

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY THE CITY'S TOTAL COST TO DATE OF NUISANCE ABATEMENT AT 131 KESWICK DRIVE, PARCEL NO. 32-00971, TO THE SUMMIT COUNTY FISCAL OFFICE AS A SPECIAL ASSESSMENT FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION IN ONE ANNUAL INSTALLMENT; AND DECLARING AN EMERGENCY.

WHEREAS, since June 2011, the City of Hudson has expended considerable time and funds in an effort to have the owner of 131 Keswick Drive, Parcel No. 32-00971 (the "Property"), bring the Property into compliance with the City's Building and Housing Code; and

WHEREAS, in a final order dated August 17, 2011, and after conducting a full evidentiary hearing, the City's Board of Nuisance Abatement declared the Property a public nuisance and ordered it abated by demolition or repair and rehabilitation within 45 days of receipt of the Board's decision;

WHEREAS, the owner of the Property did not abate the public nuisance within the time period provided by the Board of Nuisance Abatement;

WHEREAS, on October 13, 2011, the City issued a Notice of Demolition in accordance with Section 1442.05(a) of the City's Building and Housing Code and Section 715.26(B) of the Ohio Revised Code advising the owner and all lienholders that due to the owner's failure to abate the public nuisance at the Property, the City would abate the nuisance by demolition within 30-days of receipt of the notice;

WHEREAS, in response to the Notice of Demolition, the owner filed an appeal and complaint for injunction in the Summit County Court of Common Pleas, in which the City successfully moved to dismiss the appeal as untimely and only the complaint for injunction remains pending;

WHEREAS, the City has incurred significant costs to date for the nuisance abatement with respect to the Property, and will continue to do so in the future, including the cost to demolish the structure on the Property,; and

WHEREAS, pursuant to Section 715.261 of the Ohio Revised Code and Section 1442.05(b)(2) of the Building and Housing Code, the City is authorized to place a lien on the Property to recover from the owner the City's total cost associated with the abatement of the public nuisance at the Property;

WHEREAS, the City has and continues to incur significant costs in an attempt to abate the public nuisance at the Property, including legal fees due to the pending court action;

WHEREAS, Council believes it is in the best interest of the City for the City's total cost to date of nuisance abatement relative to the Property to be certified to the Summit County Fiscal Office as a special assessment for placement on the tax duplicate for collection in one annual in-

stallment, with the expectation that the City's additional costs for the abatement of the nuisance at the Property will be certified to the County at a later date;

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. In accordance with Section 715.261 of the Ohio Revised Code and Section 1442.05(b)(2) of the City's Building and Housing Code, the Clerk of Council shall certify the City's total cost to date of abating the public nuisance at the Property, including the estimated cost to demolish the structure on the Property to the Summit County Fiscal Office as a special assessment for placement on the tax duplicate for collection in one annual installment, in the form provided in Exhibit 1, attached hereto and incorporated herein by reference, along with a copy of this Ordinance.

Section 2. The Clerk of Council shall also provide a certified copy of this Ordinance to the Accounting Department at the Summit County Fiscal Office with the proper filing fee.

Section 3. This Ordinance is declared to be an emergency measure necessary for the preservation of the general welfare of the City because the City's nuisance abatement costs to date must be certified to the Summit County Fiscal Office at the earliest possible time in order to protect the City's interest in collecting said costs; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto or six affirmative votes if all members of Council are present at the meeting at which it is passed; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

William A. Currin, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality on _____, 2013.

Elizabeth Slagle, Clerk of Council

EXHIBIT 1

SPECIAL ASSESSMENT CERTIFICATION LIST

TO THE SUMMIT COUNTY FISCAL OFFICER: KRISTEN M. SCALISE,
CPA, CFE

THE FOLLOWING LIST OF SPECIAL ASSESSMENT CHARGES HAS BEEN
CONFIRMED BY THE COUNCIL OF THE CITY OF HUDSON, OHIO AND IS
HEREBY CERTIFIED FOR COLLECTION IN ONE (1) ANNUAL INSTALL-
MENT TO BE COLLECTED AT THE EARLIEST POSSIBLE TIME..

DATE: _____

Elizabeth Slagle, Clerk of Council

SPECIAL ASSESSMENT CERTIFICATION LIST

<u>Parcel Number</u>	<u>Owner</u>	<u>Property Address</u>	<u>Property Description</u>	<u>Annual</u>	<u>Installments</u>
32-00971	Cynthia Cleary	131 Keswick Drive Hudson, Ohio 44236	See attached <u>Exhibit A</u>	\$84,383.60	1 annual
TOTAL		1 Parcel	\$84,383.60		

EXHIBIT A

Legal Description

Situated in the City of Hudson, County of Summit and State of Ohio:

And known as being all of Lot No. 16 of the Keswyke Estates Allotment as recorded in Plat Book 64, Page 43 of Summit County Records of Plats, and re-recorded in Plat Book 68, Page 52, of Summit County Records and further known as being 100 feet front on the Northerly side of Keswick Drive and extending back between parallel lines 179.94 feet and having a rear line of 100 feet, as appears by said plat.

Premises commonly known as: 131 Keswick Dr., Hudson, OH 44236
PPN: 32-00971