

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 22

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The Bath Township Board of Trustees met in the Trustees Meeting Room on November 22, 2010 at 11:00 a.m. for the purpose of showing cause for the demolition of 2635 Yellow Creek Road. The President of the Board, Mr. Elaina Goodrich, convened the meeting. Trustees present were Mrs. Elaina Goodrich, Mr. James Nelson, and Mrs. Becky Corbett.

MEETING CERTIFICATION

Fiscal Officer Sharon Troike stated the following meeting certification was published in the Akron Legal News on Wednesday, November 10, 2010.

Public Hearing Notice
Revised Code 505.86

Be it known to all that the Bath Township Board of Trustees will hold a public hearing to hear cause for the demolition of structures, which constitutes a nuisance, at 2635 Yellow Creek Road, situated in the Township of Bath, County of Summit and the State of Ohio and known as being all of Lot Number Three (3) in the Oak Knolls Estates Allotment, as recorded in Plat Book Sixty-Six (66) at Pages Sixty-Four (64) to Sixty-Six (66) of the Summit County Records of Plats, Permanent Parcel No. 04-00847, BA-00023-01024-000. The hearing shall be held Monday, November 22, 2010 at 11:00 a.m. in the Trustees Meeting Room, 3864 West Bath Road, Akron, Ohio 44333.

NOTIFICATION CERTIFICATION

Township Administrator William Snow stated the township had taken extensive measures to notify all parties involved with the subject property of the public hearing, including attorneys, Summit County Fiscal Office, Ohio Edison, Great Northern Insurance Company, CHUBB Group of Insurance Companies, Krumroy Construction Company, Kevin Davis representing the homeowners, Oak Knoll Homeowners Association, and the potential buyer, who had reconsidered the purchase and decided to not move forward.

OATH

Mrs. Goodrich administered the oath to those who intended to testify in the matter pending.

PRESENTATION OF FINDINGS

Administrator Snow gave a historical presentation of the home and property and its condition, including photos. He cited the township had spent \$2,100 to secure the property and to prevent trespassers from entering the unsafe structure. Mr. Snow then called on the following witnesses:

Bath Township Fire Chief James Paulett testified to the unsafe and unlivable condition of the house and recommended it be removed. Mr. Snow requested a copy of the August 30, 2010 letter from Chief Paulett to John Labriola of the Summit County Department of Building Standards be included in the record, which Chief Paulett had paraphrased in his testimony.

Bath Township Zoning Inspector William Funk stated several phone calls had been received from residents complaining about the unsafe conditions of the house, including the pool house. Mr. Funk has visited the house several times with township and county officials and believes the property is unsafe and a public nuisance that needs to be abated. Mr. Funk then read into record a letter from the Summit County Health District, dated October 12, 2010 to Deborah and Bruce Finn (attached here).

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Mark Shenot of the Summit County Building Department testified he visited the site September 22, 2010 with the Bath Fire Department and believes the house is unsafe, unsecure, and unfit for human occupancy. Mr. Snow clarified with Mr. Shenot the homeowners had been given a full 30 days to respond to the letter of October 12, 2010 (previously cited), and had not come forward, nor contacted the Summit County Health District or Summit County Building Department.

Mr. Snow concluded by stating he had not heard from anyone who wants to see the property saved, including the potential buyer, who has now backed out of the purchase.

Mr. Snow recommended the trustees consider Resolution 2010-45.

Mrs. Corbett presented the following Resolution for the benefit of those present.

**RESOLUTION 2010-45
TO ORDER THE REMOVAL OF THE STRUCTURES AT
2635 YELLOW CREEK ROAD, BATH TOWNSHIP, SUMMIT COUNTY, OHIO
(O.R.C. §505.86)**

WHEREAS, the Bath Township Board of Trustees has determined that the structure located at 2635 Yellow Creek Road that the structure is unsafe, unsanitary, and unfit for human occupancy and presents an additional potential fire hazard; and,

WHEREAS, as a result of the above, it is the recommendation of the Summit County Building Department that the structure be razed.

NOW THEREFORE BE IT RESOLVED THAT pursuant to Ohio Rev. Code § 505.86 that the trustees shall provide for the removal of the structures at 2635 Yellow Creek and the township administrator is directed to retain the services of a contractor to perform the work and all expenses incurred, when approved by the board, be paid out of the township general fund from moneys not otherwise appropriated.

FURTHER, that all expenses incurred by Bath Township in performing such removal shall be entered on the tax duplicate and become a lien upon the property at 2635 Yellow Creek Road from the date of entry and thereafter collected as other taxes.

FURTHER, that a copy of this resolution is to be posted on the property, a certified letter sent to the property owner of record and a legal ad placed in a newspaper of general circulation indicating the intent of this board to contract for the work for the removal and to place a lien upon the property for all expenses incurred.

Mrs. Goodrich called for public comments in favor of demolition.

COMMENTS IN FAVOR OF DEMOLITION

Michael Sweeney, President of Oak Knoll Homeowners' Association, 1287 Oak Knoll, stated the association was very much in favor of abatement of the property by demolition as it is beyond salvation. Mr. Sweeney requested when the property is demolished that erosion prevention measures be taken.

Janice Woll, 1313 Oak Knoll, stated a copy of a letter had been received in May 2008 by another neighbor addressed to the Finns from the Summit County Building Department outlining repairs needed to the house. Ms. Woll misunderstood, believing the demolition would not occur until December 2011, and asked why the matter would take a year to resolve. Mr. Snow clarified he had recommended to the Board of Trustees the record in this matter be held open one week until December 6, 2010, at

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which time, the Board would then vote on demolition.

Ed Radford, 2666 Yellow Creek, stated the house hurts surrounding property values, had wondered when something would be done, and was in favor of demolition of the house.

COMMENTS IN OPPOSITION OF DEMOLITION

There were no comments in opposition of demolition.

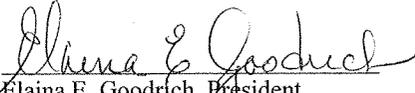
Mrs. Goodrich stated the record in this matter would be held open for public comment until December 6, 2010 at 8:00 a.m.

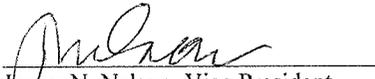
CLOSE OF PUBLIC HEARING

Mr. Nelson moved, and Mrs. Corbett seconded a motion, to close the public hearing. The motion passed.

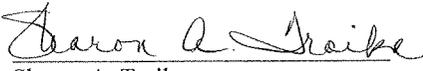
ADJOURNMENT

There being no further comments or business before the Board, the meeting was adjourned at 11:32 p.m.


Elaina E. Goodrich, President
Bath Township Board of Trustees


James N. Nelson, Vice President
Bath Township Board of Trustees


Becky Corbett
Bath Township Board of Trustees


Sharon A. Troike
Fiscal Officer

November 22, 2010
Bath Township Board of Trustees

RECORD OF PROCEEDINGS

Minutes of _____

Meeting _____

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