

CITY OF OBERLIN, OHIO

ORDINANCE NO. 16-47 AC-CMS

AN ORDINANCE APPROPRIATING A TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN REAL PROPERTY FOR THE PURPOSE OF CONSTRUCTING SIDEWALKS 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, RETAINING AND AUTHORIZING ANDY CRITES, ATTORNEY AT LAW 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 a temporary easement in a certain parcel of real estate located on East College Street hereinafter described; and,

WHEREAS, this Council finds and determines that the stated purpose of the appropriation is to enable the construction of a public sidewalk 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 for the acquisition of a temporary construction easement; and,

WHEREAS, this Council had decided to proceed with the appropriation of said temporary construction easement.

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

SECTION 1. That a temporary construction easement (as described in "Exhibit A") in certain real estate located at 560 East College Street, Oberlin Ohio, the same being part of the real estate known as Lorain County Auditor's Permanent Parcel No. 09-00-088-101-013 is hereby appropriated for the public purpose of the construction of a public sidewalk to implement 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, being a temporary construction easement, together with any damages to the residue to be \$300.00.

SECTION 3. That the foregoing appropriation is made in accordance with Resolution No. R16-03 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 acquisition of said temporary construction easement and that the appropriation is necessary for the purposes set forth above.

SECTION 5. That Andy Crites, an attorney at law licensed to practice in the State of Ohio, is hereby retained for the purpose of the appropriation set forth herein in an amount not to exceed \$7,500.00 and is authorized and directed to file a Petition for Appropriation in the Lorain County Court of Common Pleas, Probate Division and to take all such other actions as may be necessary for the appropriation authorized herein.

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 appropriations 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: _____

2nd Reading: _____

3rd Reading: _____

ATTEST:

BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED:

EFFECTIVE DATE: