

RESOLUTION 22 - 29, 2022
COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

**RESOLUTION PROVIDING FOR AND AUTHORIZING REMOVAL, REPAIR OR
SECURANCE OF INSECURE, UNSAFE BUILDINGS OR STRUCTURES AND REMOVAL
OF TALL GRASS, WEEDS AND DEBRIS, DECLARING A NUISANCE FOR NON-
COMPLIANT PROPERTY AT 5441 ELLMARIE DRIVE, DISPENSING WITH
THE SECOND READING, AND DECLARING AN EMERGENCY**

WHEREAS, the Ohio Revised Code authorizes a Board of Township Trustees in §505.86 to provide for removal, repair or securance of buildings or structures that have been declared insecure, unsafe or structurally defective or unfit for human habitation (“Dangerous Structures”) and in §505.87 to abate, control or remove excessive vegetation, garbage, refuse or other debris determined to constitute a nuisance (“Nuisance or Nuisance Conditions”) from land located in the Township; and

WHEREAS, Columbia Township received information concerning a vacant, defective structure and excessive vegetation on property located at:

<u>Address</u>	<u>Parcel Number(s)</u>	<u>Owner</u>
5441 Ellmarie Drive	520-0215-0073-00	Sandy Nye

WHEREAS, Columbia Township Administration has properly coordinated the property concerns with the Hamilton County Health Department, Hamilton Co. Planning + Development - Building Office, and local fire district. These agencies determined, as defined in Section 1 below, that the structure is vacant, deteriorated, unsafe for human habitation, and as such is detrimental to the health, safety and general welfare of all persons who live, work or own property in Columbia Township and must be either repaired or demolished; and

WHEREAS, the Board of Township Trustees of Columbia Township has determined the unattended insecure, unsafe buildings or structures, excessive vegetation, and debris are a nuisance on the subject property.

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees, Columbia Township, Ohio, that 5441 Ellmarie Drive is hereby declared to be a nuisance:

Section 1(a). Hamilton County General Health District issued a Notice of Property Maintenance Violation in 2019, 2021, and 2022 which condemned the vacant residential structure. Specifically, as shown in the attached with photos: garage door is broken, not secure within the door frame, and has one or more open holes that allow rodent access to

RESOLUTION 22 - 29, 2022
COLUMBIA TOWNSHIP, HAMILTON COUNTY, OHIO

the interior; house gutters are not secure and falling sections are a safety hazard; garbage is strewn across the yard; and, the yard has tall grass and weeds.

Section 1(b). Hamilton County Planning + Zoning Department sent an Official Building Order – Nuisance Notification of Unsafe Structure (May 27, 2022) which directs the property owner to demolish or repair the conditions that do not comply with the Residential Code of Ohio. Specifically, as shown on the attached Order, the building is vacant, overgrown and deteriorated; the roof has holes, windows are broken, and there are no active utilities on the property; building is not weathertight and is accessible to vermin and wildlife; and the property is overgrown with noxious weeds and vines.

Section 1(c). Deer Park - Silverton Joint Fire and Rescue District reclassified the abandoned structure as a No-Go Structure - Hamilton County Communications Center for fire/EMS and police response, and reported that electric service to the structure has been terminated, and the roof is collapsing, rendering it uninhabitable.

Section 1(d). Columbia Township performed a title search to verify the current property owner and determined there are no lienholders that have an interest in the property.

Section 2(a). Pursuant to O.R.C. §505.86, the owners and lien holders of record for the properties shall be properly notified of this action. Upon approval of the resolution, the Administrator shall notify the owners of the nuisance declaration by mail, and to post notice on the property, at least 30 days in advance of removal, repair or securance and including notice of the right to appeal to the Board of Trustees within 20 days by contacting the Fiscal Officer in writing at the Township offices. The property owners have 30 days to demolish the Dangerous Structure and abate all Nuisance Conditions set forth in this resolution and described/depicted in attached reports, notices, and photos.

Section 2(b). In the event the nuisance is not abated or appealed as provided above within the time period allowed, the Township Maintenance Department is hereby directed to remove, repair or secure the insecure, uninhabitable, unsafe buildings or structures or contract for the removal, repair or securance of insecure, uninhabitable, unsafe buildings or structures from the subject non-compliant property.

Section 3. Pursuant to O.R.C. §505.87 and the Columbia Township Exterior Property Maintenance Code, the owners and lien holders of record for the properties shall be properly notified of this action. In the event the nuisance is not abated within seven (7) days, specifically the grass mowed to below the height provided in the Code, and weeds and garbage removed, the Township Maintenance Department is hereby

RESOLUTION 22 - 29, 2022
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directed to remove and, discard the tall grass, weeds and debris or contract for the removal of the tall grass, weeds, and debris from the subject non-compliant property.

Section 4. By a separate resolution of the Board of Trustees, the owner of the subject property shall be billed for such services, and the Fiscal Officer shall place a special assessment on the real estate tax bill of the property if payment is not made within 30 days.

Section 5. The Trustees of Columbia Township upon majority vote do hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorize the adoption of this resolution upon its first reading.

Section 6. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and welfare of the Township. The reason for the emergency is the immediate need to abate the nuisance conditions set forth herein at the earliest possible time to provide for safe and habitable properties in the township.

Motion to accept Resolution made by: MR. KUBICKI

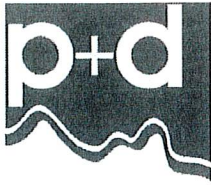
Seconded by: MR. LAMAR

VOTE:

TRUSTEE	Voting	Signature	Date
David Kubicki, President	<u>yes</u>	<u>[Signature]</u>	<u>06-14-2022</u>
Brian Lamar, Vice-President	<u>yes</u>	<u>[Signature]</u>	<u>06-14-2022</u>
Susan Hughes, Trustee	<u>yes</u>	<u>[Signature]</u>	<u>06-14-2022</u>

ATTEST: [Signature]
Caroline Heekin, Fiscal Officer

Refer to attached agency violation reports and Property Maintenance Code Report with photos.



HAMILTON COUNTY
**Planning +
 Development**

138 E COURT ST., RM 801
 CINCINNATI, OH 45202

GENERAL INFORMATION
 (513) 946-4550
www.hamiltoncountyohio.gov/pd

Director
 James Noyes

Assistant Director
 Steve Johns, AICP

Divisions

Chief Building Official
 Michael Stehlin, AIA

Community Development
 Maria Collins

Community Planning
 Chris Schneider

Land Use + Zoning
 Bryan Snyder, AICP

Stormwater + Infrastructure
 Mohammad Islam, PE

**Board of County
 Commissioners**

Denise Driehaus
 Stephanie Summerow Dumas
 Alicia Reece

Adjudication #HBC 2022007
 Property Address:
 5441 Ellmarie Dr.
 Cincinnati, Ohio 45227, Columbia Twp.

Owner:
 Sandra H. Nye
 4301 Hegner Ave.
 Cincinnati, Ohio 45236

Re: Official Building Order/Nuisance Notification

Date: May 27, 2022

Dear Ms. Nye;

The Hamilton County Building Inspections Division has received notification from Hamilton County Health Department of a property maintenance/nuisance complaint.

As directed by Ohio Revised Code (ORC) Sections 3781 and 3791, the purpose of this letter is to advise you that the building is found to have conditions which do not comply with the Residential Code of Ohio (RCO) for an occupiable structure. **This letter is an adjudication order, listing the item(s) requested for appeal, pursuant to RCO Section 109.1.**

(UNSAFE STRUCTURE – DEMOLISH OR REPAIR)

Observations:

- On 1/11/22 and again on 5/26/22 an inspector from our office inspected this property and found it to be vacant and deteriorated and unsafe for habitation.

Conclusions:

The building is vacant, overgrown and deteriorated. The roof has holes, the windows are broken and there are no utilities active on the property. The building is not weathertight and is accessible for vermin and wildlife. The property is overgrown with noxious weeds and vines. The building must be demolished or repaired.

OBC 105.1: Approvals required.

- Permits are required for demolition or for repair. The property shall not be occupied unless permits are secured for repair and inspections passed for re-occupancy.

Per OBC Section 110 you have a right to appeal this decision within thirty (30) days of the mailing of this notice by filing for a hearing with the Board of Building Appeals at 138 E. Court Street, Cincinnati, Ohio 45202. You have the right to be represented by counsel, present arguments, or contentions orally or in writing, and present evidence and examine witnesses appearing for or against you. This right shall expire **July 1, 2022**.

The Owner or Owner's agent shall notify the Building Official if any of the above adjudication items will be brought into compliance within thirty (30) days from the date of this letter. Failure to comply with this adjudication order may result in prosecution and penalties in accordance Section 3791.04 of the Ohio Revised Code.

Sincerely,

Michael Stehlin
 Chief Building Official
 Certified mail 5/27/22 posted on building 5/31/22



TITLE REPORT

January 19, 2022

Dinsmore & Shohl LLP
Attn: Betsy Emmert
255 East Fifth Street, Suite 1900
Cincinnati, OH 45202

RE: 5441 Ellmarie Drive, Cincinnati, OH 45227 and
5770 Stewart Road, Columbia Township, OH 45243
File Number: CIN-21-0236

Dear Ms. Emmert:

We conducted a title examination on the properties commonly known as 5441 Ellmarie Drive, Cincinnati, OH 45227 and 5770 Stewart Road, Columbia Township, OH 45243 for the forty-two year period ending on December 21, 2021. The attached [Exhibit A](#) contains the legal description of record of the property. The following items were found:

Property 1: 5441 Ellmarie Drive, Cincinnati, OH 45227

I. Title Vested in:

Sandra H. Nye, per Warranty Deed dated December 29, 1976 and recorded January 10, 1977 in [Deed Book 4069, Page 1616](#) in the records of the Recorder of Hamilton County, Ohio.

II. Mortgages:

No mortgages of record were found.

III. Liens and Judgments:

No liens or judgments of record were found.

IV. Easements, Agreements, Covenants and Restrictions:

Application and Agreement for Water Main Extension recorded October 24, 1951 in [Book 2511, Page 1](#) in the records of the Recorder Hamilton County, Ohio.

Grant of Easement to The Cincinnati and Suburban Bell, Telephone Company and The

Cincinnati Gas and Electric Company, recorded September 29, 1952 in [Book 2569, Page 611](#) in the records of the Recorder Hamilton County, Ohio.

Restrictions:

No restrictions of record were found.

V. Taxes:

The real estate taxes in this commitment reflect tax information available from the Hamilton County, Ohio Auditor's Office as of the date of this commitment. The Company is not responsible for errors or inaccuracies based on this information, or for any changes in the tax amounts or valuations after the date hereof. Tax information is as follows:

For real estate tax purposes, the real estate is shown on the current duplicates of the Auditor and Treasurer as Parcel Number 520-0215-0073-00 with valuations as follows:

Land Value:	\$4,490.00	
Building Value:	\$20,290.00	
Total Value:	\$24,780.00	
Semi-Annual Taxes:		\$960.46
Certified Assessments:		\$15.13 - (Paid Annually)
Delinquent Taxes, Assessments, & Penalties:	\$0.00	

Real estate taxes for the first half of 2021 are a lien, due and payable. Real estate taxes for the second half of 2021 and thereafter are a lien, but are not yet due and payable.

Property 2: 5770 Stewart Road, Columbia Township, OH 45243

I. Title Vested in:

Dana Brean, David Brean and John Brean, per Fiduciary Deed dated April 4, 1986 and recorded April 8, 1986 in [Deed Book 4337, Page 348](#) in the records of the Recorder of Hamilton County, Ohio.

Note: John Brean appears to be deceased (2014). However, no probate estate was found of record.

II. Mortgages:

No mortgages of record were found.

III. Liens and Judgments:

Judgment Lien: State of Ohio vs Dana A. Brean recorded April 25, 2005 in [Judgment Docket CJ05004253](#) Office of the Clerk of Superior Court for Hamilton County. We are advised the amount due is \$4,109.50.

Judgment Lien: State of Ohio vs Dana A. Brean recorded May 22, 2013 in [Judgment Docket CJ13009269](#) Office of the Clerk of Superior Court for Hamilton County. We are advised the amount due is \$901.33.

Judgment Lien: State of Ohio vs Dana Brean recorded December 21, 2021 in [Judgment Docket CJ21036678](#) Office of the Clerk of Superior Court for Hamilton County. We are

advised the amount due is \$588.57.

IV. Easements, Agreements, Covenants and Restrictions:

No easements of record were found.

Restrictions:

No restrictions of record were found.

V. Taxes:

The real estate taxes in this commitment reflect tax information available from the Hamilton County, Ohio Auditor's Office as of the date of this commitment. The Company is not responsible for errors or inaccuracies based on this information, or for any changes in the tax amounts or valuations after the date hereof. Tax information is as follows:

For real estate tax purposes, the real estate is shown on the current duplicates of the Auditor and Treasurer as Parcel Number 520-0216-0013-00 with valuations as follows:

Land Value:	\$6,760.00
Building Value:	\$24,420.00
Total Value:	\$31,180.00
Semi-Annual Taxes:	\$1,147.26
Certified Assessments:	\$7.56 - (Paid Annually)
Delinquent Taxes, Assessments, & Penalties:	\$0.00

Real estate taxes for the first half of 2021 are a lien, due and payable. Real estate taxes for the second half of 2021 and thereafter are a lien, but are not yet due and payable.

This report is for informational purposes only. It does not guaranty or insure title to the subject property nor does it constitute a commitment to guaranty or insure the same.

This report is intended solely for the person or entity to whom it is addressed and may not be relied upon by any other person or entity.

Mercantile Title Agency, Inc.

By: _____
Brian K. Groemminger
President

EXHIBIT A

Property 1 - 5441 Ellmarie Drive
Parcel ID No.: 520-0215-0073-00

Situated in Section 17, Township 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio, and more particularly described as follows:

Being all of Lot No. Twenty-four (24) of Hillsdale Homes Subdivision as recorded in Plat Book 59, Pages 24 and 25 of the Plat Records of Hamilton County, Ohio.

Property 2 - 5770 Stewart Road
Parcel ID No.: 520-0216-0013-00

Situated in Section 17, Town 4, Fractional Range 2, Columbia Township, Hamilton County, Ohio

And being all of Lot No. 10 of Block "C", Stewart Road Subdivision, as shown on plat of said subdivision, as recorded in Plat Book 71, Pages 85 and 86 of the Hamilton County, Ohio Recorder's Office.



Hamilton County General Health District

NUISANCE COMPLAINT REPORT

Complainant Information

Report No	Referral	Date Rcvd	Mode	Taken By
49219	Citizen	4/3/2019	Phone	Jeremy Hessel
Name Mr. Douglas Allen				
Address CINCINNATI OH 45227				
Phone No (513) 312-9734				

Complainant Location

Address	5441 ELLMARIE DR		
Phone No	Class	Jurisdiction	Columbia Township
	Mosquitoes		
Description	Home is vacant. Water in basement and hole in roof. Mosquitoes in water. Water accumulating in containers/ trash in back yard. Same issue last year.		
Date Assigned	4/4/2019		
Inspector Assigned	Charles Noble		

Owner Information

Name	Sandy Nye
Address	4301 Hegner Deer Park OH
Phone No	(513) 745-9011

Occupant Information

Name	
Phone No	

Investigation Information

First Investigated	Validity	Disposition Date	Disposition	
4/8/2019	Confirmed	4/8/2019	Condemned	
Findings	Scheduled Date	Actual Date	Inspector	Jeremy Hessel
		9/21/2021		Talked to Mel Taylor, Columbia Twp. Administrator, 460-1688. She was inquiring about the property and the history. She was asking what the next step is as there are other issues such as cats, raccoons, and coyotes. We spoke of the condemnation and the township contacting their property maintenance through Syc. Twp. She requested copy of the report and any updated pictures of the property. JH
	Scheduled Date	Actual Date	Inspector	Scott Puthoff
		03/09/2020		- Home appears to be in same condition as described. No one home. Home is not posted in front. Home is still condemned and vacant. - SP
	Scheduled Date	Actual Date	Inspector	Tucker Stone
		4/8/19		At the time of the inspection there was nobody home. It appears that the home has been vacated. I observed that there was a large hole in the roof and it was confirmed that there are no utilities. I have attempted several times to get in touch with the owner with no success.
	Scheduled Date	Actual Date	Inspector	Charles Noble
				Owner called and stated she would cover areas. She is working with John Brooks with Seven Hills school to have them purchase home. CN
	Scheduled Date	Actual Date	Inspector	Jeremy Hessel
		4/30/19		Talked to John Brooks with Seven Hills School who has been in contact with the owner of the property trying to negotiate a price to purchase the home. He was asking questions on the condemnation and the NOV. He will get back with us if the home is purchased. His number is 728-2388. JH

Violations

Certified Mail # 7019016000075175250
Receipt Requested

**HAMILTON COUNTY
PUBLIC HEALTH**

**Notice of Violation
Notice of Condemnation**

April 10, 2019

Sandy Nye
4301 Hegner Dr
CINCINNATI OH 45236

*Timothy L. Ingram
Health Commissioner*

*250 William Howard Taft Road 2nd Floor
Cincinnati, OH 45219*

*Phone 513.946.7800
Fax 513.946.7890*

hamiltoncountyhealth.org

Re: 5441 Ellmarie Dr

Columbia Township

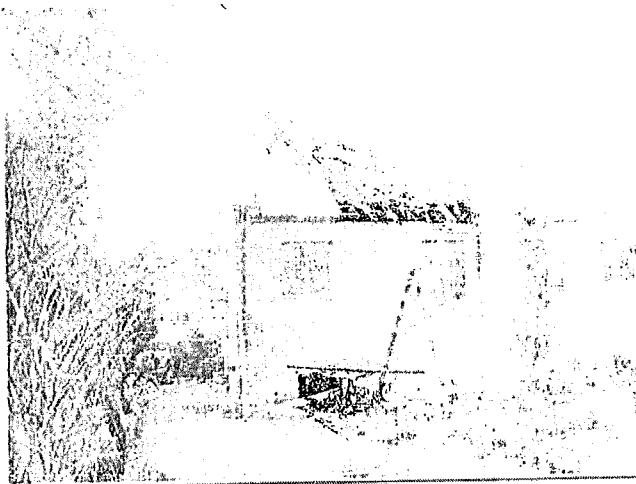
Nuisance # 49219

Dear Ms Nye:

A site investigation was conducted on April 8, 2019 at the above referenced property in response to a complaint received by Hamilton County General Health District. This letter details the observations made during the investigation, existing violations of the Ohio Revised Code (ORC), the Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67, and corrective actions required to obtain compliance with the applicable regulations.

Observations

At the time of the inspection I observed a large hole in the roof in the rear of the home. Also, there were no utilities at home. In addition, the following photographs were taken during the inspection(s):



4/8/19

Hole in roof

CDN

4/8/19 Hole in roof

CDN

ORC 3707.01 states: "The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders."

You are currently in violation of **Hamilton County District Board of Health Environmental Sanitation Regulation No. 1-67:**

4:5: Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

4:6: All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

4.17: Every foundation, floor, ceiling, wall and roof shall be reasonably watertight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.

4:20: Where there is electric service available from power lines which are not more than 300 feet away from the dwelling, every habitable room of such dwelling, shall have at least two separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-or-wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

Furthermore, you are currently in violation of ORC Section 3701.01 – Public Health Nuisance.

Pursuant to ORC 3707.99 this/these violation(s) constitute a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense, if you are found guilty of the original misdemeanor.

In addition, your home is condemned and considered unfit for human habitation under the authority of the Hamilton County General Health District. Environmental Sanitation Regulation No. 1-67 states:

6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner.

- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
- (b) One that lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
- (c) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

Required Corrective Action

As the owner of the property, you are responsible for maintaining the property in a clean and sanitary condition. You shall ensure that all necessary utilities are provided to the home. You shall ensure that home is weathertight and protected for vermin access.

The above actions must be completed by May 10, 2019. Failure to do so may result in referral of this case to the Environmental Division at the Office of the Hamilton County Prosecuting Attorney.

A re-inspection of the property by the Environmental Health Division of Hamilton County Public Health will be conducted on or after May 13, 2019 to ensure corrective actions have been made to remedy the situation. In addition, continued surveillance of the property will be conducted to verify compliance.

Please feel free to contact me if you have any questions or concerns at (513) 946-7834.

Sincerely,

Charles Noble, RS
Supervisor, Environmental Health Division

CC: Jeremy Hessel, Environmental Health Director
Tucker Stone, Environmental Health Supervisor
Columbia Township Fire Chief











