

## **SCANNER NOTE:**

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## **ORDINANCE NO. 01-17 AC CMS**

### **AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF OBERLIN AND NEW SUNRISE PROPERTIES, INC., AND DECLARING AN EMERGENCY**

WHEREAS, the City of Oberlin and New Sunrise Properties, Inc. entered into an Agreement on June 29, 1999 in order to facilitate the Oberlin Affordable Housing Project; and,

WHEREAS, said Agreement was subsequently amended on March 23, 2000;  
and

WHEREAS, said Agreement needs to be further amended to clarify and correct those lots to be acquired as part of the aforementioned Project and to allow for the expenditure of public funds within the time constraints allowed by said Agreement.

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

SECTION 1. That the Subrecipient Agreement between the City of Oberlin and New Sunrise Properties, Inc., dated June 29, 1999, approved by Ordinance No. 99-28 AC CMS and amended by Ordinance No. 99-64 AC CMS and Ordinance No. 00-29 AC CMS is hereby further amended to clarify and correct those lots to be acquired as part of the Oberlin Affordable Housing Project and to allow for the expenditure of public funds within the time constraints allowed by said Agreement in accordance with the Amendment attached hereto and incorporated herein by reference.

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 Ordinance 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 amend the Subrecipient Agreement between the City of Oberlin and New Sunrise Properties, Inc. as soon as possible in order to ensure the timely expenditure of public funds in accordance with all applicable CDBG

regulations", and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading - February 5, 2001 (E)  
2<sup>nd</sup> Reading -  
3<sup>rd</sup> Reading -

ATTEST:

  
CLERK OF COUNCIL

  
CHAIR OF COUNCIL

POSTED: February 6, 2001

EFFECTIVE DATE: February 6, 2001

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

This Agreement is entered into on this 8<sup>th</sup> day of February, 2001, 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 29<sup>th</sup> 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; and,

WHEREAS, Subrecipient, in a letter to Grantee dated December 29, 2000, requested a further amendment to said Agreement to correct permanent parcel numbers of lots that were to be purchased; and

WHEREAS, Grantee wishes to extend the deadline for acquisition of lots in said project commensurate with the expenditure of FY98 CDBG Formula Allocation funding to March 31, 2001; and

WHEREAS, the amended permanent parcel numbers and the extension to March 31, 2001 have subsequently been approved by Oberlin City Council as Ordinance No. 01-17 AC CMS.

NOW THEREFORE, in consideration of the foregoing, Grantee and Subrecipient do hereby mutually agree to amend said Agreement and the subsequent approved amendments in the following particulars:

1. Amended Subsection 1.1 is hereby further amended to read:
  - 1) Subrecipient shall negotiate for the purchase of the following five parcels of real estate in Oberlin upon which five (5) homes will be constructed:  
09-00-096-109-026, 09-00-096-102-024, 09-00-096-105-016, 09-00-086-111-002 and 09-00-086-111-003

2. Amended Section 5 is hereby amended to read as follows:

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 the remainder of the acquisition activities on or before March 31, 2001 in order to complete the 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 March 31, 2001 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 as amended 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

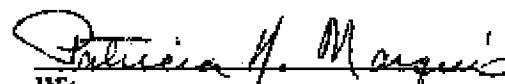
Signed in the presence of:


  
Witness

  
Witness

NEW SUNRISE PROPERTIES, INC.

  
Melva Tolbert, Executive Director

  
Witness

  
Witness

Approved as to form:

  
Eric R. Severs, Oberlin City Solicitor