

RESOLUTION NO. 528 CMS

A RESOLUTION DECLARING THE NECESSITY OF CONSTRUCTING  
A STORM SEWER AND ALL NECESSARY APPURTENANCES THERETO  
IN THE TERRITORY HERETOFORE DESIGNATED BY COUNCIL AS  
OBERLIN STORM SEWER DISTRICT NO. 12 AND DECLARING AN  
EMERGENCY

WHEREAS, the council of the City of Oberlin, Ohio has determined to provide further storm sewerage facilities for that part of the city hereinafter described and heretofore established as Oberlin Storm Sewer District No. 12 by Ordinance No. 395 AC CMS, passed on May 17, 1965; and

WHEREAS, this council has directed the City Engineer to devise and form a plan of sewerage of said sewer district, and said City Engineer has devised, formed and submitted such a plan, together with the requisite details, specifications and cost estimates; and

WHEREAS, the council has duly accepted and approved the aforementioned plan;

NOW, THEREFORE, 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 construct the following described storm sewer improvement together with all necessary appurtenances thereto as provided for in the plan of sewerage of Oberlin Storm Sewer District No. 12, which sewer district includes all the properties within the limits described in Section 4 hereof, and which plan has heretofore been approved by this council and is now on file in the office of the Clerk of Council, and that the portion of the work therein provided for which it is hereby determined to construct and to be required for immediate use is as follows:

A storm sewer and all necessary appurtenances thereto in the following location:

Beginning at the intersection of Walnut and North Pleasant Streets, thence northerly in North Pleasant Street with 15" - 18" pipe about 1300 feet to a point 20 feet south of the northerly line of the Board of Education lands east of North Pleasant Street; thence continuing northerly in North Pleasant Street 500 feet to Maple Street with an 18" pipe; thence westerly in Maple Street to North Main Street with a 15" pipe. Thence beginning in North Pleasant Street at a point 20' south of the Board of Education north line; thence easterly a distance of 950 feet of 24" - 27" pipe; thence continuing easterly a distance of 150 feet of 36" pipe; thence continuing easterly and southeasterly a distance of 2560 feet of open ditch with a 3 foot bottom. Together with catch basins, manholes and other appurtenances to said sewer line.

And that said improvement is hereby determined to be conducive to and required by the public health, convenience and welfare of said city.

SECTION 2. 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 3. That said district storm sewer improvement shall be constructed in accordance with the plans and specifications heretofore prepared by the City Engineer, and now on file in the office of the Clerk of this Council, and shall be constructed of the kind of materials specified in said plans and specifications, which said plans and specifications, by reference thereto, are incorporated herein and made a part hereof. That the plans, specifications, estimates, and profiles for said improvement so prepared by said City Engineer and now on file in the office of the Clerk of Council are hereby approved.

SECTION 4. That the entire cost of constructing the aforesaid improvement, less approximately \$2,489.35, and the cost proportionate to the acreage in the streets of the city, shall be assessed by the foot front, and front footage, from the improvement upon all lots and lands located within said Oberlin Storm Sewer District No. 12, which district is described as follows:

Beginning at a point in the center line of Walnut Street and easterly line of North Main Street; thence northerly in the easterly line of North Main Street to the center line of Maple Street and northerly corporation line of Oberlin, City; thence easterly in said corporation line to the center line of Oberlin Road and easterly corporation line of Oberlin City; thence in said center line, southerly to the center line of the New York Central Railroad Right-of-way; thence southwesterly in said center line, to the center line of Lorain Street; thence westerly in said center line to the westerly line of Russia Township Lot 77; thence in said westerly line of Lot 77 and known as Hovey Lane, northerly a distance of 275 feet to a point; thence northwesterly to a point in the center line of North Park Street, distant 786 feet northerly from the center line of Lorain Street; thence westerly to the intersection of the center lines of North Pleasant Street and Walnut Street; thence westerly in the center line of Walnut Street to the place of beginning of lands herein described, be and the same is hereby designated Storm Sewer District No. 12.

Being and the same is hereby established as a storm sewer district and shall be designated as City of Oberlin Storm Sewer District No. 12.

Said lots and lands are hereby determined to be specially benefited by said improvement and the cost of said improvement shall include the expense of preliminary and other surveys, and of printing and publishing the notices, resolutions and ordinances required, and the service of said notices, and 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, legal or otherwise, in connection with the financing thereof.

SECTION 5. That the Engineer of the 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 improvements 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 Revised Code Section 727.13.

SECTION 6. That the assessments 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 (30) days after passage of the assessing ordinance.

SECTION 7. 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 8. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that it is urgently necessary to provide further for the sewerage of the aforesaid district to eliminate existing unsanitary conditions therein and to preserve and protect the health of the residents thereof, and this resolution shall therefore go into immediate effect upon the passage thereof.

PASSED: May 17, 1965 Emergency

ATTEST:

Ruth B. Gregg  
CLERK OF COUNCIL

Lytle K. Butler  
CHAIRMAN OF COUNCIL

POSTED: 5/21/65 thru  
6/4/65

Ruth B. Gregg  
Clerk of Council