



## **SCANNER NOTE:**

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DEFEATED

RESOLUTION NO. R89- 8 CMS.

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE KING STREET BETWEEN CERTAIN TERMINI BY CONSTRUCTING CURBS AND RELATED DRIVEWAY APPROACHES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, this Council has previously determined it necessary to improve King Street; and

WHEREAS, this Council finds and determines that curbs should be constructed as a part of that improvement and a portion of the cost thereof specially assessed against the properties benefitting from that construction;

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

Section 1. It is declared necessary to improve King Street from College Street southerly to its terminus by constructing curbs and related driveway approaches, together with all necessary appurtenances thereto.

Section 2. The plans, specifications, profiles and estimate of cost of the improvement, prepared by Michael Benza & Associates, Richfield, Ohio, approved by the Ohio Department of Transportation, and now on file in the office of the Clerk of Council, are approved. The improvement shall be made in accordance with, and the grade of the improvement and of any street shall be the grade as shown on, the plans, specifications and profiles for the improvement.

Section 3. This Council finds and determines that (i) the improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (ii) the lots and lands to be assessed as described in Section 4 hereof are specially benefited by the improvement.

Section 4. The whole cost of the improvement less at least 50% of that whole cost shall be assessed in proportion to the benefits that will result from the improvement upon all lots and lands bounding and abutting upon the improvement between the termini as described in Section 1 hereof.

Section 5. 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 any damages resulting from 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 any real estate or interests therein required for the improvement, expenses of legal services including obtaining approving legal opinions, 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 6. Michael Benza & Associates, Consulting Engineers to the City, are authorized and directed to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the improvement described in this resolution. Those estimated special assessments shall be based upon the estimate of cost of 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 special assessments have been so filed, the Clerk of Council shall cause notice of the adoption of this resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and lands to be assessed.

Section 7. The special assessments to be levied shall be paid in ten annual installments, with interest on the unpaid principal amount of each special assessment at the same rate as shall be borne by the bonds or notes to be issued in anticipation of the collection of the total of the unpaid special assessments; provided that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance.

Section 8. Bonds of the City shall be issued in anticipation of the collection in annual installments of the special assessments and in an amount equal to the total of the unpaid special assessments, and notes of the City may be issued in anticipation of the issuance of those bonds and the levy of the special assessments. The remainder of the cost of the improvement, after application of the special 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 9. This Council finds and determines 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 those formal actions were in meetings open to the public in compliance with the law.

Section 10. This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this resolution is required to be immediately effective to provide for the construction of the improvement, which is needed to eliminate existing hazards to vehicular traffic and to provide a more effective drainage system to protect the properties of abutting owners; wherefore, this resolution shall be in full force and effect immediately upon its adoption.

Adopted: \_\_\_\_\_, 1989

\_\_\_\_\_  
Chairman of Council

Attest: \_\_\_\_\_  
Clerk of Council

DEFEATED ON THIRD READING - MAY 1, 1989

Posted: \_\_\_\_\_, 1989

DEFEATED