

BOARD OF TOWNSHIP TRUSTEES  
ANDERSON TOWNSHIP  
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in a regular meeting at 5:00 p.m. this 20th day of April, 2023, with the following members present:

R. Dee Stone  
Lexi Lausten  
Joshua S. Gerth

Mr. Gerth introduced the following resolution and moved its passage:

**RESOLUTION NO. 23-0420-07**

**RESOLUTION PROVIDING FOR REMOVAL OF STRUCTURE DECLARED TO BE INSECURE, UNSAFE, OR STRUCTURALLY DEFECTIVE, ON LAND OWNED BY, ANTHONY M GRIFFIN, JR. AND LOCATED AT 2668 ELSTUN ROAD, IN ANDERSON TOWNSHIP, OHIO, PURSUANT TO SECTION 505.86 OF THE OHIO REVISED CODE.**

WHEREAS, Section 505.86 of the Revised Code (the "Statute") provides that a board of township trustees may 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 any fire department under contract with the township or 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, or of buildings or other structures that have been declared unfit for human habitation by the board of health of the general health district of which the township is a part; and

WHEREAS, the owner of record of the property located at 2668 Elstun Road, Anderson Township, Ohio 45230 (further identified as Hamilton County Auditor's Parcel No. 500-0430-0046-00) (the "Property") is Anthony M. Griffin, Jr. (the "Owner"); and

WHEREAS, the last known mailing address of the Owner is 2668 Elstun Road, Anderson Township, OH 45230; and

WHEREAS, tax bills relating to the Property are mailed by the Hamilton County Auditor to the Owner at 2668 Elstun Road, Anderson Township, OH 45230; and

WHEREAS, Hamilton County Planning + Development (“HCPD”) inspected the Property several times in 2022 and on March 7, 2023 and

WHEREAS, by Official Building Order/Nuisance Notification dated March 17, 2023 addressed to the Owner at the mailing address listed above, stated its observations that the building on the Property (the “Structure”) is vacant, overgrown, deteriorated, accessible, not weathertight, and that the front wall of the foundation has collapsed and continues to slide downhill, and declared the Structure to be in imminent danger of further collapse and unsafe for habitation, and advised the Owner that the Structure must be repaired or demolished; and

WHEREAS, the Owner’s right to appeal that Official Building Order/Nuisance Notification expired April 16, 2023; and

WHEREAS, at this date Owner has not abated the nuisance by repairing or demolishing the Structure;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the “Board”) OF ANDERSON TOWNSHIP, OHIO (the “Township”), that:

SECTION 1. The Township Administrator, on behalf of this Board, shall give notice by *certified mail, return receipt requested*, to each holder of a legal or equitable lien of record upon the Property and to the Owner, each, a “Party in Interest” and collectively, the “Parties in Interest”), of the Board's intention to provide for the removal of the insecure, unsafe and structurally defective Structure through use of Township employees, materials or equipment, or by a contract or contracts for labor, materials, or equipment, as shall be determined by the Township Administrator. The notice shall include notice to the Parties in Interest that each Party in Interest is entitled to a hearing if the Party in Interest requests a hearing in writing within twenty (20) days of the date of the mailing of the notice. Any such written request for a hearing shall be made to the Fiscal Officer of the Township. If the address of the Owner is unknown and cannot reasonably be obtained, the Township Administrator shall publish the aforesaid notice once in a newspaper of general circulation in the Township. If a hearing is requested in compliance with the Statute, the Board shall set the date, time and place for the hearing and notify the requesting Party in Interest by *certified mail, return receipt requested*; and the hearing shall be held within fifteen days, but not earlier than seven days, after the Party in Interest has requested a hearing, unless otherwise agreed to by the Board and said Party in Interest. The hearing shall be recorded by stenographic or electronic means.

SECTION 2. Not later than thirty (30) days after a hearing, or not later than thirty (30) days after mailing notice to the Parties in Interest as provided in SECTION 1 hereof if no Party in Interest requested a hearing in writing and in a timely manner, the Board shall make an order deciding the matter. The order may dismiss the matter or direct the securance and removal of the insecure, unsafe, structurally defective Structure. At any time a Party in Interest may consent to the order. 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 Section 2506.01 of the Revised Code. At any time, a Party in Interest may enter into an agreement with the Board to perform the removal of the Structure.

SECTION 3. If the Board issues an order directing the removal of the insecure, unsafe, structurally defective Structure which is not appealed as provided above, then unless the Structure has been completely removed, or unless a Party in Interest shall have entered into an agreement with the Board to perform the removal of the Structure, the Township Administrator shall proceed to provide for removal of the Structure, and the "total cost" of such removal, including 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 the Statute, shall be collected by the Fiscal Officer in accordance with Section 505.86(F)(1) of the Revised Code.

SECTION 4. The preambles to this Resolution are and for all purposes shall be construed to be integral and operative parts of this Resolution.

SECTION 5. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Mrs. Lausten seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone       yes       Mrs. Lausten       yes       Mr. Gerth       yes

## CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township (County of Hamilton), Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 15th day of December, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Further, it is hereby certified that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44 of the Ohio Revised Code.

This 20th day of April, 2023.

  
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Kenneth G. Dietz  
Fiscal Officer