

**Village of Mantua, Ohio
RESOLUTION 2013-39**

**A RESOLUTION AUTHORIZING CERTAIN ACTIONS RELATING TO THE
PROPERTY LOCATED AT 4615 ORCHARD STREET IN THE VILLAGE OF
MANTUA, AND DECLARING AN EMERGENCY**

WHEREAS, the structure located at 4615 Orchard Street in the Village of Mantua (PPN 24-041-14-00-073-000) has fallen into a serious state of decay and deterioration; and

WHEREAS, this Council believes that the condition of the structure poses a significant risk to the safety of the public and to the adjacent properties; and

WHEREAS, Ohio Revised Code Sections 715.26 and 715.261 permit a municipal corporation to provide for the inspection of buildings or other structures and for the removal and repair of insecure, unsafe, or structurally defective buildings or other structures; and

WHEREAS, the “Moving Ohio Forward” grant program, administered through the Portage County Land Reutilization Corporation and the Portage County Regional Planning Commission, provides funding for the removal of structures deemed insecure, unsafe, or structurally defective; and

WHEREAS, the Village wishes to seek an Administrative Search Warrant in order that the Portage County Building Official may search and inspect such building/structure, for the purpose of determining whether to declare it insecure, unsafe, or structurally defective.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Mantua, Ohio, two-thirds or more of the members elected thereto concurring that:

SECTION 1. Lieutenant Ken Justus of the Mantua Police Department is hereby authorized to execute an Affidavit and seek an Administrative Search Warrant from the Portage County Court of Common Pleas as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. The Chief of Police is hereby authorized and directed to cause such Administrative Search Warrant to be executed within seven (7) days of its issuance.

SECTION 3. The Village Clerk-Treasurer is hereby authorized to cause a title search to be conducted of said premises (PPN 24-041-14-00-073-000) by the Title Company of Warren Agency, 200 Chestnut Ave. NE, Warren, Ohio 44483, at a cost not to exceed One Hundred Seventy-Five Dollars (\$175.00).

SECTION 4. A Public Hearing shall be held on June 18th, 2013, at 6:30 p.m. in the Mantua Village Council Chambers regarding the report of the Portage County Building Official and providing landowners, lienholders and other persons with an interest in said property an opportunity to be heard.

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SECTION 5. The Village Clerk-Treasurer is hereby directed to cause notice of said Public Hearing to be properly published and to provide notice of the same by certified mail to all owners and lienholders appearing on the title search authorized in Section 3, above.

SECTION 6. If the report of the Portage County Building Official states the conclusion that the structure is insecure, unsafe and/or structurally defective, it shall be the intention of this Council to take further actions in pursuit of its removal pursuant to Ohio Revised Code sections 715.26 and 715.261 and in conjunction with the Portage County Land Reutilization Corporation as authorized by Resolution 2013-38.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were adopted in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 8. This Resolution is hereby declared an emergency measure, due to the significant risk posed to the public by the condition of the structure in question, and shall become effective upon its passage by Council and approval by the Mayor, and to further insure the health, safety, and morals of the Village of Mantua.

PASSED IN COUNCIL this 21st day of May, 2013.

ATTEST:

Mayor

Clerk

I hereby certify the above Resolution was posted at the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of _____, 2013.

Clerk

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua

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"Exhibit A"

AFFIDAVIT FOR ADMINISTRATIVE SEARCH WARRANT

State of Ohio)
)
County of Portage)

Before: JUDGE _____
 PORTAGE COUNTY COMMON PLEAS COURT

The undersigned, Kenneth Justus, Lieutenant of the Village of Mantua Police Department, being duly sworn, deposes and says that he has reason to believe that the building/structure located at 4615 Orchard Street in the Village of Mantua, County of Portage, Ohio, may be insecure, unsafe, or structurally defective as defined in R.C. 715.26. The facts tending to show the foregoing grounds for issuance of a search warrant are as follows:

The structure has fallen into a state of serious deterioration and decay and is believed to be a hazard to the public.

Pursuant to R.C. 715.26, the Village desires to permit the Portage County Building Official to inspect the building/structure to determine whether it is insecure, unsafe, or structurally defective. This affidavit is made for that purpose.

Kenneth Justus, Lieutenant
Village of Mantua Police Department

Sworn to before me, and subscribed in my presence this ____ day of _____, 2013.

JUDGE

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ADMINISTRATIVE SEARCH WARRANT

State of Ohio)
) SS.
County of Portage)

**TO: H. W. BUCHERT, CHIEF OF POLICE
PORTAGE COUNTY BUILDING DEPARTMENT**

Affidavit having been before me by Kenneth Justus, Lieutenant of the Village of Mantua Police Department, Portage County, Ohio, that he has reason to believe that the buildings/structures at **4615 Orchard Street in the Village of Mantua, Portage County, Ohio** may be insecure, unsafe, or structurally defective as defined in R.C. 715.26.

I am satisfied that there is probable cause to search and inspect such building/structure pursuant to R.C. 715.26, and that grounds for application for issuance of this warrant exist.

The **PORTAGE COUNTY BUILDING DEPARTMENT** is commanded to search and inspect such building/structure, for the purpose of determining whether to declare it insecure, unsafe, or structurally defective as defined in R.C. 715.26.

In the event that the structure is locked, any of the above agencies may remove the lock in order to gain entry, and shall replace any removed lock with a suitable lock securing the structure upon completion of the inspection.

All inspections to occur within seven (7) days of this date; and each agency shall make its inspection in the daytime and promptly report its findings in writing to the **MANTUA VILLAGE COUNCIL**.

Dated this ____ day of _____, 2013.

JUDGE

RETURN

I hereby certify that the foregoing Administrative Search Warrant was executed on this the ____ day of _____, 2013, by the undersigned, along with the following:

Randall Roberts, Chief Portage County Building Official

**H. W. Buchert, Chief of Police
Village of Mantua**