

BOARD OF TOWNSHIP TRUSTEES
ANDERSON TOWNSHIP
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in regular session at 2:00 p.m. this 3rd day of March, 2022, with the following members present:

Robin D. Stone
Lexi Lausten

Mrs. Lausten introduced the following resolution and moved its passage:

RESOLUTION NO. 22 - 0303 - 04

RESOLUTION PROVIDING FOR THE SECURANCE OF AN INSECURE AND UNSAFE STRUCTURE, WHICH HAS BEEN DECLARED UNFIT FOR HUMAN HABITATION, ON LAND OWNED BY 555 CHURCH STREET LLC, LOCATED AT 780 SUTTON ROAD, IN ANDERSON TOWNSHIP, AND PROVIDING FOR NOTICE, PURSUANT TO SECTION 505.86 OF THE 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 structure (the “Structure”) located at 780 Sutton Road, Anderson Township, Ohio 45230 (further identified as Hamilton County Auditor’s Parcel No. 500-0471-0007-00) (the “Property”), requires securance, as provided herein; and

WHEREAS, the Township’s Zoning and Planning staff have visually inspected the Structure on February 16, 2022, and found that the structure has extensive water damage, roof damage and visible mold, is deemed unsafe and insecure, and requires securance; and

WHEREAS, the Anderson Township Fire Department visually inspected the Structure on February 16, 2022, and in a letter to this Board dated March 2, 2022, has declared the Structure to be insecure and unsafe; and

WHEREAS, by Notice of Violation and Notice of Condemnation dated April 20, 2021, Hamilton County Health Department (“HCHD”) issued after multiple site investigations, found the sewage treatment system (“STS”) to be failing, that the STS had not been permitted, and that untreated wastewater was discharging from the STS into the environment causing a public health nuisance, and that after multiple correspondences, the owner had failed to take required corrective action; and

WHEREAS, further, HCHD noted numerous violations of the Ohio Administrative Code and condemned the Structure and considered [it] unfit for human habitation; and

WHEREAS, after further inspection on February 16, 2022, by Notice of Condemnation dated February 28, 2022, the HCHD declared the Property to be condemned and unfit for human habitation; and

WHEREAS, the owner of record of the Property and Structure is 555 Church Street LLC (the “Owner”); and

WHEREAS, the last known mailing address of the Owner is, 30 Over Ridge Court, Apartment 2132, Baltimore, MD 21210; and

WHEREAS, tax bills are mailed by the Hamilton County Auditor to the Owner at 30 Over Ridge Court, Apartment 2132, Baltimore, MD 21210;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio (the "Board"), as follows:

SECTION 1. The Fiscal Officer, on behalf of this Board, shall give notice, in the form attached hereto as Exhibit A, by certified mail return receipt requested to each party in interest with respect to the Property, which under the Statute includes “an owner of record of the real property on which the building or structure is located, and includes a holder of a legal or equitable lien of record on the real property or the building or other structure,” of the Board's intention to provide for the securance of the insecure and unsafe 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. If the address of the Owner is unknown and cannot reasonably be obtained, the Fiscal Officer shall publish the aforesaid notice as provided in Section 505.86(B) of the Revised Code, once in a newspaper of general circulation in the Township.

SECTION 2. Upon the expiration of thirty (30) days from the date of giving the notice or notices provided for in SECTION 1 hereof, then unless the Structure has been completely repaired or secured, or unless the Owner or the holders of liens of record upon the Property shall have entered into an agreement with the Board to perform the repair and securance of the Structure under Section 505.86 of the Revised Code, this Board shall make an Order directing the Township Administrator to proceed to provide for the securance of the Structure in accordance with

SECTION 1 hereof, and the "total cost" of such securance, as defined in Section 505.86(A) of the Revised Code, shall be collected by the Fiscal Officer in accordance with Section 505.86(F)(1) of the Revised Code.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. 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 Revised Code, except as otherwise permitted thereby.

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

Mr. Gerth absent Mrs. Stone yes Mrs. Lausten 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 3rd day of March, 2022, 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 Anderson Township (County of Hamilton), Ohio, under the foregoing Resolution during the remainder of the year 2022 have been lawfully appropriated by the Anderson Township 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 Revised Code.

This 3rd day of March, 2022.



Kenneth G. Dietz
Fiscal Officer