

BOARD OF TOWNSHIP TRUSTEES  
ANDERSON TOWNSHIP  
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in regular session at 9:30 a.m. this 5<sup>th</sup> day of November, 2021, with the following members present:

Joshua S. Gerth  
Robin D. Stone  
Andrew Pappas

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

**RESOLUTION NO. 21 – 1105 - 04**

**RESOLUTION PROVIDING FOR THE REMOVAL OF STRUCTURES DECLARED TO BE IN A CONDITION DANGEROUS TO LIFE OR HEALTH AND UNFIT FOR HUMAN HABITATION ON LAND OWNED BY CLAIR MURPHY, THE ESTATE OF CLAIR MURPHY, THE HEIRS OF CLAIR MURPHY, AND/OR ANITA MURPHY, AND LOCATED AT 7833 YMCA ROAD, ANDERSON TOWNSHIP, OHIO, PURSUANT TO SECTION 505.86 OF THE OHIO REVISED CODE.**

WHEREAS, Section 505.86 of the Ohio 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 to be in a condition dangerous to life or health, or unfit for human habitation by the board of health of the general health district of which the township is a part; and

WHEREAS, the real property located at 7833 YMCA Road, Anderson Township, Ohio 45244 and further identified as Auditor’s Tax ID Parcel No. 500-0171-0027-00 (the “Property”), is owned of record by Clair Murphy, married (collectively with the Estate of Clair Murphy, the heirs of Clair Murphy, and/or Anita Murphy, the “Owner”); and

WHEREAS, Clair Murphy is believed to be deceased; and

WHEREAS, the Anderson Township Fire and Rescue Department (the “Fire Department”) conducted a Life Safety Division Inspection of the Property on June 11, 2021 and rendered an Inspection Report that detailed numerous unsafe conditions existing on the Property, including without limitation, electrical hazards, storage of combustibile materials, overloaded circuits, no functional toilet, unstable flooring, water damage, lack of water service to the premises; and

WHEREAS, the Fire Department is responsible fire and rescue operations in Anderson Township, including the performance of inspections and enforcement of fire and safety regulations in Anderson Township; and

WHEREAS, the Hamilton County Planning + Development Department (“HCPDD”) provided an adjudication letter relating to the Property to Clair Murphy’s wife concluding, after an inspection of the Property on June 11, 2021, that the buildings comprised of a trailer, garage and gazebo located on the Property (the “Structures”), “are unsafe, dangerous and is [sic] deemed a serious hazard and public nuisance, and \*\*\* shall either be repaired or raised” and Anita Murphy was advised that she had a right of appeal that would expire on July 15, 2021; and

WHEREAS, Hamilton County Public Health District (“HCPH”) rendered a Nuisance Letter dated September 27, 2021 to Clair Murphy, c/o Anita Murphy, concluding that the Structures, for the reasons stated therein, “are condemned and considered unfit for human habitation” and indicating that certain Required Corrective Action (as detailed therein) be taken by the owner with respect to the Property and completed by October 27, 2021; and

WHEREAS, HCPH re-inspected the Property on November 3, 2021, and has issued its Nuisance Letter dated November 4, 2021, addressed to Clair Murphy, c/o Anita Murphy, concluding that the aforesaid Corrective Actions had not been completed and that the Property continues to be in a condition dangerous to life or health, and unfit for human habitation; and

WHEREAS, the last known mailing address of the Clair Murphy and Anita Murphy is the aforesaid address of the Property;

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

SECTION 1. The Fiscal Officer, on behalf of this Board, shall give notice by certified mail, return receipt requested, to the holders of legal or equitable liens of record upon the Property and to the Owner (each, a “Party” and collectively, the “Parties”), of the Board's intention to provide for removal of the Structures on the Property, which have been condemned by HCPH and deemed to be in a condition dangerous to life or health and unfit for human habitation, 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 that each Party in interest is entitled to a hearing on the matter of removal of the Structures if such Party shall request a hearing with the Board. Any such request for a hearing must be made in writing to the Fiscal Officer of the Township within twenty (20) days of the date of the mailing of the aforesaid notice. 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 Ohio Revised Code. If a Party in interest timely requests a hearing, the Board shall set the date, time and place for the hearing and notify the requesting Party by certified mail, return receipt requested; and the date set for the hearing shall be 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. The Board shall make an order deciding the matter not later than thirty (30) days after the hearing, if a hearing is requested in writing and in a timely manner as aforesaid, or not later than

thirty (30) days after mailing notice to the parties in interest if no party in interest requested a hearing. At any time a Party in interest may consent to an order. If the Board issues an order directing the removal of the Structure which is not further appealed as provided in the Statute, then unless the Structures have been completely removed, or unless the Owner or a holder of a legal or equitable lien of record upon the Property shall have entered into an agreement with the Board to perform the removal of the Structures, the Township Administrator shall proceed to provide for the removal of the Structure in accordance with SECTION 1 hereof, and the "total cost" of such removal, as defined in Section 505.86(A) of the Ohio Revised Code, shall be collected by the Fiscal Officer in accordance with Section 505.86(F)(1) of the Ohio 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       yes       Ms. Stone       yes       Mr. Pappas       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 5<sup>th</sup> day of November, 2021, 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 2021 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 5th day of November, 2021.

  
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Kenneth G. Dietz  
Fiscal Officer