

SYMMES TOWNSHIP

HAMILTON COUNTY, OHIO

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BOARD OF TRUSTEES
KENNETH N. BRYANT
ERIC MINAMYER
KATHRYN P. WAGNER

FISCAL OFFICER
JOHN C. BORCHERS

ADMINISTRATOR
GERALD L. BECKMAN

RESOLUTION G-0719

Authorizing the Procedure Described in Divisions (C) and (D) of Section 3929.86 of the Ohio Revised Code for Receiving the Cost of Removing, Repairing or Securing the Building or other Structure Damaged by Fire from Insurance Companies in Certain Circumstances.

WHEREAS, Section 3929.86 of the Ohio Revised Code permits a Township to adopt a Resolution that authorizes insurance companies under certain circumstances to pay to the Township a portion of insurance proceeds to insure that a fire damaged building or structure is removed, repaired, or secured; and

WHEREAS, such payments may help protect the health, safety and welfare of the Community and also help prevent arson and blight

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio, hereby authorizes and approve the following:

- Section 1. This Resolution is adopted in accordance with Section 3929.86(C) which authorizes the procedure described in Divisions (C) and (D) of Section 3929.86 from and after the time from which a certified copy of this Resolution has been filed with the Ohio Superintendent of Insurance and shall apply only to fire losses that occur after the filing of the certified copy.
- Section 2. The Township Fiscal Officer is hereby designated as the Officer who shall cause the placement of the proceeds from insurance companies received in accordance with Section 3929.86, which is attached as Exhibit A. The proceeds received shall be placed in a

separate fund. The separate funds shall be used solely as security against the total cost of removing, repairing, or securing of the structure or building by the Township pursuant to Section 505.86 of the Revised Code. Funds received from an insurance company in accordance with Division (C) of Section 3929.86 will be accompanied by the name and address of the named insured or insureds, whereupon the Township shall contact the named insured or insureds and certify that the proceeds have been received by the Township and notify them that the following procedures will be followed:

The fund shall be returned to the named insured or insureds when repairs, removal or securing of the building or other structures have been completed and required proof has been received by the designated officer (the Fiscal Officer), if the Township has not incurred any costs for the repairs, removal or securing. The fund shall be returned to the named insured or insureds no later than 60 days after the Fiscal Officer receives the required proof. If the Township has incurred any costs for the repairs, removals or securing of the building or other structure, the costs shall be paid from the fund, and if excess funds remain, the Township shall transfer, no later than 60 days after all such costs have been paid, the remaining funds to the named insured or insureds. Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency under Section 505.86 of the Revised Code.

Nothing in Section 3929.86 shall be construed to prohibit the Township and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.

Section 3. Division (C) of Section 3929.86 provides that when the loss agreed to between the named insured or insureds and the insurance company or companies equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Division (D) of Section 505.86 of the

Revised Code, shall transfer from the insurance proceeds to the designated officer of the Township (the Fiscal Officer) in the aggregate \$2,000.00 for each \$15,000.00, and each fraction of that amount, of a claim, or, if, at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

The transfer of proceeds shall be on a pro-rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the Township shall be disbursed in accordance with the policy terms.

The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer of the Township shall return the amount of the fund in excess of the estimate to the named insured or insureds provided that the Township has not commenced to remove, repair or secure the building or other structure.

Section 4. Section 3929.86 of the Ohio Revised Code provides that proof of payment by the insurance company or companies of proceeds under a policy in accordance with Division (C) of Section 3929.86 shall be conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company or companies with Division (C) of Section 3929.86.

Nothing in Section 3929.86 shall be construed to make an insurance company liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to Section 3929.86 or to make a Township or public official an insured under a policy of insurance, or to create an obligation

to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Section.

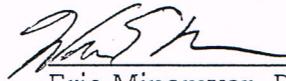
Section 3929.86 further provides that an insurance company making payment of policy proceeds under this section for delinquent taxes or structure removal liens or removal expenses incurred by the Township shall have the full benefit of such payment including all rights of subrogation and of assignment.

Section 5. The Board of Trustees, upon majority vote, does hereby dispense with the requirement of this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

ADOPTED MAY 1, 2007

Vote Record: Mr. Minamyers *Am* Mrs. Wagner *Ag* Mr. Bryant *Ag*

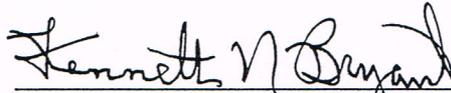
BOARD OF TRUSTEES:



Eric Minamyers, President



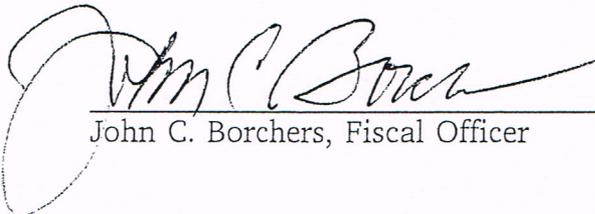
Kathryn P. Wagner, Vice-Pres.



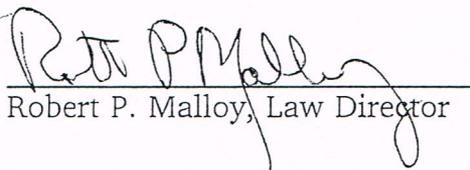
Kenneth N. Bryant, Trustee

ATTEST:

APPROVED AS TO FORM:



John C. Borchers, Fiscal Officer



Robert P. Malloy, Law Director