

ORDINANCE NO. 97- 117 AC CMS

**AN ORDINANCE ASSESSING COST FOR ABATING NUISANCE CAUSED BY
NON-COMPLIANCE WITH SECTION 551.02 OF THE OBERLIN CODIFIED
ORDINANCES AND SECTION 110.3 OF THE PROPERTY MAINTENANCE
CODE FOR THE YEAR 1997**

WHEREAS, certain property owners within the City of Oberlin have failed and refused to abate certain nuisances upon their properties, and,

WHEREAS, Chapter 551 of the Oberlin Codified Ordinances and Section 110.3 of the Property Maintenance Code authorize the City of Oberlin to abate said nuisances and certify the cost of said abatement to the Lorain County Auditor for placement upon the 1997 tax duplicate.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That this Council finds that the Code Administrator of the City of Oberlin has abated certain nuisances after first notifying the owners of the property upon which each of said nuisances originated, and has reported the cost of such abatement in the manner provided by law, as follows:

Owner's Name & Address	Address	Worked Performed	Amount
Central State Construction 118 Locust Street Oberlin, Oh 44074	09-00-096-105-016 118 Locust Street	Weed & Grass Cutting	\$130.00
Wanda Carter 43 Stewart Court Oberlin, Ohio 44074	09-00-076-104-040 266 East Lorain St.	Weeds & Grass Cutting	\$100.00
Steven Douglas 348 Edgemoor Place Oberlin, Ohio 44074	09-00-084-109-042 348 Edgemoor Pl.	Weeds & Grass Cutting	\$40.00
Sandy Quinn Firelands Retirement Center 36 South Pleasant Street Oberlin, Ohio 44074	09-00-086-110-032 74 Spring Street	Weeds, Vines, Trees, & Grass Cutting	\$600.00

Sandy Quinn Firelands Retirement Center 36 South Pleasant Street Oberlin, Ohio 44074	09-00-086-110-032 74 Spring Street	Demolition (Garage)	\$900.00
Charles Weatherford 75 Burger Court Oberlin, Ohio 44074	09-00-095-108-001 199 Lincoln Street	Cut Weeds, Grass & Vines	\$300.00
Conti Mortgage 500 Enterprise Road Horsham, PA 19044	09-00-086-109-020 225 East Lorain St.	Cut Weeds, Grass & Vines	\$350.00
Conti Mortgage 500 Enterprise Road Horsham, PA 19044	09-00-096-111-014 130 Smith Street	Demolition of Single Family House	\$4,000.00
Arthur Moore 244 Grafton Road Oberlin, Ohio 44074	09-00-096-109-020 Vacant lot West of 247 Sumner	Cut Grass, Weeds, Brush & Vines	\$300.00


SECTION 2. That the amounts above shown are hereby assessed upon the properties set forth above by permanent parcel number and such assessment shall be certified for collection upon the 1997 tax duplicate in the same manner as general taxes.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - December 15, 1997 (E)
2nd Reading -
3rd Reading -

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

Page 3 - ORDINANCE NO. 97-117 AC CMS

POSTED: 12/16/97

EFFECTIVE DATE: 12/16/97

a:\Ord97- Weeds



OFFICE OF THE AUDITOR
LORAIN COUNTY, OHIO

07-29-99A11:22 RCVD

MARK R. STEWART
Auditor

July 27, 1999

Eugene Simon, Clerk
Oberlin City Council
85 South Main Street
Oberlin, Ohio 44074

Re: Ordinance #97-117 AC CMS
Special Assessment for weeds, vines, trees, & grass cutting,
demolition of garage

Dear Ms. Simon:

This letter is to inform you that the special assessment, in the amount of \$1,500, on permanent parcel 09-00-086-110-032 has been removed from the 1998 tax duplicate.

This special assessment was removed because the property was purchased by Jean Sherrard. The purchase occurred on 12/9/97. At the time of the purchase, a search of public records was made, which included special assessments. The only assessments reflected were for general taxes, which had been paid by owner, Sandy Quinn.

Because the assessment was certified against real estate held by a buyer who purchased the property before the date the assessment was entered on the county tax duplicate, the assessment is not effective.

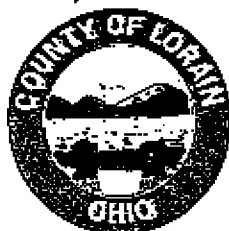
A copy of the Lorain County Prosecutor's opinion is enclosed for your information and review. If you have any questions regarding this matter, please contact me at (440) 329-5215.

Sincerely,

Paul Nishanian
Real Estate Tax Administrator

Enclosure

cc: Jean Sherrard



OFFICE OF
GREGORY A. WHITE
PROSECUTING ATTORNEY
LORAIN COUNTY, OHIO

CIVIL DIVISION
GERALD A. INNES
Chief Counsel

CRIMINAL DIVISION
JONATHAN E. ROSENBAUM
Chief Counsel

DOMESTIC RELATIONS DIVISION
LISA A. LOCKE GRAVES
Chief Counsel

VICTIM/WITNESS DIVISION
DECEASED ADMINISTRATOR
MARTIN H. EBEL, JR.

226 MIDDLE AVENUE, 4th FLOOR • ELYRIA, OHIO 44035

May 28, 1999

Mark R. Stewart
Lorain County Auditor
226 Middle Avenue, 2nd Floor
Elyria, Ohio 44035

Dear Mr. Stewart:

I have not done a thorough enough research to determine if these statutes apply to special assessment situations, but I believe the general concept will apply.

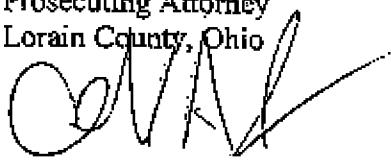
The basic principle is that the landowner becomes liable for the assessment, when the City Council passes the ordinance. So the owners in title became liable for the assessment if they were included in the city ordinance. In other words, the failure to properly certify and place the assessment on the duplicate does not relieve the owner of the liability, but only affects its status as a lien on the property. Certification to the County Auditor is only one means of assisting collection of the assessment, but does not affect its validity.

Therefore, for parcels still in the same owners' names, the assessments can be readjusted. If the property has changed hands, the current owners can be assessed only back to the time that they purchased the property. For previous years, the assessment is the liability of the previous owners. Since the City is still owed the assessment, they can still collect it, if they can find those previous owners.

After you have a chance to review this information, please contact me and we can discuss the best way to proceed.

Very truly yours,

GREGORY A. WHITE
Prosecuting Attorney
Lorain County, Ohio


Gerald A. Innes
Assistant Prosecuting Attorney

GAJ:cac

Enclosures

RECEIVED
MAY 28 2 32 PM 1999
LORAIN COUNTY
ADMINISTRATOR



OFFICE OF THE AUDITOR
LORAIN COUNTY, OHIO

06-23-99A10:05 RCVD

MARK R. STEWART
Auditor

June 24, 1999

Eugene Simon, Clerk
Oberlin City Council
85 South Main Street
Oberlin, Ohio 44074

Re: Ordinance # 97-117 AC CMS
Special Assessment for Demolition of Single Family House

Dear Ms. Simon:

This letter is to inform you that the special assessment, in the amount of \$ 4,000.00, on permanent parcel 09-00-096-111-014 has been removed from the 1998 tax duplicate.

This special assessment was removed because a corporation by the name of P.B. Land, Inc. purchased the subject property. The purchase occurred on June 30, 1998. At the time of the purchase, a search of public records was made, which included special assessments. The only assessments reflected were for general taxes, which had been paid by owner, Conti Mortgage.

This property was subsequently purchased by P.B. Land, Inc. and resold on December 28, 1998.

Because the assessment was certified against real estate held by a buyer who purchased the property before the date the assessment was entered on the county tax duplicate, the assessment is not effective.

A copy of the Lorain County Prosecutor's opinion is enclosed for your information and review. If you have any questions regarding this matter, please contact me at (440) 329-5215.

Sincerely,

Paul Nishanian
Real Estate Tax Administrator

Enclosure

Cc: Don Dailey
Gino Pulito



OFFICE OF
GREGORY A. WHITE
PROSECUTING ATTORNEY

LORAIN COUNTY, OHIO

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226 MIDDLE AVENUE, 4th FLOOR • ELYRIA, OHIO 44035

May 28, 1999

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Lorain County Auditor
226 Middle Avenue, 2nd Floor
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The basic principle is that the landowner becomes liable for the assessment, when the City Council passes the ordinance. So the owners in title became liable for the assessment if they were included in the city ordinance. In other words, the failure to properly certify and place the assessment on the duplicate does not relieve the owner of the liability, but only affects its status as a lien on the property. Certification to the County Auditor is only one means of assisting collection of the assessment, but does not affect its validity.

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Very truly yours,

GREGORY A. WHITE
Prosecuting Attorney
Lorain County, Ohio

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