

ORDINANCE 09-71 AC CMS

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH INTEGRATED ARCHITECTURE, INC. OF GRAND RAPIDS, MICHIGAN, TO PURCHASE THE RIGHTS TO THE ARCHITECTURAL SITE AND LANDSCAPE DESIGN DRAWINGS FOR THE PUBLIC IMPROVEMENTS AT THE EAST COLLEGE STREET PROJECT IN THE CITY OF OBERLIN, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, the Development Agreement between the City of Oberlin and Sustainable Community Associates states that “the City shall engage, at the City’s expense, the service provider to provide landscape architectural work for the Public Improvements” and that those costs are considered to be “Costs of the Public Improvements” related to the Project; and

WHEREAS, in order to develop a comprehensive and integrated site plan for the entire project, Sustainable Community Associates, with the consent of the City, did engage Integrated Architecture, Inc. to prepare the architectural site and landscape design drawings for the Public Improvements for the East College Street Project; and

WHEREAS, Integrated Architecture, Inc. did perform said work and the City needs to own the rights to said drawings in order to proceed with the construction of the Public Improvements as contemplated by the Development Agreement.

NOW, THEREFORE, 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 City Manager is hereby authorized and directed to enter into an agreement with Integrated Architecture, Inc. of Grand Rapids, Michigan to purchase the rights to the architectural site and landscape design drawings for the Public Improvements for the East College Street Project for the not to exceed price of \$34,807.33.

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 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 timely payment for services rendered" and shall take effect immediately upon passage.

PASSED: 1st Reading – September 21, 2009(E)
2nd Reading -
3rd Reading -

ATTEST:



Belinda B. Anderson
CLERK OF COUNCIL



David E. Sonner
PRESIDENT OF COUNCIL

POSTED: 9/22/2009

EFFECTIVE DATE: 9/21/2009



September 21, 2009

Mr. Eric Norenberg
City Manager
City of Oberlin
85 S. Main Street
Oberlin, OH 44074

**RE: Landscape Architect East College Street Project
IA File No.: 250626**

Dear Mr. Norenberg:

Integrated Architecture does hereby agree to transfer and assign its rights to the landscape design documents prepared for the public improvements for the East College Street Project in the City of Oberlin to the City of Oberlin. Said rights are transferred and assigned in consideration of the sum of Thirty-Four Thousand Eight Hundred and Seven and 33/100 Dollars (\$34,807.33) paid by the City of Oberlin to Integrated Architecture. A material condition of this Agreement is that Integrated Architecture agrees to reimburse the Developer, Sustainable Community Associates in the equivalent amount minus all sums due and owing from Sustainable Community Associates to Integrated Architecture. Said reimbursements shall be in a manner acceptable to both Integrated Architecture and Sustainable Community Associates.


Integrated Architecture agrees to provide an electronic copy of the public improvement site architectural drawings to the City of Oberlin in a format acceptable to the City. The design documents to be provided pursuant to the terms of this assignment to the City of Oberlin are identified as:

- AS1.1A – Public Architectural Site Plan
- AS1.1B – Private Architectural Site Plan
- AS2.1 – Architectural Site Details
- AS2.2 – Architectural Site Details
- EO.2C – Public Electrical Site Plan
- EO.2D – Public Electrical Site Plan, Alternate
- L1.1 – Public Contract Landscape Plan
- L1.2 – Public Contract Detail Landscape Plan
- L1.5 – Public Contract and Irrigation Details


Integrated Architecture and the City of Oberlin agree to cooperate with one another for the complete transfer and assignment of documents as identified herein and further agree to cooperate should there be any additional documentation necessary as it pertains to further development of the Project and/or the transfer and assignment of the architectural documents. By signing this Assignment Agreement, the parties agree to be bound by the terms and conditions set forth herein.

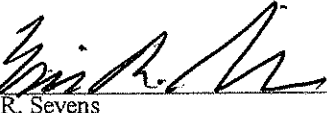
Dated this 21st day of September, 2009:

INTEGRATED ARCHITECTURE:

By: 
 Michael Corby
 Executive Vice President

CITY OF OBERLIN

By: 
 Eric P. Norenberg
 City Manager

Approved as to form: 
 Eric R. Sevens
 Law Director