

## ORDINANCE NO. 08-11 AC CMS

### AN ORDINANCE DECLARING CERTAIN MUNICIPALLY-OWNED REAL PROPERTY SURPLUS AND DESIGNATING THE OBERLIN COMMUNITY IMPROVEMENT CORPORATION AS THE CITY'S AGENT FOR THE SALE OF SAID SURPLUS PROPERTY 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 real property located at 260 South Main Street, owned by the City of Oberlin and more fully described in the attached "Exhibit A," is hereby declared to be surplus and not necessary for any current municipal purpose.

**SECTION 2.** That the City Council hereby authorizes and designates the Oberlin Community Improvement Corporation (OCIC) to serve as the City's agent in the sale of said surplus property. The OCIC shall, in conjunction with the City Manager, sell the property for not less than its fair market value, and for such purposes and uses that will promote the welfare of the citizens of the City of Oberlin, stabilize the economy, provide employment, assist in the development of commercial and/or research activities to the benefit of the citizens of Oberlin and that will provide additional opportunities for their gainful employment, and that are compatible with and complement the surrounding land uses.

**SECTION 3.** In consideration for its efforts as agent for the City in the sale of this property, the OCIC is hereby authorized to recoup its costs incurred relating to the sale, plus a five percent (5%) commission of the gross sale price. Said commission shall be utilized by the OCIC to fund future economic development activities conducted by the OCIC on behalf of the City.

**SECTION 4.** 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 5.** 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 authorize the sale of the property at 260 S. Main Street at the earliest possible date in order to maximize the greatest potential return on the City's investment",*

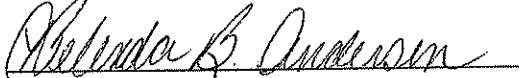
And shall take effect immediately upon passage.

**PASSED: 1<sup>st</sup> Reading – February 4, 2008**

2<sup>nd</sup> Reading – February 19, 2008

3<sup>rd</sup> Reading – March 3<sup>rd</sup>, 2008(E)

ATTEST:



Belinda B. Anderson  
CLERK OF COUNCIL



David E. Sonner  
PRESIDENT OF COUNCIL

POSTED: 03/04/08

EFFECTIVE DATE: 03/03/08

REMAINDER

DESCRIPTION: Being a part of Original Lot 95, Russia Township, City of Oberlin, Lorain County, Ohio; and being more particularly described as follows:

Commencing for the same at a Magnetic PK Spike set at the point of intersection of the centerline of East Lincoln Street with the centerline of South Main Street; thence N 0°49'22" E along the centerline of South Main Street, a distance of 501.45 feet to a point as referenced by an Iron Pin set bearing N 89°10'38" W, a distance of 33.00 feet; thence N 89°10'38" W, a distance of 33.00 feet to an Iron Pin set at the northeast corner of lands in the name of J. J. & J. I. Ward, per D. V. 906, page 187, said point being also the southeast corner of 1.19 acres in the name of City of Oberlin, per Ins. 19990611482; the real point of beginning for the parcel herein described;

- 1) thence S 86°26'50" W along the south line of lands in the name of City of Oberlin, per Ins. 19990611482, a distance of 216.00 feet to an Iron Pin set;
- 2) thence N 0°49'22" E, a distance of 247.14 feet to an Iron Pin set on the southerly line of lands in the name of City of Oberlin, per D.V. 1198, page 579;
- 3) thence N 82°51'01" E along the south line of lands in the name of City of Oberlin, per D.V. 1198, page 579, a distance of 217.47 feet to a Drill Hole set on the westerly right-of-way of South Main Street at the northeast corner of lands in the name of City of Oberlin, per Ins. 19990611482;
- 4) thence S 0°49'22" W along the westerly right-of-way of South Main Street, a distance of 260.82 feet to the real point of beginning of the parcel herein described

and containing 1.2557 acres more or less, but subject to all legal easements and public rights-of-way now on record.

All iron pins set are 5/8" diameter with caps stamped "Kelser 7871". Bearings are assumed.

Prepared from an actual survey performed on July 28, 2003 by LAUNDON • SIMON • KELSER, AND ASSOC., INC. • Alex Kelser Registered Ohio Surveyor Number 7871.

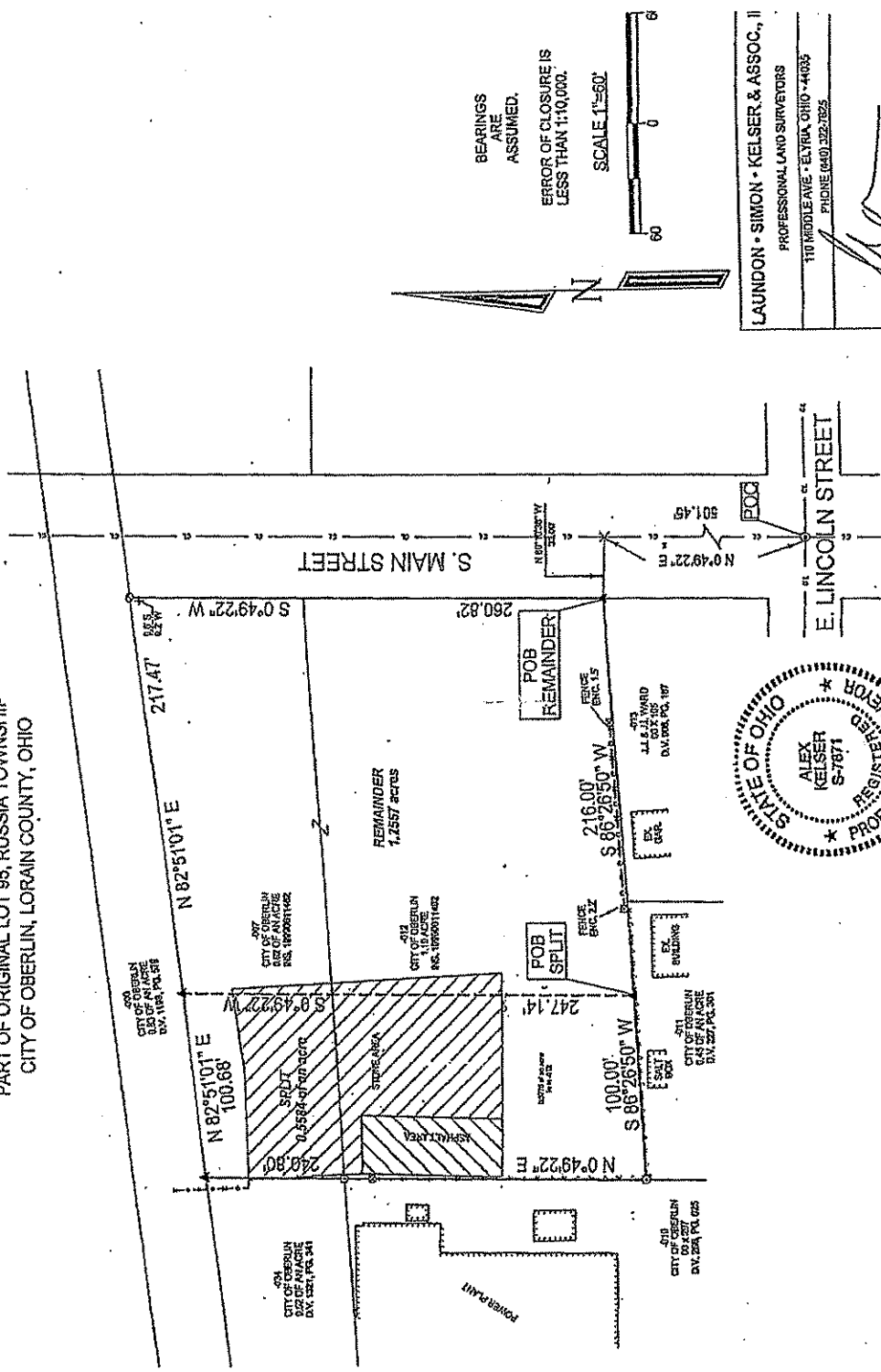
CERTIFICATION: I hereby certify that a survey was made of the above-described property and that points were found or set as indicated.



Prepared by  
LAUNDON • SIMON • KELSER, AND ASSOC.,  
INC.

Alex Kelser  
Registered Ohio Surveyor No. 7871  
Date: July 28, 2003  
Job No. 03-3614

PLAT OF BOUNDARY SURVEY  
**CITY OF OBERLIN**  
 PART OF ORIGINAL LOT 95, RUSSIA TOWNSHIP  
 CITY OF OBERLIN, LORAIN COUNTY, OHIO



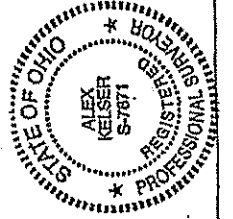
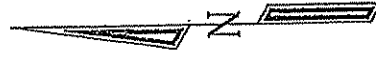
**Legend**

- ⊙ Fence Post Found
- ⊙ Axiel Found
- + Drift Hole and Cross Found
- ⊙ Drift Hole Set
- ⊙ Magnetic Pin Strike Set
- ▲ 5/8" Iron Pin Set with Cap Stamped "Kesser 7871"

BEARINGS  
 ARE  
 ASSUMED.

ERROR OF CLOSURE IS  
 LESS THAN 1:10,000.

SCALE 1"=60'



LAUNDON • SIMON • KESLER & ASSOC., II  
 PROFESSIONAL LAND SURVEYORS  
 110 REDDLE AVE • ELYRIA, OHIO • 44035  
 PHONE (440) 322-7825

Alex Kessler  
 RLS #7871

DATE: 7/28/09  
 JOB NO.: 03-3614 REF. CITIES/OBERLIN