

At a Term of the Supreme Court of the State of New York, County of Onondaga, 401 Montgomery Street, Syracuse, New York, on March 20, 2019.

Present: Hon. Gerard J. Neri, J.S.C.

SUPREME COURT
STATE OF NEW YORK

COUNTY OF ONONDAGA

City of Syracuse,
Petitioner,

v.

Michel Ceres aka Michael Ceres,
Respondent.

ORDER FOR DEMOLITION

Re: 1306-08 Midland Avenue
Case No.: D2018-0057

Index No.: 00676/2019
RJI No.: 33-19-0232

The City of Syracuse (“the City”) having petitioned this Court for an Order of Demolition under Sections 27-115, 27-116 and 27-117 of the Property Conservation Code of the City of Syracuse for the unoccupied, two-story, single-family residential structure (hereinafter “the Property”) on the premises commonly known as 1306-08 Midland Avenue, Syracuse, New York, based on the City’s determination that the Property at 1306-08 Midland Avenue is a health and safety hazard to the general public, immediate neighbors and residents and public employees performing municipal duties and services in the area or at the site of the vacant structure, and, therefore, the Property should be demolished because it is an unoccupied hazard, unfit for human habitation, a danger to human life and detrimental to health; and on March 20, 2019, said special proceeding having come to be duly heard before this Court;

NOW, upon reading Petitioner's Notice of Petition and Petition dated January 18, 2019, with the Affidavit of Brian P. Eisenberg with attached Exhibits; and upon the appearance on March 20, 2019, of Assistant Corporation Counsel Ramona L. Rabeler, Esq., for the Petitioner, in support of the motion; and Respondent, Michel Ceres aka Michael Ceres, having failed to appeared; and the petition having regularly come on to be heard before Hon. Gerard J. Neri, J.S.C.; and due deliberation having been had, and the Court having rendered a decision on said date granting Petitioner's request for an Order of Demolition; it is now

ORDERED, that Petitioner The City of Syracuse is granted an Order of Demolition for the Property on the premises located at 1306-08 Midland Avenue and said Property having been found to be an unoccupied hazard, unfit for human habitation, a danger to human life and detrimental to health; and it is

FURTHER ORDERED, that the only work Respondent may perform at or on the Property located at 1306-08 Midland Avenue, other than demolition, shall be for the sole purpose of securing the Property or abating any hazard on the Property, until such time as the actual demolition shall occur; and it is

FURTHER ORDERED, that Respondent is prohibited from doing anything which would in any way attempt to frustrate the enforcement of this Order of Demolition, including but not limited to selling, transferring or otherwise conveying or entering into any contract to sell, transfer or otherwise convey all or any part of his ownership interest in the premises at 1306-08 Midland Avenue prior to the completion of the demolition of the Property located on the premises at 1306-08 Midland Avenue; and it is

FURTHER ORDERED, that Petitioner City of Syracuse, by and through its agents, may demolish the Property at 1306-08 Midland Avenue at any time after service by mail of this Order on Respondent; and it is

FURTHER ORDERED, that Petitioner City of Syracuse shall be allowed to recover the cost of the demolition, plus a surcharge of fifteen percent (15%) from Respondent as allowed by Section 27-117 of the Property Conservation Code of the City of Syracuse, together with costs pursuant to Section 8201 of the CPLR in the amount of \$200.00, disbursements pursuant to Section 8301 of the CPLR and nine percent (9%) statutory interest pursuant to Sections 5001, 5002, 5003 and 5004 of the CPLR from the date of the Petition, by any means legally available and necessary, including but not limited to entering and enforcing a judgment pursuant to New York Civil Practice Laws and Rules.

ENTER.

Dated: April 19, 2019
Syracuse, New York


Hon. Gerard J. Neri, J.S.C.