

CITY OF OBERLIN

ORDINANCE NO. 16-46 AC-CMS

AN ORDINANCE APPROPRIATING A RIGHT-OF-WAY IN FEE SIMPLE IN CERTAIN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING A SIDEWALK AS PART OF THE IMPLEMENTATION OF THE SAFE ROUTES TO SCHOOL PROGRAM, OHIO DEPARTMENT OF TRANSPORTATION PID 90937 AND THEREBY PROMOTING THE PUBLIC HEALTH, SAFETY AND WELFARE, AUTHORIZING THE OBERLIN CITY LAW DIRECTOR TO FILE A PETITION FOR SUCH APPROPRIATION IN THE COURT OF COMMON PLEAS OF LORAIN COUNTY, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2016, pursuant to Section 719.04 of the Ohio Revised Code, the Oberlin City Council adopted Resolution No. R 16-03 CMS declaring the necessity and intent to appropriate Rights-of-Way in fee simple in certain parcels of real therein described; and,

WHEREAS, this Council finds and determines that the stated purpose of the appropriations are for the construction of public sidewalks as part of the implementation of the Safe Routes to School Program, a public purpose that is for the public health, safety and welfare; and,

WHEREAS, the City has been unable to agree with the owners of the property located at 51 Lincoln Street for the purchase of the necessary fee simple interest; and,

WHEREAS, this Council had decided to proceed with the appropriation of said fee simple interest.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OBERLIN, LORAIN COUNTY, OHIO:

SECTION 1. That pursuant to the Ohio Constitution and laws of the State of Ohio a fee simple interest in a portion of the real estate located at 51 Lincoln Street, Oberlin Ohio as described in "Exhibit A", being part of the real estate known as Lorain County Permanent Parcel No. 09-00-095-107-002, is hereby appropriated for the public purpose of the construction of a public sidewalk to implement of the Safe Routes to School Program, Ohio Department of Transportation's PID 90937.

SECTION 2. That based upon an appraisal made according to law, Council hereby determines the value of the property interest described in Section 1 together with any damages to the residue to be \$1,250.00.

SECTION 3. The foregoing appropriation is made in accordance with Resolution No. R16-3 CMS adopted by the Oberlin City Council on November 7, 2016. Said Resolution was served in the manner prescribed by law.

SECTION 4. That Council finds that the appropriation is necessary for the stated public purpose of the implementation of the Safe Routes to School Program; that the City of Oberlin has been unable to agree with the owners as to the purchase of said real estate interest and that the appropriation is necessary for the purposes set forth above.

SECTION 5. That the City Law Director is authorized and directed to file a petition for appropriation in the Lorain County Court of Common Pleas and to take all such other actions as may be necessary for the appropriation authorized herein and to be paid extraordinary fees therefore pursuant to Section 129.05 of the Oberlin City Codified Ordinances.

SECTION 6. 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.

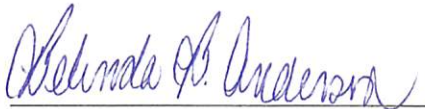
SECTION 7. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to assure that the necessary appropriation be accomplished in accordance with the scheduled implementation of the Safe Routes to School Program and shall take effect immediately upon passage.

PASSED: 1st Reading: December 5, 2016 (P)

2nd Reading: February 6, 2017 (E)

3rd Reading: _____

ATTEST:



BELINDA ANDERSON, MMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 02/07/2017

EFFECTIVE DATE: 02/06/2017

EXHIBIT A

RX 251 WDV

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Rev. 05/09

Ver. Date 06/26/14

PID 90937

**PARCEL 9-WDV
LOR-D03-SRTS LINCOLN STREET**

**ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF OBERLIN, LORAIN COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the City of Oberlin, County of Lorain and State of Ohio and known as being part of Sublot 27 in Eliphalet Follet's Addition of part of Original Russia Township Lot No. 95 as recorded in Plat Volume 2 Page 1 of the Lorain County Records. Also being part of the land conveyed to Katrina Bukovac as recorded in Instrument No. 20060152961 of the Lorain County Records, being more definitely described as follows;

Commencing for reference at a point at the intersection of the centerline of Lincoln Street (40 feet wide) and South Professor Street (60 feet wide), said point being in the centerline of Lincoln Street Station 1012+33.66 and being referenced by a MAG nail set South 00 degrees 48 minutes 22 seconds West, 20.00 feet at the intersection of the centerline of South Professor Street and the easterly and westerly prolongation of the southerly right of way of Lincoln Street, said MAG nail being 20.00 feet right of centerline of right of way of Lincoln Street Station 1012+33.37;

Thence, along the centerline of Lincoln Street, North 89 degrees 58 minutes 01 seconds East, 160.76 feet to a point in the centerline of right of way of Lincoln Street Station 1013+94.42;

Thence, leaving the centerline of Lincoln Street, South 00 degrees 01 minutes 59 seconds East, 20.00 feet to a point at the northeasterly corner of land conveyed to Anthony J. Mealy as recorded in Deed Volume 1045, Page 843 of the Lorain County Records, said point being 20.00 feet right of centerline of right of way of Lincoln Street Station 1013+94.42 and being the True Point of Beginning for the parcel herein described;

- 1) Thence, along the southerly right of way of Lincoln Street, North 89 degrees 58 minutes 01 seconds East, 90.75 feet to a point at the northwesterly corner of land conveyed to Leonard Jaffe as recorded in Instrument No. 20090280872 of the Lorain County Records, said point being 20.00 feet right of centerline of right of way of Lincoln Street Station 1014+85.16 and being referenced by a 1" iron pipe found North 84 degrees 08 minutes 48 seconds East, 0.03 feet;
- 2) Thence, along Jaffe's westerly line South 00 degrees 44 minutes 30 seconds West, 5.00 feet to an iron pin set 25.00 feet right of centerline of right of way of Lincoln Street Station 1014+85.10;
- 3) Thence, leaving said westerly line, South 89 degrees 58 minutes 01 seconds West, 90.75 feet to an iron pin set in the easterly line of said land conveyed to Anthony J. Mealy, said iron pin being 25.00 feet right of centerline of right of way of Lincoln Street Station 1013+94.35;
- 4) Thence, along Mealy's easterly line, North 00 degrees 44 minutes 30 seconds East, 5.00 feet to the point of beginning and enclosing an area of 0.0104 acres, more or less of which the present road occupies 0.0000 acres.

The iron pins set are 5/8 inch diameter x 30 inch long rebar with a cap stamped "KS Assocs, Inc. Prop Marker."

The basis of bearings for this survey is Ohio State Plane, North Zone NAD83 (2011).

The stations referred to herein are from the centerline of right-of-way of Lincoln Street.

The above described area is contained within Lorain County Permanent Parcel Number 09-00-095-107-002.

This description was prepared and reviewed under the supervision of Trevor A. Bixler, P.S. 7730 from a survey performed by KS Associates, Inc. in February, 2014.

Date: 6-27-14

T. A. Bixler
Trevor A. Bixler, P.S. 7730

