

**RESOLUTION NO. 2023 - 076**

**RESOLUTION AUTHORIZING THE REMOVAL, REPAIR, OR SECURANCE OF UNSECURE AND/OR UNSAFE BUILDINGS AT 4701 KUGLER MILL ROAD**

**WHEREAS**, pursuant to Ohio Revised Code Section 505.86, a Board of Trustees may provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared unsecure, unsafe, or structurally defective by the Sycamore Township Fire Department or by the Hamilton County Building Department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, and;

**WHEREAS**, the Sycamore Township Zoning Department and the Sycamore Township Fire Department have received complaints regarding, and have subsequently investigated the conditions present on, the following properties:

<u>Address</u>	<u>Auditor's Parcel ID # (PIN)</u>
4701 Kugler Mill Road, Cincinnati, OH 45236	600-0202-0258-00

and have determined that the structures situated thereon to be unsafe, unsecure, and structurally defective, to such an extent as to represent a direct and real threat to the public health and safety, thereby constituting a nuisance as documented in photographic evidence identified as Exhibit "A" as an attachment to this Resolution, and;

**WHEREAS**, the Sycamore Township Fire Department has determined that the structures and conditions present on the aforementioned property are unsafe and structurally defective, and a danger human life and the public welfare, as outlined in Exhibit "A", and;

**WHEREAS**, the owner(s) of record of the aforementioned property have elected not to pursue removal of the unsafe and structurally defective structures;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Sycamore Township, State of Ohio, by authority of Section 505.86 of the Ohio Revised Code, as amended, that:

**SECTION 1.** The structures located at 4701 Kugler Mill Road, Cincinnati, OH 45236 / PIN 600-0202-0258-00 are hereby determined to be unsafe, unsecure, and structurally defective, thereby constituting a direct threat to the public health & safety and requiring removal pursuant to Section 505.86 of the Ohio Revised Code.

**SECTION 2.** The Board of Trustees of Sycamore Township hereby declares its intention to make entry onto the property identified herein for the purposes of taking

any and all actions necessary to secure the unsafe structures and remove the direct threat to the public health, safety and welfare situated therein, pursuant to Section 505.86 of the Ohio Revised Code.

**SECTION 3.** The Board of Trustees of Sycamore Township hereby gives notice to all “parties in interest” as further defined in ORC 505.86, that the securance of said structures will occur at least thirty (30) days after the date upon which the Board of Trustees of Sycamore Township gives notice by certified mail, return receipt requested, to each party in interest of its intention with respect to the removal, repair, or securance of an insecure, unsafe, or structurally defective or unfit building or other structure.

**SECTION 4.** The Board of Trustees of Sycamore Township hereby directs notice to any parties in interest also be published in the <sup>CINCINNATI</sup> ~~ENQUIRER~~, a newspaper of general circulation within Sycamore Township.

**SECTION 5.** Pursuant to ORC 505.86(C)(1), any and all parties in interest are hereby notified that each party in interest is entitled to a hearing if the party in interest requests a hearing in writing within twenty days after the date of mailing of this notice. The written request for a hearing shall be made to the Township Fiscal Officer.

**SECTION 6.** Pursuant to ORC 505.86(C)(2), if a party in interest timely requests a hearing, the Board of Trustees of Sycamore Township shall set the date, time, and place for the hearing and notify the party in interest by certified mail, return receipt requested. The date set for the hearing shall be within fifteen days, but not earlier than seven days, after the party in interest has requested a hearing, unless otherwise agreed to by both the board and the party in interest. The hearing shall be recorded by stenographic or electronic means.

**SECTION 7.** If a party in interest requests a hearing pursuant to ORC 505.86(C)(3), the Board of Trustees of Sycamore Township shall make an order deciding the matter not later than thirty days after said hearing. The order may dismiss the matter or direct the removal, repair, or securance of the building or other structure. At any time, a party in interest may consent to any such order.

**SECTION 8.** Pursuant to ORC 505.86(C)(4), a party in interest who requests and participates in a hearing, and who is adversely affected by the order of the board, may appeal the order under Section 2506.01 of the Ohio Revised Code.

**SECTION 9.** If no hearing is requested by a party in interest pursuant to ORC 505.86(C)(3), the Board of Trustees of Sycamore Township issues an order thirty (30) days from the date of mailing notice of the adoption of this Resolution. This order directs the removal, repair, or securance of the

building or other structures. At any time, a party in interest may consent to this order.

**SECTION 10.**

The cost of the securance of the structures and all associated site restoration work shall be assessed to the parcel or parcels of record and the county auditor shall place the costs upon the tax duplicate as certified by the Sycamore Township Fiscal Officer. The costs are a lien upon such lands from and after the date of entry. The costs shall be collected as other taxes and returned to the township general fund.

**SECTION 11.**

The Township Administrator, or appointed representative, is hereby authorized by the Board of Trustees of Sycamore Township to execute any agreement between a party in interest and the Board of Trustees of Sycamore Township to perform the removal, repair, or securance of the insecure, unsafe, or structurally defective or unfit building or other structure as otherwise permitted pursuant to Section 505.86 of the Ohio Revised Code.

**SECTION 12.**

That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 13.**

The Board hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to RC 504.10, and authorizes the adoption of this Resolution upon its first reading.

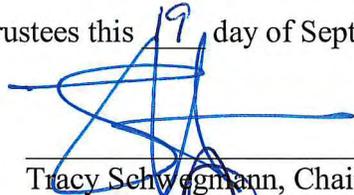
**SECTION 14.**

This Resolution shall take effect immediately, or upon the earliest date as otherwise allowed by law.

**VOTE RECORD:**

Mr. James Aye      Ms. Schwegmann Aye      Mr. Weidman Aye

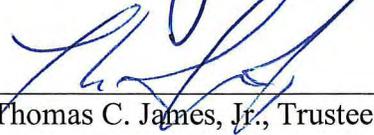
**PASSED** at the meeting of the Board of Trustees this 19 day of September, 2023.



Tracy Schwegmann, Chairman



Thomas J. Weidman, Vice Chairman

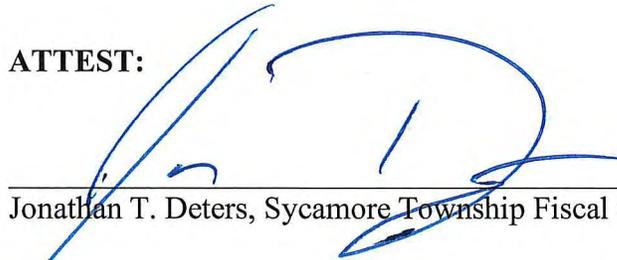


Thomas C. James, Jr., Trustee

**AUTHENTICATION**

This is to certify that this Resolution was duly passed, and filed with the Sycamore Township Fiscal Officer, this 19 day of September, 2023.

**ATTEST:**



Jonathan T. Deters, Sycamore Township Fiscal Officer

**APPROVED AS TO FORM:**



Lawrence E. Barbieri, Township Law Director



# Sycamore Township Unsafe Structure Report

Address



Inspection Date / Time

3/30/2023 11:29:09 AM

4701 Kucler Mill Rd

Safety Hazard Scale 1=Minumum

10

Case Number

2-2023

Building need repaired <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Repair by: _____	Building need razed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Razed by: _____
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### Overall structural integrity

Resolution Completed \_\_\_\_\_

Building currently under repair

No

By whom: \_\_\_\_\_

Nuisance Property

Yes

Inspector

D. Morath

Inspector Title

Fire Marshall

Department

Fire

Property Owner

Pat Kehoe

Address

4701 Kugler Mill Rd

Property Owner Address

4701 Kugler Mill Rd

Owner Phone

n/a

Contact Person

n/a

Phone Number

n/a

Occupied

Vacant

### Building Inspection

Building Livable

Unkn

Is there running water

Unkn

Signs of water leaks or floods

Unkn

High Weeds

Yes

Electric working properly

No

HVAC working properly

No

Signs of natural gas leaks

No

Signs of broken pipes

Unkn

Floor problems (Sagging, Holes)

Yes

Signs of walls / ceiling cracks

Yes

Any broken windows / doors

Yes

Signs of fire / smoke damage

No

Signs of roof damage / holes

Yes

Signs of cave-ins / walls leaning

Yes

Building Secure

Unkn

### Other Contributing Issues

Signs of rats, nice, vermin

Unkn

Signs of roaches, insects, bugs

Unkn

Mold present

Unkn

Peeling paint / plaster

Yes

Signs of lead paint

Unkn

Signs of asbestos

Unkn

Bad ventilation present

No

Excessive garbage / clutter

Yes

Smell of fumes

No

Crime / Illegal activity

Unkn

Storage of flammable materials

Unkn

Storage of hazardous materials

Unkn

### Building Dynamics

Neighborhood

Residential

Building use

Resident

Number of stories

2

Number of square foot

n/a

Construction type

Wood/Brick

Basement present

Full Basement

Roof construction

Asfalt Shingles

Floor construction

Wood

Need Boarded Up

Unkn

### Fire Code references

2017 Ohio Fire Code Chapter 3 (Section 311) Vacant Premises



# Sycamore Township Unsafe Structure Report

Address



Inspection Date / Time

3/30/2023 11:29:09 AM

**4701 Kuqler Mill Rd**

## Comments

The vacant residents appears to be in good shape looking from the outside. The electric and gas service has been disconnected so the resident is not livable at this time. There is a pool in the rear yard that may hold water but unknown its total condition. See pictures below taken March 30th 2023.

The detached garage is in a hazardous and unsafe condition. The roof has collapsed into the garage. The garage door header is barely hanging onto its supports and could fall. This garage needs to be razed immediately to prevent any injuries or deaths.

## Photos

Detached Garage rear of house with the roof collapsed



Rear Deck of the house.



Front and east side of the house.



Top of the roof on the garage that has collapsed in.





# Sycamore Township Unsafe Structure Report

Address

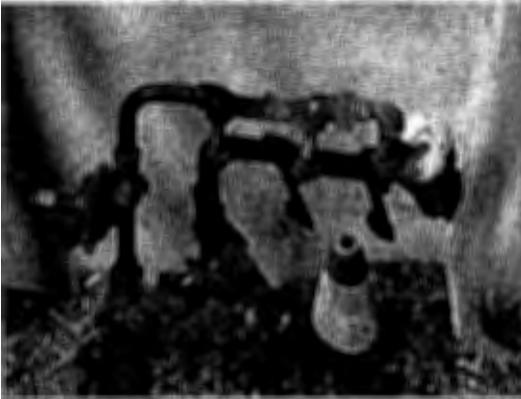


Inspection Date / Time

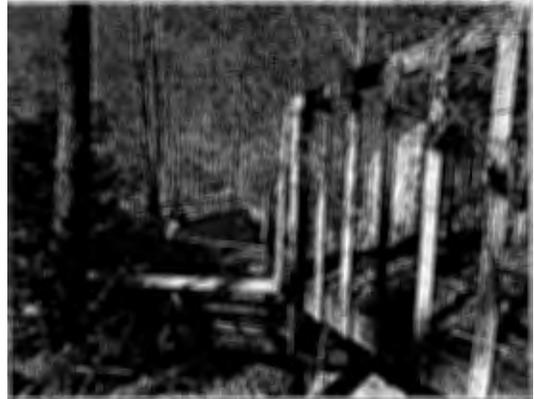
3/30/2023 11:29:09 AM

**4701 Kualer Mill Rd**

Disconnected Gas Service



Pool in the rear yard not secured.



Electric Service Disconnected



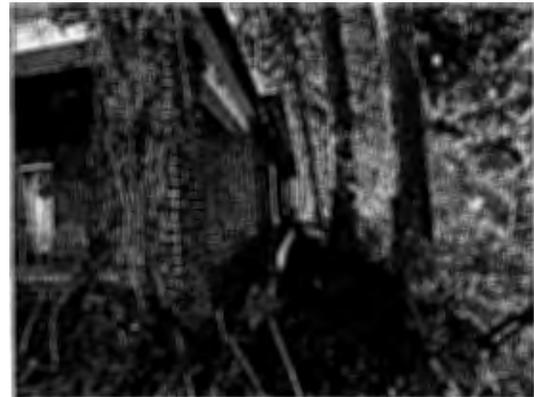
West Side of the Garage. Bath tub in yard



Front of House showing Address



West Side of House



Creation Timestamp

Created By

Modified

Modified By

3/30/2023 11:29:09 AM

dmorath@sycamoretownship.org

3/31/2023 10:09:25 AM

rpenny@sycamoretownship.org