

RESOLUTION NO. 525 CMS

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE  
LINCOLN AND HAMILTON STREETS IN THE CITY OF OBERLIN,  
OHIO, BY CREATING A SANITARY SEWER DISTRICT AND  
DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the City of Oberlin, Lorain County, Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That it is necessary to improve Lincoln and Hamilton Streets in the City of Oberlin, Ohio, as shown on the plans hereinafter referred to, prepared by the City Engineer, by creating a sanitary sewer district.

SECTION 2. It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof. Council further finds and determines that said improvement has been petitioned for by the owners of sixty per cent or more of the foot frontage of the property abutting upon said improvement between the said termini (owners of seventy-five per cent or more of the area to be assessed for said improvement).

SECTION 3. That the grade of said Lincoln and Hamilton streets and improvement shall be the grade as shown by the engineer's plans and profiles which are made a part hereof.

SECTION 4. That the plans, specifications, estimates and profiles of the proposed improvement, heretofore prepared by the engineer and now on file in the office of the Clerk of this Council, are hereby approved.

SECTION 5. That the whole cost of said improvement shall be assessed by the foot front of the property bounding and abutting on the improvement upon the following described lots and lands, to wit:

Situated in the City of Oberlin, County of Lorain, State of Ohio, bounded and described as follows:

Beginning at a point in the southerly line of Lincoln Street, distant 206.0 feet westerly from the westerly line of South Main Street; thence easterly in the southerly line of Lincoln Street and in said southerly line extended easterly, a distance of 522.0 feet to a point; thence southerly in a line parallel to the easterly line of South Main Street and 250.0 feet easterly therefrom, a distance of about 1,024.00 feet to the center line of Hamilton Street; thence westerly in the center line of South Main Street; thence westerly in the center line of Hamilton Street, a distance of about 3,400.00 feet to the center line of Lincoln Street; thence continuing westerly a distance of about 421.00 feet to the westerly line of lands of the Citizens Home and Savings Association; thence northerly in said Citizens Home and Savings Association westerly line, to the southerly line of the New York Central Railroad right-of-way; thence northeast in said southerly line, a distance of about 1,358.0 feet to the easterly line of Sublot 87 of Follet's 2nd Addition; thence southerly in said easterly lot line a distance of about 447.0 feet to the center line of Lincoln Street; thence easterly in the center line of Lincoln Street, about 3.20 feet to the easterly line of lands owned by Howard and A. Owen; thence southerly in said easterly line, about 429.35 feet to a point and southerly line of Follet's

2nd Addition; thence easterly in said southerly line about 1,450.26 feet to a point distant 330.0 feet westerly from the center line of Professor Street; thence southerly 181.50 feet to a point; thence easterly and parallel to Hamilton Street 330.0 feet to the center line of Professor Street; thence northerly in the center line of Professor Street 82.50 feet to a point; thence easterly in the northerly line of lands owned by the Oberlin American Legion, to a point 330.0 distant westerly from the westerly line of South Main Street; thence northerly a distance of 398.64 feet to a point; thence easterly in the northerly line of Lot 31 of Follet's 1st Addition, 124.0 feet to a point; thence northerly and parallel to South Main Street, 198.0 feet to the southerly line of Lincoln Street and the place of beginning.

All lots and lands bounding and abutting upon the proposed improvement between the termini aforesaid, which said lots and lands are hereby determined to be specially benefited by said improvement; and the cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the improvement assessed in favor of any owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services including obtaining an approving legal opinion, cost of labor and material and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments together with all other necessary expenditures.

SECTION 6. That the engineer of this city be and he is hereby authorized and directed to prepare and file in the office of the clerk of this Council the estimated assessments of the cost of the improvement described in this resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of this Council and shall be prepared pursuant to the provisions of this resolution. When such estimated assessments have been so filed, said Clerk shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be served on the owners of all lots and lands to be assessed as provided in RC 727.13.

SECTION 7. That the assessments to be levied shall be paid in ten (10) 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 passage of the assessing ordinance.

SECTION 8. That bonds of the city shall be issued in anticipation of the collection of assessments by installments and in an amount equal thereto and notes of said city shall be issued in anticipation of the issuance of such bonds and the levy of such assessments.

SECTION 9. That all claims for damages resulting therefrom that have been legally filed shall be inquired into before the commencement of the proposed improvement, and the solicitor shall be, and he is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims that have been so filed.

SECTION 10. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said city, and for the further reason that the immediate construction of said improvements is necessary to protect the health of the abutting owners and the inhabitants of the city; wherefore, this resolution shall be in full force and effect from and immediately after its passage.

PASSED: 5/3/65 Emergency

ATTEST:

*Ruth B. Gregg*  
CLERK OF COUNCIL

*Lyple K. Butler*  
CHAIRMAN OF COUNCIL

POSTED: 5/6/65 thru  
5/20/65

It hereby certifies that the foregoing is a true and correct copy of the original resolution as passed by the Council of the City of St. Louis, Missouri, on the 3rd day of May, 1965.  
*Ruth B. Gregg*  
Clerk of Council