

ORDINANCE NO. 1534 AC CMS

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$10,000
AND THE USE OF MUNICIPAL LABOR AND MATERIALS IN THE CONSTRUCTION
OF THE CITY OF OBERLIN-OBERLIN CITY SCHOOL DISTRICT TENNIS COURTS

WHEREAS, the Oberlin City School District has agreed to provide certain land and monies for the construction of tennis courts for the use of the school district and the general public; and

WHEREAS, the City of Oberlin has agreed to provide certain monies, labor and materials to help with the construction of said tennis courts,

NOW, THEREFORE BE IT ORDAINED, by the Council of the City of Oberlin, Lorain County, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the City provide the sum of ten thousand dollars (\$10,000) towards the construction cost of the City of Oberlin-Oberlin City School District Tennis Courts, said monies to be provided from the funds of the City Open Space Commission.

SECTION 2. That the City Manager and Light Plant Director are hereby authorized and directed to provide the necessary labor and materials for the installation of lights at the site of the City of Oberlin-Oberlin City School District Tennis Courts.

SECTION 3. That the proposed contract dated September 4, 1980, between the City of Oberlin and the Oberlin City School District concerning said tennis courts is hereby approved and the City Manager is hereby authorized and directed to execute same.

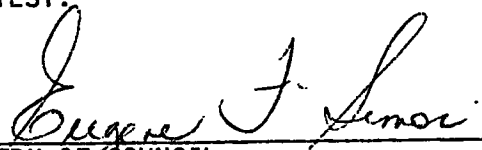
SECTION 4. That this ordinance shall take effect at the earliest date allowed by law.

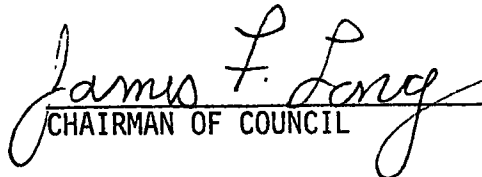
PASSED: 1st reading - August 25, 1980

2nd reading - September 8, 1980 (amended)

3rd reading - September 15, 1980

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: September 16, 1980

A G R E E M E N T

THIS AGREEMENT is entered into this 4th day of September, 1980, by and between the Board of Education of the Oberlin School District, Ohio, (hereinafter "SCHOOL DISTRICT"), and the City of Oberlin, Ohio, (hereinafter "CITY"), pursuant to a Resolution of the Board of Education duly adopted on May 1, 1980, and by an Ordinance of the City of Oberlin duly passed on September 4, 1980.

W I T N E S S E T H:

WHEREAS, the SCHOOL DISTRICT owns certain land upon which it desires and intends to construct tennis courts; and

WHEREAS, the CITY desires and intends to provide certain monies, labor, and materials to help with the construction of said tennis courts; and

WHEREAS, the CITY and the SCHOOL DISTRICT desire to co-operate for the purpose of maintaining, supervising, and operating said tennis courts in the manner hereinafter provided in order to secure the most efficient and beneficial use of such facilities by the residents of the SCHOOL DISTRICT and the CITY:

NOW, THEREFORE, in consideration of the covenants and agreements herein contained to be performed by the parties hereto, it is hereby mutually agreed by and between the SCHOOL DISTRICT and the CITY:

- 1) The SCHOOL DISTRICT shall construct six (6) tennis courts upon SCHOOL DISTRICT property adjacent to the Oberlin Senior High School.
- 2) The CITY shall provide the sum of Ten Thousand Dollars and 00/100 (\$10,000.00) to the SCHOOL DISTRICT to assist the SCHOOL DISTRICT with the construction cost of said tennis courts.
- 3) The CITY shall further provide, without cost to the SCHOOL DISTRICT, sufficient labor and materials for the installation of lights at the site of the tennis courts. It is contemplated that the labor furnished and material provided shall approximate Fifteen Thousand Dollars and 00/100 (\$15,000.00) in value.
- 4) The SCHOOL DISTRICT shall be fully responsible for all maintenance, repairs, and replacement necessary to avoid deterioration of the tennis courts, the lights at the site, and the areas adjacent thereto, due to normal wear and tear, vandalism, accident, natural disasters, or any other causes.

5) The tennis courts shall be available for use pursuant to the following schedule:

April 1 through June 1

9 - 3 Two (2) courts reserved for public use.

3 - 6 Six (6) courts reserved for public use.

6 - Closing (10:00 p.m.)

Six (6) courts available for public use.

June 1 (or close of school) - August 10

9 - Closing

Six (6) courts available for City Recreation. Recreation supervisor to determine usage.

August 11 - September 1

9 - 11 a.m. Six (6) courts for school use (Girls tennis).

11:00 a.m. - Closing

Public access to all six (6) courts.

September 1 - October 30

9 - 3 Two (2) courts available to public.

3 - 6 Six (6) courts reserved for school program.

6 - Closing Six (6) courts available to public.

6) Any permanent changes or major modifications in the use schedule as set out hereinbefore shall be first approved in writing by both the CITY and the SCHOOL DISTRICT.

It is contemplated that there may occur certain special events at the tennis courts such as Oberlin High School tennis matches and tournaments and CITY sponsored tournaments which may result in temporary minor modifications to the foregoing schedule. The SCHOOL DISTRICT and the CITY will co-operate concerning any such special events to insure that both the SCHOOL DISTRICT and CITY have an approximately equal opportunity to use the tennis courts. Notification shall be given a reasonable period of time prior to any contemplated use of the tennis courts for a special event.

7) The CITY shall assume and be responsible for supervising the use of the tennis courts during the period from the close of school in June through

August 10. The SCHOOL DISTRICT shall supervise the use of the courts during all other times.

8) If it becomes necessary to temporarily close any or all of the tennis courts, the SCHOOL DISTRICT and the CITY agree to co-operate so that the period of any such closing will result in the least amount of hardship to both the SCHOOL DISTRICT and the CITY.

Any decision to permanently close the tennis courts for any reason shall be jointly made by both the SCHOOL DISTRICT and the CITY.

9) This Agreement shall inure to the benefit of the lawful successors and assigns of the parties hereto.

10) This Agreement may be supplemented or amended from time to time by Agreement in writing of the parties hereto.

11) Any notice given hereunder shall be in writing and addressed,

If to the SCHOOL DISTRICT, To:

Oberlin School District
218 N. Pleasant Street
Oberlin, Ohio 44074

Attention: Superintendent

If to the CITY, To:

City of Oberlin, City Hall
85 South Main Street
Oberlin, Ohio 44074

Attention: City Manager

or to such other address as either party may designate in writing.

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first above written.

CITY OF OBERLIN

By:

Sherry A. Suttles
Sherry A. Suttles, City Manager

OBERLIN SCHOOL DISTRICT

By:

Gail A. Brubaker
Gail A. Brubaker, Superintendent