

ORDINANCE NO. 11-2010

Offered by All of Council

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY THE VILLAGE'S TOTAL COST OF NUISANCE ABATEMENT AT 5153 BRECKSVILLE ROAD, PARCEL NO. 50-00221, TO THE SUMMIT COUNTY FISCAL OFFICE AS A SPECIAL ASSESSMENT FOR PLACEMENT ON THE TAX DUPLICATE FOR COLLECTION IN ONE ANNUAL INSTALLMENT IN THE YEAR 2011; AND DECLARING AN EMERGENCY.

WHEREAS, on or about July 14, 2008, the Village Zoning Inspector issued a Final Order to Millennium Property Holdings, LLC, the owner of the property at 5153 Brecksville Road, Parcel No. 50-00221 ("Property"), declaring the Property a public nuisance and ordering the public nuisance to be abated within thirty days; and

WHEREAS, the owner did not abate the public nuisance; and

WHEREAS, on or about April 24, 2009, the Village Zoning Inspector issued a Notice of Nuisance Abatement, in accordance with R.C. 715.26 and Sections 1307.06 and 1307.13 of the Codified Ordinances of the Village of Richfield, to the owner and all lienholders of the Property, giving notice that if the public nuisance is not abated within thirty days of receipt of the notice, the Village will abate the nuisance by demolition; and

WHEREAS, the owner and the lienholders of the Property did not abate the public nuisance; and

WHEREAS, during December 2009, the Village abated the public nuisance at the Property by demolition; and

WHEREAS, the Village incurred significant costs in abating the public nuisance at the Property, including the cost of a preliminary judicial title report, the cost of providing notice of the Notice of Nuisance Abatement to the owner of the Property by publication in a newspaper, legal fees and the cost of demolition; and

WHEREAS, the Village's total cost of nuisance abatement at the Property is Thirty One Thousand One Hundred Sixty-Nine Dollars and fifty-three cents (\$31,169.53); and

WHEREAS, pursuant to R.C. Section 715.261 and Section 1307.13(d) of the Codified Ordinances of the Village of Richfield, the Village is authorized to place a lien on the Property to recover from the owner the total cost associated with the abatement of the public nuisance at the Property; and

WHEREAS, Council desires for the Village's total cost 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 in 2011;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

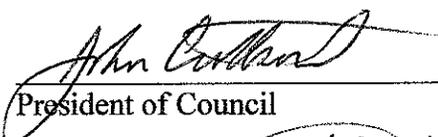
SECTION 1. That in accordance with R.C. Section 715.261 and Section 1307.13(d) of the Codified Ordinances of the Village of Richfield, the Clerk of Council shall certify the Village's total cost of abating the public nuisance at the Property to the Summit County Fiscal Office as a special assessment for placement on the tax duplicate for collection in one annual installment in the year 2011, in the form provided in Exhibit 1 attached hereto and incorporated herein by reference, along with a copy of this Ordinance. The certification must be completed before the statutory deadline in September 2010.

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 a One Dollar (\$1.00) filing fee.

SECTION 3. That it is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 4. This Ordinance is hereby determined to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and for the further reason that this Ordinance must be immediately effective so that the Village's nuisance abatement costs are certified to the Summit County Fiscal Officer by the statutory deadline in September 2010, for necessary collection in 2011; wherefore, provided this Ordinance receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 3/2/2010



President of Council



Mayor

Dated: 3/2/10.

ATTEST:


Clerk of Council

EXHIBIT 1

SPECIAL ASSESSMENT CERTIFICATION LIST

TO THE SUMMIT COUNTY FISCAL OFFICER: JOHN A. DONOFRIO

THE FOLLOWING LIST OF SPECIAL ASSESSMENT CHARGES HAS BEEN
CONFIRMED BY THE COUNCIL OF THE VILLAGE OF RICHFIELD, OHIO
AND IS HEREBY CERTIFIED FOR COLLECTION IN ONE (1) ANNUAL
INSTALLMENT TO BE COLLECTED IN THE TAX YEAR 2011.

DATE: _____

Carolyn Sullivan, 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>
50-00221	Millennium Property Holdings, LLC	5153 Brecksville Road Richfield, Ohio 44286	See attached <u>Exhibit A</u>	\$31,169.53	1 annual
TOTAL		1 Parcel		\$31,169.53	

EXHIBIT A

Legal Description

Situated in the Village of Richfield, County of Summit and State of Ohio: And known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and more fully described as follows: Beginning at a point in the old centerline of Cleveland-Massillon Road, U.S. 21 (66 feet wide) at the Northwesterly corner of a parcel of land conveyed to the Cleveland Electric Illuminating Company by deed recorded in Volume 4554, Page 275 of Summit County Deed Records. Said point being North 13 deg. 41' 50" East 312.94 feet from the intersection of the old centerline of Cleveland-Massillon Road, as aforesaid, with the centerline of the Ohio Turnpike; Thence South 87 deg. 11' 07" East along the Northerly line of said Parcel conveyed to the Cleveland Electric Illuminating Company, 33.60 feet to a point on the easterly line of Cleveland-Massillon Road, as aforesaid, and the principal place of beginning; Thence continuing 87 deg. 11' 07" East along the Northerly line of said Parcel conveyed to The Cleveland Electric Illuminating Company, 180.00 feet to a point; Thence South 13 deg. 41' 50" West and parallel with the Old Centerline of Cleveland-Massillon Road, as aforesaid, 254.58 feet to a point on the Southerly line of said parcel conveyed to the Cleveland Electric Illuminating Company; Thence North 87 deg. 11' 07" West along the Southerly line of said Parcel conveyed to The Cleveland Electric Illuminating Company 19.26 feet to a point on the Northerly line of the Ohio Turnpike; Thence by the arc of a curve bearing to the left and along the Northerly line of the Ohio Turnpike; Radius 6231.66 feet, Delta 0 deg. 38' 16", Arc 69.37 feet, Chord 69.37 feet and Chord bearing North 68 deg. 19' 56" West to a point and P.T. of said curve; Thence North 68 deg. 39' 09" West along the Northerly line of the Ohio Turnpike 89.95 feet to a point on the Easterly line of Cleveland-Massillon Road, as aforesaid; Thence North 13 deg. 41' 50" East along the Easterly line of Cleveland-Massillon Road, as aforesaid, 202.64 feet to a point and the principal place of beginning, according to a survey by the Western Reserve Engineering and Surveying Company in November, 1971, be the same more or less, but subject to all legal highways.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:

Situated in the Village of Richfield, County of Summit and State of Ohio: And known as being part of Original Richfield Township Lot No. 11, Tract No. 4, and more fully described as follows: Beginning at the intersection of Sublot No. 62 and Brecksville Road; Thence South 13 deg. 41 min. 50 sec. West along the centerline of Brecksville Road a distance of 763.86 feet to a point; Thence South 87 deg. 11 min. 07 sec. East a distance of 33.60 feet to a point set in the Easterly right of way line of the said Brecksville Road. Said point being the Northwesterly corner of a parcel of land conveyed to the Cleveland Electric Illuminating Company by deed recorded in Volume 4554, Page 275 of Summit County Records; Thence South 13 deg. 41 min. 50 sec. West along the easterly line of Cleveland-Massillon Road, as aforesaid, 140.00 feet to a point and the principal place of beginning. Thence South 87 deg. 11 min. 07 sec. East and parallel with

the Northerly line of said parcel conveyed to the Cleveland Electric Illuminating Company, 180.00 feet to a point; Thence South 13 deg. 41 min. 50 sec. West and parallel with the Old Centerline of Cleveland-Massillon Road, as aforesaid, 114.58 feet to a point on the Southerly line of said Parcel conveyed to The Cleveland Electric Illuminating Company; Thence North 87 deg. 11 min. 07 sec. West along the Southerly line of said Parcel conveyed to The Cleveland Electric Illuminating Company, 19.26 feet to a point on the Northerly line of The Ohio Turnpike; Thence by the Arc of a curve bearing to the left and along the Northerly line of the Ohio Turnpike; Radius 6231.66 feet, Delta 0 deg. 38 min. 16 sec., Arc 69.37 feet and Chord bearing North 68 deg. 19 min. 56 sec. West to a point and P.T. of said curve; Thence North 68 deg. 39 min. 09 sec. West along the northerly line of the Ohio Turnpike 89.95 feet to a point on the Easterly line of Cleveland-Massillon Road, as aforesaid; Thence North 13 deg. 41 min. 50 sec. East along the Easterly line of Cleveland-Massillon Road, as aforesaid, 62.64 feet to a point and the principal place of beginning, according to a survey by the Western Reserve Engineering and Surveying Company, in November 1971, be the same more or less, but subject to all legal highways.

Premises commonly known as: 5153 Brecksville Rd., Richfield, OH 44286
PPN: 50-00221
Routing No. RI-00003-01-009.000