

First Reading 1/11/2011
Second Reading 1/24/2011
Adopted 5-24-11

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in REGULAR session at 6 p.m., on the 24th day of MAY, 2011, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Dennis P. Deters; Mr. Jeffrey F. Ritter, and ~~Mr. Joseph R. Wolterman~~

Mr. Deters introduced the following resolution and moved its adoption:

RESOLUTION NO. 38 - 11

RESOLUTION DETERMINING NUISANCE CONDITIONS TO EXIST ON PROPERTY AT 10825 E. MIAMI RIVER ROAD, AND AUTHORIZING THE SALE OF REFUSE, AND DEBRIS REMOVED THEREFROM WHICH MAY HAVE SCRAP VALUE TO OFFSET COSTS AND EXPENSES OF ABATEMENT, CONTROL, AND REMOVAL BY TOWNSHIP

[PASSED UNDER AUTHORITY OF REVISED CODE CHAPTER 504]

WHEREAS, the Board of Trustees of Colerain Township, Hamilton County, Ohio has authority under O.R.C. § 505.87 to provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township, if the Board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and

WHEREAS, uncontrolled vegetation, refuse, and debris, including enormous amounts of junk cars and scrap metal are present on the property located at 10825 E. Miami River Road, being more specifically identified as Hamilton County Auditor Parcel Numbers 510-310-3, 510-310-5, 510-310-23, 510-310-24, 510-310-25, and 510-310-26 (hereinafter referred to as "the Property"); and

WHEREAS, for several years, Colerain Township has attempted to enter into an agreement with the owners of the Property for voluntarily removal of the refuse, debris, and scrap from the Property, but the owners have steadfastly refused to do so; and

WHEREAS, the Board finds that some of the refuse or other debris on the Property has commercial value as scrap or salvage material, which could reasonably be applied to reduce the financial burden on the Township in enforcing O.R.C. §505.87, consistent with the purpose and intent set out in Resolution 56-10, previously approved by this Board; and

WHEREAS, the Board of Trustees is acting herein under its statutory authority under O.R.C. §505.87 and the authority granted under O.R.C. Chapter 504 as a limited home rule government.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That the Board specifically finds and hereby determines that the uncontrolled growth of vegetation, and the refuse, debris, and scrap now on the Property described above constitute a nuisance within the meaning of Ohio Revised Code Section 505.87, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.87.
2. That the Colerain Township Board of Trustees hereby orders the owners of said Property to remove and abate the nuisances within seven days after notice of this order is given to the owners and lienholders of record.
3. That if said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lienholders of record within seven after notice is given, the Zoning Inspector shall cause the nuisances to be removed, and the Township shall notify the County Auditor to assess such cost plus administrative expense to the property tax bills for the said parcels, as provided in Ohio Revised Code Section 505.87, subject to the recoupment of some or all of the cost and expenses as set out below.
4. That the Board of Trustees hereby determines that some of the refuse and debris on the Property has commercial value as scrap or salvage material, and, upon its removal from the Property pursuant to O.R.C. §505.87, such refuse and debris, shall be sold in a commercially reasonable manner to a scrap yard or other recycler for the best price reasonably obtainable, pursuant to the procedure set out in Resolution 56-10.
5. That upon the sale of the refuse and debris to a scrap yard or other recycler as described in the preceding paragraph, the proceeds of such sale shall be applied to offset the cost and expense incurred by the Township in the abatement, control, or removal of the debris, and deposited to the General Fund. If the proceeds of such sale exceed the cost and expense incurred by the Township, any surplus shall be paid to the owners of the Property. If the proceeds of such sale are less than the cost and expense incurred, the deficiency shall be entered upon the tax duplicate for such Property, and become a lien upon the land from the date of entry, as provided in O.R.C. §505.87 (B)(2).
6. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

7. This Resolution, upon its adoption by a majority vote of the Board, shall be effective at the earliest date allowed by law.

Mr. Ritter seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters AYE, Mr. Ritter AYE, Mr. Wolterman absent

ADOPTED this 24TH day of MAY, 2011 .

BOARD OF TRUSTEES:

[Signature]
Dennis P. Deters, Trustee

[Signature]
Jeffrey F. Ritter, Trustee

[Signature]
Joseph R. Wolterman, Trustee

Attest:

[Signature]
Heather E. Harlow,
Fiscal Officer

Prepared by and approved as to form:

[Signature]
James E. Reuter (0011414)
3025 W. Galbraith Road
Cincinnati, Ohio 45239-4222
(513) 521 - 8400
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was read on 1/11/2011, 1/24/2011, and 5/24/2011, and duly passed and filed with the Colerain Fiscal Officer, on this 24 day of MAY, 2011 .

[Signature]
Heather E. Harlow,
Colerain Township Fiscal Officer