RESOLUTION NO. 40 , 2009

A RESOLUTION AUTHORIZING AN ASSESSMENT AGAINST 5950 COOPER ROAD, MONTGOMERY, OHIO

WHEREAS, the City of Montgomery, within the Property Maintenance Code adopted by Ordinance No. 15, 2008, has provided in part a prohibition against noxious weeds, the removal of debris and trash from property, and the requirement to abate other nuisances which create a hazard to the public health, safety and welfare; and

WHEREAS, such Property Maintenance Code sets forth a method for notifying non-complying property owners to abate such nuisance and allows the City to take action to enter upon the real estate, abate such nuisance, and assess the cost of such abatement against the real property if the owner fails to comply with such notice within the time permitted; and

WHEREAS, the Property Maintenance Code and Ohio law allow the City to place a lien against real property for the charges incurred by the City, either directly or indirectly, to correct such nuisance and the fees incurred administratively to provide notice to the non-complying property owner; and

WHEREAS, the City has followed its Code in notifying the owner of the property at 5950 Cooper Road, Montgomery, Ohio 45242, Auditor's Parcel Number 603-0006-0055, to abate the noted nuisance violation as set forth in the attached copies submitted to the Clerk of Council; and

WHEREAS, the owner has failed or refused to take action within the time allowed pursuant to such notices; and

WHEREAS, the City, after submitting such notices, has entered upon the property to abate such nuisance at a cost of $100.00; and

WHEREAS, the City now desires to assess a lien upon such real estate for the cost incurred by the City to abate such nuisance at a cost of $100.00, and an additional administrative fee of $25.00 as allowable by law.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Montgomery, Ohio:

SECTION 1. Pursuant to the Ohio Revised Code and the Ordinances of the City of Montgomery, Council hereby makes this written return to the Auditor of Hamilton County, Ohio, and requests that the Auditor place a lien against the property located at 5950 Cooper Road, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0006-0055, in the amount of $125.00, which includes the administrative fee. The Auditor is requested to place said special assessment against the property upon the tax duplicate as is authorized by Ohio law to collect the same according to law and to return such collections to the City.

SECTION 2. This Resolution shall be in full force and effect from and after its passage.

PASSED September 2, 2009

ATTEST Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM
Terrence M. Donnellon
Terrence M. Donnellon, Law Director