

## **SCANNER NOTE:**

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RESOLUTION NO. 590 CMS

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE IN STORM SEWER DISTRICT #12 EASEMENTS OF THE CITY OF OBERLIN, NORTH PLEASANT STREET, AND MAPLE STREET BETWEEN CERTAIN TERMINI BY CONSTRUCTING A STORM SEWER AND ALL NECESSARY APPURTENANCES THERETO AND BY CHANGING THE CHANNEL OF, DREDGING, DEEPENING AND OTHERWISE IMPROVING A WATERCOURSE, AND DECLARING AN EMERGENCY

WHEREAS, this Council has heretofore by Ordinance No. 395 AC CMS, passed 4/5/65 and No. 562 AC CMS, passed 3/18/68, created Storm Sewer District #12; and

WHEREAS, the general plan for storm water sewerage for such sewer district was approved by Ordinance No. 573 AC CMS, passed May 20, 1968;

NOW, THEREFORE, 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 Storm Sewer District No. 12 of the City of Oberlin, Ohio, North Pleasant Street from a point approximately 330 feet north of the centerline of Walnut Street northerly to Maple Street, Maple Street from North Pleasant Street to North Main Street, and an easement of the City from a point approximately 1,393 feet north of Walnut Street easterly a distance of approximately 1,069 feet to an open watercourse by constructing a storm sewer and necessary appurtenances thereto, and easements of the City following the course of such watercourse from the easterly terminus of such storm sewer in the aforesaid easement easterly a distance of approximately 3,850 feet to Oberlin Avenue by changing the channel of, dredging, deepening and otherwise improving such watercourse.

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.

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, easements, and improvements 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. The City shall pay one-fiftieth of the cost of such improvement, the cost proportionate to the acreage in the streets of the City within the area to be assessed (which this Council finds is in excess of the cost of intersections), the difference, as determined by the City Engineer, between the cost of constructing a 12-inch storm sewer in North Pleasant Street and Maple Street and the cost of constructing the size of sewer to be constructed therein, the cost of pavement replacement on North Pleasant Street and Maple Street, and the cost of constructing catch-basins in Maple Street; and as to the remainder of the cost of the improvement the City shall also pay the amount which would be assessed, as determined by the City Engineer, against the lots and lands bounding and abutting on the north side of Maple Street from North Pleasant Street to North Main Street. If such lots and lands were situated within the City of Oberlin. The balance of the cost of such improvement shall be assessed in proportion to the benefits upon all lots and lands situated within the following described area within Storm Sewer District No. 12, to-wit:

Beginning in the center line of Walnut Street and easterly line of North Main Street; thence northerly in said easterly street line 219.15 feet to a point; thence easterly 200 feet to a point; thence northerly, parallel to North Main Street to a point 325 feet southerly from the center line of Maple Street; thence westerly, parallel to Maple Street 233 feet to the center line of North Main Street; thence northerly in said center line 325 feet to the center line of Maple Street and Northern Corporation line of Oberlin City; thence easterly in said Corporation Line to the center line of Oberlin Road; thence southerly in said center line to the northerly line of the New York Central Railroad Southern Division Right-of-way; thence south-westerly in said line to the northerly line of Lorain Street; thence westerly in said Street line to the centerline of Hovey Lane; thence north-westerly to the center line of Walnut Street and it's intersection with the center line of North Pleasant Street; thence westerly in the center line of Walnut Street to the easterly line of North Main Street and 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 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 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.

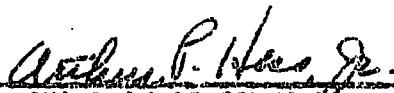
Section 11. That the aforesaid storm sewers and necessary appurtenances thereto and improvement of such watercourse constitute the portion of the work provided for in such general plan required for immediate use and which this Council has determined to construct.

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 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: May 20, 1968

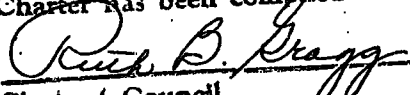
ATTEST:

  
CLERK OF COUNCIL

  
CHAIRMAN OF COUNCIL

POSTED: 5/27/68 thru  
6/11/68

I hereby certify that the posting and/or publication as outlined in Sec 14 of the Charter has been complied with.

  
Clerk of Council