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RESOLUTION NO. 536

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE EASEMENTS OF THE CITY OF OBERLIN AND WEST COLLEGE STREET BETWEEN CERTAIN TERMINI BY CONSTRUCTING A STORM SEWER AND ALL NECESSARY APPURTENANCES THERETO, REPEALING RESOLUTION NO. 512 CMS, PASSED JUNE 15, 1965, AND RESOLUTION NO. 529 CMS, PASSED MAY 17, 1965, AND DECLARING AN EMERGENCY

BE IT RESOLVED by the Council of the City of Oberlin, Lorain County, Ohio, three-fourths of all members elected thereto concurring;

Section 1. That it is necessary to improve in the City of Oberlin, Ohio, easements of the City of Oberlin and West College Street 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 and 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 project, by constructing a storm sewer and all necessary appurtenances thereto.

Section 2. That said street and easements shall be improved as shown on the plans hereinafter referred to and now on file in the office of the Clerk of this Council.

Section 3. 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.

Section 4. That the grade of said street, easements, and improvement shall be the grade as shown by the plans and profiles which have been prepared by the City Engineer, and which are made a part hereof.

Section 5. That the plans, specifications, estimates, and profiles of the proposed improvement, heretofore prepared by the City Engineer, all of which are now on file in the office of the Clerk of this Council, are hereby approved.

Section 6. That the whole cost of said improvement, less one-fiftieth of such whole cost and the cost proportionate to the acreage in the streets of the City, which this Council finds is in excess of the cost of intersections, shall be assessed in proportion to the benefits upon all lots and lands situated within the following described area to be known as West Side Storm Sewer Area, to-wit:

Beginning in the intersection of Pyle-South Amherst Road and Morgan Street center lines and being also the southeast corner of (Original Township Lot #3); thence westerly in the southerly line of Lot #3 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 east in the southerly line of Union Street, easterly to a point in the center line of an alley, distant 1/2 feet easterly from the westerly 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 westerly 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 westerly line of Woodland Avenue; thence southerly in a line parallel to Woodland Avenue, 145 feet therefrom, to a point 200 feet easterly from the westerly line of Main Street; thence southerly in a line parallel to Main Street 193.0 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 4 3/4 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 former Lorain-Ashland and Southern Railroad right-of-way; thence southerly in said westerly line to a point 200 feet northerly from the southerly 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.

All of 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 7. That the City Engineer 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 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 8. That the assessments to be levied shall be paid in 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 9. 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 and collection of such assessments.

Section 10. That the remainder of the entire cost of said improvement allocated to the City of Oberlin as aforesaid, after application of the assessments herein provided, shall be paid by the issuance of bonds in the manner provided by law or from other funds available for this purpose.

Section 11. That Resolution No. 512 CMS passed June 15, 1965 and Resolution No. 529 CMS, passed May 17, 1965, be and the same are hereby repealed.

Section 12. 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 improvement is necessary to provide necessary drainage and to relieve inadequate drainage and prevent flooding conditions to protect the health of the residents within the area to be drained and benefited by said improvement; wherefore, this resolution shall be in full force and effect from and immediately after its passage.

PASSED: 9/20/65 Emergency

ATTEST:

Ruth B. Gragg
Clerk of Council

Lynell K. Butler
Chairman of Council

POSTED: 9/22/65 thru
10/6/65

I hereby certify that the posting and/or publication of this resolution in accordance with section 14 of the Charter of the City of [unclear] is in accordance with the Charter.

Ruth B. Gragg
Clerk of Council