

RECORD OF PROCEEDINGS

Minutes of Public Hearing Meeting

Meeting

DAYTON LEGAL BANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 13

The Atwater Township Trustees held a Public Hearing at the Atwater Town Hall located at 1219 St. Rt. 183 in Atwater, Ohio on September 24, 2013 purpose of the hearing is to proceed under the Ohio Revised Code, Section 505.86; removal, repair or secure of unsecure, unsafe building(s) or structure(s) on the following properties located in Atwater Township, Ohio:

- 6268 Waterloo Road, Parcel #01-030-00-00-055-000 and #01-030-00-00-056-000, Clyde A. Lester Jr. and Misty R. Lester
- 1371 & 1373 Fairview Ave, Parcel #01-038-20-00-009-000 and #01-038-20-00-010-000, Betty J. Keen
- 1367 Bank Street, Parcel #01-038-30-00-085-000, Randall J. Weingart

ATTENDANCE

Trustees John Kovacich, Lynn Whittlesey(Tardy), Dan Derreberry, Fiscal Officer Shawn Renee Miller, Chief Mel Russell, Becky Myers, Rodney Myers, Jack Keen, Walt Bainey, James Conley, Jim Donovan (TWP Zoning Inspector), Peggy Bainey, Fran Crof

John Kovacich called the meeting to order at 6:30pm. Roll Call: Dan Derreberry – yes; Lynn Whittlesey– absent; John Kovacich – yes.

John Kovacich began with property 1371 & 1373 Fairview Ave, Parcel #01-038-20-00-009-000 and #01-038-20-00-010-000, Betty J. Keen; a certified letter was sent to the property owner on 09/05/2013 and was signed for on 09/20/2013 and asked the audience if anyone was present regarding the property.

Jack Keen identified himself and explained that his intent is to rebuild the home and put a garage up next to it and went on to explain that due to medical issues the process was delayed.

Lynn Whittlesey asked Mr. Keen if he had a start date in mind?

Mr. Keen stated the first of the year.

Lynn Whittlesey asked if he was waiting on financing for the rebuild or if that was handled?

Mr. Keen stated he is waiting on an insurance settlement from an accident claim.

Lynn Whittlesey asked Mr. Keen if he would be able to secure the current structure

Mr. Keen stated yes that could he could.

Zoning Inspector, Jim Donovan stated that even if the structure was secured, the property is in violation now and has been. There are junk cars and debris and this is per the prosecutor's office. He went on to state that if the Board grants an extension to the property owner, they need to make sure the zoning violations are resolved immediately.

Lynn Whittlesey mentioned to the owner that the other problem is that the property is behind on taxes.

The Trustees agreed that the best plan is to move forward with demolition. The property is an ongoing situation.

Trustee John Kovacich moved to accept RESOLUTION #24-2013 for the property located at 1371 & 1373 Fairview Ave, Parcel #01-038-20-00-009-000 and #01-038-20-00-010-000, Betty J. Keen. The following resolution was read and was seconded by Trustee Lynn Whittlesey with the following Roll Call: Dan Derreberry – yes; Lynn Whittlesey– yes; John Kovacich – yes. Motioned carried and resolution #24-2013 was signed by all. A copy of the resolution will be sent to the property owner with a 30 day notice, along with a Legal Ad placed.

RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 2013 13

BOARD OF TRUSTEES
ATWATER TOWNSHIP, PORTAGE COUNTY, OHIO

RESOLUTION # 21 2013 A RESOLUTION

A Resolution Ordering the removal of the structure(s) located at 1371 & 1373 Fairview Street, Atwater, Ohio 44201, with PPN 01-038-20-00-009-000 and 01-038-20-00-010-000 in the Township of Atwater, Portage County, Ohio owner of record being Betty J. Keen.

The Board of Trustees of Atwater Township, Portage County, Ohio met at a regular session, on September 24th, 2013 at the Township Hall, with the following members present:

Dan Derreberry Lynn Whittlesey John Kovacich (Chairman)

John Kovacich moved for the adoption of the following resolution:

Whereas, Under Section 505.86 of the Ohio Revised Code a board of township trustees may provide for the removal, repair, or securing of buildings or structures that have been declared insecure, unsafe, and/or structurally defective.

Whereas, a structure situated upon the real property located at 1371 & 1373 Fairview Street, Atwater, Ohio 44201, with PPN 01-038-20-00-009-000 and 01-038-20-00-010-000 in the Township of Atwater, Portage County, Ohio ("Real Property") in Atwater Township, Portage County is insecure, unsafe, and/or structurally defective.

Whereas, the Atwater Township Board of Trustees has previously requested the Portage County Building Department, Health Department and the local Atwater Township Fire Department to perform inspections upon this structure located upon the real property to determine whether such structure is insecure, unsafe, and/or structurally defective.

Whereas, this matter has come before the Atwater Township Board of Trustees ("Board") for a hearing to determine whether this structure situated upon a parcel of land in Atwater Township, Portage County, Ohio with a permanent address of 1371 & 1373 Fairview Street, Atwater, Ohio 44201, with Permanent Parcel Number: 01-038-20-00-009-000 and 01-038-20-00-010-000 ("Real Property") is an insecure, unsafe or structurally defective structure pursuant to Ohio Revised Code Section 505.86.

Whereas, inspection reports have been submitted to the Board and made part of the Township record in this matter.

Whereas, the Portage County Building Department has determined that the structure located upon the real property is unsafe and insecure and as such is therefore determined to be a serious hazard and unfit for human habitation. Section 109.4 of the Ohio Building Code (2011 Edition) provides that when a serious hazard determination has been made, the hazardous structure shall vacated, and when vacated the serious hazard remains, it shall be raised.

Whereas, the Portage County Health Department has determined that the house located upon the real property appears secure, two sheds and a camper trailer are also on the lot(s), several trash bags are in the yard and may provide nesting areas for animals which may create a nuisance for neighbors.

Whereas, the Atwater Township Fire Department has determined that the structure located upon the real property presents a hazard to the community, risk of fire is heightened due to vacancy and access to the structure is greatly compromised due to the condition, this removal of the property is recommended.

1371 & 1373 Fairview Street Atwater Ohio

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 SE. Rt. 183 in Atwater, Ohio on September 24th 13

Whereas, neither the record owner(s) of the Real Property, nor any lien holders thereof, presented sufficient evidence that would support a finding that said premises and structure located thereon did not constitute a structure that is insecure, unsafe and/or structurally defective.

Resolved, that the Board has determined that the present condition of the premises and structure located upon the Real Property are a public nuisance, creates a dangerous situation, and that the structure is within the parameters of an insecure, unsafe, and/or structurally defective structure pursuant to ORC 505.86.

Resolved, that the Board hereby orders the building structure described in the attached inspection report(s) be removed pursuant to RC 505.86 ("Structure").

Resolved, that the Board hereby orders the Structure located upon the Real Property shall be removed by the 24th day of October, 2013, and if this Structure is not removed within such time, the Board may cause the Structure to be removed at any time thereafter that is convenient to the Board and at the expense and cost of the owner(s) of the Real Property in accordance with R.C. 505.86 and this Resolution.

Resolved, that the Board may obtain proposals from contractors for the removal of this Structure.

Resolved, in the event the owners of the real property do not remove the Structure by the date provided above, and this Board subsequently exercises its statutory right to remove such structure pursuant to RC 505.86, the board will move to take steps to collect its total costs for removing the structure by directing the Township Fiscal Officer to certify the total costs, together with a proper description of the lands to the County Auditor who shall place the costs upon the tax duplicate, with said costs being a lien upon the Real Property from and after the date of entry, with such costs to be collected as other taxes and returned to the Atwater Township General Fund.

Resolved, that the Fiscal Officer is directed to serve, by certified mail, return receipt requested, a true copy of this Resolution on the owners and lienholders identified in the lien search.

Lynn Whittey moved the motion, and the roll call was called on the question of its adoption. The vote was as follows:

Roll Call Vote: Dan Derrberry yes Lynn Whittey yes John Kovachik yes

X Lynn Whittey Trustee X John Kovachik Trustee

X Dan Derrberry Trustee X Lynn Whittey Fiscal Officer

Adopted: September 24th, 2013

101 & 1073 Lawrence Street, Atwater Ohio

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 2013

CERTIFICATE

State of Ohio, Portage County

I, the undersigned Fiscal Officer of Atwater Township, Portage County, Ohio certify that the foregoing Resolution No. 25-2013 taken and copied from the record of proceedings of the Township, and that it has been compared by me with the resolution on the record and is a true copy.

Date: September 24, 2013

Shawn Renee Miller
FISCAL OFFICER

1371 & 13711 Antares Street, Atwater Ohio

At 7:48pm Trustee John Kovacich asked if anyone was present representing 6268 Waterloo Road, Parcel #01-030-00-00-055-000 and #01-030-00-00-056-000, Clyde A. Lester Jr. and Misty R. Lester.

No one came forward; Fiscal Officer, Shawn Renee Miller, confirmed that the only Certified Mail Receipt that was received was from the lien holder, US National Bank Assoc. signed for on 09/09/2013. Certified letters were mailed on 09/05/2013 to both the property owner & the lien holder.

Lynn Whittlesey asked Shawn Renee Miller if the mail for today (9/24) was checked and she confirmed that it was.

Trustee John Kovacich moved to accept RESOLUTION #25-2013 for the property located at 6268 Waterloo Road, Parcel #01-030-00-00-055-000 and #01-030-00-00-056-000, Clyde A. Lester Jr. and Misty R. Lester.. The following resolution was read and was seconded by Trustee Lynn Whittlesey with the following Roll Call: Dan Derreberry – yes; Lynn Whittlesey- yes; John Kovacich – yes. Motioned carried and resolution #25-2013 was signed by all. A copy of the resolution will be sent to the property owner with a 30 day notice, along with a Legal Ad placed.

RECORD OF PROCEEDINGS

Minutes of Public Hearing Meeting

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 101-8

Held at 1219 St. Rt. 183 in Atwater, Ohio

on September 24th 2013

13

BOARD OF TRUSTEES
ATWATER TOWNSHIP, PORTAGE COUNTY, OHIORESOLUTION # 2013-003

A RESOLUTION

A Resolution Ordering the removal of the structure(s) located at 6268 Waterloo Road, Atwater Ohio 44201, with PPN: 01-030-00-055-000 and 01-030-00-056-000 in the Township of Atwater, Portage County, Ohio owner of record being Clyde A. Lester, Jr. and Misty R. Lester aka Clyde Lester, Jr. and Misty Lester.

The Board of Trustees of Atwater Township, Portage County, Ohio met at a regular session, on September 24th, 2013 at the Township Hall, with the following members present:

Dan Derrcherry

Lynn Whittlesey

John Kovacich (Chairman)

John Kovacich moved for the adoption of the following resolution:

Whereas, Under Section 505.86 of the Ohio Revised Code a board of township trustees may provide for the removal, repair, or secureance of buildings or structures that have been declared insecure, unsafe, and/or structurally defective.

Whereas, a structure situated upon the real property located at 6268 Waterloo Road, Atwater Ohio 44201, with PPN: 01-030-00-055-000 and 01-030-00-056-000 in the Township of Atwater, Portage County, Ohio ("Real Property") in Atwater Township, Portage County is insecure, unsafe, and/or structurally defective.

Whereas, the Atwater Township Board of Trustees has previously requested the Portage County Building Department, Health Department and the local Atwater Township Fire Department to perform inspections upon this structure located upon the real property to determine whether such structure is insecure, unsafe, and/or structurally defective.

Whereas, this matter has come before the Atwater Township Board of Trustees ("Board") for a hearing to determine whether this structure situated upon a parcel of land in Atwater Township, Portage County, Ohio with a permanent address of 6268 Waterloo Road, Atwater, Ohio 44201, with Permanent Parcel Number: 01-030-00-055-000 and 01-030-00-056-000 ("Real Property") is an insecure, unsafe or structurally defective structure pursuant to Ohio Revised Code Section 505.86.

Whereas, inspection reports have been submitted to the Board and made part of the Township record in this matter.

Whereas, the Portage County Building Department has determined that the structure located upon the real property is unsafe and insecure and as such is therefore determined to be a serious hazard and unfit for human habitation, however the dwelling appears to be structurally sound. Section 109.4 of the Ohio Building Code (2011 Edition) provides that when a serious hazard determination has been made, the hazardous structure shall vacated, and when vacated the serious hazard remains, it shall be raised.

Whereas, the Portage County Health Department has determined that the structure located upon the real property is abandoned wood home with a broken basement window that could lead to animals nesting and posing a health nuisance to the surrounding community. In addition, mold is showing on some walls and the basement is flooded, thus posing a health hazard.

Whereas, the Atwater Township Fire Department has determined that the structure located upon the real property presents appears to have been vacant for some time with several broken and boarded up windows. The basement has flooding up to the 1st tread from the floor with evidence of it being higher previously. Thus the structure is a

6268 Waterloo Road, Atwater Ohio

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 2013 13

hazard to the community and fire department personnel should a fire occur at the property. It is recommended that the structure along with the remains of the fallen structure at the rear of the property be removed.

Whereas, neither the record owner(s) of the Real Property, nor any lien holders thereof, presented sufficient evidence that would support a finding that said premises and structure located thereon did not constitute a structure that is insecure, unsafe and/or structurally defective.

Resolved, that the Board has determined that the present condition of the premises and structure located upon the Real Property are a public nuisance, creates a dangerous situation, and that the structure is within the parameters of an insecure, unsafe, and/or structurally defective structure pursuant to ORC 505.86.

Resolved, that the Board hereby orders the building structure described in the attached inspection report(s) be removed pursuant to RC 505.86 ("Structure").

Resolved, that the Board hereby orders the Structure located upon the Real Property shall be removed by the 24th day of October, 2013 and if this Structure is not removed within such time, the Board may cause the Structure to be removed at any time thereafter that is convenient to the Board and at the expense and cost of the owner(s) of the Real Property in accordance with R.C. 505.86 and this Resolution.

Resolved, that the Board may obtain proposals from contractors for the removal of this Structure.

Resolved, in the event the owners of the real property do not remove the Structure by the date provided above, and this Board subsequently exercises its statutory right to remove such structure pursuant to RC 505.86, the board will move to take steps to collect its total costs for removing the structure by directing the Township Fiscal Officer to certify the total costs, together with a proper description of the lands to the County Auditor who shall place the costs upon the tax duplicate, with said costs being a lien upon the Real Property from and after the date of entry, with such costs to be collected as other taxes and returned to the Atwater Township General Fund.

Resolved, that the Fiscal Officer is directed to serve, by certified mail, return receipt requested, a true copy of this Resolution on the owners and lienholders identified in the lien search.

Lynn Whitley second the motion, and the roll call was called on the question of its adoption. The vote was as follows:

Roll Call Vote: Dan Derreberry - yes Lynn Whitley - yes John Kovach - yes

X [Signature] Trustee

X [Signature] Fiscal Officer

6268 Waterloo Road, Atwater Ohio

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Meeting

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 13

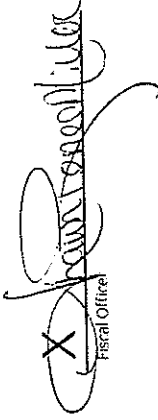
Adopted: September 24th, 2013

CERTIFICATE

State of Ohio, Portage County

I, the undersigned Fiscal Officer of Atwater Township, Portage County, Ohio certify that the foregoing Resolution No. 05-8013 taken and copied from the record of proceedings of the Township, and that it has been compared by me with the resolution on the record and is a true copy.

Date: September 24, 2013


Fiscal Officer

6268 Waterloo Road, Atwater Ohio

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At 7:52pm John Kovacich stated that he spoke with the property owner of 1367 Bank Street, Parcel #01-038-30-00-085-000, Randall J. Weingart. A certified letter was mailed on 09/05/2013 to the property owner and was signed for on 09/06/2013.

Mr. Weingart was scheduled to be out of state and was unable to be present at tonight hearing. However, he emailed a letter to John (which a copy was provided to each Trustee and the Zoning Inspector. Mr. Weingart agrees that the structure on the property is too far gone for repairs and he lacks the funds to bring it up to code.

John Kovacich asked the Board if the date of 30 days could be extended to work with the property owner who has contacted Kodiak Construction for possible assistance in demolition/salvage.

Zoning Inspector Jim Donovan suggested that an extension could be given IF the property owner begins the process within the 30 days.

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DANTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 2013

Trustees agreed that they should move forward as planned with a Resolution to Demo the Structure if the property owner does not do something within the 30 days as written in the Resolution. The liability is too great to let the property sit as it is.

Trustee John Kovacich moved to accept RESOLUTION #26-2013 for the property located at 1367 Bank Street, Parcel #01-038-30-00-085-000, Randall J. Weingart. The following resolution was read and was seconded by Trustee Lynn Whittlesey with the following Roll Call: Dan Derreberry – yes; Lynn Whittlesey-yes; John Kovacich -- yes. Motioned carried and resolution #26-2013 was signed by all. A copy of the resolution will be sent to the property owner with a 30 day notice, along with a Legal Ad placed.

RECORD OF PROCEEDINGS

Minutes of Public Hearing Meeting

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 13BOARD OF TRUSTEES
ATWATER TOWNSHIP, PORTAGE COUNTY, OHIORESOLUTION # 26-2013

A RESOLUTION

A Resolution Ordering the removal of the structure(s) located at 1367 Bank Street, Atwater, Ohio 44201, with PPN# 01-038-30-00-085-000 in the Township of Atwater, Portage County, Ohio owner of record being Randall Weingart.

The Board of Trustees of Atwater Township, Portage County, Ohio met at a regular session, on September 24th, 2013 at the Township Hall, with the following members present:

Dan Berberry Lynn Whitlesley John Kovacich (Chairman)

John Kovacich moved for the adoption of the following resolution:

Whereas, Under Section 505.86 of the Ohio Revised Code a board of township trustees may provide for the removal, repair, or secureance of buildings or structures that have been declared insecure, unsafe, and/or structurally defective.

Whereas, a structure situated upon the real property located at 1367 Bank Street, Atwater, Ohio 44201, with PPN# 01-038-30-00-085-000 ("Real Property") in Atwater Township, Portage County is insecure, unsafe, and/or structurally defective.

Whereas, the Atwater Township Board of Trustees has previously requested the Portage County Building Department, Health Department and the local Atwater Township Fire Department to perform inspections upon this structure located upon the real property to determine whether such structure is insecure, unsafe, and/or structurally defective.

Whereas, this matter has come before the Atwater Township Board of Trustees ("Board") for a hearing to determine whether this structure situated upon a parcel of land in Atwater Township, Portage County, Ohio with a permanent address of 1367 Bank Street, Atwater, Ohio 44201, with Permanent Parcel Number: 01-038-30-00-085-000 ("Real Property") is an insecure, unsafe or structurally defective structure pursuant to Ohio Revised Code Section 505.86.

Whereas, inspection reports have been submitted to the Board and made part of the Township record in this matter.

Whereas, the Portage County Building Department has determined that the structure located upon the real property is unsafe and insecure and as such is therefore determined to be a serious hazard and unfit for occupancy. Section 109.4 of the Ohio Building Code (2011 Edition) provides that when a serious hazard determination has been made, the hazardous structure shall vacated, and when vacated the serious hazard remains, it shall be raised.

Whereas, the Portage County Health Department has determined that the structure located upon the real property is vacant and unsecured and will provide nesting areas for animals that may become a nuisance to any neighbors. In addition, the roof has some areas that are open and letting rain water in which will provide an area for mold growth.

Whereas, the Atwater Township Fire Department has determined that the structure located upon the real property presents a hazard to the community and is structurally defective, thus removal of the property is recommended.

1367 Bank Street, Atwater Ohio

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 2013 13

Whereas, neither the record owner(s) of the Real Property, nor any lien holders thereof, presented sufficient evidence that would support a finding that said premises and structure located thereon did not constitute a structure that is insecure, unsafe and/or structurally defective.

Resolved, that the Board has determined that the present condition of the premises and structure located upon the Real Property are a public nuisance, creates a dangerous situation, and that the structure is within the parameters of an insecure, unsafe, and/or structurally defective structure pursuant to ORC 505.86.

Resolved, that the Board hereby orders the building structure described in the attached inspection report(s) be removed pursuant to RC 505.86 ("Structure").

Resolved, that the Board hereby orders the Structure located upon the Real Property shall be removed by the 24th day of October, 2013 and if this Structure is not removed within such time, the Board may cause the Structure to be removed at any time thereafter that is convenient to the Board and at the expense and cost of the owner(s) of the Real Property in accordance with R.C. 505.86 and this Resolution.

Resolved, that the Board may obtain proposals from contractors for the removal of this Structure.

Resolved, in the event the owners of the real property do not remove the Structure by the date provided above, and this Board subsequently exercises its statutory right to remove such structure pursuant to RC 505.86, the board will move to take steps to collect its total costs for removing the structure by directing the Township Fiscal Officer to certify the total costs, together with a proper description of the lands to the County Auditor who shall place the costs upon the tax duplicate, with said costs being a lien upon the Real Property from and after the date of entry, with such costs to be collected as other taxes and returned to the Atwater Township General Fund.

Resolved, that the Fiscal Officer is directed to serve, by certified mail, return receipt requested, a true copy of this Resolution on the owners and lienholders identified in the lien search.

Lynn Whittey second the motion, and the roll call was called on the question of its adoption. The vote was as follows:

Roll Call Vote: Dan Denneberry - Yes Lynn Whittey - Yes John Kovacich - Yes

X [Signature] Trustee

X [Signature] Trustee
X [Signature] Fiscal Officer

Adopted: September 24th, 2013

1867 Bank Street, Atwater Ohio

RECORD OF PROCEEDINGS

Minutes of Public Hearing Meeting Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held at 1219 St. Rt. 183 in Atwater, Ohio on September 24th 13

CERTIFICATE

State of Ohio, Portage County

I, the undersigned Fiscal Officer of Atwater Township, Portage County, Ohio certify that the foregoing Resolution No. 2013-003 taken and copied from the record of proceedings of the Township, and that it has been compared by me with the resolution on the record and is a true copy.

Date: September 24, 2013

X [Signature]
Fiscal Officer

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1367 Bank Sheet, Atwater Ohio

Lynn Whittlesey, with no further business, moved to adjourn the meeting at 7:10 p.m. Roll Call Vote: Dan Derreberry- yes; Lynn Whittlesey- yes; John Kovacich -- yes. Motion carried.

X [Signature] Trustee
X [Signature] Trustee

X [Signature] Trustee
X [Signature] Fiscal Officer