

RESOLUTION NO. 34-2024

Resolution authorizing Findings of Fact and Conclusions of Law related to the declaration that the structures at 9023 Cincinnati-Dayton Road, West Chester, Ohio 45069, and 9031 Cincinnati-Dayton Road, West Chester, Ohio 45069, are unsafe and/or structurally defective and the order that such structures be removed

WHEREAS, Ohio Revised Code § 505.86 empowers the Board of Trustees of West Chester Township (the “Board of Trustees”) to provide for the removal, repair, or securance of buildings or other structures in the Township that have been declared insecure, unsafe, or structurally defective by the West Chester Township Fire Department or the Butler County Building Department;

WHEREAS, the Board of Trustees ordered the residential structure at 9023 Cincinnati-Dayton Road, West Chester, Ohio 45069, Butler County Parcel ID # M5670-038-000-009 (hereinafter “9023 Cincinnati-Dayton Road”) to be removed and demolished in Resolution 20-2024.

WHEREAS, the Board of Trustees ordered the barn structure at 9031 Cincinnati-Dayton Road, West Chester, Ohio 45069, Butler County Parcel ID # M5670-038-000-010 (hereinafter “9031 Cincinnati-Dayton Road”) to be removed and demolished in Resolution 20-2024.

WHEREAS, the Board of Trustees held a hearing on July 9, 2024, after it was requested by a party in interest.

WHEREAS, after conducting the hearing the Board of Trustees determined that the residential structure at 9023 Cincinnati-Dayton Road is unsafe and the barn structure at 9031 Cincinnati-Dayton Road is unsafe and structurally defective, and the Board of Trustees affirmed its order to remove the structures.

WHEREAS, the Board of Trustees’ decision is set forth in Resolution 28-2024, passed on July 9, 2024.

WHEREAS, on July 18, 2024, David Lee Bradbury and Dora Mae Bradbury Trust Properties filed an appeal of Resolution 28-2024 in the Butler County Court of Common Pleas, under Case No. CV 2024 07 1374.

WHEREAS, the Board of Trustees now wishes to issue findings of fact and conclusions of law in support of Resolution 28-2024.

NOW THEREFORE, BE IT RESOLVED that on the basis of the above actions and findings, the West Chester Township Board of Trustees

FINDINGS OF FACT:

SECTION 1. That the Board of Trustees, after conducting a hearing in accordance with Ohio Revised Code § 505.86, found that the residential structure at 9023 Cincinnati-Dayton Road was unsafe and the barn structure at 9031 Cincinnati-Dayton Road was unsafe and structurally defective, pursuant to Ohio Revised Code § 505.86, and that such structures were dangerous and constituted direct threats to the public health, safety, and welfare.

SECTION 2. That the residential structure at 9023 Cincinnati-Dayton Road was subjected to a significant and fatal fire on December 16, 2022, which caused damage to the interior of the structure. The interior walls and ceiling were damaged by the fire. The West Chester Fire Department poured a substantial amount of water into the property to put out the fire. The combination of fire and water damage to the residential structure at 9023 Cincinnati-Dayton Road makes it unsafe for members of the public or first responders to be inside.

SECTION 3. That the residential structure at 9023 Cincinnati-Dayton Road is not properly secured and individuals or animals could gain access inside, further increasing the dangerous condition of the structure.

SECTION 4. That the barn structure at 9031 Cincinnati-Dayton Road was partially collapsed and unprotected from the elements as of the hearing on July 9, 2024. As of that hearing, the barn structure at 9031 Cincinnati-Dayton Road posed an imminent threat to the safety of the public and first responders due to the potential for further collapse.

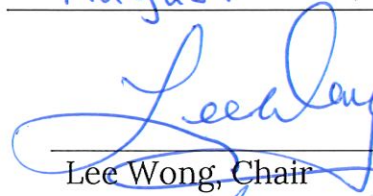
CONCLUSIONS OF LAW:

SECTION 1. That the residential structure at 9023 Cincinnati-Dayton Road is unsafe and the barn structure at 9031 Cincinnati-Dayton Road was unsafe and structurally unsound as of the hearing on July 9, 2024.

SECTION 2. Pursuant to Ohio Revised Code § 505.86, that it is appropriate to remove the residential structure at 9023 Cincinnati-Dayton Road and the barn structure at 9031 Cincinnati-Dayton Road via demolition.

SECTION 3. That the Board of Trustees 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 deliberations of this Board 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.

Adopted this 27 day of August, 2024.



Lee Wong, Chair

Yes

Yes/No



Mark Welch, Vice Chair

YES

Yes/No

ATTEST:



Bruce Jones, Fiscal Officer

Absent

Ann Becker, Trustee

Yes/No

APPROVED AS TO FORM:



Scott D. Phillips, Law Director