

ORDINANCE NO. 230 AC CMS

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF HOLLYWOOD STREET BETWEEN CERTAIN TERMINI IN THE CITY OF OBERLIN, OHIO, BY INSTALLING A STORM SEWER, CONCRETE CURBS AND GUTTERS AS REQUIRED AND PAVING WITH EIGHT INCHES OF COMPACTED BASE AND TWO INCHES OF BLACK TOP TOGETHER WITH NECESSARY APPURTENANCES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain and State of Ohio, five-sevenths (5/7) of all members elected thereto concurring:

SECTION 1. That it is hereby determined to proceed with the improvement of Hollywood Street from and including the point of intersection with Union Street north to a point coinciding with the northeast corner of Lot No. 123 of the Hollywood Addition, an approximate distance of 428.6 feet, by installing a storm sewer, concrete curbs and gutters, as required, and paving with eight inches of compacted base and two inches of black top, together with necessary appurtenances in accordance with established City specifications, Resolution No. 448 CMS passed on the 4th day of September, 1961, and in accordance with the plans, specifications, estimates and profiles heretofore approved and now on file in the office of the City Manager and reference is made to said plans and specifications for additional information concerning the character of the materials for such improvement.

SECTION 2. That all claims for damages resulting therefrom that have been legally filed shall be inquired into before the commencement of the proposed improvement, and the Solicitor shall be, and he is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any claims that have been so filed.

SECTION 3. That the whole cost of said improvement shall be assessed by the front foot method upon all lots and lands bounding and abutting said improvement between the aforesaid termini, which lots and lands are hereby determined to be specifically benefited by said improvement.

The cost of said improvement shall include the cost of legal services and obtaining an approving legal opinion, the expense of the preliminary and other surveys and of printing and publishing the notices, resolutions and ordinances required, the serving of said notices, the cost of construction, together with interest on notes and bonds issued in anticipation of the collection of deferred assessments and all other necessary expenditures.

SECTION 4. That the assessments so to be levied shall be paid in ten (10) 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 to be assessed may, at his option, pay such assessment in cash within thirty (30) days after the passage of the assessing ordinance.

SECTION 5. 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 levy of such assessments and the issuing of such bonds.

SECTION 6. That the remainder of the entire cost of said improvement, after application of the assessments herein provided, together with cost of any real estate or interest therein purchased or appropriated, the cost and expenses of any appropriation proceeding therefor, and damages awarded any owner of adjoining lands with interest thereon, together with the costs and expenses of any such award, shall be paid by the issuance of notes and bonds of the City in the manner provided by law.

SECTION 7. That the City Manager be and he is hereby authorized and directed as soon as the funds therefor are available to make and execute a contract for said improvement with the lowest and best bidder after advertising according to law.

SECTION 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare 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 ordinance shall be in full force and effect from and immediately after its passage.

PASSED: Oct. 2, 1961 Emergency

ATTEST:


Clerk of Council


Chairman of Council

POSTED: 10/3/61 to 10/17/61