

BOARD OF TRUSTEES
MARK SCHULTE
KENDAL A. TRACY
MARY MAKLEY WOLFF

FISCAL OFFICER
ERIC C. FERRY

ADMINISTRATOR
JEFFREY A. WRIGHT



MIAMI TOWNSHIP

6101 MEIJER DRIVE • MILFORD, OH 45150-2189

ADMINISTRATION
248-3725
248-3730 (FAX)
COMMUNITY DEVELOPMENT
248-3731
SERVICE DEPARTMENT
248-3728
POLICE DEPARTMENT
248-3721
FIRE/EMS
248-3700
PARKS / RECREATION
248-3727

RESOLUTION 2023-36

The Board of Trustees of Miami Township, Clermont County, Ohio met in regular session on September 19, 2023, with the following members present: Mark Schulte, Ken Tracy and Mary Makley Wolff.

A motion was made to adopt the following Resolution:

Resolution Providing for the Declaration of Nuisance and Removal of an Unsafe Structure for the Property Located at 5826 Stonewall Jackson Dr, Parcel No. 182402D286 and Authorizing all Necessary Steps to Undertake Action and declaring an emergency.

WHEREAS, the Board of Trustees is authorized under Ohio Revised Code §505.86 to remove, repair, or secure buildings or structures that have been declared unsecure, unsafe, or structurally defective by the fire department or building department, or that have been declared unfit for human habitation by a board of health, and collect the costs of said actions; and

WHEREAS, a complaint has been received concerning a nuisance structure located at 5826 Stonewall Jackson Dr, Parcel No. 182402D286 (“Location”); and

WHEREAS, The Location was investigated, and the building located thereon (“subject building”) was found to be open and unsafe with conditions including a partially collapsed foundation wall, a large hole in the roof, an open/accessible front door, collapsed interior drywall ceilings, piles of animal excrement, trip hazards and exposed wiring; and

WHEREAS, On May 21, 2023 and again on July 13, 2023 Courtesy Violation Notices with detailed instructions were posted at the Location, and on March 20, 2023 a detailed Notice of Property Maintenance Violation was served on the owner, and to date the owner has taken no action to repair the subject building; and

WHEREAS, The Location was the subject of a complaint submitted by an adjoining property on February 27, 2023 and the adjoining property owner advises that the subject building has been vacated for over ten years; and

WHEREAS, At its July 10, 2023 Work Session meeting, the Board of Trustees received and viewed information including current photographs showing nuisance and hazardous conditions in and on the subject building at the Location; and

WHEREAS, under Ohio Revised Code §505.86 a condition precedent to finding a building to be an open, unsafe and unsecure nuisance is a determination of such conditions by the appropriate safety agency; and

WHEREAS, after inspection, determination of such conditions were documented by the Miami Township Fire Department on August 26, 2023, and such determination was provided to the Board of Trustees via memorandum dated September 13, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Miami Township, Clermont County, Ohio by authority of Section 505.86 of the Ohio Revised Code as follows:

SECTION 1. The determinations of the Miami Township Fire Department concerning the conditions of the subject building are hereby adopted.

SECTION 2. Subject to the requirements of Section 505.86, the Board of Trustees hereby orders the demolition and removal of the subject building from the Location.

SECTION 3. Prior to any demolition and removal of the subject building, notice shall be given to parties in interest in accordance with Sections 505.86(B) and (C).

SECTION 4. Prior to any demolition and removal of the subject building, a hearing will be held on the matter if requested by a party in interest timely pursuant to Section 505.86(C).

SECTION 5. Prior to any demolition and removal of the subject building, the Board of Trustees will issue a final order deciding the matter in accordance with Section 505.86(C)(3) regarding final disposition of the subject building.

SECTION 6. If the Board of Trustees' final order requires action such as the demolition, removal and/or repair of the subject building, costs shall be assessed to the owner of record and the county auditor shall place the costs upon the tax duplicate. The

costs are a lien upon the property from and after the date of entry. The costs shall be collected as other taxes and returned to the Township general fund.

SECTION 7. The Township Administrator is authorized to execute any agreement between the owner of the property (or other responsible party) and the Board of Trustees that is permitted pursuant to Section 505.86(D) of the Ohio Revised Code.

SECTION 8. The Board of Trustees finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Resolution is declared to be an emergency measure necessary for the preservation of the health, safety and well-being of the residents of the Township for the reason that an emergency situation exists whereby the subject building is creating an imminent threat to public health and safety.

SECTION 10. This Resolution shall take effect at the earliest period allowed by law

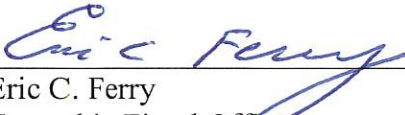
First Reading:	<u>September 19, 2023</u>
Second Reading:	<u>N/A</u>
Effective:	<u>September 19, 2023</u>

The motion was seconded, and the resolution was adopted.

Resolution 2023-36 adopted September 19, 2023.

ATTEST:

APPROVED AS TO FORM:


Eric C. Ferry
Township Fiscal Officer


Joseph J. Braun
Township Law Director

EXHIBIT A

ADDRESS

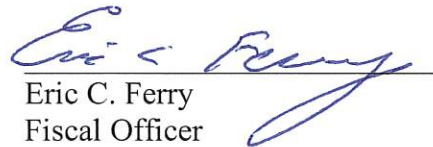
5826 Stonewall Jackson

PARCEL ID #

182402D286

CERTIFICATION

I, Eric C. Ferry, Fiscal Officer of Miami Township, do hereby certify that the foregoing is taken and copied from the Record of the Proceedings of Miami Township; that the same has been compared by me with the Resolution of said Record and that it is a true and correct copy thereof.


Eric C. Ferry
Fiscal Officer