

RESOLUTION NO. 28-2022

Resolution authorizing the acceptance of the proposed agreed entry resolving the West Chester Township Board of Trustees' case against Angela McCoy, et al.

WHEREAS, the Township has dealt with repeated violations of its Zoning Resolution and Property Maintenance Code at 7410 Whispering Way, West Chester, Ohio 45069 (the "Property");

WHEREAS, the Township has received multiple complaints from neighbors over the past few years regarding these violations at the Property;

WHEREAS, the Township filed a foreclosure case under Butler County Court of Common Pleas Case Number CV 2022 03 0371 (the "Foreclosure Case") to collect a judgment against Angela and David McCoy;

WHEREAS, the Township's primary goal in the Foreclosure Case is to obtain and maintain compliance with the Zoning Resolution and Property Maintenance Code at the Property;

WHEREAS, the Board of Trustees' has determined that it is in the best interests of the public health, safety and welfare to enter into the Agreed Entry, attached as Exhibit A, as a resolution to the Township's claims in the Foreclosure Case;

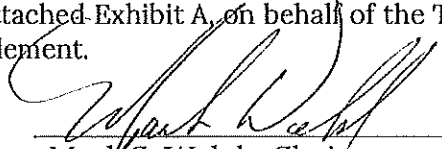
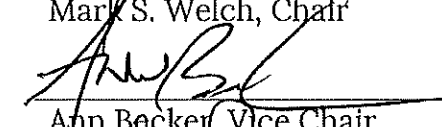
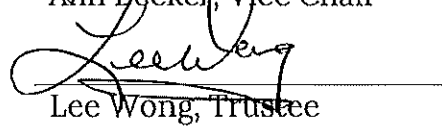
NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees':

SECTION 1. That the Board of Trustees' does hereby authorize the Township's legal counsel to sign the Agreed Entry in substantially the same form as the attached Exhibit A, on behalf of the Township, and to sign any other documents necessary to effectuate the settlement.

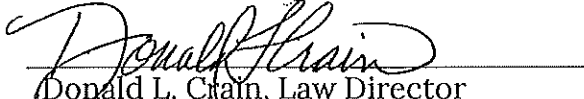
Adopted this 11th day of October, 2022.

ATTEST:


Bruce Jones, Fiscal Officer

 Mark S. Welch, Chair	<u>YES</u> Yes/No
 Ann Becker, Vice Chair	<u>Yes</u> Yes/No
 Lee Wong, Trustee	<u>Yes</u> Yes/No

APPROVED AS TO FORM:


Donald L. Crain, Law Director

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

BOARD OF TRUSTEES OF WEST CHESTER TOWNSHIP, BUTLER COUNTY, OHIO	:	Case No.: CV 2022 03 0371
	:	
Plaintiff,	:	Judge Noah E. Powers
	:	
v.	:	
	:	
ANGELA MCCOY, et al.,	:	AGREED ENTRY
	:	
Defendants.	:	
	:	

Upon agreement of Plaintiff Board of Trustees of West Chester Township (the “Township”) and Defendant Angela McCoy (“Defendant”) and collectively with the Township, the “Parties”), as well as the Butler County Child Support Enforcement Agency, and for good cause shown, the Court **HEREBY ORDERS, ADJUDGES, AND DECREES** as follows:

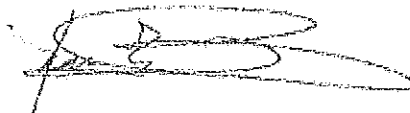
1. The Township and Defendant voluntarily submit to the Court’s jurisdiction.
2. Defendant is one of the listed owners of the property at 7410 Whispering Way, West Chester Township, Butler County, Ohio 45069, Butler County Auditor Parcel ID: M562-0303-0000-61 (the “Property”).
 - a. The other listed owner, David McCoy, is the spouse of Defendant and is currently in default for failing to answer the Complaint. Defendant affirms that she has authority to enter into the obligations and agreements set forth herein.
3. The Property is zoned single-family residential, R-1A, under the Township’s Zoning Resolution and is located in a district reserved for single-family homes.
4. Since October 2019, the Township has received multiple complaints from neighbors of the Property regarding unsafe and nuisance conditions at the Property.

5. In Butler County Court of Common Pleas Case No. CV 2019 10 2132, the Township obtained a \$29,000 judgment against Defendant, as well as injunctive relief to enter the property and abate the nuisances.
6. In addition to the judgment, Ms. McCoy has also been assessed and is paying and has partially paid \$11,533.85 in additional charges on her property tax bill above and beyond her ad valorem tax.
7. The Parties agree that from the date of this Agreed Judgment Entry, the \$29,000 monetary judgement in CV2019 10 2132 against Defendant is satisfied. Further, any future violations of the Township's Zoning Resolution or Property Maintenance Code at the Property can, in the Township's sole discretion, be handled pursuant to the Township's standard processes, or as follows:
 - a. If the Township observes a violation of the Township's Zoning Resolution or Property Maintenance Code at the Property, the Township shall provide notice to Defendant of the violation, either via certified mail or via posting of the notice at the Property. At its sole discretion, the Township may both mail notice of the violations via certified mail and post such notice at the Property under this Paragraph.
 - b. The Township's notice of violation shall briefly and succinctly describe the violation(s) and the section(s) of the Township's Zoning Resolution or Property Maintenance Code that are being violated.
 - c. Within fourteen (14) days from the date the Township either mails the notice via certified mail or posts the notice at the Property, Defendant shall either abate the violation(s) or file a motion in this case contesting the violation(s). The

fourteen-day period for Defendant to abate the violation(s) or file a motion in this case contesting such violation(s) shall run from the date of mailing or the date of posting, whichever occurs first.

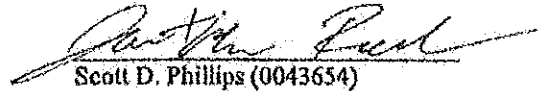
- d. If Defendant fails to either timely abate the violation(s) or file a motion in this case contesting such violation(s), the Township shall be entitled to enter onto the Property, abate the violation(s), assess its costs to abate the violation(s) against the Property, and certify those costs to the Butler County Auditor to be assessed against the tax duplicate for the Property and collected as regular property taxes.
 - e. Defendant specifically allows the Township to enter onto the Property under the conditions set forth in this Agreed Judgment Entry and consents to the procedure established in this Agreed Judgment Entry as a fair and just resolution of the Township's Complaint.
8. If Defendant abates the violation(s) or successfully contests the violation(s) via a motion in this case, then the Township shall not enter onto the Property to abate those specific violation(s).
 9. The Township shall file a notice of satisfaction of both Butler County Certified Judgment JD2020030296, and in Butler County Court of Common Pleas Case No. CV 2019 10 2132, and shall not otherwise further attempt to collect the \$29,000 judgment.
 10. This Agreed Judgment Entry shall operate as a final order and this case is hereby closed, subject to the procedures and relief set forth herein.

11. The Butler County Court of Common Pleas shall retain jurisdiction to enforce the terms of this Agreed Judgment Entry.
12. This is a final, appealable Order. The Clerk is directed to issue notice hereof pursuant to Rule 58 of the Ohio Rules of Civil Procedure.

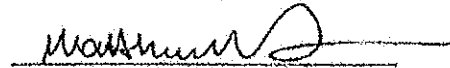
A handwritten signature in black ink, appearing to read "Noah E. Powers", written over a horizontal line.

Honorable Noah E. Powers
Butler County Court of Common Pleas

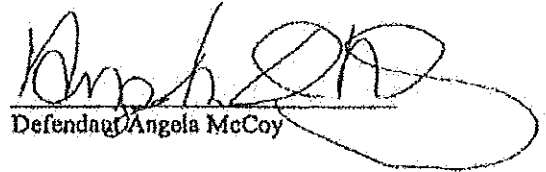
Agreed:



Scott D. Phillips (0043654)
Jonathan E. Roach (0092498)
sphilips@fbtlaw.com
jroach@fbtlaw.com
FROST BROWN TODD LLC
9277 Centre Pointe Drive, Suite 300
West Chester, Ohio 45069
(513) 870-8200
(513) 870-0999 (facsimile)
*Attorneys for Plaintiff West Chester
Township Board of Trustees*



Matthew T. Fitzsimmons (0091000)
Attorney for Defendant



Defendant Angela McCoy

/s/ Julie K. Effler (via email authorization on October 6, 2022)

Julie K. Effler
Butler County CSEA Attorney
315 High Street, 7th Floor
Hamilton, Ohio 45011

0091532.0315629 4866-1121-8222v2