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RESOLUTION NO. 529 CMS

AMENDING RESOLUTION NO. 512 CMS AND DECLARING THE NECESSITY OF CONSTRUCTING A STORM SEWER AND ALL THE NECESSARY APPURTENANCES THERETO IN THE TERRITORY THERETO IN THE TERRITORY HERETOFORE DESIGNATED BY COUNCIL AS OBERLIN STORM SEWER DISTRICT NO. 1, 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 herein-after described and heretofore established as Oberlin Storm Sewer District No. 1 by Ordinance No. 297 AC CMS passed on April 1, 1963; and amended on May 3, 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. 1, which sewer district includes all the properties within the limits described in Section 3 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 outfall end of the project, 1160 feet south of Morgan Street in lands of Oberlin College; thence northerly in an existing open ditch, enclosing said ditch with a 54" pipe, to Morgan Street; thence northerly adjacent to the easterly lines of Fairway Subdivision, Robin Park Subdivision and Westmoor Colony Subdivision a distance of 1567 feet of 48" pipe to a manhole; thence westerly through lands of Robin Park Subdivision, 1138 feet of 36" pipe to Pyle-South Amherst Road; also, beginning at the manhole above described and extending easterly and northerly to West College Street with a 36" pipe; a distance of 448 feet; thence easterly in West College Street 400 feet to a point with a 30" pipe; thence northerly through lands of Julia W. Wilson, et al, G. L. Severs, Eric Nord, a distance of about 915 feet, with a 24" pipe to Lorain Street, to the end of the project,

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

SECTION 2. 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 thereof. 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 3. That the entire cost of constructing the aforesaid improvement, less one-fiftieth ($1/50$ th) thereof, and the cost proportionate to the acreage in the streets of the City, shall be assessed in proportion to the benefits which may result from the improvement upon all lots and lands located within said Oberlin Storm Sewer District No. 1, which district is described as follows:

Beginning in the intersection of Pyle-South Amherst Road and Morgan Street center lines and being also the southeast corner of Original Township Lot 83; thence westerly in the southerly line of Lot 83 to the westerly line of lands now owned by Clark Bros., Inc.; thence northerly in said westerly line to the southerly line of Lorain Street; thence easterly in said southerly line to a point 200 feet easterly from the center line of Pyle-South Amherst Road and westerly corporation line of Oberlin City; thence northerly in said corporation line 200 feet from the center line of Lorain Street to the northerly corporation line of Oberlin City; thence easterly in said line to the westerly line of former Lorain-Ashland and Southern Railroad right-of-way; thence northerly in said line to the southerly line of Union Street extended westerly; thence in the extension and in the southerly line of Union Street, easterly to a point in the center line of an alley, distant 192 feet easterly from the easterly line of North Prospect Street; thence southerly in said center line 200 feet to a point; thence easterly in a line parallel to Union Street to the center line of an alley, 173 feet easterly from the easterly line of Hollywood Street; thence in said center line southerly 100 feet to a point; thence in a line 300 feet southerly from the southerly line of Union Street and parallel thereto, to a point 272.25 feet easterly from the easterly line of Woodland Avenue; thence southerly in a line parallel to Woodland Avenue, 145 feet therefrom, to a point 220 feet westerly from the westerly line of Main Street; thence southerly in a line parallel to Main Street 198.0 feet; thence easterly, parallel to Union Street, to the easterly line of Main Street; thence southerly in the easterly line of Main Street to the southerly line of Vine Street; thence westerly in the southerly line of Vine Street to the easterly line of Professor Street; thence southerly in said easterly line to a point 200 feet southerly from the southerly line of Forest Street; thence westerly in a line parallel to Forest Street to a point 434 feet easterly from the easterly line of Cedar Street; thence northerly, parallel to Cedar Street to a point 179.5 feet northerly from the northerly line of Forest Street; thence westerly parallel to Forest Street to a point 150 feet easterly from the easterly line of Prospect Street; thence northerly in a line parallel to Prospect Street, to a point 150 feet southerly from the southerly line of Elm Street; thence westerly, parallel to Elm Street, to a point 200 feet westerly from the westerly line of Prospect Street; thence northerly, parallel to Prospect Street, to a point 200

feet northerly from the northerly line of Elm Street; thence westerly, parallel to Elm Street, to a point in the westerly line of formerly Lorain-Ashland and Southern Railroad right-of-way; thence southerly in said westerly line to a point 200 feet northerly from the northerly line of Morgan Street; thence westerly, parallel to Morgan Street, to the former westerly line of Oberlin Village; thence southerly in said westerly line to a point 1000 feet southerly from the southerly line of Morgan Street; thence westerly, parallel to Morgan Street; thence westerly, parallel to Morgan Street, to a point 200 feet easterly from the easterly line of Pyle-South Amherst Road; thence northerly parallel to said road, to the center line of Morgan Street; thence westerly in said Street to the place of beginning of lands herein described.

SECTION 4. That the entire cost of constructing the aforesaid, less approximately \$13,000.00, and the cost proportionate to the acreage in the streets of the city, shall be assessed by the foot front from the improvement upon all lots and lands located within said Oberlin Storm Sewer District No. 1. 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 serving 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 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 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 (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 (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 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 9. 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:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: 5/24/1965 thru
6/7/65

