

ORDINANCE NO. 2009-35

AUTHORIZING THE CITY MANAGER TO REQUEST THE HAMILTON COUNTY COURT OF COMMON PLEAS TO CONVEY REAL PROPERTY ON LEBANON AVENUE TO THE CITY OF BLUE ASH AND AUTHORIZING SUBSEQUENT DISPOSITION OF SAID PROPERTY; AND DECLARING AN EMERGENCY

WHEREAS, Section 9.12 of Article IX of the Charter of the City of Blue Ash, Ohio, provides the method under which the City Manager shall make certain purchases and enter into contracts on behalf of the City, including issues affecting real and personal property rights; and

WHEREAS, a recently enacted State law allows the County prosecutor's office to offer to a City or a local school district the opportunity to acquire title to tax-lien foreclosed property that did not sell at auction requiring only that the City pay past due taxes, fees, and assessments; and

WHEREAS, recently the City was advised by the County of the availability of a 25-foot wide parcel at 11073 Lebanon Avenue (case A0809532), which the City subsequently discovered to be under a newer home built in 2001; and

WHEREAS, when the owner of that new home purchased it in 2001, there was a mistake made in the transaction and/or recording showing that the person bought only half of the 50-foot wide parcel, leaving the other half remaining in the builder's name; and

WHEREAS, to assist this resident and rightfully correct property records, the City Administration is recommending the City's acquisition of this land on Lebanon Avenue (Book 612, Page 190, Parcel 801 of the Hamilton County Auditor's Office records) and then to sell back/transfer the land to its rightful owner (the current owner of Book 612, Page 190, Parcel 800 of the Hamilton County Auditor's Office records).

Be it ordained by the Council of the City of Blue Ash, Ohio, not less than five (5) members thereof concurring,

SECTION I.

The City Manager is hereby authorized to submit the appropriate documentation associated with acquisition, from the Hamilton County Prosecutor's Office, of the 25-foot wide parcel at 11073 Lebanon Avenue (Book 612, Page 190, Parcel 801 of the Hamilton County Auditor's Office records) for an amount not to exceed the accrued taxes, fees, and penalties due on said property. The City Manager is also hereby authorized to transfer this 25-foot wide parcel to the current owner of property located at 11073 Lebanon Avenue (Book 612, Page 190, Parcel 800 of the Hamilton County Auditor's Office records) upon payment to the City of Blue Ash of all costs associated with the parcel's acquisition and taxes not yet paid. All documentation associated with this acquisition and transfer of this real estate shall be approved as to form by the Solicitor's Office.

SECTION II.

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Blue Ash, Ohio; the reason for the emergency being the need to correct this error in property records and to assist a Blue Ash property owner in resolving this property issue. Therefore, this ordinance shall take effect and be in force from and after its passage.

PASSED this 9th day of July, 2009.

Robert J. Buckman, Jr., Mayor

Jamie K. Eifert, Clerk of Council

APPROVED AS TO FORM:

Mark A. Vander Laan, Solicitor