

**Village of Mantua, Ohio
RESOLUTION 2013-51**

A RESOLUTION DECLARING THE INSECURE, UNSAFE AND STRUCTURALLY DEFECTIVE STRUCTURE LOCATED AT 4615 ORCHARD STREET IN THE VILLAGE OF MANTUA TO BE A PUBLIC NUISANCE, AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT THE REMOVAL OF SAID STRUCTURE, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the authority of Ohio Revised Code 715.26 and 715.261, a municipal corporation may 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 Village has entered into a Memorandum of Understanding with the Portage County Regional Planning Commission ("PCRPC") and the Portage County Land Reutilization Corporation ("PCLRC") for implementation of the Moving Ohio Forward Grant program which provides funds for the removal of insecure, unsafe and structurally defective residential properties, whereby the PCLRC will act as the agent of the Village of Mantua for this purpose; and

WHEREAS, the structure located on Portage County Permanent Parcel No. 24-041-14-00-073-000, whose address is 4615 Orchard Street in the Village of Mantua, has been declared insecure, unsafe, or structurally defective by the Portage County Chief Building Official, Randall Roberts; and

WHEREAS, the Village of Mantua has conducted a public hearing on this matter after having provided notice by Certified U.S. Mail to the property owners, lien-holders and other parties in interest; and

WHEREAS, no valid cause has been shown as to why the removal of this building should not be carried out pursuant to the authority of Ohio Revised Code 715.26 and 715.261; and

WHEREAS, this Council now deems it necessary to authorize the removal of the structure in order to remediate a hazard within the Village and to ensure the safety of the residents of the Village of Mantua, the occupants of the neighboring properties and the public in general.

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. This Council hereby adopts the findings set forth in the report of Portage County Chief Building Official Randall Roberts, as set forth in "Exhibit A", attached hereto and incorporated herein by reference.

SECTION 2. The structure located on Portage County Permanent Parcel No. 24-041-14-00-073-000, whose address is 4615 Orchard Street in the Village of Mantua (hereinafter, "unsafe structure") is hereby declared a public nuisance which must be abated.

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SECTION 3. The legal description of the lands upon which the unsafe structure is located is as follows: “Situated in the Village of Mantua, County of Portage and State of Ohio: And known as being Lots No. 35, 36, 37 and 38 in Darwin Atwater’s First Addition to the Village of Mantua, as recorded in Volume 2, Page 49, Portage County Records.”

SECTION 4. The property owner has taken no steps to abate the aforementioned nuisance.

SECTION 5. This Council now determines that it is necessary for the Village to pursue removal of the unsafe structure pursuant to its statutory authority under Ohio Revised Code section 715.26.

SECTION 6. Pursuant to Ohio Revised Code section 715.261(E), this Council hereby designates the PCLRC as its agent and authorizes said agency to take all actions necessary to effect the removal of the unsafe structure pursuant to the terms of the Memorandum of Understanding authorized by Resolution 2013-38 and subsequently executed by the parties, after the thirty-day appeal period provided for by Ohio Revised Code section 715.26(B).

SECTION 7. The Mayor and the Clerk-Treasurer of the Village of Mantua are hereby authorized and directed to cooperate with the PCLRC and the PCRPC as necessary to effect the removal of the unsafe structure.

SECTION 8. The Village Clerk Treasurer is hereby directed to forward a copy of this Resolution by Certified U.S. Mail to the individuals identified as having an interest in the property in the Title Search attached hereto as “Exhibit B” and incorporated herein by reference and to the PCRPC and PCLRC.

SECTION 9. The Village Clerk-Treasurer is hereby authorized and directed, pursuant to the authority of Ohio Revised Code section 715.261, to certify the total costs of such removal, together with a proper description of the lands, to the county auditor who shall place the costs upon the tax list and duplicate.

SECTION 10. 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 open meetings of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 11. This Resolution is hereby declared an emergency measure, due to the risk posed to the public and adjacent property owners by the condition of the structure in question, and the need to effect the removal of said structure at the earliest possible date, and shall become effective upon its passage by Council, and to further insure the health, safety, and morals of the Village of Mantua.

PASSED AS EMERGENCY IN COUNCIL this 18th day of June, 2013.

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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 June, 2013.

Clerk

Approved as to Legal Form:

Michele A. Stuck
Solicitor, Village of Mantua