

RESOLUTION NO. 050 -18

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 23rd day of April 2018, with the following members present:

Edwin H. Humphrey, President

David L. Painter, Vice President

David H. Uible, Member

Mr. Painter moved for the adoption of the following Resolution:

**RESOLUTION AUTHORIZING PRESIDENT OF THE
BOARD OF CLERMONT COUNTY COMMISSIONERS TO
EXECUTE A QUIT CLAIM DEED TRANSFERRING ANY
INTEREST IN THE PROPERTY AT 2432 BEECHMONT AVENUE,
CINCINNATI, HAMILTON COUNTY, OHIO,
TO TRANSOHIO COMPANIES, INC.**

WHEREAS, Richard T. Awad and Michael E. Awad were joint owners of the real property located at 2432 Beechmont Avenue, Hamilton County, Ohio, and identified by Hamilton County, Ohio, Parcel No. 003-0003-0019-00 (the "Property");

WHEREAS, On December 23, 2013, both Michael and Richard Awad were charged with Trafficking in Drugs, a Second Degree Felony. (Michael E. Awad, Clermont County Court of Common Pleas Case No. 2013 CR 00801) (Richard T. Awad, Clermont County Court of Common Pleas Case No. 2013 CR 00802);

WHEREAS, the said charges were the result of an investigation by the Clermont County Narcotics Unit;

WHEREAS, property used in the commission of a crime is subject to forfeiture under the Ohio Revised Code;

WHEREAS, the Property, located in Hamilton County, Ohio, was connected to the investigation by the Clermont County Narcotics Unit;

WHEREAS, On May 5, 2014, Richard T. Awad was sentenced pursuant to a plea agreement. As part of the plea agreement, and as set forth in the Judgment Entry Sentencing Defendant (Exhibit 1), Richard T. Awad forfeited his interest in the Property.

WHEREAS, Michael Awad also entered a plea of guilty to the charge, but for various reasons Michael Awad was not sentenced until April 13, 2015.

WHEREAS, In the eleven months between when Richard was sentenced and when Michael Awad was sentenced, the Property was vandalized, stripped of all usable assets and deteriorated to the point where it had no value to the Clermont County Narcotics Unit.

WHEREAS, Due to the significant decrease in the value of the Property by the time that Michael Awad was sentenced, the Clermont County Narcotics Unit decided not to pursue the forfeiture of the Property. Thus, Michael Awad's Judgment Entry Sentencing Defendant (Exhibit 2) does not contain a clause forfeiting his interest in the Property.

WHEREAS, Because the Clermont County Narcotics Unit decided not to pursue the forfeiture of the Property, and took no further steps to obtain any interest or right to the Property, it remained in the joint names of Richard T. Awad and Michael E. Awad;

WHEREAS, On November 12, 2016, a foreclosure action was filed by Adair Asset Management, LLC with the Hamilton County Court of Common Pleas against the Awads relating to the Property;

WHEREAS, the Property was sold at the Hamilton County Sheriff's Sale on November 16, 2017 to TransOhio Companies, Inc.;

WHEREAS, PM Title, LLC, the title agency handling the transaction for TransOhio Companies, Inc. contacted the Prosecutor's Office after locating the Judgment Entry Sentencing Richard T. Awad, which included the forfeiture of his interest in the Property to the Clermont County Narcotics Unit, which would have vested in the Clermont County Board of County Commissioners;

WHEREAS, The title to the Property was never transferred to or held by the Clermont County Board of County Commissioners, however there could be an implied fee interest in the Property based upon the judgment entry sentencing Richard T. Awad which forfeited his interest in the Property;

WHEREAS, the title agency has requested a Quit Claim Deed transferring any fee interest the Clermont County Board of County Commissioners has in the property to TransOhio Companies, Inc.;

WHEREAS, in that the Clermont County Board of County Commissioners has no interest of record in the Property, it now desires to transfer any implied interest in the Property to TransOhio Companies, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Clermont County, Ohio, with at least two-thirds of its members concurring as follows:

SECTION I

That the Board of County Commissioners of Clermont County, Ohio, hereby authorizes, Edwin H. Humphrey, President of the Clermont County Board of County Commissioners, to execute a Quit Claim Deed (Exhibit 3) transferring any interest it may have in the real property located 2432 Beechmont Avenue, Cincinnati, Hamilton County, Ohio, to TransOhio Companies, Inc.

SECTION II

That the Board of County Commissioners, Clermont County, Ohio, hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Uible seconded the motion and on roll call, the vote resulted as follows:

Mr. Humphrey Aye

Mr. Painter Yes

Mr. Uible Yes.

This Resolution was duly passed on the 20th day of April, 2018.

ATTEST:

Judith A. Kocica
Judith A. Kocica, Clerk of the
Board of County Commissioners

This Resolution was prepared and
approved as to form by the Office
of the Prosecuting Attorney of
Clermont County, Ohio

By: Jeannette E. Nichols
Jeannette E. Nichols
Assistant Prosecuting Attorney

Date: 3-23-18