

CITY OF OBERLIN, OHIO

ORDINANCE NO. 23-42 AC CMS

AN ORDINANCE ACCEPTING THE DEDICATION OF INTERCONNECTING WATER MAINS AS PERMANENT PUBLIC IMPROVEMENTS AND AN EASEMENT FOR THE MAINTENANCE AND OPERATION OF SAID WATER MAINS FROM THE BOARD OF EDUCATION OF THE OBERLIN CITY SCHOOL DISTRICT AS AN EMERGENCY MEASURE

WHEREAS, to ensure reliability and to maximize fire protection services to the Oberlin City School District facilities, the Board of Education of the Oberlin City School District has constructed a new 8" water main in accordance with the City's Public Works Standards; and

WHEREAS, said new water main interconnects the public water main at Hovey Lane to the public water main at the north end of North Park St. and to an existing private water main connected to the public water main on North Pleasant St.; and

WHEREAS, the Board of Education of the Oberlin City School District has, by resolution, proposed to dedicate said interconnecting water mains to the city and to grant to the city an easement necessary for the operation and maintenance of said water mains.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1. That the dedication of interconnecting water mains and grant of easement by the Board of Education of the Oberlin City School District is hereby accepted by the City of Oberlin for public ownership, operation, and maintenance.

SECTION 2. That the Law Director is hereby authorized and directed to file the Easement with the Lorain County Recorder's Office.

SECTION 3. 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 4. 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 ensure the public health and safety of those served by the interconnected water mains and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: June 5, 2023

2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 06/06/2023

EFFECTIVE DATE: 06/05/2023

This easement has been examined and the Grantor has complied with Section 3.19.202 of the Revised Code.

FEE \$ 0

EXEMPT \$ 16,823 PAB

J. Craig Snodgrass, CPA, CGFM, County Auditor

2023-0918321

EASEMENT/RI Fee:\$50.00 Page 1 of 4

Recorded: 6/8/2023 at 12:37

Receipt: T20230000830

Lorain County Recorder Mike Doran



GRANT OF EASEMENT
(Water Line)

KNOW ALL MEN BY THESE PRESENTS: THAT Oberlin City School District, an Ohio public school district and political subdivision organized pursuant to the Constitution and laws of the State of Ohio (the "Grantor"), for and in consideration of one Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant to the City of Oberlin, Ohio, an Ohio chartered municipal corporation and political subdivision organized pursuant to the Constitution and laws of the State of Ohio (the "Grantee") a permanent and perpetual right of way and easement over, through and under a 30-foot strip of land centered over an existing water line ("Easement Area"), to operate, maintain, repair, and replace said water line, as well as the operation and maintenance of the fire hydrants within the Easement Area deposited being a portion of the following parcels of real estate:

Situated in the City of Oberlin, County of Lorain, and the State of Ohio:

Being further known and described as parts of Permanent Parcel numbers 09-00-076-103-005, 09-00-076-103-008, 09-00-076-103-010, 09-00-076-103-012, 09-00-076-103-041, 09-00-076-103-042, 09-00-076-104-003 and 09-00-076-104-041 and more definitely described and delineated in Exhibit A, attached hereto and incorporated herein by reference.

The rights and privileges granted above shall include the following attendant rights and privileges:

1. Grantee, its employees and agents, shall have the right of ingress and egress over, through and under said right of way to operate, maintain, repair, and replace the water line, as well as to operate and maintain the public fire hydrants on said "Property".
2. Grantee shall remediate all damages caused by the exercise of the rights and privileges granted herein, provided that Grantee's obligation to remediate such damages shall be limited to the restoration of lawn, and restoration of pavement, curb, and sidewalk improvements existing at the time this easement is granted. Any improvements placed in the Easement Area by Grantor or Grantor's agents, contractors, or employees, without the written consent of Grantee, shall be so placed at Grantor's sole risk and expense.

3. Grantor shall have the right to use the land within the limits of said right of way and easement in any other manner not inconsistent with the rights herein described.
4. Grantor represents and warrants that it has full power to grant the rights and privileges contained herein.

Grantor and Grantee, as used herein, shall be deemed to be plural when required to be so, and shall include the successors and assigns of the parties hereto.

Executed this 15 day of May, 2023.

OBERLIN CITY SCHOOL DISTRICT

By: Robert Rinehart
Robert Rinehart
Treasurer and Chief Financial Officer

STATE OF OHIO

SS:

LORAIN COUNTY

Acknowledged before me that 15th day of May, 2023, by Robert Rinehart, Treasurer and Chief Financial Officer, on behalf of the Oberlin City School District.



BETH R WETHERBEE
Notary Public
State of Ohio
My Comm. Expires
January 25, 2025

Beth R. Wetherbee
NOTARY PUBLIC

Commission expiration date: 1-25-2025

Executed this 9th day of May, 2023.

OBERLIN CITY SCHOOL DISTRICT

By: *Farah Emeka*
Farah Emeka
President, Board of Education

STATE OF OHIO

SS:

LORAIN COUNTY

Acknowledged before me that 9th day of May, 2023, by Farah Emeka, President, Board of Education, on behalf of the Oberlin City School District.

Arianna Tevis
NOTARY PUBLIC

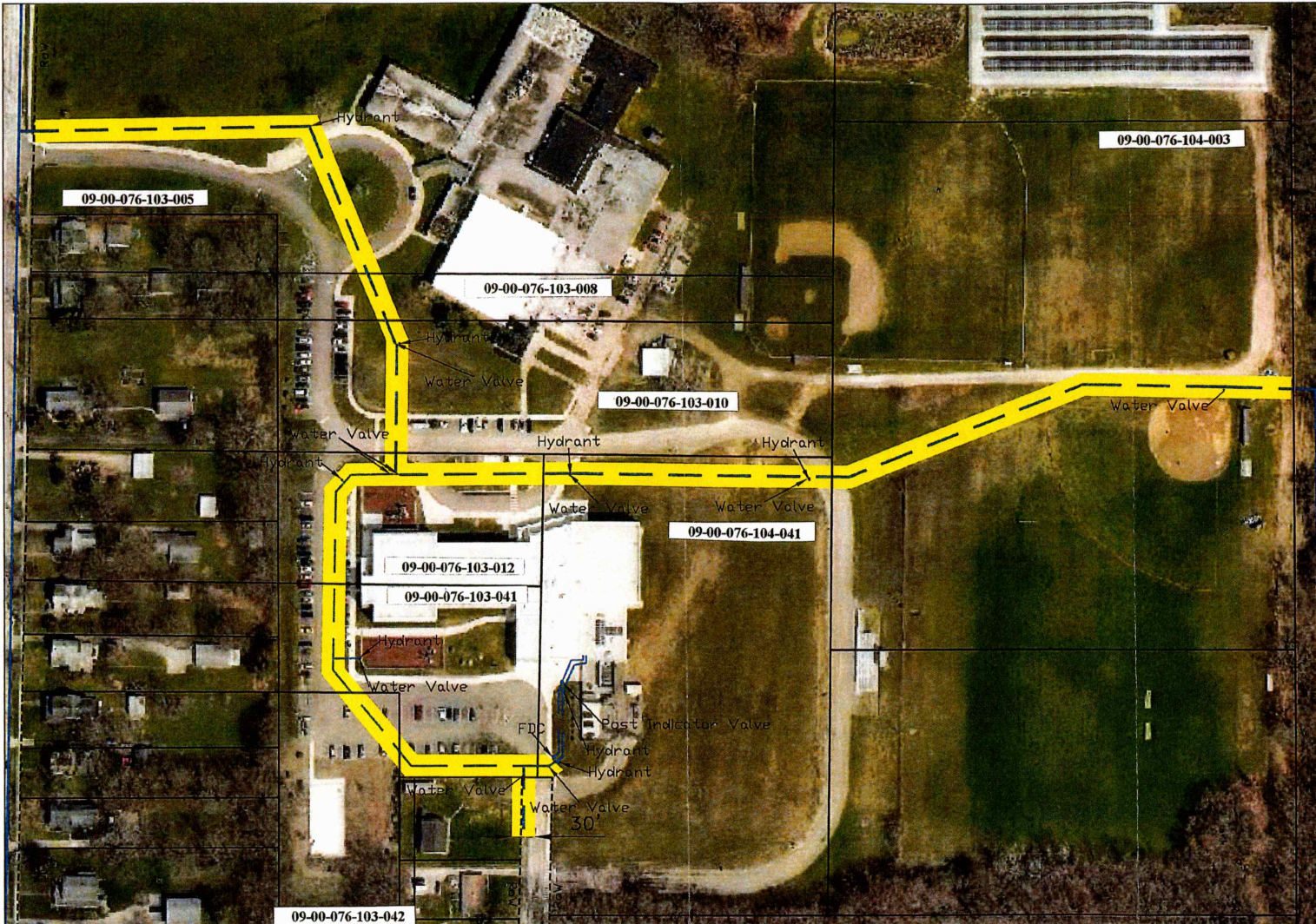
Commission expiration date: 11/28/2026

Prepared by:

City of Oberlin, OH
85 South Main Street
Oberlin, Ohio 44074



ARIANNA TEVIS
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
11/28/2026



City of Oberlin
 Public Works Department
 85 South Main Street
 Oberlin, OH 44074
 (440) - 776 - 0037

Oberlin Elementary School Water Line Easement

Date: 2/15/23

Drawn By: JI

Easement Exhibit

SHEET:
 1 of 1

Scale: 1" = 175'

