

ORDINANCE NO. 03-20 AC CMS

AN ORDINANCE ACCEPTING PERMANENT IMPROVEMENTS FOR OBERLIN RESERVE SUBDIVISION, PHASE II, 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 permanent improvements, including water and sewer lines, streets, and street lights, for Phase II Oberlin Reserve Subdivision as recorded in Vol. 74, Pages 37-39, of the Lorain County Record of Plats, be and the same are hereby accepted by the City of Oberlin for ownership, operation, and maintenance pursuant to Section 1311.06 of the Codified Ordinances of the City of Oberlin.

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 allow for the provision of public health and safety services to persons living within the subdivision", and shall take effect immediately upon passage.

PASSED: 1st Reading – March 3, 2003 (E)
2nd Reading –
3rd Reading –

ATTEST:


CLERK OF COUNCIL (Interim)


CHAIR OF COUNCIL

POSTED: 3/4/2003

EFFECTIVE DATE: 3/4/2003

APR 11 '03 AM 10:18

ORDINANCE NO. 03-20 AC CMS

AN ORDINANCE ACCEPTING PERMANENT IMPROVEMENTS FOR
OBERLIN RESERVE SUBDIVISION, PHASE II, 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 permanent improvements, including water and sewer
lines, streets, and street lights, for Phase II Oberlin Reserve Subdivision as
recorded in Vol. 74, Pages 37-39, of the Lorain County Record of Plats, be and the
same are hereby accepted by the City of Oberlin for ownership, operation, and
maintenance pursuant to Section 1311.06 of the Codified Ordinances of the City
of Oberlin. 20020 875 434

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 allow for the provision of public health and safety services to
persons living within the subdivision", and shall take effect immediately
upon passage.

PASSED: 1st Reading - March 3, 2003 (E)
2nd Reading -
3rd Reading -

ATTEST:

Wendie A. Fleming
CLERK OF COUNCIL (Interim)

William J. Sanchez
CHAIR OF COUNCIL

POSTED: 3/4/2003

EFFECTIVE DATE: 3/4/2003

a /ORD03-20OberlinPhaseII

I do hereby certify that the foregoing is a true and
correct copy of Ordinance No. 03-20 as passed by
the Oberlin City Council.

Joseph F. Simon
Clerk of Council, City of Oberlin, Ohio

Box Eric Sedas

MARY ANN JAMISON
LORAIN COUNTY
RECORDER

2003 MAR 17 A 10:41

RECEIVED FOR RECORD

16 m/a
for

APR 11 '03 AM 10:18

032503

Telephone
440-774-8519

Facsimile
440-776-2210

City of
Oberlin
Office of the City Solicitor
85 South Main Street Oberlin, Ohio 44074

Eric R. Severs
City Solicitor

James Leo Walsh
Asst. Solicitor & Prosecutor

April 9, 2003

Ms. Eugene F. Simon, Clerk
Oberlin City Council
Oberlin Municipal Building
85 South Main Street
Oberlin, Ohio 44074

Re: Ordinance No. 03-20 AC CMS. Accepting Permanent
Improvements for Oberlin Reserve Subdivision, Phase II

Dear Jean:

Enclosed is the original recorded Ordinance which accepted the permanent improvements for Oberlin Reserve Subdivision Phase II. Please note that I recorded same on March 17, 2003. Thank you.

Yours truly,


Eric R. Severs
Oberlin City Solicitor

ERS:smw
Enclosure

For Council's information
-Rob

City of

Oberlin

85 South Main Street, Oberlin Ohio 44074

November 24, 2003

Norris Builders, Inc.
Attn: Darryl Norris
170 Mallard Creek Run
LaGrange, OH 44050

RE: Extension of Completion date for Oberlin Reserve Phase III

Dear Darryl,

I received your request for an extension of the completion time for the construction of Phase III of the Oberlin Reserve subdivision. Phase II was accepted for public maintenance by Ordinance 03-20, enacted on March 3, 2003. As I understand it, construction for Phase III has not yet begun. In accordance with the Subdivision Construction Agreement dated June 4, 2002 between Norris Builders, Inc. and the City of Oberlin, the City Manager may extend the completion deadline for an additional 365 days. The relevant section is excerpted below.

Section V. Completion Time:

The SUBDIVIDER-DEVELOPER agrees to complete all required improvements listed in Section IV within 365 consecutive days (1 Year) unless said completion is extended in writing for good cause by the Oberlin City Manager. Such extension or extensions shall not exceed 365 additional days.

This letter will constitute my written extension of the completion date for the Oberlin Reserve Subdivision, Phase III until June 4, 2004. If an additional extension is necessary to complete the required improvements in their entirety prior to June 4, 2004, councilmatic action will be required. My staff will assist you in this matter should it become necessary. If you have any questions, please contact me at 775-7206.

Sincerely,



Rob DiSpirito
City Manager

Cc: Eric Severs, City Solicitor
Jeff Baumann, Public Works Director
Gary Boyle, Planning Director
Steve Dupee, OMLPS Director

jjb/RD

JW

NORRIS BUILDERS, INC.

(440) 440-458-8000

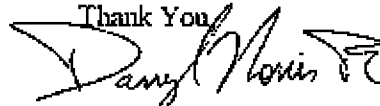
FAX (440) 458-4580

November 17, 2003

City of Oberlin
Robert DiSpirito
City Manager

Based on the economy we are requesting an extension of our SubDivider's Agreement for Phase II and III, and also a possible additional extension at a later date.

Thank You

A handwritten signature in black ink, appearing to read "Darryl Norris", with a stylized flourish at the end.

Darryl Norris-President
Norris Builders, Inc.