RESOLUTION NO. 28 , 2011

A RESOLUTION AUTHORIZING AN ASSESSMENT FOR THE CUTTING OF NOXIOUS WEEDS AND REMOVAL OF DEBRIS/TRASH

WHEREAS, the City of Montgomery, in Chapter 93 of the Code of Ordinances has provided a prohibition against noxious weeds and removal of debris/trash within the City, a method of notifying non-complying owners to cut such weeds and remove debris/trash, and a procedure by which the City may cut and remove the weeds and litter if the owner fails to take action within the time allowed; and

WHEREAS, the Ohio Revised Code allows a City to place a lien against property for the charges incurred by the City for the services in cutting noxious weeds and removal of debris/trash and any fees incurred administratively to provide notice to the non-complying property owner; and

WHEREAS, the City has followed its Code of Ordinances in notifying the owner of the property at 8739 Tiburon Drive, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0024-0067 on three separate occasions as set forth in the attached copies of Affidavits submitted to the Clerk of Council; and

WHEREAS, the owner(s) 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 cut and remove the weeds and debris/trash at a cost of $75.00; and

WHEREAS, the City now desires to assess a lien upon said property for the cost incurred by the City to cut and remove such weeds and debris/trash, 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 8739 Tiburon Drive, Montgomery, Ohio 45242, being Auditor's Parcel Number 603-0024-0067, in the amount of $100.00, which includes the administrative fee. The Auditor is requested to place such 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 7, 2011

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

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM

Terrence M. Donnellon, Law Director