The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in a regular meeting session at 6:00 p.m., on April 27, 2022, at the Danbury Township Hall, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present:

Mr. John Paul Dress, Mr. David Hirt, Ms. Dianne Rozak

Ms. ROZAK introduced the following resolution and moved its adoption:

RESOLUTION NO. 9 - 2022

RESOLUTION TO MODIFY PREVIOUS TRUSTEE RESOLUTION 22-2021 AND 22-2021-B REGARDING THE DEFECTIVE STRUCTURE ON THE PROPERTY LOCATED AT 1070 ENGLEBECK ROAD, DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO

PREAMBLE

WHEREAS, on September 9, 2021, the Board of Trustees adopted Resolution 22-2021 determining that the property owned by Sabino & Isela Brito ("Owner(s)"), located on the property at 1070 Englebeck Road, Marblehead, Ohio (PIN# 0141129715131002), in Danbury Township, Ottawa County, Ohio (the "Property) contains a Structure (the "Structure) that is structurally defective insecure and unsafe pursuant to Section 505.86 of the Ohio Revised Code, and

WHEREAS, said Resolution in Section 1, stipulated that the Board ordered the Owner(s) of the Property to execute and complete the removal of the Structure on or before October 9, 2021; and

WHEREAS, at the September 22, 2021, Trustee regular meeting, the Owner, Sabino Brito attended and was present at the meeting. He expressed that he wanted to repair the structure and requested an extension of time to do so. The Trustees responded by telling Mr. Brito to show some effort if his intentions were true that he wanted to repair the Structure and to come back before the Board, once doing so; and

WHEREAS, at the October 13, 2021, Trustee regular meeting, the owner was not present, but the Zoning Inspector reported that a hole in the roof had been patched and re-shingled and that some vegetation around the Structure had been abated by the Owner(s). The Board of Trustees ordered the Zoning Inspector to inform the Owner(s) that it was still their intention to remove the Structure in accordance with Resolution 22-2021 and upon the expiration of his 30-day notification requirement of November 9, 2021; and

WHEREAS, on October 26, 2021, the Owner(s) filed a zoning permit application for a footer-foundation only permit and submitted payment for said permit application on October 27, 2021; and

WHEREAS, at the October 27, 2021, Trustee regular meeting, per Section 1 of Trustee Resolution 22-2021-B, the Board ordered the Owner(s) of Property to execute and complete the permanent footer-foundation of the Structure, including the placement of the Structure on said foundation, on or before May 1, 2022. Furthermore, per Section 2 & 3 of Trustee Resolution 22-2021-B, the Board ordered that the Owner(s) of the Property appear at their regular meeting April 27, 2022, for a status update on the property if the Owner(s) failed to execute and complete the footer-foundation, or remain in daily, active construction by May 1, 2022; and

WHEREAS, at the April 27, 2022, the Owner(s), Sabino Brito, was present and entered into agreement with the Board, by this Resolution, that he would make the following arrangements to the Structure located at 1070 Englebeck Road, Marblehead, Ohio:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Trustees of Danbury Township, Ottawa County, Ohio hereby agrees to extend additional time to the Owners, Sabino & Isela Brito, to now begin repairs, instead of removing the structurally defective Structure located at 1070 Englebeck Road, Marblehead, Ohio (PIN# 0141129715131002), pursuant to Section 505.86 of the Ohio Revised Code, hereby ordering the following actions:

Section 1: The Board orders the Owner(s) of the Property to execute and complete on or before July 1, 2022 :

a.) The permanent footer-foundation of the Structure, including the placement of the Structure on said foundation,

b.) That, all windows and doors that are unsecure, broken or missing are replaced with windows and doors and the building is completely secure.

Section 2: The Board has informed, and the Owner(s) has acknowledged and agreed, that if the Owner(s) fails to meet the above deadline, execute and complete the work as outlined in Section 1 above, or remain in daily, active construction, that no further extensions will be considered or granted and it is the Board's intention to proceed with demolition and removal of the Structure pursuant to Section 505.86 of the Ohio Revised Code and reaffirming the terms of Resolution 22-2021.

Section 3. The Board and Owner of Property both agree that if the Owner(s) of Property is successful in executing and completing the work as outlined in Section 1 above by the established deadline, both parties agree to meet at the next available Trustee meeting date to further negotiate, review and establish what additional work may be needed to bring the property to an acceptable condition and safe.

Section 4. The Board 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 that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

This Resolution shall take effect and be in force from or after the earliest period allowed by law.

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

Vote Record: Mr. Dress – Yes ; Mr. Hirt - Yes Ms. Rozak – Yes;

ADOPTED this 27th day of April , 2022.

Attest:

Fiscal Officer
Carolyn Adams

Board of Trustees
Danbury Township
Ottawa County, Ohio

John Paul Dress

David M. Hirt

Dianne Rozak

OWNER ACKNOWLEDGEMENT

Now comes the Owner(s) of 1070 Englebeck Road, Danbury Township, Ottawa County, Marblehead, Ohio 43440 (PIN# 0141129715131002) who freely and voluntarily were present and participated in said hearing, and acknowledge the agreements set forth in this Resolution on this 27th day of April, 2022 and agree to abide by the stipulations set-in and by the dates established.

Sabino Brito, Owner

Not Present

Isela Brito, Owner

AUTHENTICATION

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution duly passed by this Board of Trustees in session this 27th day of April 2022 and filed with the Danbury Township Fiscal Officer.

Carolyn Adams
Danbury Township Fiscal Officer