

CITY OF STRONGSVILLE, OHIO

RESOLUTION NO. 2015 – 003

By: Mr. Schonhut

**A RESOLUTION AUTHORIZING AND DIRECTING THE DIRECTOR OF FINANCE OF THE CITY TO CERTIFY TO THE AUDITOR AND THE COUNTY FISCAL OFFICER OF CUYAHOGA COUNTY UNPAID COSTS AND EXPENSES INCURRED BY THE CITY TO ABATE A NUISANCE AT 19633 GLENMAR WAY PER OHIO REVISED CODE SECTION 715.261, STRONGSVILLE CODIFIED ORDINANCE SECTION 1472.09, AND PER COURT ORDER, FOR LEVY AND COLLECTION ACCORDING TO LAW, AND DECLARING AN EMERGENCY.**

WHEREAS, on or about October 9, 2014, the Cuyahoga County Common Pleas Court journalized a Judgment Entry in Case No. CV-14-827527, (*City of Strongsville, et al. v. William K. Eversole, et al.*) authorizing the City's removal of an unsafe structure and nuisance located at 19633 Glenmar Way, in the City of Strongsville, a copy of which Final Agreed Judgment Entry is attached as Exhibit "A"; and

WHEREAS, pursuant to Ohio Revised Code Section 715.261, Strongsville Codified Ordinance Section 1472.09, and as part of the Court's Order, the total cost incurred by the City to demolish, raze and remove the structure, legal fees, publication, mailing, court costs and any others expended by the City in order to abate this nuisance, including interest from the date of judgment, are to be certified by the City to the Cuyahoga County Auditor and Fiscal Officer as a special assessment against the subject property and on the real estate tax duplicate; and

WHEREAS, such costs are in the total amount of \$16,018.95, as documented by Exhibit "B" attached hereto and incorporated herein by reference in its entirety;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA, AND STATE OF OHIO:

**Section 1:** That the Director of Finance of the City be and is hereby authorized and directed to certify to the Auditor and Fiscal Officer of Cuyahoga County the costs of the foregoing nuisance abatement which are due and unpaid for the premises, and in the sums set forth in Exhibit "B", for a total of \$16,018.95, plus interest at the lawful rate, from the date of Court Judgment on October 9, 2014, all as reflected on Exhibit "B", for addition to and extension of the tax duplicate and collection by the County Treasurer against Permanent Parcel No. 392-35-080 (19633 Glenmar Way, Strongsville, Ohio), in the same manner as other taxes.

**CITY OF STRONGSVILLE, OHIO**  
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**Section 2:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 3:** That this Resolution 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 the immediate certification is necessary to comply with an Order of the Court and to preserve public funds. Therefore, provided this Resolution 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.

Michael Magrum  
 President of Council

Approved: Thomas J. Birell  
 Mayor

Date Passed: January 5, 2015

Date Approved: January 6, 2015

	<u>Yea</u>	<u>Nay</u>
Carbone	<u>Absent</u>	_____
Daymut	<u>✓</u>	_____
DeMio	<u>✓</u>	_____
Dooner	<u>✓</u>	_____
Maloney	<u>✓</u>	_____
Schonhut	<u>✓</u>	_____
Southworth	<u>✓</u>	_____

Attest: Aimee Pilonka  
 Clerk of Council

**RES**  
**ORD. No. 2015-003** Amended: \_\_\_\_\_  
 1st Rdg. 01-05-15 Ref: \_\_\_\_\_  
 2nd Rdg. Suspended Ref: \_\_\_\_\_  
 3rd Rdg. Suspended Ref: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Pub Hrg. \_\_\_\_\_ Ref: \_\_\_\_\_  
 Adopted: 01-05-15 Defeated: \_\_\_\_\_



86256534

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**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

CITY OF STRONGSVILLE - ET AL  
Plaintiff

Case No: CV-14-827527

Judge: DEENA R. CALABRESE

WILLIAM K. EVERSOLE - ET AL  
Defendant

**JOURNAL ENTRY**

89 DIS. W/PREJ - FINAL

FINAL AGREED JUDGMENT ENTRY. OSJ. FINAL.  
COURT COST ASSESSED AS DIRECTED.

Judge Signature

Date

CLERK OF COURTS  
CUYAHOGA COUNTY

2014 OCT -9 P 1:44

FILED

**EXHIBIT A**

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

CITY OF STRONGSVILLE, et al.	)	CASE NO. CV 14 827527
	)	
Plaintiffs	)	JUDGE DEENA R. CALABRESE
	)	
vs.	)	
	)	
WILLIAM K. EVERSOLE, et al.	)	<u>FINAL AGREED</u>
	)	<u>JUDGMENT ENTRY</u>
Defendants	)	

This matter came on for hearing on the 9th day of October, 2014, upon a Final Agreed Judgment entered into between the Plaintiffs, City of Strongsville and Anthony J. Biondillo, Jr., and the Defendants, William K. Eversole, United States of America Department of Treasury Internal Revenue Service, Whirlwind Trailers, Inc. and Cuyahoga County Fiscal Officer, resolving all issues in this matter.

THE COURT FINDS that the Plaintiffs, City of Strongsville and Anthony J. Biondillo, Jr., filed a Complaint seeking nuisance abatement and requesting this Court to issue an order permitting the City to demolish all structures on the subject property, remove the debris, and to secure and put the property into a safe condition, and to tax the cost for the same against the tax duplicate;

THE COURT FURTHER FINDS that the Plaintiffs initially named the following Defendants: William K. Eversole, Unknown Spouse of William K. Eversole, Accredited Home Lenders, Inc., Deutsche Bank National Trust Company, United States of America Department of Treasury, State of Ohio Department of Taxation, Ohio Attorney General Mike DeWine, Unifund

CCR Partners, Discover Bank, Whirlwind Trailers, Inc., Capital One Bank USA NA, and Cuyahoga County Fiscal Officer;

THE COURT FURTHER FINDS that the Plaintiffs voluntarily dismissed the Defendant, Accredited Home Lenders, Inc., with a notice of dismissal filed with this Court on June 24, 2014;

THE COURT FURTHER FINDS that the Defendants, Unknown Spouse of William K. Eversole, Deutsche Bank National Trust Company, State of Ohio Department of Taxation, Ohio Attorney General Mike DeWine, Unifund CCR Partners, Discover Bank, and Capital One Bank USA NA, have failed to answer or otherwise respond to the Complaint and that upon motion of the Plaintiffs default judgment was granted against these Defendants;

THE COURT FURTHER FINDS that the Defendants who have answered; namely, William K. Eversole, United States of America Department of Treasury Internal Revenue Service, Whirlwind Trailers, Inc., and Cuyahoga County Fiscal Officer, and the Plaintiffs have entered into this Final Agreed Judgment Entry resolving all issues in this matter;

THE COURT FURTHER FINDS that the resolution is fair, equitable and just to all parties;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the Defendant, William K. Eversole, has until October 28, 2014 to demolish all of the structures on the property located at 19633 Glenmar Way, Strongsville, Ohio, known as Permanent Parcel No. 392-35-080, remove all of the debris, and to secure the property and put it into a safe condition;

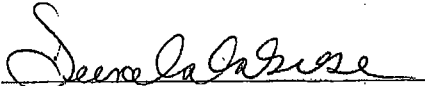
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT in the event that the Defendant, William K. Eversole, fails to completely demolish all of the structures on the property, remove all the debris, and secure the property and put it into a safe condition on or before October 28, 2014, then the Plaintiffs, City of Strongsville and Anthony J. Biondillo, Jr.,

Building Commissioner, are herein authorized to do so or to retain a company to demolish all of the structures located at 19633 Glenmar Way, Strongsville, Ohio, Permanent Parcel No. 392-35-080, remove all the debris, and to secure the property and put it into a safe condition; and further that the cost of the same will then be taxed against the property by the Plaintiffs filing an acknowledgement with the Cuyahoga County Fiscal Officer setting out the total cost incurred;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT nothing in this Entry shall affect the amounts owed on the judgment liens or mortgages the various Defendants have in the subject property except as specifically set out to the contrary in this Final Agreed Judgment Entry;

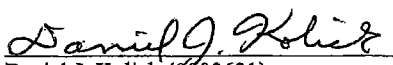
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT this Court retains jurisdiction in this matter to carry out the terms and conditions of this Agreed Judgment Entry;

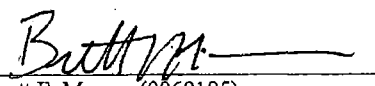
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the cost of this matter is taxed to the Defendant, William K. Eversole.

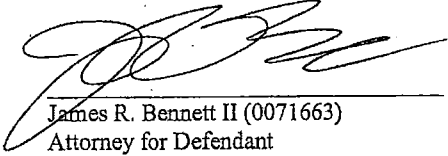
  
JUDGE DEENA R. CALABRESE

10-9-2014

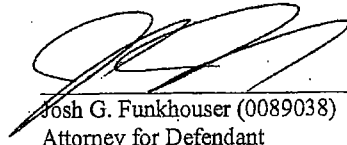
APPROVED BY:

  
Daniel J. Kolick (0002631)  
Attorney for Plaintiffs,  
City of Strongsville and  
Anthony J. Biondillo, Jr.

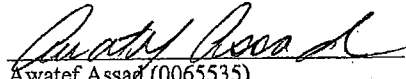
  
Brett F. Murner (0069195)  
Attorney for Defendant,  
William K. Eversole



James R. Bennett II (0071663)  
Attorney for Defendant  
United States of America  
Department of Treasury, Internal  
Revenue Service



Josh G. Funkhouser (0089038)  
Attorney for Defendant  
Whirlwind Trailers, Inc.



Awatef Assad (0065535)  
Attorney for Defendant  
Cuyahoga County Fiscal Officer

**CITY OF STRONGSVILLE**

**DATE:** December 29, 2014

**SUBJECT:** *City of Strongsville, et al. v. William K. Eversole, et al.*  
Cuyahoga County Common Pleas Court Case No. CV-14-827527  
Costs and Expenses Associated with Demolition to be  
Assessed Against the Property at 19633 Glenmar Way, Strongsville, Ohio  
PPN 392-35-080

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Chicago Title Company (Title Search) 9/16/2013	\$ 350.00
Chicago Title Company (2 <sup>nd</sup> Title Search) 3/11/2014	50.00
Court Costs, as per Court Case docket	487.25
Certified and Regular Mail to Lienholders	84.15
Fabrizi Trucking & Paving Co., Inc. (Demolition of structure)	10,845.00
Legal fees	<u>4,202.55</u>

**TOTAL TO BE ASSESSED** **\$16,018.95**

Interest at the lawful rate from October 9, 2014

**EXHIBIT B**