

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 18-115

INTRODUCED BY: Mayor Stefanik  
Co-Sponsor: Langshaw

AN ORDINANCE AUTHORIZING THE DIRECTOR OF FINANCE TO CERTIFY TO THE AUDITOR OF CUYAHOGA COUNTY THE UNPAID COST OF NUISANCE ABATEMENT PERFORMED BY THE CITY OF NORTH ROYALTON AT 12778 PATRICIA DRIVE, PPN 481-03-020 PROPERTY OWNER ROBERT H. MYERS, JR., TRUSTEE OF THE MARILYN D. ENOS REVOCABLE LIVING TRUST IN THE AMOUNT OF \$13,200.00, AND DECLARING AN EMERGENCY

- WHEREAS: Section 1464.08 of the Codified Ordinances of the City of North Royalton states that the exterior of the premises, all structures, parcels and lots thereon shall be kept free of unsanitary conditions, nuisances and hazards to the safety of occupants, pedestrians and other persons utilizing the premises; and
- WHEREAS: Any such unsanitary condition, nuisance or hazard posing imminent danger to the health, safety and welfare of any person shall be immediately removed and abated by the owner, operator and occupant, and all other unsanitary conditions, nuisances or hazards shall be removed and abated by the owner, operator or occupant within seven days of receipt of notice by the Building Commissioner or other enforcement officer; and
- WHEREAS: Section 1464.101 states if the Building Commissioner finds that a nuisance condition exists as defined in the City's Codified Ordinances, or otherwise by ordinance passed by Council, on any property, the Building Commissioner may issue a notice declaring the existence of such nuisance, and may order the abatement of the nuisance or proceed to abate the nuisance; and
- WHEREAS: The Building Commissioner determined that the structure located at 12778 Patricia Drive, PPN 481-03-020 property owner Robert H. Myers, Jr., Trustee of the Marilyn D. Enos Revocable Living Trust constituted a nuisance as set forth in Chapter 1464; and
- WHEREAS: The city initiated a lawsuit, City of North Royalton vs. Robert H. Myers, Jr., Trustee of the Marilyn D. Enos Revocable Living Trust, et al, Cuyahoga County Court of Common Pleas Case No. CV17-881444 seeking an order finding that the above stated residence is an unsafe structure and a nuisance, an order to raze the structure and the assessment of said costs; and
- WHEREAS: On July 2, 2018 Judge Kathleen Sutula issued an order granting the city's motion in its entirety; and
- WHEREAS: The city has expended manpower and resources to bring this property into compliance and has followed all procedures to issue invoices to the various property owners for payment of the cost of such maintenance performed by the city, which invoices have remained unpaid; and
- WHEREAS: In order for the city to collect these delinquent charges, it is necessary to certify Thirteen Thousand Two Hundred Dollars (\$13,200.00) in delinquent charges to the Auditor of Cuyahoga County pursuant to ORC 715.261(B)(1).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The statements contained in the preamble listed above are hereby incorporated herein fully by reference. Council hereby authorizes the certification of the attached assessment to 12778 Patricia Drive, PPN 481-03-020 property owner Robert H. Myers, Jr., Trustee of the Marilyn D. Enos Revocable Living Trust in accordance with NRCO Chapter 1464 and ORC 715.261(B)(1).

Section 2. The Director of Finance is hereby authorized and directed to provide for said assessment with the Auditor of Cuyahoga County.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this 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 declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to provide for the certification to preserve public funds.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck  
PRESIDENT OF COUNCIL PRO TEM

APPROVED: /s/ Robert A. Stefanik  
MAYOR

DATE PASSED: November 7, 2018

DATE APPROVED: November 8, 2018

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading November 7, 2018

YEAS: Nickell, Petrusky,  
Langshaw, Marnecheck, Hannan, Kasaris

NAYS: none

ABSENT: Antoskiewicz