

VILLAGE OF BOSTON HEIGHTS	Codified?	First Reading <u> X </u>	Waiver 3-Reading Rule <u> X </u>
ORDINANCE NO: 2025-9-12	Yes <u> x </u>	Second Reading <u> </u>	Yes <u> </u>
INTRODUCED BY <u> </u>	No <u> </u>	Third Reading <u> </u>	No <u> </u>

AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY THE VILLAGE'S TOTAL COSTS TO DATE OF NUISANCE ABATEMENT AT 6625 DEAN MEMORIAL PARKWAY, BOSTON HEIGHTS, OHIO 44236, PARCEL NO. 13-01028, 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 2019, the Village of Boston Heights (the "Village") has expended considerable time and funds in an effort to have the owner of 6625 Dean Memorial Parkway, Boston Heights, Ohio 44236, Parcel No. 13-01028 (the "Property"), bring the Property into compliance with the Village's Building Code under its Codified Ordinances ("C.O."); and

WHEREAS, in the final order dated December 2, 2020, and after conducting a full evidentiary hearing, the Village's Board of Nuisance Abatement (the "Abatement Board") declared the Property and public nuisance and ordered it that the owner shall provide a detailed written plan within fifteen (15) days (the "Fifteen Day Plan") regarding the timeline of the completion of the abatement as reported by the Abatement Board and how each item would specifically be abated by the owner within forty-five (45) days of the receipt of the Abatement Board's order; and

WHEREAS, if the owner failed to comply with the order from the Abatement Board, then the Property would be declared condemned by the Village and the Property would be abated by demolition or repair, and the costs assessed to the owner per the Village's Codified Ordinances; and

WHEREAS, the owner of the Property did not abate the public nuisance within the time period provided by the Abatement Board and appealed the Abatement Board's decision to the Village's Board of Zoning Appeals; and

WHEREAS, on or about February 22, 2021, the Village's Board of Zoning Appeals issued an order affirming the Abatement Board's order, finding the Property to be a Public Nuisance under the Village of Boston Heights Codified Ordinances § 1379.01; and

WHEREAS, the owner filed an administrative appeal to the Summit County Court of Common Pleas in Case No. CV-2021-03-0966. Wherein, the Court affirmed the order of the Village's Board of Zoning Appeals; and

WHEREAS, the Property was then razed, demolished and otherwise abated by the Village; and

WHEREAS, the Village is authorized by Section 715.261 of the Ohio Revised Code and Section 1379.05 of the Village's Codified Ordinances. to place a lien on the Property to recover from the Owner the total costs associated with the abatement of a public nuisance (the "Costs"); and

WHEREAS, the Costs incurred by the Village for the demolition and to abate the nuisance was \$1,256,583.80; and

WHEREAS, in anticipation of the Village's substantial costs in abating the nuisance, the Village applied for and was awarded a Building Demolition and Site Revitalization ("BDSR") program award of \$885,000.00 through the Ohio Department of Development and administered through the Summit County Land Bank ("SCLB") established under the Participation Fee Agreement and Subrecipient Agreements; and

WHEREAS, the Village has submitted a request for reimbursement of the \$885,000.00, however, the application has not yet received final approval; and

WHEREAS, until the SCLB completes its review for reimbursement of the Village's BDSR program award, the Village's total Costs of the abatement remain \$1,256,583.80; and

WHEREAS, the Village has been advised by legal counsel that the Property is in foreclosure pursuant to the case of *Kristen M. Scalise v. Maplewood Lodging, LLC, et al.*, Summit County Court of Common Pleas Case No. CV-2021-03-0754; and

WHEREAS, the Village plans to intervene into the foreclosure action to recover on its lien; and

WHEREAS, the Village has and continues to incur significant costs in an attempt to abate the public nuisance at the Property, including legal fees due to the above foreclosure action in which the Village will need to intervene in order to recover on its lien; and

WHEREAS, Council believes it is in the best interest of the Village for the Village's total costs 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 a one annual installment, with the expectation that the Village's additional costs, if any, for the abatement of the nuisance at the Property, including attorneys' fees, will be certified to the County at a later date, if necessary.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Boston Heights, Summit County, State of Ohio, as follows:

Section 1. In accordance with Section 715.261 of the Ohio Revised Code and Section 1379.05 of the Village's Codified Ordinances, the Clerk of Council shall certify the Village'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 fully incorporated herein by reference, along with a copy of this Ordinance.

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

Section 3. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 3. That it is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in a duly noticed open meeting of this Council and that all deliberations which resulted in formal action were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is declared to be an emergency measure necessary for the preservation of the general welfare of the Village because the Village'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 Village's interest in collecting said costs; and in light of the current foreclosure action that is pending, wherefore, this Ordinance shall be in full force and effect immediately upon its passage.

PASSED:

RON ANTAL, MAYOR

ATTEST:

I, Scott Varney, Fiscal Officer and Clerk of the Council for the Village of Boston Heights, Summit County, Ohio, do hereby certify that the foregoing **Ordinance 2025-09-12** was duly passed by the Council of the Village of Boston Heights, County of Summit, State of Ohio at a meeting of Council on this **9th day of September 2025**.

SCOTT VARNEY, FISCAL OFFICER