

AN ORDINANCE AUTHORIZING CERTIFICATION OF THE CITY'S COST OF NUISANCE ABATEMENT AT 5812 MARTIN DRIVE, TAX PARCEL NO. 30-00849, TO THE SUMMIT COUNTY FISCAL OFFICER AS A SPECIAL ASSESSMENT FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION IN ONE ANNUAL INSTALLMENT; AND DECLARING AN EMERGENCY.

WHEREAS, since August 2013, the City of Hudson has expended considerable time and money in an effort to have the owner of 5812 Marin Drive, Parcel No. 30-00849 (the "Property") bring the Property into compliance with the City's Codified Ordinances; and

WHEREAS, in a final order dated April 28, 2014, and after conducting a full evidentiary hearing at which the owner was present and represented by legal counsel, 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; and

WHEREAS, the owner of the Property did not abate the public nuisance within the time period provided in the Board of Nuisance Abatement's order; and

WHEREAS, on August 19, 2014, the City issued a Notice of Demolition in accordance with Section 1442.05(a) of the City's Codified Ordinances and Section 715.26(B) of the Ohio Revised Code advising the owner 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; and

WHEREAS, the owner failed to abate the public nuisance at the Property as provided for in the Notice of Demolition; and

WHEREAS, the City hired a contractor and had the house and garage on the Property demolished on or about December 29, 2014 and December 30, 2014; and

WHEREAS, in accordance with Section 1442.05(b)(1) of the City's Codified Ordinances, the City served the owner with an invoice of the City's total nuisance abatement costs to date and the owner has failed to make payment to the City within the 60-day period prescribed by Section 1442.05(b)(2); and

WHEREAS, pursuant to Section 715.261 of the Ohio Revised Code and Section 1442.05(b)(2) of the Codified Ordinances, 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; and

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 installment.

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 Codified Ordinance, the Clerk of Council shall certify the City's total cost to date of abating the public nuisance at the Property to the Summit County Fiscal Officer 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
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>
30-00849	Richard Warren	5812 Martin Drive Hudson, Ohio 44236	See attached <u>Exhibit A</u>	\$24,902.75	1 annual
TOTAL		1 Parcel	\$24,902.75		

## EXHIBIT A

### Legal Description

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

and known as being all of Lots Nos. 20 and 21 in Chittenden Acres Allotment as recorded in Plat Book 27, Page 47 and more fully described as follows, to-wit:

Beginning at an iron pipe at the intersection of the south line of said Lot No. 20 with the west line of Martin Drive (50 feet wide) and thence along the south line of said Lot No. 20, North  $87^{\circ}13'$  West, 359.98 feet to an iron pipe at the southwest corner of said lot; thence along the west lines of said Lots Nos. 20, and 21 North  $3^{\circ}54'40''$  East, 229.04 feet; thence along the north line of said Lot No. 21, south  $87^{\circ}13'$  East, 356.47 feet to the west line of said Martin Drive; thence along said road line, south  $2^{\circ}47'$  West, 229.0 feet to the place of beginning as surveyed July 13, 1970 by Gehres & Kingsley, Surveyors, but subject to all legal highways.

PARCEL II- Situated in the Township of Hudson, County of Summit and State of Ohio and known as being the south 16 feet of Lot No. 22 in Chittenden Acres Allotment as recorded in Plat Book 27, Page 47 and more fully described as follows, to-wit:

Beginning at the intersection of the south line of said Lot No. 22 with the west line of Martin Drive (50 feet wide) and thence along the south line of said Lot No. 22, North  $87^{\circ}13'$  West, 356.47 feet to the southwest corner of said lot; thence along the west line of said lot, North  $3^{\circ}54'40''$  East, 16.0 feet to an iron pipe, thence along a line which is parallel to and 16.0 feet northerly at right angles from the south line of said Lot No. 22, South  $87^{\circ}13'$  East, 356.79 feet to an iron pipe on the west line of said Martin Drive; thence along said road line, South  $2^{\circ}47'$  West, 16.0 feet to the place of beginning as surveyed July 13, 1970 by Gehres & Kingsley, Surveyors, but subject to all legal highways.

Excluding therefrom the following described real estate:

Situated in the Township of Original Hudson, County of Summit, State of Ohio and in Lot 31, Town 4-N, Range 10-W, and bounded and described as follows:

Being a parcel of land lying on the right side of the centerline of a survey made by the Department of Highways, and recorded in Book 80, Page 34-39, of the records of Summit County and being located within the following described points in the boundary thereof;

Known as being part of Sub-lots 20, 21, and 22 in the Chittenden Acres Allotment, as shown by the recorded plot in Plat Book 27, Page 47 of Summit County Records and being bounded and described as follows:

Commencing at a point on the easterly limited access line of existing S.R. 8, said point being 70.00 feet right of a monument at P.C. Station 299+06.60 in the centerline of existing S.R. 8; thence S.  $10^{\circ}47'36''$  E., along said easterly limited access line of existing S.R. 8, 114.39 feet

to a point; thence S.  $51^{\circ} 50' 37''$  E., 660.73 feet to a point; thence N.  $0^{\circ} 11' 04''$  E., along the township line between Boston Township and Hudson Township, 197.34 feet to the true place of beginning, said point being 27.08 feet right of Station 1285 + 70.45 in the centerline of Relocated S.R. 8; thence N.  $0^{\circ} 11' 04''$  E., continuing along the same township line, which is also the grantor's westerly property line, 245.04 feet to a point; thence N.  $89^{\circ} 03' 25''$  E., along the grantor's northerly property line 143.64 feet to a point; thence S.  $8^{\circ} 11' 38''$  W., along the easterly limited access line of Relocated S.R. 8, 32.60 feet to a point; thence S.  $0^{\circ} 19' 26''$  E., continuing along the same limited access line, 212.82 feet to a point; thence S.  $89^{\circ} 03' 25''$  W., along the grantors' southerly property line, 140.99 feet to the true place of beginning, containing 34.352 square feet of land.

Description of the above parcel is based on a survey made by Bryan E. McCoy, Registered Surveyor No. 4936.