



## Legislation Text

File #: O-282-21, Version: 1

Fire Damaged Structures, Repair or Removal Fund  
Department of Neighborhoods - Code Enforcement  
Dennis Kennedy (x1234), Rosalyn Clemens (x3647)  
Revised

**Authorizing the appropriation and transfer of \$1,106,107.73 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 \$1,106,107.73 from the General Fund and the transfer of same to the Demolition Expendable Trust Fund; authorizing the appropriation and expenditure of \$1,106,107.73 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:

Section 1726.07 of 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.

The fiscal impact of this ordinance is as follows:

- The amount of funds transacted: \$1,106,107.73
- The appropriation budget line item: 101C-56400-5634001STDSTD, 1001-56400-5634001STDSTD, 2090-23100-5T2211STDDEM
- The expenditure budget line item: 2090-23100-5T2211STDDEM
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): \$1,106,107.73
- Are funds budgeted in the current fiscal year (yes/no)?: no
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City’s Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes

- Workplace Culture & Customer Service (yes/no) no
- Environment (yes/no) no

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

SECTION 1. That the appropriation of \$1,106,107.73 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-56400-558100-5634001STDSTD and the operating transfer of same is authorized to the General Fund Account Code 1001-56400-408690-5634001STDSTD.

SECTION 2. That the appropriation of \$1,106,107.73 is authorized from the unappropriated balance of the General Fund to Account Code 1001-56400-558100-5634001STDSTD and the operating transfer of same is authorized to the Demolition Expendable Trust Fund Account Code 2090-23100-5T2211STDDEM for the demolition of structures identified as public nuisances.

SECTION 3. That the appropriation and expenditure of \$1,106,107.73 is authorized from the Demolition Expendable Trust Fund Account Code 2090-23100-5T2211STDDEM 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 full demolition services including removal of any hazards, for the purpose identified in Section 1 and upon such other terms and conditions acceptable to the Director of Neighborhoods 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 \$1,106,107.73 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: June 22, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

June 22, 2021  
Wade Kapszukiewicz  
Mayor