

ORDINANCE NO. 00-29 AC CMS

AN ORDINANCE AUTHORIZING AN EXTENSION IN REGARD TO CERTAIN PERFORMANCE CONDITIONS CONTAINED WITHIN THE AGREEMENT BETWEEN THE CITY OF OBERLIN AND NEW SUNRISE PROPERTIES, INC., OF ELYRIA, OHIO, FOR THE IMPLEMENTATION OF AN AFFORDABLE HOUSING PROJECT FOR THE CITY OF OBERLIN, OHIO, AND DECLARING AN EMERGENCY

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 time for completion of acquisition activities and encumbrance of FY 1997 and FY 1998 CDBG Allocation Funds, as set forth in Section 5 of the Subrecipient Agreement between the City of Oberlin and New Sunrise Properties, Inc., for the acquisition of real property for the implementation of an affordable housing project for the City of Oberlin, is hereby extended until May 31, 2000, for FY 1997 CDBG Allocation Funds, and December 31, 2000, for FY 1998 CDBG Allocation Funds.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance 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 action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the preservation of public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to authorize an extension as to certain performance requirements as soon as possible in order to ensure consistency with CDBG requirements", and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading - March 20, 2000 (E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

ATTEST:

  
CLERK OF COUNCIL

  
CHAIR OF COUNCIL

POSTED: 3/21/00

EFFECTIVE DATE: 3/21/00

a:\ORD00-29SunriseExtn

**AMENDMENT TO THE SUBRECIPIENT AGREEMENT  
BETWEEN  
THE CITY OF OBERLIN  
AND  
NEW SUNRISE PROPERTIES, INC.**

This Agreement is entered into on this 23<sup>rd</sup> day of March, 2000, by and between the City of Oberlin, hereinafter referred to as Grantee, and New Sunrise Properties, Inc., hereinafter referred to as Subrecipient.

**WITNESSETH:**

WHEREAS, the Grantee and Subrecipient entered into an agreement on the 29th day of June, 1999, for the acquisition of lots in the City of Oberlin for the Oberlin Affordable Housing Project; and,

WHEREAS, Subrecipient, in a letter to Grantee dated September 7, 1999, requested an amendment to said Agreement to correct permanent parcel numbers of lots that were to be purchased, which was thereafter authorized by Oberlin City Council by Ordinance No. 99-64 AC CMS; and,

WHEREAS, Subrecipient, in a letter to Grantee dated March 6, 2000, requested a further amendment to said Agreement to extend the deadline for acquisition of lots to be utilized in said project, which was thereafter approved by Oberlin City Council by Ordinance No. 00-29 AC CMS.

NOW THEREFORE, in consideration of the foregoing, Grantee and Subrecipient do hereby mutually agree to amend said Agreement of June 29, 1999, in the following particulars:

1. Subsection 1: 1) is amended to read:

- 1) Subrecipient shall negotiate for the purchase of the following six parcels of real estate in Oberlin upon which six (6) homes will be constructed: 09-00-096-105-016, 09-00-086-111-002, 09-00-096-109-026, 09-00-096-102-024, 09-00-096-106-005, and 09-00-096-106-006.

2. Section 5 is amended to read:

The Subrecipient anticipates beginning acquisition activities immediately upon the execution of this agreement by all parties. In no event shall the Subrecipient begin acquisition activities later than sixty days from the date of execution of this agreement.

The Subrecipient shall complete approximately fifty percent (50%) of all acquisition activities on or before May 31, 2000, in order to allow for the timely expenditure of 1997 CDBG Formula Allocation funds in the amount of Thirty-One Thousand Five Hundred Dollars (\$31,500.00). FY 1997 CDBG Formula Allocation Funds not encumbered prior to May 31, 2000, shall revert to the Lorain County Board of Commissioners for proper disposition in accordance with applicable CDBG regulations.

The Subrecipient shall complete the remainder of the acquisition activities on or before December 31, 2000, in order to allow for the timely expenditure of FY 1998 CDBG Formula Allocation funds in the amount of Thirty-Two Thousand Three Hundred Dollars (\$32,300.00). FY 1998 CDBG Formula Allocation Funds not encumbered prior to December 31, 2000, shall revert to the Lorain County Board of Commissioners for proper disposition in accordance with applicable CDBG regulations.

The Acquisition Activities shall be considered complete when all the necessary title transfer requirements are complete and the final drawdown has been disbursed.


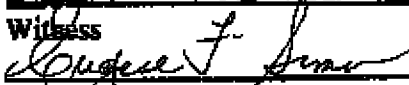
3. In all other respects said Agreement of June 29, 1999, is hereby ratified and confirmed.

IN WITNESS WHEREOF, the Grantee and the Subrecipient have executed this Amendment to the Subrecipient Agreement as of the date first above written.

CITY OF OBERLIN



  
Robert DiSpirito, City Manager

Signed in the presence of:

  
Sharon Pearson  
Witness  
  
Eugene F. Smith  
Witness

NEW SUNRISE PROPERTIES, INC.

  
Melva Tolbert, Executive Director

  
Patricia A. Margolis  
Witness  
  
Joyce Walker  
Witness

Approved as to form:

  
Eric R. Severs, Oberlin City Solicitor