

RESOLUTION NO. 592 CMS

A RESOLUTION DECLARING INTENT TO APPROPRIATE AN
EASEMENT IN PROPERTY FOR STORM SEWER PURPOSES

WHEREAS, the development of the watershed of the NorthEast Storm Sewer District No. 12, in Oberlin, Ohio, has caused a greatly increased flood flow at times of heavy rains with increased damage to land and property; and

WHEREAS, it is necessary and advisable for the public health and safety, and to prevent damage to property, to control the flow of flood water at times of heavy rains by the construction of a NorthEast storm sewer interceptor and drainage ditch.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, Lorain County, State of Ohio, three-fourths (3/4ths) of all members elected thereto concurring:

SECTION 1. That it is determined necessary and it is hereby declared to be the intent of this Council to appropriate for public use and public welfare, the perpetual right-of-way, easement and rights hereinafter described in, over and across that portion of the real estate now or formerly owned by Mary J. Pringle, also known as Mary Randleman, for the purpose of improving, constructing and reconstructing a storm and surface water drainage ditch and storm sewers, such perpetual right-of-way and easement being described and set forth as follows:

"Situating in the City of Oberlin, County of Lorain and State of Ohio and being a part of Original Russia Township Lot No. 77 and being part of Lorain County Auditor's Parcel No. 9-00-077-001 and being a strip of land 40 feet in width for a temporary construction easement and 25 feet in width for a permanent easement of which 40 foot strip in width and 25 foot width strip, the following is the centerline:

Beginning at a point in the Easterly line of lands of Felix White, Jr., in Original Lot 76 of Russia, Township and known as 9-00-076-104-001 on Auditor's Records of Lorain County, at a point 95.0 feet Northerly from the SouthEasterly corner of said lands; said point of beginning being also the Westerly line of Grantor's lands; thence SouthEasterly in Grantor's lands, a distance of 450 feet to the Easterly line of said lands and being 360 feet distant from the SouthEasterly corner thereof."

The perpetual right-of-way, easement and rights shall include the right at all times to enter upon said premises to construct a storm and surface water drainage ditch, to lay, install, repair, maintain, improve, remove or reconstruct therein a storm sewer including all necessary appurtenances thereto, and to clean, straighten, widen, relocate or fill such drainage ditch, and to do any other thing which may be necessary in the judgment of the City of Oberlin, in order to construct, repair, maintain, improve, relocate or fill such drainage ditch or storm sewer, and shall also include the right to restrict and prohibit at all times the construction of such easement or above or subjacent thereto of any buildings, structures, improvements, tunnels or facilities, of any kind, and the storing or placing of any materials, equipment or other obstructions thereon, or excavation therein interfering with said storm sewer or drainage ditch, the access thereto, or the maintenance thereof, or otherwise interfering therewith; provided that, notwithstanding the foregoing restrictions and prohibitions, the owner or owners of such premises may make any of the uses or do any of the things to the foregoing premises with the express written consent of the owner of such easement, and the owner or owners of such premises shall retain the right to use said premises within the limits of the above described easement for such purposes as are not herein expressly prohibited by and are not inconsistent with the rights and easement hereby obtained; and provided, further, that the City of Oberlin shall remove or cause to be removed all debris arising from the installation and construction of said storm sewer or drainage ditch and appurtenances and shall restore the above described premises and the premises described hereof substantially to their condition prior to construction, except provided above and except anything existing in violation of the restrictions aforesaid, and that in the exercise of its rights of ingress and egress and its rights to maintain, repair, improve, and reconstruct said storm sewer and appurtenances, such City shall restore or cause to be restored said premises to their condition existing prior to such ingress and egress and work, excepting anything existing in violation of the restrictions aforesaid.

SECTION 2. That the City Manager be and he is hereby authorized to cause written notice of the passage of this Resolution to be given to the owners, persons in possession or having an interest of record in the above-described premises and said Notice to be served according to law by a person to be designated for that purpose by said City Manager and to make return of said service of notice in the manner provided by law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety and welfare of the City of Oberlin, Ohio, to-wit:

To provide for adequate storm water drainage
in the City of Oberlin, Ohio

and shall take effect immediately upon passage.

PASSED: May 20, 1968

ATTEST:

Paul B. Gregg

CLERK OF COUNCIL

Paul B. Gregg
Arthur P. Nease Jr.

CHAIRMAN OF COUNCIL

POSTED: 5/28/68 thru 6/11/68