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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

CITY OF UNIVERSITY HEIGHTS
Plaintiff

4464 CHURCHILL, LLC, ET AL
Defendant

Case No: CV-21-943723

Judge: ANDREW J. SANTOLI
CLERK OF COURTS
CUYAHOGA COUNTY

FILED

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JOURNAL ENTRY

96 DISP.OTHER - FINAL

PERMANENT INJUNCTION ORDER. OSJ.

OSJ
Judge Signature

2/17/21
Date

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

CITY OF UNIVERSITY HEIGHTS)	CASE NO. CV 21943723
)	
Plaintiff,)	JUDGE ANDREW J. SANTOLI
)	
v.)	
)	PERMANENT INJUNCTION
4464 CHURCHILL, LLC, et al.,)	<u>ORDER</u>
)	
Defendants.)	

This matter came on for a hearing on February 5, 2021, for a temporary restraining order pursuant to Ohio Civil Rule 65(B). Plaintiff and Defendants 4464 Churchill, LLC and David Pollack appeared with counsel. After receiving both documentary and testimonial evidence, the Court granted the temporary restraining order. Thereafter, the matter was set for a hearing on a preliminary injunction, to be held on February 17, 2021. In lieu of litigating this matter further, the parties now stipulate to this Permanent Injunction Order.

THE COURT HEREBY FINDS:

1. Plaintiff, the City of University Heights, is a home rule, chartered municipality established pursuant to the Constitution of the State of Ohio and is represented by legal counsel.
2. Defendants 4464 Churchill, LLC ("Churchill"), Kehillat Heichal Hakodesh ("Synagogue"), Chaim Cohen ("Cohen"), and David Pollack ("Pollack") have been properly served with a notice of this lawsuit and are represented by legal counsel.
3. Defendant Churchill is the owner of the premises at 4464 Churchill Boulevard,

University Heights, Ohio 44118, a single-family residence and garage together with a lot of land, identified by the Cuyahoga County Fiscal Officer as parcel number 721-21-045.

4. The above-described parcel is hereinafter referred to as "the Premises."

5. Defendants may have interests in the Premises.

6. The Chief Building Official of plaintiff and/or his designee conducted inspections of the exterior and interior of the Premises to determine if unauthorized work was performed at the Premises and has concluded that Defendants did not perform unauthorized work.

7. The Premises is located in the City's U-1 zoning district where operation of a synagogue or house of religious assembly is not permitted without a special use permit issued pursuant to the authority of University Heights Codified Ordinance Chapter 1274.

8. Defendants have no special use permit to operate the premises as a synagogue or otherwise as a religious house of assembly.

9. Use of the Premises as a synagogue or as a religious house of assembly without a special use permit constitutes a violation of the City's zoning code and further constitutes an unlawful use of the Premises. The Defendants intended to utilize the Premises as a synagogue, shul, learning center or place of religious assembly, which is not a permitted use of right pursuant to University Heights Codified Ordinance Chapter 1250. The Court found that none of the Defendants have applied for a special use permit pursuant to University Heights Codified Ordinance Chapter 1274 that would allow any of them to operate a synagogue, shul, religious learning center or place of religious assembly. The Defendants have advised the Court and the City that they no longer intend to utilize the Premises as a synagogue, shul, learning center or place of religious assembly.

10. Given these findings, the Premises, if utilized as a synagogue or otherwise as religious place of assembly, would constitute a violation of the City's zoning ordinances, including

U.H.C.O. §§1250.02 and 1274.02, that threatens the public health, safety, and welfare of its owner and occupants, the surrounding neighborhood, and the residents of the City of University Heights.

11. Pursuant to Article XVIII, Sec. 3 of the Ohio Constitution and RC § 713.13, the City is authorized and entitled to injunctive relief in order to prevent a violation of its Zoning Code.

THE COURT HEREBY ORDERS:

1. That this order applies to Defendants and any of their respective officers, officials, board members, congregation members, heirs, legatees, personal representatives, attorneys, insurers, successors, assigns or affiliates, and all those in active concert or participation with them, hereinafter referred to collectively as "the Restrained Parties."

2. The court hereby orders that the Restrained Parties arrange with the City's Building Department to obtain a Point of Sale inspection prior to the sale or transfer of the Premises, as required by Chapter 1488 of the University Heights Codified Ordinances.

3. The Restrained Parties are hereby restrained and permanently enjoined from operating a synagogue, shul, religious learning center or place of religious assembly at the Premises and/or interfering with the actions of plaintiff and plaintiff's employees, officials, contractors, and agents for all purposes relating to the actions described above.

4. The Cuyahoga County Sheriff and the Chief of Police of the City of University Heights, and any law enforcement officers under their assignment and/or control, are hereby authorized to enforce this order.

5. The presence of any of the Restrained Parties upon or in the Premises in contravention of this order shall constitute a trespass which may be deemed contempt of this Court.

6. This permanent injunction is effective immediately upon filing and service upon the

Defendants.

7. Defendants hereby waive any right to service of this Permanent Injunction Order.
8. No bond is required pursuant to Ohio Civ. R. 65(c).
9. This permanent injunction shall remain in full force and effect until the further order

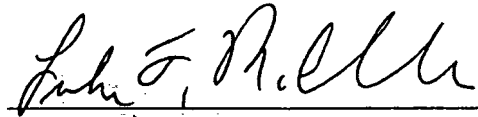
of Court.

2/17/2021
Date


JUDGE ANDREW J. SANTOLI

Submitted by:

AGREED:


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