

RESOLUTION NO. 647 CMS

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE WEST COLLEGE STREET BETWEEN CERTAIN TERMINI IN THE CITY OF OBERLIN, OHIO, BY GRADING, CONSTRUCTING OF STORM SEWERS, CONSTRUCTION CURBS AND GUTTERS AND PAVING, 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, West College Street from West Lorain Street easterly a distance of approximately 2894 feet to Prospect Street.

SECTION 2. That said street 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 grading, constructing storm sewers, constructing curbs and gutters and paving.

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 and improvement shall be the grade as shown by the plans and profiles which have been prepared by the Department of Highways and which are made a part hereof.

SECTION 5. That the plans, specifications, estimates and profiles of the proposed improvement, heretofore prepared by the Department of Highways and now on file in the office of the Clerk of this Council, are hereby approved.

SECTION 6. That there shall be assessed in proportion to the benefits upon the lots and lands bounding upon the proposed improvement between the termini aforesaid that portion of the whole cost of the improvement in excess of the amount allocated to the improvement as a state grant by the Department of Highways, less 2% of such excess and that portion of the cost of intersections included in such excess.

All of said lots and lands are hereby determined to be specifically 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 cost 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 materials 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 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 improvement now on file in the office of the Clerk of this Council and the allocation of costs as set forth in Section 6 of this resolution 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 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 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 or from other funds available for this purpose.

SECTION 11. 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 eliminate existing hazards to pedestrian and vehicular traffic; wherefore, this resolution shall be in full force and effect from and immediately after its passage.

Passed: October 7, 1971

Attest:

Paul B. Gregg  
Clerk of Council

Robert S. Thomas  
Chairman of Council

Posted: 10/28, 1971