

fund, at its own cost and expense, any and all suits which may be brought or prosecuted against said city by reason of any claim arising or growing out of said improvement; and shall deposit with the city treasurer the sum of \$790 to the credit of the "maintenance and repair No. 65—Twenty-fourth avenue, Ontario street to Hamilton avenue, improvement fund" to pay the cost of water services and street and fire hydrant installation and construction inspection, and shall deposit in the "house connection fund" the sum of \$25 to cover the cost of sewer construction inspection.

Sec. 3. That the grade of said street, between the said points, shall be and it is hereby established as of record in profile book 11, page 79, on file in the office of the chief engineer.

Sec. 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that said Washburn McKinley Holmes, Inc., through its proper officer who shall have been authorized in writing so to do, agrees, in writing, to the terms and conditions hereof within thirty days from the date of passage, and provided further that said Washburn McKinley Holmes, Inc. shall pay the cost of publication hereof, otherwise said ordinance shall be without force and effect.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 276-42—To authorize the director of public service to cancel a certain contract, which the city of Columbus now has with the Pulling Foundry, of Columbus, Ohio.

Whereas, on March 17, 1942, the city of Columbus, through its board of purchase, entered into a contract with the Pulling Foundry, of Columbus, Ohio, for the manufacture and delivery of manhole and catch-basin castings, in the total amount of \$4,242, and

Whereas, up to the present date, the contractor has delivered, and the city of Columbus has accepted, castings on said contract, in the total amount of \$3,411, leaving an uncompleted balance of \$831, and

Whereas, the acceptance of further delivery of the castings, by the city of Columbus, would be in violation of orders issued by the war production board, and

Whereas, the contractor, the Pulling Foundry, has agreed, in a letter dated May 2, 1942, to the cancellation of the balance of the contract, 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 cancel the balance of the contract, in the amount of \$831, with the Pulling Foundry, which contract is dated March 17, 1942.

Sec. 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 277-42—To grant American Homes Association the right and privilege to cause the improvement of Myrtle avenue from Joyce avenue to Parkwood avenue, at no expense to the city of Columbus.

Whereas, American Homes Association has requested the privilege of improving Myrtle avenue from Joyce avenue to Parkwood avenue, at no expense to the city; now, therefore,

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

Section 1. That American Homes Association, 2451 Joyce avenue, Columbus, Ohio, be and it is hereby granted permission to cause the improvement of

Myrtle avenue from Joyce avenue to Parkwood avenue, by grading, draining, installing fire hydrants, water main, water services, concrete curb and gutter and a 7 inch bituminous macadam pavement (penetration method) or an asphaltic concrete pavement, together with all other appurtenant and incidental work thereto, all in accordance with plan marked 1216, drawer D, and the specifications therefor, on file in the office of the director of public service, which are hereby approved.

Sec. 2. Said American Homes Association shall pay the entire cost of said improvement, shall save the city free and harmless from any and all claims for damages and shall defend, at its own cost and expense, any and all suits which may be brought or prosecuted against said city by reason of any claim arising or growing out of said improvement; and shall deposit with the city treasurer the sums of \$315, \$480 and \$200 to the "maintenance and repair No. 65—Myrtle avenue, Joyce avenue to Parkwood avenue improvement fund," "water works No. 90—Myrtle avenue, Joyce avenue to Parkwood avenue improvement fund" and "sewers and drains No. 72—house connection fund," respectively, to pay the costs of fire hydrant and street inspection, water service installation and sewer inspection.

Sec. 3. That the grade of said street, between the said points, shall be and it is hereby established as of record in profile book 14, page 136, on file in the office of the chief engineer.

Sec. 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that said American Homes Association, through its proper officer who shall have been authorized in writing so to do, agrees, in writing, to the terms and conditions hereof within thirty days from the date of passage, and provided further that said American Homes Association shall pay the cost of publication hereof, otherwise said ordinance shall be without force and effect.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 278-42—To grant Hampton Realty, Inc. the right and privilege to cause the improvement of Dale avenue from Mayfair boulevard to Hampton road, at no expense to the city of Columbus.

Whereas, Hampton Realty, Inc. has requested the privilege of improving Dale avenue from Mayfair boulevard to Hampton road, at no expense to the city; now, therefore,

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

Section 1. That Hampton Realty, Inc., 42 East ay street, Columbus, Ohio, be and it is hereby granted permission to cause the improvement of Dale avenue from Mayfair boulevard to Hampton road, by grading, draining, installing water services, concrete curb and gutter and a 7 inch bituminous macadam pavement (penetration method) together with all other appurtenant and incidental work thereto, all in accordance with plan marked 757, drawer C, and the specifications therefor, on file in the office of the director of public service, which are hereby approved.

Sec. 2. Said Hampton Realty, Inc. shall pay the entire cost of said improvement, shall save the city free and harmless from any and all claims for damages and shall defend, at its own cost and expense, any and all suits which may be brought or prosecuted against said city by reason of any claim arising or growing out of said improvement; and shall deposit with the city treasurer the sums of \$60 and \$150 to the "maintenance and repair No. 65—Dale avenue, Mayfair boulevard to Hampton road improvement fund" and "water works No. 90—Dale avenue, Mayfair boulevard to Hampton

road improvement fund", respectively, to pay the costs of street inspection and water service installation.

Sec. 3. That the grade of said street, between the said points, shall be and it is hereby established as of record in profile book 12, page 99, on file in the office of the chief engineer.

Sec. 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law, provided, however, that said Hampton Realty, Inc., through its proper officer who shall have been authorized in writing so to do, agrees, in writing, to the terms and conditions hereof within thirty days from the date of passage, and provided further that said Hampton Realty, Inc. shall pay the cost of publication hereof, otherwise said ordinance shall be without force and effect.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 279-42—To accept the deed of John D. Sturk and Jessica J. Sturk, his wife, dated April 30, 1942, and to dedicate the premises therein conveyed to public use for alley purposes.

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

Section 1. That the deed of John D. Sturk and Jessica J. Sturk, his wife, dated April 30, 1942, for the following real estate, situated in the county of Franklin, in the state of Ohio, and in the city of Columbus, and bounded and described as follows:

Being a part of lot No. 33 of M. L. Sullivant's subdivision of farming lands and being a part of a 2.0 acre tract of land conveyed to John D. Sturk by Jacob E. Sandusky, sheriff of Franklin county, Ohio, as the same is delineated and described in deed book 1110, page 419, recorder's office, Franklin county, Ohio, and being a strip of land 16 feet in width across said 2.0 acre tract, said strip being more particularly described as follows:

Beginning at a point in the west line of said 2.0 acre tract, said point being also the northeast corner of lot No. 3 of West Haven addition as the same is recorded in plat book 17, page 200, recorder's office, Franklin county, Ohio, and being also in the south line and east terminus of the alley north of Mound street and east of Reed street; thence northwardly with the east line of said lot No. 3 extended and the west line of said 2.0 acre tract a distance of 16.22 feet to a point in the north line of said alley, said point being also the southeast corner of lot No. 4 of said West Haven addition; thence eastwardly on a straight line a distance of 199.2 feet, more or less, to a point in the west line of Ryan avenue and east line of said 2.0 acre tract, said point being 132.47 feet north of the north line of Mound street as measured along the west line of Ryan avenue; thence southwardly with the said west line of Ryan avenue 16.22 feet to a point in said west line, thence westwardly on a line parallel to the above described eastwardly line and 16 feet distant therefrom 199.2 feet, more or less, to the place of beginning;

be and the same is hereby accepted and the premises therein conveyed are hereby dedicated to public use for alley purposes.

Sec. 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 280-42—To vacate Taylor avenue from the north line of Hudson street to the south line of the alley north of Hudson street.

Whereas, a petition, signed by the owners of all lots and lands abutting on Taylor avenue from the north line of Hudson street to the south line of the alley north of Hudson street, was duly presented to this council, praying and consenting that said street, between the limits named, be vacated, and

Whereas, council upon hearing is satisfied that there is good cause for such vacation as prayed for and 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 Taylor avenue from the north line of Hudson street to the south line of the alley north of Hudson street be and it is hereby vacated, subject to the hereinafter stipulations.

Sec. 2. That the city of Columbus, Ohio hereby reserves therein an easement ten feet in width extending the full length thereof, the center line of which is located thirty feet from the west line of Taylor avenue at Hudson street and thirty-six feet from said west line at the alley north of Hudson street, for the purpose of constructing a twenty-four inch storm drain therein, and further reserves the right and privilege to operate and maintain said storm drain, together with the right to operate and maintain any and all sewers, water lines and other utilities owned by said city. The further right is reserved to operate and maintain any and all other public utilities, if any, now existing on or in said street so vacated and the owners shall have the right to enter thereon at any time for the purpose of operating, replacing 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 upon the acceptance, in writing, of each and all of the terms and provisions of this ordinance by the owners of the abovementioned property and the payment of the cost of publication hereof.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 281-42—To vacate the alley north of Fair avenue between Brookside drive and James road, and the alley west of James road between Fair avenue and the alley north of Fair avenue.

Whereas, petitions, signed by the owners of all lots and lands abutting on the alley north of Fair avenue between Brookside drive and James road and the alley west of James road between Fair avenue and the alley north of Fair avenue, were duly presented to this council, praying and consenting that said alleys, between the limits named, be vacated, and

Whereas, council upon hearing is satisfied that there is good cause for such vacations as prayed for and that they 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 north of Fair avenue between Brookside drive and James road and the alley west of James road between Fair avenue and the alley north of Fair avenue be and the same are hereby vacated.

Sec. 2. That the city of Columbus hereby reserves the right in the alley north of Fair avenue to construct a storm drain of not less than 12 inch diameter from Brookside drive to Woodbourne place, and an 8 inch diameter sanitary sewer from James road to a manhole approximately 65 feet west of James road, and further reserves the right and privilege to operate and maintain any and all sewers, water lines and other utilities owned by said city and the right is reserved to operate and maintain any and all other public utilities, if any, now existing on or in said alleys so vacated and the owners shall have the right to

enter thereon at any time for the purpose of operating, replacing 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 upon the acceptance, in writing, of each and all of the terms and provisions of this ordinance by the owners of the above mentioned property; and the payment of the cost of publication hereof.

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 282-42—To appropriate property for alley purposes.

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

(Two-thirds of all members elected thereto concurring)

Section 1. That the following described property be and the same is hereby appropriated to public use for alley purposes, to-wit:

PARCEL 1:

Situated in the county of Franklin, in the state of Ohio, and the city of Columbus, and being in the north portion of lot No. 134, Walhalla Park Place subdivision, as recorded in plat book 9, page 16, Franklin county recorder's office, and more particularly described as follows:

Beginning at the northwest corner of lot No. 134, Walhalla Park Place subdivision; thence southeastwardly on a straight line extending from the northwest corner of said lot No. 134 to a point in the south line of said lot No. 134 and the north line of Gudrun road, said point being located at a distance of 10 feet westward from the southeast corner of said lot No. 134, a distance of 201 feet, more or less, to a point in the south line of the north portion of said lot No. 134, owned by Emma J. Worstell; thence westwardly with the said south line of the north portion of said lot No. 134, a distance of 106.6 feet, more or less, to a point in said line; thence northwestwardly on a straight line parallel to the first described line and 20 feet distant therefrom, measured at right angles, a distance of 33.7 feet, more or less, to a point in the west line of said lot No. 134; thence with the west line of said lot No. 134 a distance of 77.3 feet, more or less, to the place of beginning

PARCEL 2:

Situated in the county of Franklin, in the state of Ohio, and the city of Columbus, and being in the south portion of lot No. 134, Walhalla Park Place subdivision, as recorded in plat book 9, page 16, Franklin county recorder's office, and more particularly described as follows:

Beginning at a point in the north line of Gudrun Road and the south line of lot No. 134, said point being located at a distance of 10 feet westward from the southeast corner of lot No. 134, Walhalla Park Place subdivision; thence northeastwardly on a straight line extending from the first described point to the northwest corner of said lot No. 134, a distance of 68.25 feet, more or less, to a point in the north line of the south portion of said lot No. 134, owned by Frank P. and Mary B. Morgan; thence westwardly with the said north line of said south portion of lot No. 134 a distance of 20.1 feet, more or less, to a point in said line; thence southwardly on a straight line parallel to the first described line and 20 feet distance therefrom, measured at right angles, a distance of 72.0 feet, more or less, to a point in the south line of said lot No. 134 and the north line of Gudrun road; thence eastwardly with said south line of lot No. 134 and the north line of Gudrun road a distance of 20.75 feet, more or less, to the place of beginning.

PARCEL 3:

Situated in the county of Franklin, state of Ohio and in the city of Columbus and being a portion of the second alley west of Midgard road, va-

cated, between Gudrun road and the north line extended of lot No. 104, Walhalla Park Place subdivision, as recorded in plat book 9, page 16, Franklin county recorder's office, and more particularly described as follows:

Beginning at the point of intersection of the east line of the second alley west of Midgard road, vacated and the north line of lot No. 134, extended, thence southwestwardly with the said east line of said alley, vacated, a distance of 56.3 feet, more or less, to a point in said east line; thence northwestwardly on a straight line parallel to the east line of a proposed alley (said east line extending from the northwest corner of said lot No. 134 to a point 10 feet westward from the southeast corner of said lot No. 134 measured along the south line of said lot) and 20 feet distant therefrom measured at right angles, a distance of 54.7 feet, more or less, to the north line of said lot No. 134, extended; thence eastwardly with said north line, extended, to the place of beginning.

Sec. 2. That the city attorney be and he is hereby authorized and directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for such property.

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

Passed May 11, 1942.

W. HERBERT DAILEY,
President of Council.

Approved May 12, 1942.

FLOYD F. GREEN, Mayor.

Attest: HELEN T. HOWARD, City Clerk.

AN ORDINANCE No. 283-42—To authorize the director of public service to advertise for bids and to enter into contract for a concession lease covering the use, operation and maintenance of a city owned boat house located at Griggs' dam on the Scioto river, together with the privilege of the sale of gasoline, oil, aquatic supplies, fishing supplies, sandwiches, coffee, soft drinks, confections, etc., and to repeal ordinance No. 791-41, passed November 24, 1941.

Whereas, it is desirable that a new concession lease be made covering the operation and maintenance of the city owned boat house at Griggs' dam, together with the privilege of the sale of gasoline, oil, aquatic supplies, fishing tackle and supplies, sandwiches, coffee, soft drinks, confections, etc. on the city owned property in the vicinity thereof, and

Whereas, an emergency exists in the usual daily operation of the department of public service in that the existing lease concession will expire on May 31, 1942 and it is immediately necessary that a new concession lease be entered into; 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 advertise for bids and to enter into contract for a concession lease covering the use, operation and maintenance of the city owned boat house located on the east bank of the Scioto river north of Griggs' dam, together with the privilege of the sale of gasoline, oil, aquatic supplies, fishing tackle and supplies, sandwiches, coffee, soft drinks, confections, etc. on the city owned property in the vicinity of said Griggs' dam, subject to the following terms and conditions:

(a) Said concession lease shall provide for the exclusive use of the boat house and grounds by the successful bidder for the purposes herein stipulated and subject to the conditions hereinafter set forth and such regulations as the director of public service may impose, except that the successful bidder shall have the privilege of making a concession sub-lease covering the sale of aquatic supplies, fishing tackle and supplies, sandwiches, coffee, soft drinks, confections, etc. Such sub-lease shall be subject to the approval of the director of public service and the stipulations and conditions herein set