

CITY OF OBERLIN, OHIO

RESOLUTION NO. R16-03 CMS

A RESOLUTION DECLARING THE INTENTION TO APPROPRIATE RIGHTS-OF-WAY IN FEE SIMPLE AND TO APPROPRIATE TEMPORARY EASEMENTS FOR THE PURPOSE OF CONSTRUCTING SIDEWALKS AS PART OF THE SAFE ROUTES TO SCHOOL PROGRAM OHIO DEPARTMENT OF TRANSPORTATION PID 90937 AND DECLARING AN EMERGENCY.

WHEREAS, by Ordinance 10-74 AC CMS adopted on October 18, 2010, Oberlin City Council authorized the City Administration to apply to the Ohio Department of Transportation for Safe Routes to School, ("SRTS") funding and, if approved, to enter into a contract with the Ohio Department of Transportation to complete the project; and

WHEREAS, by letter dated March 11, 2011, the Ohio Department of Transportation announced the City's SRTS project award in the amount of \$445,581; and

WHEREAS, in accordance with ODOT requirements, by Ordinance No. 16-12 AC CMS, Oberlin City Council authorized the Public Works Director to enter into an agreement between Dunrobin Associates, LLC, ("Dunrobin") and the City of Oberlin for Right-of-Way Acquisition services to acquire permanent and temporary rights-of-way in order to proceed with the SRTS program; and,

WHEREAS, in order to comply with the conditions and timelines for the ODOT funding, the City should acquire all easements and rights-of-way by January 20, 2017; and

WHEREAS, as of the present date, the City, through Dunrobin, is working diligently with affected property owners, but has not been able to enter into agreements and acquire all of the rights-of-way and easements necessary for the SRTS Project; and,

WHEREAS, Ohio Revised Code Section 719.01 provides for the appropriation of land for street and other public purposes and Section 719.04 of the Ohio Revised Code provides for the passage of a resolution declaring the City's intent to appropriate; and

WHEREAS, upon passage of this Resolution, the City will continue negotiations with all affected property owners with the intention of settling all or as many acquisition matters as is possible prior to initiating appropriation actions in court.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, 5/7ths of all members elected thereto concurring:

SECTION 1. This Council considers it necessary and declares its intention to appropriate fee simple interests in and to the premises described in Exhibit A attached hereto and incorporated herein; and,

SECTION 2: This Council declares its intention to appropriate temporary easements in and to the premises as described in **Exhibit B** attached hereto and Incorporated herein,

SECTION 3, That the purpose for which the appropriations set forth herein are to be made is to implement the SRTS Program within the City of Oberlin; and,

SECTION 4: That the President of this Council be and he is hereby authorized to cause written notice of the passage of this Resolution to be given to the owners, persons in possession or having an interest of record in the above described premises, said notice to be served according to law by a person to be designated for that purpose by the President and to make return of said service of notice in the manner provided by law.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution 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 6. That this Resolution 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 by January 20, 2017 and shall take effect immediately upon passage.

PASSED: 1st Reading: November 7, 2016 (E)
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 11/07/2016

EFFECTIVE DATE: 11/08/2016