

CUYAHOGA
LAND
BANK



Preparation of Case: Affidavit Process

By: Gus Frangos,
President and General Counsel

Affidavit Process

1. Determining Land Bank Eligibility

- A. Tax Delinquent
- B. “Unproductive”: Unoccupied

2. How is Occupancy Determined

- A. Occupancy Inspections
- B. Completing “Affidavit”
- C. Sending Completed “Affidavit” to Prosecutor for Filing with Clerk.



STATE OF OHIO) Case No.
)ss.
COUNTY OF CUYAHOGA) PERMANENT PARCEL NO.

AFFIDAVIT OF CUYAHOGA COUNTY

Now comes _____ for the Cuyahoga County Land Reutilization Corporation (CCLRC), Ohio and states that on or about April 16, 2009 Cuyahoga County enacted Resolution No. 091413 adopted and implemented procedures to facilitate reutilization of "Nonproductive Land" situated in Cuyahoga County in accordance with Ohio Revised Code Section 5722.02. **AFFIANT** further states that the Prosecuting Attorney of Cuyahoga County, Ohio has notified the Cuyahoga County Land Reutilization Corporation of a certain parcel of land to which foreclosure proceedings pursuant to Section 323.25 and/or Section 5721.18 and/or 323.65- 323.79 of the Ohio Revised Code have been initiated. **AFFIANT** further states they have located parcel _____ within Cuyahoga County, **INSPECTED** said parcel and determined, pursuant to Section 5722.01(F) of the Ohio Revised Code, that the parcel is delinquent land;

SECTION 1: [AFFIANT MUST "X" ONE OF THE FOUR BOXES BELOW]

- AND** there are no buildings or other structures located on the parcel. **NONPRODUCTIVE LAND** [ie: VACANT LAND]
- AND** there are **buildings** or other **structures** that are **not in the occupancy of any person** and the City of _____ has instituted proceedings under 505.86 or 715.26 of the Ohio Revised Code or Section 3 of Article XVIII, Ohio Constitution, for the removal or demolition of such buildings or other structures by the electing subdivision because of their insecure, unsafe or structurally defective condition. **NONPRODUCTIVE LAND**
- AND** there are **buildings** or **structures** that are **not in the occupancy of any person** at the time the foreclosure proceeding initiated and whose acquisition the Cuyahoga County Land Reutilization Corporation determines to be eligible for the implementation of an effective land reutilization program. **NONPRODUCTIVE LAND**
- OR** the parcel does not fall under any of the above definitions of Nonproductive Land. **OTHER LAND**

SECTION 2: [AFFIANT MUST "X" ONE OF THE BOXES THAT APPLY BELOW]

- The Cuyahoga County DOES NOT wish to acquire parcel number _____ into its land reutilization program.
- The Cuyahoga County DOES wish to acquire parcel number _____ into its land reutilization program.

SECTION 3: [AFFIANT MUST "X" ALL THAT APPLY TO PARCEL _____]

- | | |
|---|---|
| <input type="checkbox"/> Occupied Structure | <input type="checkbox"/> Absence of utility service hook-ups or billing |
| <input type="checkbox"/> Unoccupied Structure | <input type="checkbox"/> Boarded up Structure |
| <input type="checkbox"/> Business/ Commercial/ Mixed Residential-Commercial | <input type="checkbox"/> open vacant and/or vandalized |
| <input type="checkbox"/> Residential | <input type="checkbox"/> condemned by political subdivision (attach order/notice) |
| <input type="checkbox"/> Abandoned/ Vacant Lot | <input type="checkbox"/> statutory drug/nuisance condemnation (attach order/notice) |
| <input type="checkbox"/> Not Agricultural Lands | <input type="checkbox"/> building/environmental code violations |
| <input type="checkbox"/> Overgrown Weeds | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Dumping/ Noticeable Accumulation of Trash/ Debris | _____ |

FURTHER AFFIANT SAYETH NAUGHT

Affiant's Signature: _____
Affiant's Name (Print): _____
As an Agent of: _____
Affiant's Title: _____

Subscribed to and sworn before me by _____ on this ____ day of _____, 20__ in Cuyahoga County, Ohio.

Notary Public



Vacancy Factors

SECTION 3: [AFFIANT MUST "X" ALL THAT APPLY TO PARCEL]

- Occupied Structure
- Unoccupied Structure
- Business/ Commercial/ Mixed Residential-Commercial
- Residential
- Abandoned/ Vacant Lot
- Not Agricultural Lands
- Overgrown Weeds
- Dumping/ Noticeable Accumulation of Trash/ Debris
- Absence of utility service hook-ups or billing
- Boarded up Structure
- open vacant and/or vandalized
- condemned by political subdivision (attach order/notice)
- statutory drug/nuisance condemnation (attach order/notice)
- building/environmental code violations
- Other _____



Cuyahoga County Affidavit Process

1. Affidavit Determines Case Forum

- A. Judicial if Occupied
- B. Board of Revision if Unoccupied

2. Affidavit Determines Parcel Disposition

- A. Direct Transfer if requested by County/Municipal Land Bank
- B. Sale
 - i. To a County/Municipal Land Bank after one sale with no bidders (if requested by a land bank).
 - ii. To a Buyer
 - iii. Forfeiture: No land bank interest; no bidder at sale.



- Administration and Tracking
- Batches and One-Offs through Affidavits

Eileen Kovach
James McGuire

