



Legislation Details (With Text)

**File #:** O-554-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Second Reading

**File created:** 10/6/2022      **In control:** Public Service Department

**On agenda:** 11/9/2022      **Final action:** 11/9/2022

**Title:** Authorizing the appropriation and transfer of \$305,730.61 of abandoned “fire damaged structures, repair or removal” funds as identified in TMC 1726.07 from the Non-Fiduciary General Fund to the General Fund; authorizing the appropriation of \$305,730.61 from the General Fund and the transfer of same to the Demolition Expendable Trust Fund; authorizing the appropriation and expenditure of \$305,730.61 from the Demolition Expendable Trust Fund for the demolition of privately owned and abandoned structures identified as a public nuisance; authorizing the Mayor to accept bids and enter into necessary contracts for demolition services; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bulk Release List, 2. Lucas County Land Bank, Demolition Program, 3. Audio: Agenda Review 11/1/2022, 4. Audio: City Council 11/9/2022

| Date       | Ver. | Action By    | Action | Result |
|------------|------|--------------|--------|--------|
| 11/9/2022  | 1    | City Council |        |        |
| 11/9/2022  | 1    | City Council |        |        |
| 10/25/2022 | 1    | City Council |        |        |

DPS Fire Damaged Structures, Repair or Removal Fund \$305,730.61  
 Urban Beautification  
 Stephanie Beebe (x1536)/Paul M. Rasmusson (x7868)  
 Revised

**Authorizing the appropriation and transfer of \$305,730.61 of abandoned “fire damaged structures, repair or removal” funds as identified in TMC 1726.07 from the Non-Fiduciary General Fund to the General Fund; authorizing the appropriation of \$305,730.61 from the General Fund and the transfer of same to the Demolition Expendable Trust Fund; authorizing the appropriation and expenditure of \$305,730.61 from the Demolition Expendable Trust Fund for the demolition of privately owned and abandoned structures identified as a public nuisance; authorizing the Mayor to accept bids and enter into necessary contracts for demolition services; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The Toledo Municipal Code was adopted to allow for the deposit of escrow funds from insured properties suffering fire damage. These funds are deposited by insurance companies with the City of Toledo when a property owner files a private property fire damage claim within the municipality. The funds are held in a separate account. The insured is notified by the city that the funds have been received and placed in escrow. This account is commonly referred to as the “fire escrow account.” The funds are held in trust for the use of the city to remove, secure, or repair the damaged structure in lieu of the insured’s failure to do so. If the insured performs, provides proof of action, and all other legal terms are met, the funds are released. Pursuant to Ohio

Revised Code §9.39, deposits which remain unclaimed in the account in excess of five (5) years are considered abandoned. After such time, these funds revert to the city's General Fund. This Ordinance authorizes the transfer of these funds to the General Fund for further appropriation and expenditure to abate nuisance properties.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the appropriation of \$305,730.61 of abandoned "fire damaged structures, repair or removal" funds as identified in TMC 1726.07 is authorized from the Non-Fiduciary General Fund to Account Code 101C-56400-5634001STDSTD and the operating transfer of same is authorized to the General Fund Account Code 1001-56400-5634001STDSTD.

SECTION 2. That the appropriation of \$305,730.61 is authorized from the unappropriated balance of the General Fund to Account Code 1001-56400-5634001STDSTD and the operating transfer of same is authorized to the Demolition Expendable Trust Fund Account Code 2090-23100-5T12211STDDEM for the demolition of structures identified as public nuisances.

SECTION 3. That the appropriation and expenditure of \$305,730.61 is authorized from the Demolition Expendable Trust Fund Account Code 2090-23100-5T12211STDDEM for the demolition of structures identified as public nuisances.

SECTION 4. That the Mayor is authorized to accept bids and to enter into the necessary contracts for the purpose identified in Section 3 and upon such other terms and conditions acceptable to the Director of Public Service and the Director of Law.

SECTION 5. That the Finance Director is authorized to draw warrant or warrants against the above Account Code in payment of all obligations authorized above in an amount not to exceed \$305,730.61 upon presentation of proper voucher or vouchers.

SECTION 6. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to abate dangerous nuisance properties.

Vote on emergency clause: yeas 11, nays 0.

Passed: November 9, 2022 as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

November 14, 2022  
Wade Kapszukiewicz  
Mayor