

ORDINANCE NO. 1705 AC CMS

AN ORDINANCE ACCEPTING THE MONIES TENDERED TO THE CITY OF OBERLIN BY THE OBERLIN COMMUNITY IMPROVEMENT CORPORATION FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE DOWNTOWN IMPROVEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT THEREFOR AND DECLARING AN EMERGENCY

WHEREAS, the City of Oberlin desires to have plans and specifications prepared which set forth certain improvements proposed for the downtown area within the City, and,

WHEREAS, the Oberlin Community Improvement Corporation has offered to advance the sum of up to \$65,000.00 to the City for said purpose under certain terms and conditions, and

WHEREAS, the City desires to accept said monies for said purpose and enter into an agreement therefor,

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

SECTION 1. That the City of Oberlin does hereby accept the sum of up to \$65,000.00 as tendered to it by the Oberlin Community Improvement Corporation for the purpose of paying for the preparation of plans and specifications for the proposed downtown improvement plan as submitted to City Council on April 4, 1983.

SECTION 2. That the City Manager is hereby authorized to execute the Agreement between the City and the Community Improvement Corporation for the receipt of said monies, said Agreement being attached hereto as Exhibit A.

SECTION 3. That during the year or years while such monies are outstanding there shall be levied on all the taxable property in the City, in addition to all other items, a direct tax annually not less than that which would have been levied if bonds had been issued. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with the interest collected on the same, shall be irrevocably pledged for the repayment of the monies so received from the Community Improvement Corporation when and as the same fall due; provided, however, that in each year to the extent that income is available for the repayment of such advancements and is appropriated for such purpose, the amount of such tax shall be reduced by the amount of the income so available and appropriated.

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SECTION 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, safety, and welfare of the citizens of the City of Oberlin, Ohio, to wit:

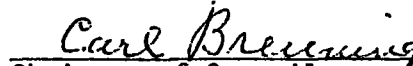
"to insure the timely preparation of plans and specifications for the proposed downtown improvement plan so that the project, if approved by City Council, may proceed as soon as possible"

and shall take effect immediately upon passage.

PASSED: 1st Reading - May 16, 1983  
2nd Reading - June 6, 1983  
3rd Reading - June 20, 1983

ATTEST:

  
Clerk of Council

  
Chairman of Council

POSTED: June 21, 1983

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A G R E E M E N T

This Agreement is made and entered into this 5th day of July, 1983, between the City of Oberlin, Ohio, an Ohio municipal corporation, hereinafter referred to as "CITY", and the Oberlin Community Improvement Corporation, an Ohio not-for-profit corporation, hereinafter referred to as "CIC",

WITNESSETH:

WHEREAS, the CITY desires to have plans and specifications prepared for a proposed downtown improvement project, and,

WHEREAS, the CIC is able and willing to provide to the CITY up to the sum of Sixty-Five Thousand Dollars (\$65,000.00) for said purpose, because said project will preserve jobs and stimulate employment within the CITY, and,

WHEREAS, the CITY is willing to receive said monies from the CIC under the terms and conditions set forth hereinafter,

NOW, THEREFORE, it is agreed between the parties as follows:

1. The CIC will provide to the CITY, in the amount or amounts and at the time or times that the CITY shall request, up to Sixty-Five Thousand Dollars (\$65,000.00) cash.

2. Said monies so advanced by the CIC to the CITY shall be used by the CITY for the sole purpose of paying the fees and expenses associated with the preparation of plans and specifications for the proposed downtown improvement project as submitted to the Oberlin City Council by petition on April 4, 1983.

3. The monies so advanced by the CIC to the CITY shall be fully repaid by the CITY to the CIC on or before December 31, 1985, and shall draw no interest prior to maturity.

4. The advancements made to the CITY by the CIC pursuant to this Agreement shall be made by CIC check made payable to the City of Oberlin. The cancelled check of the CIC for each of said advancements shall represent evidence of the amount so advanced to the CITY.

5. It is agreed and understood that the CITY shall have no duty or obligation to actually receive advancements from the CIC pursuant to this

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Agreement, but that the CIC shall make advancements to the CITY pursuant to this Agreement if so requested.

6. This Agreement, and its benefits and burdens, is personal to the parties hereto and shall not be assigned, transferred, sold or exchanged without the express written consent of the other party.

7. This Agreement was duly authorized by the City of Oberlin, Ohio by Ordinance No. 1705 AC CMS, as passed by Oberlin City Council on June 20, 1983, and by the Oberlin Community Improvement Corporation by motion duly made, seconded and passed at a meeting held by the corporation on June 30, 1983.

IN WITNESS WHEREOF, the parties have hereunto set their hands to duplicate copies hereof, each of which shall constitute an original, this 5th day of July, 1983.

WITNESSES:

CITY OF OBERLIN, OHIO

Karen L. Hantz  
John A. Simonson

by: Dale S. Sugerman  
Dale S. Sugerman, City Manager

OBERLIN COMMUNITY IMPROVEMENT  
CORPORATION

Dale S. Sugerman  
John A. Simonson

by: Jerome D. Warnke  
Jerome D. Warnke, President

Approved as to Form:

For the City of Oberlin:

Eric R. Severs  
Eric R. Severs, Oberlin City Solicitor

For the Oberlin Community Improvement  
Corporation:

Kirk B. Roose  
Kirk B. Roose, Attorney

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