warrant upon the city treasurer in the sum of \$260.63 in pay-