

**BOARD OF TRUSTEES  
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO**

**DATE: June 18, 2018**

**RESOLUTION NO. 18-0618-03**

**INTENT TO ABATE DANGEROUS PROPERTY CONDITIONS,  
PURSUANT TO R.C. § 505.86, ON REAL PROPERTY LOCATED AT:**

**4555 SELDOM SEEN RD., POWELL, OH 43065  
DELAWARE CO. PIN: 319-313-04-026-000**

**PREAMBLE**

**WHEREAS**, the Board of Trustees, Liberty Township, Delaware County, Ohio ("Board") is familiar with the real property located at 4555 Seldom Seen Rd., Powell, OH 43065 bearing Delaware County Permanent Parcel Number 319-313-04-026-000 ("Property."), and;

**WHEREAS**, the Property is wholly located in Liberty Township, Delaware County, Ohio ("Township"); and,

**WHEREAS**, as of June 6, 2018, the record owner of the Property is Robert J. Shannon (See Exhibits A and B – Deeds with legal description.) (Also See Exhibit C – Delaware County Auditor ("Auditor") Property Information, Map, and Tax Detail Report); and,

**WHEREAS**, the Property contains an unoccupied residential structure ("Structure") that has been vacant and unmaintained for many years: and,

**WHEREAS**, the Structure is empty with no utilities; and,

**WHEREAS**, the Structure suffers from a lack of upkeep and has fallen into disrepair; and,

**WHEREAS**, the rear of the Structure has a failed porch or room and its remaining structure is unsupported and in danger of collapse; and,

**WHEREAS**, siding on the Structure is beginning to detach from the framing due to decay; and,

**WHEREAS**, the foundation and floor system of the Structure is also deteriorating; and,

**WHEREAS**, the Structure is in poor condition, unsafe, unsecured and an attractive nuisance; and,

**WHEREAS**, as a result of these conditions, the Board believes the Structure to be insecure, unsafe, and/or structurally defective and as such the Structure is a nuisance to the neighborhood and general public, an attractive nuisance to children, and will attract animals, vermin, and/or filth and;

**WHEREAS**, R.C. § 505.86 authorizes a board of township trustees, by resolution, to provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared insecure, unsafe, or structurally defective by the county building department or other authority responsible under Chapter 3781. of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township; and,

**WHEREAS**, the Board, pursuant to R.C. § 505.86 and based on a declaration that the Structure is insecure, unsafe, or structurally defective by the county building department (Delaware County Code Compliance), intends to remove, repair, or secure the Structure and to recover any and all costs incurred by the Board and/or the Township in so doing.

## **RESOLUTION**

**NOW THEREFORE, BE IT RESOLVED**, as follows:

A. As used in this Resolution:

1. "Party in Interest" means an owner of record of the Property on which the Structure is located, and includes a holder of a legal or equitable lien of record on the Property and/or Structure.
2. "Total Cost" means any costs incurred due to the use of employees, materials, or equipment of the Township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under R.C. § 505.86.

B. Delaware County Code Compliance ("Code Compliance"), which is the county building department or other authority responsible under Chapter 3781. of the Revised Code for the enforcement of building regulations or the performance of building inspections in the Township, has issued a written report declaring the Structure located on the Property unsecured, unsafe, structurally defective and a serious hazard. The written report from Code Compliance making such declaration is attached to this Resolution as Exhibit D.

- C. Based on the condition of the structure as previously indicated in this Resolution above and such Code Compliance declaration, the Board declares the Structure is a nuisance to the neighborhood and general public, an attractive nuisance to children, and will attract animals, vermin, and/or filth. Pursuant to R.C. § 505.86, the Board intends to provide for the removal, repair, or securance of the Structure. The Total Costs incurred by the Board and/or the Township in so doing shall be recovered as provided in R.C. § 505.86.
- D. The Parties in Interest are hereby ordered to immediately remove, repair, and/or secure the Structure so that the Structure is fully removed and the land where the Structure was located is properly graded and safe or to make the Structure secure, safe, and structurally sound, all as solely determined and approved by Code Compliance.
- E. At least thirty (30) days prior to the removal, repair, or securance of the Structure by the Board, the Board, through the Township Fiscal Officer ("Fiscal Officer"), shall give notice by **certified mail, return receipt requested**, to each Party in Interest of the Board's intent to remove, repair, or secure the Structure. The notice shall include all of the following:
1. Identify the Property and Structure
  2. Include a statement of the Board's intent to remove, repair, or secure the Structure.
  3. Order the Parties in Interest to immediately remove, repair, and/or secure the Structure so that the Structure is fully removed and the land where the Structure was located is properly graded and safe or to make the Structure secure, safe, and structurally sound, all as solely determined and approved by Code Compliance.
  4. State that if the Structure is not removed, repaired, or secured, within thirty (30) days, the Board, pursuant to R.C. § 505.86, may provide for the removal, repair, and/or securance of the Structure. Any expenses incurred by the Board and/or Township in performing that task shall, pursuant to R.C. § 505.86, be collected through a civil action and/or entered upon the tax duplicate and become a lien upon the Property from the date of entry.
  5. Include a statement informing the Parties in Interest that each Party in Interest is entitled to a hearing before the Board if the Party in Interest requests a hearing in writing within twenty (20) days after the notice was mailed.
  6. Include a statement that the written request for a hearing shall be made to the Fiscal Officer.
  7. Provide an address for the Fiscal Officer.

A list of the Parties in Interest, as of June 6, 2018, together with their last known and best addresses, is attached to this Resolution as Exhibit E.

F. A Party in Interest may request a hearing on this matter in writing within twenty (20) days after the above notice was mailed. The written request for a hearing shall be made to the Fiscal Officer. If a Party in Interest timely requests a hearing, the Board shall use the following procedure to notice and conduct the hearing and decide the matter:

1. Set the date, time, and place for the hearing and notify the Party in Interest by **certified mail, return receipt requested**. The date set for the hearing shall be within fifteen (15) days, but not earlier than seven (7) days, after the Party in Interest has requested a hearing, unless otherwise agreed to by both the Board and the Party in Interest.
2. The Board shall hold the hearing on/at the noticed or otherwise agreed to date, time and place.
3. The hearing shall be recorded by stenographic (i.e. court reporter) or electronic means.
4. The Board shall make an order, by resolution, deciding the matter not later than thirty (30) days after the hearing.

A Party in Interest who requested and participated in a hearing, and who is adversely affected by the order of the Board, may appeal the order under R.C. § 2506.01.

- G. If no hearing has been timely requested by a Party in Interest, the Board not later than thirty (30) days after mailing notice to the Parties in Interest shall make an order, by resolution, deciding the matter.
- H. Any order deciding the matter may dismiss the matter or direct the removal, repair, or securance of the Structure. At any time, a Party in Interest may consent to an order.
- I. At any time, a Party in Interest may enter into an agreement with the Board to perform the removal, repair, or securance of the Structure.
- J. The Total Cost of removing, repairing, or securing the Structure, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated, except that, if the costs incurred exceed five hundred dollars (\$500), the Board may borrow moneys from a financial institution to pay for the costs in whole or in part.
- K. The Total Cost may be collected by the Board by either of the following methods:

Attest by Township Fiscal Officer

Nancy Denutte

Nancy Denutte  
Liberty Township Fiscal Officer  
Delaware County, Ohio

State of Ohio :  
Delaware County :

I, the undersigned Fiscal Officer of Liberty Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 18061803 is taken and copied from the record of proceedings of the Board of Trustees of Liberty Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: June 18, 2018

Nancy Denutte

Nancy Denutte  
Liberty Township Fiscal Officer  
Delaware County, Ohio