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RESOLUTION No. 537

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE SOUTH MAIN STREET, HAMILTON STREET (WEST), LINCOLN STREET, AND EASEMENTS OF THE CITY BETWEEN CERTAIN TERMINI BY CONSTRUCTING SANITARY SEWERS, SANITARY SEWER CURB CONNECTIONS, A LIFT STATION AND ALL NECESSARY APPURTENANCES THERETO, REPEALING RESOLUTION NO. 525 CMS, PASSED MAY 3, 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 South Main Street from Lincoln Street to Hamilton Street, Hamilton Street (West) from South Main Street westerly a distance of approximately 3,307 feet, Lincoln Street from a point approximately 105 feet northerly of the center line of Hamilton Street (West) northerly approximately 337 feet to an angle in Lincoln Street and thence Northeasterly approximately 902 feet to a point, and easements of the City of Oberlin through the easterly 10 feet of lands now or formerly owned by Clark Brothers, Inc. (Twp. Lot 34, Sublot A), by Citizens Home & Savings Association (Twp. Lot 34, Sublot 4) and by Thomas and Jennie Parker (Twp. Lot 34, Sublot 4), said easements extending from a point in Hamilton Street (West) approximately 3,207 feet westerly of South Main Street and approximately 173 feet easterly of the easterly line of Lincoln Street northerly to Lincoln Street.

Section 2. That said streets 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 by constructing sanitary sewers, sanitary sewer curb connections, a lift station at South Main Street and Lincoln Street and all necessary appurtenances thereto. Council further finds and determines that said improvement has been petitioned for by the owners of 60% or more of the foot frontage of property abutting upon said improvement between the termini aforesaid.

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 streets and improvement shall be the grade as shown by the City Engineer's plans and profiles 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 and now on file in the office of the Clerk of this Council, are hereby approved.

Section 6. That 40% of the whole cost of said improvement which this Council finds to be in excess of the cost of intersections and one-fiftieth of such whole cost shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to-wit:

All lots and lands situated in the City of Oberlin bounding and abutting upon South Main Street, Hamilton Street (West) and Lincoln Street between the terminal 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 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 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 Section 727.13 of the Revised Code.

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 the 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 10. That the remainder of the entire cost of said improvement after application of the assessments herein provided, shall be paid by the issuance of bonds in the manner provided by law.

Section 11. That Resolution No. 525 CMS passed May 3, 1965 be and the same is 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 protect the health of the property owners to be assessed and the inhabitants of the City; wherefore, this resolution shall be in full force and effect from and immediately after its passage.

Passed: 9/20/65, 1965 Emergency

Attest:

Ruth B. Gragg
Clerk of Council

Lyle K. Butler
Chairman of Council

Posted 9/22/65 thru 10/6/, 1965

Ruth B. Gragg
Clerk of Council