

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

TAURUS LIBRA CANCER, INC.)	CASE NO.
308 Lloyd Street)	
Akron, Ohio 44301)	
)	
Appellant)	
)	
v.)	
)	JUDGE
CITY OF AKRON)	
DEPARTMENT OF NEIGHBORHOOD)	
ASSISTANCE – HOUSING DIVISION)	
166 South High Street, 8th Floor)	
Akron, Ohio 44308)	
)	
and)	<u>NOTICE OF APPEAL</u>
)	Administrative Appeal of
CITY OF AKRON)	Housing Appeals Board Decision
HOUSING APPEALS BOARD)	
166 South High Street, 8th Floor)	
Akron, Ohio 44308)	<u>REQUEST FOR INJUNCTIVE</u>
)	<u>RELIEF</u>
Appellees)	

Appellant, Taurus Libra Cancer, Inc., by and through undersigned counsel, pursuant to Ohio Revised Code Chapters 2505 and 2506, hereby appeals from the administrative decision of Appellees, City of Akron and City of Akron Housing Appeals Board (HAB), in which the HAB issued a demolition order. The real property at issue is Parcel No. 6749418 known as 1431 South Main Street, Akron, Ohio 44301.

The HAB meeting occurred on June 26, 2025 and a written decision was issued the same day. The decision is attached. The decision was unconstitutional, illegal, arbitrary, capricious, unreasonable, and/or unsupported by a preponderance of evidence. This appeal is based on questions of law and fact.

Further, Appellants seeks a temporary restraining order and/or injunctive relief to stay the demolition of the structure at 1431 South Main Street, Akron, Ohio 44301.

Unless enforcement of the HAB's decision is stayed pending resolution of this appeal, Appellant will suffer irreparable harm if the structure on the said real property is demolished because complete relief will no longer be available. The condition of the structure is not such that it presents any risk of imminent harm to the public that cannot be remedied by reasonable measures pending this appeal.

As much as the City may be understandably frustrated by having to close a lane of South Main Street to mitigate the risk of the brick façade falling off the building, the risk is nonetheless mitigated to where the building does not need to be immediately razed while other reasonable solutions can be attained pending this appeal.

Appellant has done a lot of new construction inside the building over the past several years and was in a multi-year project to renovate the building where and when he could depending on his availability of funds. However, once parts of the brick façade fell in February, the City shut down Appellant's building and business, thereby depriving Appellant of income necessary to engage in any repair of the building.

Further, Appellant's sole owner, Robert L. Johnson, had been going through a divorce that was not finalized until June 12, 2025. Like in any divorce, Johnson was under a mutual restraining order to not dispose of any property during the pendency of the divorce. Therefore, from the City's shutdown in February until June, Johnson could not direct Appellant to sell the property at 1431 South Main Street. Once Johnson knew that Appellant would be recognized as his own separate property, he began to talking to potential buyers. He initially had an interested buyer, but that person backed away when

the City engaged in proceedings to demolish the building. Appellant later found another person willing to purchase the property.

At the hearing at the HAB meeting, Amjed Samad, a business owner who owns the gas station across the street from Appellant's property as well as other businesses in Akron, testified in the hearing that he was willing to buy Appellant's property and bring it back up to code and functionality and had the resources to do so. As a business owner across the street, Samad has a vested interest in the neighborhood and felt buying Appellant's property and fixing up the building presented a good business opportunity, but the City did everything it could discourage Samad and was stubbornly determined to order demolition. The City's position was more based on its frustration at Appellant's perceived lack of remedial action even though Appellant lost its income from the City's shutdown and its owner being prohibited from disposing the building because he was going through a contested divorce.¹

Lastly, the personal property of belonging to Appellant, its owner Johnson, and its former tenants still remain in the building. These personal property items have value that will be forever lost if the City is allowed to demolish the building.

¹ Not to mention, Appellant's owner, Johnson, was under enormous stress as he was being prosecuted for felonious assault and kidnapping that he strongly contested. Thus, he had to devote a considerable amount of his time and energy to defending his criminal case while the City aggressively moved to demolish Appellant's property. A jury trial was scheduled for June 30, 2025, but on June 27, 2025, the day after the HAB meeting, the prosecutor motioned to dismiss the criminal case.

WHEREFORE, Appellant respectfully requests the following relief:

(1) A temporary restraining order and preliminary injunction staying the enforcement of the Board's Decision pending the resolution of this appeal.

(2) An Order permitting Appellant to present evidence to the Court contesting the Board's Decision at a hearing pursuant to ORC Chapter 2506.

Respectfully submitted,

/s/ Stephen P. Hanudel

Stephen P. Hanudel (#0083486)

124 Middle Avenue, Suite 900

Elyria, Ohio 44035

Phone: (440) 328-8973

Fax: (440) 261-4040

sph812@gmail.com



DEPARTMENT OF NEIGHBORHOOD ASSISTANCE

Housing Compliance Division
166 S. High St. 8th Fl.
Akron OH 44308
Phone: 330-375-2366 Fax: 330-375-2328

EUFRANCIA LASH
Director

DUANE E. GROEGER
Housing Administrator

NAME: Mr. Johnson

DATE RECEIVED BY OWNER/INTERESTED PARTY 6-26-25

RE: 1431 S. Main St.

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On 6-26-25 the Housing Appeals Board reviewed the records of the above referenced property and has ruled as follows:

THIS STRUCTURE IS TO BE RAZED WITH THE COST OF THE DEMOLITION ASSESSED AS A TAX LIEN UNLESS A DEMOLITION WAIVER IS PROCESSED.

This is in accordance with the authority granted the Board under Akron City Code 150, Section 150.051(b)

Please note your appeal rights under Ohio Revised Code Section 2506.01, which states that every final order or decision of the Housing Appeals Board may be reviewed by the Summit County Court of Common Pleas, provided an appeal is perfected within 30 days, as described in Ohio Revised Code, Chapters 2505 and 2506. The appeal provided in Ohio Revised Code, Sections 2506.01 and 2506.04, inclusive, is in addition to any other remedy of appeal provided by law.

You are so notified.

Department of Neighborhood Assistance
Housing Compliance Division


Jodie Forester, REHS, BS
Sanitarian Supervisor

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