



**RESOLUTION #24-11-108**

**DECLARATION OF NUISANCE AND ABATEMENT, CONTROL, AND/OR REMOVAL OF NUISANCE PURSUANT TO  
R.C. § 505.87 ON REAL PROPERTY LOCATED AT 8595 E US RT 40, NEW CARLISLE, OH 45344,  
MIAMI COUNTY AUDITOR'S PARCEL NUMBER: A03-005420**

The Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio, met in regular session on the 4th day of November, 2024 at the offices of the Bethel Township Trustees with the following Trustees being present: Kama Dick, Julie Reese, and Beth van Haaren.

Trustee Pick moved for the adoption of the following resolution:

**WHEREAS**, the Bethel Township Board of Trustees, Bethel Township, Miami County, Ohio ("Board") is familiar with the real property located at 8595 E US RT 40, New Carlisle, OH 45344 bearing Miami County Permanent Parcel Number A03-005420 ("Property."); **AND**

**WHEREAS**, the Property is wholly located in Bethel Township, Miami County, Ohio; **AND**

**WHEREAS**, the record owner of the Property is Michael W Poplin; **AND**

**WHEREAS**, the Property is not maintained by the property owner(s) and contains accumulations of vegetation, garbage, refuse, junk vehicles and other debris and trash that are a nuisance, dangerous, unhealthy, and/or unsightly to the neighborhood and community and which negatively impact the general welfare of the neighborhood and community; **AND**

**WHEREAS**, the Board believes that the Property owner's maintenance of such vegetation, garbage, refuse, junk vehicles and other debris and trash on the Property constitutes a nuisance; **AND**

**WHEREAS**, the Board hereby seeks to abate, control and/or remove such vegetation, garbage, refuse, junk vehicles and other debris and trash from the Property and recover its costs in so doing, all in accordance with R.C. § 505.87.

**NOW THEREFORE, BE IT RESOLVED BY THE BETHEL TOWNSHIP BOARD OF TOWNSHIP TRUSTEES:**

- A. The Board determines and declares that the Property owner's maintenance of vegetation, garbage, refuse, junk vehicles and other debris and trash on the Property constitutes a nuisance.
- B. The Board shall provide for the abatement, control, or removal of such vegetation, garbage, refuse, junk vehicles and other debris and trash from the Property and recover the Board's costs in so doing, all in accordance with R.C. § 505.87.
- C. At least seven (7) days before providing for such abatement, control, or removal of vegetation, garbage, refuse, junk vehicles and other debris and trash from the Property, notification shall be provided to the owner(s) of the Property and any holders of liens of record on the Property as set forth below. Such

individual(s)/entity(ies) and the last known and best address(es) for such individual(s) and/or entity(ies) is/are as follows:

Owner(s)

Michael W Poplin

Holders of Liens of Record

None Known

D. The fiscal officer or designee shall send, by certified mail to the above owner(s) and lienholders of record on the Property at the above addresses. In addition, a copy of such notice shall be posted on the principal structure on the Property and a photograph taken of such posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot be reasonably obtained, the notice shall be published once in a newspaper of general circulation in the Township.

E. The contents of the notice shall:

1. Order the owner to abate, control, or remove the vegetation, garbage, refuse, junk vehicles and other debris and trash the owner's maintenance of which has been determined by the Board to be a nuisance;
2. State that if that vegetation, garbage, refuse, junk vehicles and other debris and trash previously described is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven (7) days, the Board shall provide for the abatement, control, or removal. Any costs incurred by the Board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

F. A copy of this Resolution shall accompany the mailed notices.

G. The Bethel Township Fiscal Officer ("Fiscal Officer") or her designee shall send, post and/or publish the above notices on behalf of the Board.

H. If, within seven (7) days after notice is given pursuant to this Resolution, the owner of the Property fails to abate, control, or remove the vegetation, garbage, refuse, or other debris as previously described, or no agreement for its abatement, control, or removal is entered into under R.C. § 505.87(D), the Board shall provide for the abatement, control, or removal of such nuisance and may employ the necessary labor, materials, and equipment to perform the task.

I. All costs incurred to abate, control, or remove the vegetation, garbage, refuse, or other debris previously described, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.

J. Pursuant to R.C. § 505.87, the Board shall collect the total cost of abating, controlling, or removing the vegetation, garbage, refuse, junk vehicles and other debris and trash from the Property. To do so, the Board shall make a written report to the Miami County Auditor of the Board's action. The Board shall include in the report a proper description of the Property and a statement of all expenses incurred and the date of their incurrence in providing for the abatement, control, or removal of any vegetation, garbage, refuse, junk vehicles and other debris and trash from the Property, including the Board's costs for its services, the costs incurred in providing notice, any fees or interest paid to borrow moneys, and the amount paid for labor, materials, and equipment to abate the nuisance contained on the Property.

K. On behalf of the Board, the Fiscal Offer shall prepare the report described in Section J above and provide such report to the Board for approval. Once approved by the Board, the Fiscal Offer shall deliver the report, along with a certified copy of this Resolution, any notices issued, and a certified copy of the Resolution approving the report, to the Miami County Auditor.

L. The costs incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the Property from the date of the entry, shall be collected as other taxes, and shall be returned to the Township and placed in the Township general fund.

M. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

N. This Resolution shall be in full force and effect immediately upon adoption.

Trustee Van Haaren seconded the motion and the Board voted as follows upon roll call:

<b>Vote:</b> Trustee Kama Dick	<u>Y</u>	<u>Kama Dick</u>
Trustee Julie Reese	<u>Y</u>	<u>Julie Reese</u>
Trustee Beth vanHaaren	<u>Y</u>	<u>Beth van Haaren</u>

**CERTIFICATE OF RECORDING OFFICER**

I, Rhonda Ross, Bethel Township Fiscal Officer, do hereby certify that the foregoing is a true and correct copy of **RESOLUTION #24-11-108** adopted by the Board of Trustees of Bethel Township, Miami County on the **4<sup>th</sup> DAY OF NOVEMBER, 2024**, and that I am duly authorized to execute this certificate.

Rhonda Ross  
Rhonda Ross, Fiscal Officer  
Bethel Township, Miami County, Ohio