

The Board of Trustees of Danbury Township, County of Ottawa, Ohio, met in a special meeting session at 5:30 p.m., on May 21, 2024, at the Danbury Township Hall, 5972 E. Port Clinton Road, Marblehead, Ohio 43440, with the following members present:

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

Mr. / Ms Rozak introduced the following resolution and moved its adoption:

RESOLUTION NO. 11 - 2024

RESOLUTION TO PROCEED WITH THE REMOVAL OF THE DEBRIS OF AN UNSAFE, INSECURE AND STRUCTURALLY DEFECTIVE STRUCTURE FROM THE PROPERTY LOCATED AT 711 S. BRIDGE ROAD OR ALSO KNOWN AS 5395 E. PORT CLINTON EASTERN ROAD, DANBURY TOWNSHIP, OTTAWA COUNTY, OHIO AND DECLARING A NUSIANCE AND ORDERING ABATEMENT.

PREAMBLE

WHEREAS, on or about March 6, 2024, the Board of Trustees (the “Board”) sent, John & Donna Bergman (“Owner(s)”), a courtesy notice that the property at 711 S. Bridge Road, also known as 5395 E. Port Clinton Eastern Road, Port Clinton, Ohio (PIN# 0141137815232000) (the “Property”) was being investigated by Danbury Township (the “Township”) for the possibility of exercising their authority in Ohio Revised Code Section 505.86 on what corrective measure should be taken with regard to the 24’ x 36’ barn structure (the “Structure”), including the possibility of demolition, in the unincorporated area of Danbury Township, Ottawa County, Ohio; and

WHEREAS, on or about April 11, 2024, the Board sent notice via certified mail to the Owner(s) of the Property, and any lienholders of record, that the Board would be providing them an opportunity during a special meeting on May 21, 2024, to be heard and provide any information as to why the Structure should not be repaired, secured, or removed; and

WHEREAS, on or about March 7, 2024, the Board received a letter from the Danbury Township Fire Chief finding that the Structure was insecure and unsafe pursuant to Section 505.86 of the Ohio Revised Code; and

WHEREAS, on or about April 11, 2024, the Owners voluntarily razed the Structure and began the clean-up and removal of the Structure’s debris; and

WHEREAS, pursuant to §505.87 of the Ohio Revised Code, the Board is authorized to determine that the maintenance, vegetation, garbage refuse, or debris upon a property constitutes a nuisance and order the property owner to remove such vegetation or debris within seven (7) days, and if the owner fails to remove the vegetation or debris, or make arrangements for the removal within the allotted time period, the Board may proceed to remove the vegetation or debris and enter the cost of such removal upon the tax duplicate for the property; and

WHEREAS, Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance, vegetation, garbage refuse, or other debris on the same land in the Township constitutes a nuisance, at least four (4) days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

WHEREAS, during said hearing, May 21, 2024, Owner(s), John & Donna Bergman, or any lienholders of record, failed to appear before the Board and exercise their opportunity to be heard or enter into agreement with the Board of possible corrective measures; and

WHEREAS, it is in the best interests of Danbury Township and its residents to proceed under §505.87 of the Ohio Revised Code in order to remove, or have removed the vegetation, garbage refuse, and debris from the Property.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Trustees of Danbury Township, Ottawa County, Ohio hereby determines that the property owned by John & Donna Bergman, located at 711 S. Bridge Road, also known as 5395 E. Port Clinton Eastern Road, Port Clinton, Ohio (PIN# 0141137815232000) in Danbury Township, Ottawa County, Ohio contains the material & debris from a 24' x 36' Barn Structure's demolition, which constitutes a nuisance and, pursuant to §505.87 of the Ohio Revised Code, orders the following actions:

- Section 1:** The Board orders the Owner(s) of the Property to remove the remaining debris on the property from the Structure and to restore the area by planting grass within 45 days or before June 30, 2024.
- Section 2:** The remaining debris on the property from the demolished Structure includes, but is not limited to; removal of wood beams, woods planks, hay and straw, and signage panels that were on the former barn; and
- Section 3:** If the Owner fails to execute and complete the removal of the remaining debris and planting of grass, or remain active in the work being conducted before June 30, 2024, the Board authorizes the Zoning Inspector to enter into a contract after said date, with a suitable person and/or entity to have the remaining debris removed and to restore the area by planting grass at a cost not to exceed \$4,500.00 with the Ed Burdue Co., LLC.
- Section 4:** The Board hereby directs and orders that all expenses incurred in the removal of the Structures debris and to restore the area by planting grass shall be paid from the unappropriated monies in the Township's general fund.
- Section 5.** The Fiscal Officer shall report all expenses that the Township incurs in the removal of the Structure's debris and to restore the area by planting grass to the Auditor of Ottawa County, Ohio for entry upon the tax duplicate as a lien upon the Property and for collection and reimbursement of the Township's general fund as provided in Section 505.87 of the Ohio Revised Code.
- Section 6.** 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/ Ms. Dress seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

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

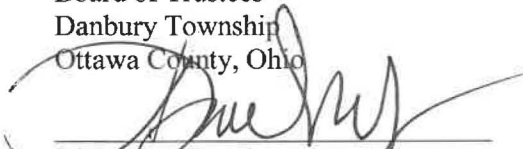
ADOPTED this 21st day of May, 2024.

Attest:



Fiscal Officer
Carolyn Adams

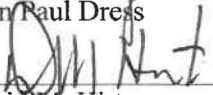
Board of Trustees
Danbury Township
Ottawa County, Ohio



Dianne M. Rozak



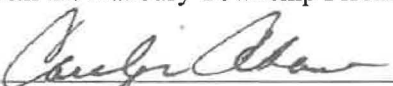
John Paul Dress



David M. Hirt

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 21st day of May, 2024 and filed with the Danbury Township Fiscal Officer.



Carolyn Adams
Danbury Township Fiscal Officer