

RESOLUTION NO. 842 AC CMS

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE MAIN STREET AND COLLEGE STREET BETWEEN CERTAIN TERMINI BY GRADING AND PAVING, CONSTRUCTING AND RECONSTRUCTING SIDEWALKS (INCLUDING DECORATIVE PAVING), CURBS, GUTTERS, DRIVEWAY AND PEDESTRIAN APPROACHES, CATCH BASINS AND STORM SEWERS, MAKING RELATED SANITARY SEWER AND WATERLINE IMPROVEMENTS, RELOCATING OVERHEAD ELECTRICAL EQUIPMENT UNDERGROUND, ACQUIRING AND INSTALLING STREET FURNITURE AND RELATED EQUIPMENT, PLANTING SHADE TREES AND LANDSCAPING AND IMPROVING THE RELATED AREAS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Council and certain residents of the City have been discussing the possibility of improving a portion of the downtown business area for the past several years; and

WHEREAS, this Council has met with interested parties and discussed the possibility of assisting downtown residents and merchants in improving the downtown business area of the City; and

WHEREAS, the owners of some of the property located along Main Street and College Street have presented this Council with requests for certain specific improvements and have also requested this Council consider participating in those improvements and assist in their construction by contributing some City funds and by levying special assessments on properties benefitted by the construction of those improvements; and

WHEREAS, this Council finds and determines that there exists sufficient interest by residents of the area proposed to be assessed for the construction of a project to improve a portion of Main Street and College Street; and

WHEREAS, plans, specifications, profiles and estimates of cost for proposed improvements have been prepared and filed with this Council;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, three-fourths of all members thereof concurring, that:

Section 1. It is necessary to improve Main Street from Vine Street to College Street and College Street from South Pleasant Street to College Place in the City of Oberlin, Ohio.

Section 2. Those streets shall be improved by grading and paving, constructing and reconstructing sidewalks (including decorative paving), curbs, gutters, driveway and pedestrian approaches, catch basins and storm sewers, making related sanitary sewer and waterline improvements, relocating overhead electrical equipment underground, acquiring and installing street furniture and related equipment, planting shade trees, and landscaping and improving the related areas, together with all necessary appurtenances thereto, all as shown on the plans, specifications, and profiles referred to below and now on file in the office of the Clerk of Council.

Section 3. It is hereby found, determined and declared that this proposed improvement is and will be conducive to the public health, convenience and welfare of this City and the inhabitants thereof.

Section 4. The grade of those streets and improvements shall be the grade as shown on the plans, specifications and profiles which are now on file and have been prepared by E. G. & G., Incorporated and Finkbeiner, Pettis & Strout, Limited.

Section 5. The plans, specifications, estimate of cost and profiles for the proposed improvements, heretofore prepared by E. G. & G., Incorporated and Finkbeiner, Pettis & Strout, Limited and now on file in the office of the Clerk of Council, are hereby approved and made a part of this resolution.

Section 6. The whole cost of the improvement described in those plans, specifications and profiles less at least two percent of that whole cost together with the cost of intersections shall be assessed in proportion to the benefits resulting from the improvement upon the following lots and lands:

<u>Permanent Parcel No.</u>	<u>Permanent Parcel No.</u>
60-09-00-086-102-.001	60-09-00-085-112-.001
60-09-00-086-102-.002	60-09-00-085-112-.002
60-09-00-086-102-.003	60-09-00-085-112-.004
60-09-00-086-102-.004	60-09-00-085-112-.005
60-09-00-086-102-.005	60-09-00-085-112-.006
60-09-00-086-102-.006	60-09-00-085-112-.007
60-09-00-086-102-.007	60-09-00-085-112-.008
60-09-00-086-102-.009	60-09-00-085-112-.009
60-09-00-086-102-.010	60-09-00-085-112-.010
60-09-00-086-102-.011	60-09-00-085-112-.011
60-09-00-086-102-.012	60-09-00-085-112-.012
60-09-00-086-102-.020	60-09-00-085-112-.013
60-09-00-086-102-.021	60-09-00-085-112-.014
60-09-00-086-102-.026	60-09-00-085-112-.015
60-09-00-086-102-.029	60-09-00-085-112-.016
60-09-00-086-102-.033	60-09-00-085-112-.017
60-09-00-086-102-.034	60-09-00-085-112-.018
60-09-00-086-102-.038	60-09-00-085-112-.029
60-09-00-086-102-.040	60-09-00-085-112-.030
60-09-00-086-102-.048	60-09-00-085-112-.031
60-09-00-086-102-.049	60-09-00-085-112-.053
60-09-00-086-102-.050	60-09-00-085-112-.054
60-09-00-086-102-.051	60-09-00-085-112-.056
60-09-00-086-102-.058	60-09-00-085-112-.067
60-09-00-086-102-.061	60-09-00-085-112-.068
60-09-00-086-102-.083	60-09-00-085-112-.069
60-09-00-086-102-.084	60-09-00-085-112-.070
60-09-00-086-102-.086	60-09-00-085-112-.077
60-09-00-086-102-.092	60-09-00-085-112-.078
60-09-00-086-102-.094	60-09-00-085-112-.079
60-09-00-086-102-.095	60-09-00-085-112-.081
60-09-00-086-102-.097	60-09-00-085-112-.083

The whole cost of the 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 for the improvement any required real estate or interests in real estate, 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. E. G. & G., Incorporated and Finkbeiner, Pettis & Strout, Limited are hereby authorized and directed to prepare and file in the office of the Clerk of Council the estimated assessments of the cost of the improvement described in this resolution. Those estimated assessments shall be based upon the estimate of cost for the improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this resolution. When the estimated assessments have been filed, the Clerk of Council shall serve or cause to be served notice of the adoption of this resolution and the filing of the estimated assessments on the owners of all lots and lands proposed to be assessed, in the manner provided by law.

Section 8. The assessments to be levied shall be paid to the City in twenty (20) annual installments, with interest on the unpaid principal amount of each assessment at the same rate as shall be borne by the bonds to be issued in anticipation of the collection of the assessments; provided, that the owner of any property assessed may, at his or her option, pay his or her assessment in cash within thirty days after passage of the assessing ordinance.

Section 9. Bonds of the City shall be issued in anticipation of the collection of the assessments in annual installments and in an amount equal to the total of the unpaid assessments; notes of the City shall be issued in anticipation of the issuance of the bonds and the levy of such assessments.

Section 10. Any portion of the entire cost of the improvement remaining unpaid after application of the assessments, shall be paid by the issuance of bonds in the manner provided by law or from other funds of the City available for that purpose.

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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 this City, and for the further reason that the immediate effectiveness of this resolution is necessary so that construction of the aforesaid improvement may begin to eliminate existing hazards to vehicular and pedestrian traffic and to permit the preparation and filing of the proposed assessments and commencement of the service of notice thereof; wherefore, this resolution shall be in full force and effect from and immediately after its adoption.

Adopted: March 12, 1984

Harriet A. Pines
Chairman of Council

Attest:

Julia A. Simonson
Clerk of Council

Posted: March 13, 1984