

ORDINANCE NO. 06-83 AC CMS

AN ORDINANCE AUTHORIZING THE CHIEF BUILDING OFFICIAL TO ISSUE A CERTIFICATE OF OCCUPANCY FOR THE WAL-MART SUPERCENTER 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 Chief Building Official and the City Manager are hereby authorized and directed to issue a Certificate of Occupancy for the Wal-Mart SuperCenter in the City of Oberlin, subject to the following conditions being fulfilled prior to the issuance of the Certificate:

- a) that the Wal-Mart SuperCenter be in compliance with the requirements of the Ohio Building Code to the satisfaction of the Chief Building Official; and
- b) that all critical punch list items, as determined by the City Manager, be completed to the satisfaction of the City Manager.

SECTION 2. That said Certificate of Occupancy is further conditioned upon fulfillment of all of the requirements set forth in Section 1311.06 of the Codified Ordinances of the City of Oberlin, and those set forth in the Development Construction Agreement between the City of Oberlin and Wal-Mart Real Estate Business Trust dated September 19, 2005, including acceptance of the Public Improvements by action of Oberlin City Council, no later than December 31, 2006. Failure to complete all of the requirements set forth in this Section by that date shall result in the automatic revocation of the Certificate of Occupancy.

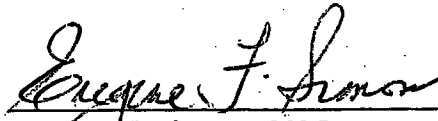
SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

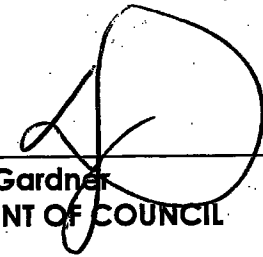
"to allow for the immediate issuance of an occupancy permit as deemed appropriate by the Chief Building Official and the City Manager to facilitate the commercial use of the property involved", and shall take effect immediately upon passage.

PASSED: 1st Reading – October 2, 2006 (E)
2nd Reading –
3rd Reading –

ATTEST:



Eugene F. Simon, CMC
CLERK OF COUNCIL



Daniel Gardner
PRESIDENT OF COUNCIL

POSTED: October 3, 2006

EFFECTIVE DATE: October 3, 2006

α:/ORD06-83.WalMartImprovements

CITY OF OBERLIN, OHIO

CERTIFICATE OF USE AND OCCUPANCY

THIS IS TO CERTIFY THAT:

Wal-Mart Super Center
46440 U.S. Route 20
Oberlin, Ohio 44074

Type of Occupancy

Permanent _____ X

Temporary* _____

(*See attached sheet for reasons)

Permit No.: 204000254

Approval Date: December 28, 2004

Construction Type: 2B

New Construction _____ X

Addition _____

Alteration _____

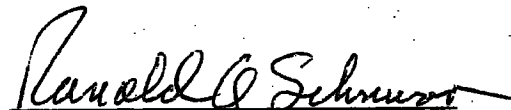
Change of Occupancy _____

Has been inspected and has met the applicable requirements of the Ohio Building Code and Chapters 3781 and 3791 of the Ohio Revised Code, and the occupancy thereof is hereby authorized.

Note: Plan approval issued under Ohio Building Code 2002 Edition. Complete fire alarm system installed. Full fire suppression system required and installed. Sprinkler system design ordinary hazard. Aisle widths 66". Sprinkler system demand at base of riser on file at O.F.D.

FLOORS	USE GROUP	CONSTRUCTION TYPE	OCCUPANCY LOAD	FLOOR LIVE LOAD
Cellar/Basement				
1 st Floor	M, S-1, B, A-2	2B	Sales 4000 Storage 250 Automotive 35 Outdoor 290	100 #/s.f.
2 nd Floor				
3rd Floor				

Issued by: CITY OF OBERLIN
Building Department
85 S. Main St.
Oberlin, OH 44074


Building Official

September 28, 2006

Approval Date

This Certificate shall be posted in a conspicuous place at or close to the Main Entrance of the building and permanently maintained.