



LEGAL NOTICE OF PUBLIC NUISANCE AND PROPERTY MAINTENANCE CODE VIOLATIONS

EMERGENCY, CORRECTION, AND DEMOLITION ORDERS

February 2, 2022

«Recipient_1», Property Owner (via certified mail no. «Track_no»)
«Recipient_2»
«Address_1»
«Address_2»
«Address_3»

«Next Record»«Recipient_1» (via certified mail no. «Track_no»)
«Recipient_2»
«Address_1»
«Address_2»
«Address_3»

«Next Record»«Recipient_1» (via certified mail no. «Track_no»)
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«Next Record»«Recipient_1» (via certified mail no. «Track_no»)
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«Next Record»«Recipient_1» (via certified mail no. «Track_no»)

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«Address_3»

«Next Record»«Recipient_1» (via certified mail no. «Track_no»)

«Recipient_2»

«Address_1»

«Address_2»

«Address_3»

**Re: *Property located at 6215 Mantz Avenue
Parcel ID No. H33 00819 0037***

Property Owners and Interested Parties:

This Legal Notice of Public Nuisance and Property Maintenance Code Violations, which includes Emergency, Correction, and Demolition Orders, is being sent to you because you are an owner of the above-described property, or you may have an interest in this property.

Recent inspections of the property located at **6215 Mantz Avenue** (hereinafter the “Property”) revealed a number of violations of the City of Trotwood’s Property Maintenance Code. A list of violations present at this Property is set forth in the Noted Violations and Correction Order attached hereto as Exhibit A. Recent photographs of the Property are attached hereto as Exhibit B and, if applicable, are reflected in the fire incident report attached hereto as Exhibit C.

As a Code Official and Building Program Manager for the City of Trotwood, and based on the violations described and reflected in the exhibits attached hereto and incorporated herein by reference, the Property described herein has been found to be unsafe, unfit for human occupancy, and unlawful.

The Order set forth herein is hereby declared to be an Emergency Order and shall be effective immediately in accordance with Section 1341.15(a) of the Trotwood Property Maintenance Code. **If you are currently occupying this Property, you are hereby ORDERED to vacate the premises immediately.** Pursuant to Section 1341.14(a), a placard shall be placed on this Property reflecting the findings set forth in this Order.

**CORRECTION ORDER
AND SPECIFIC ACTION REQUIRED**

Specific and immediate action must be taken in order to cure the violations present at the Property. **The specific action required and the timetable for completion is fully set forth in Exhibit A attached hereto.** If you fail to timely take the corrective action required, and if you do not timely appeal the determination and findings set forth in this Notice, the City will proceed with demolition of the Property in accordance with Sections 1341.17, 1357.12, and/or any other applicable sections of the Trotwood Codified Ordinances.

DEMOLITION ORDER

YOU ARE HEREBY ORDERED TO RAZE OR FULLY REPAIR THE PROPERTY by taking all corrective action required, which corrective action is fully set forth in Exhibit A attached hereto, **within thirty (30) days of service of this Demolition Order.**¹

YOU ARE FURTHER NOTIFIED THAT AN INSPECTION OF THE PROPERTY WILL BE CONDUCTED AFTER THE TIME FOR ALL CORRECTIVE ACTION HAS EXPIRED. IF, AT THAT TIME, THE CODE OFFICIAL AND BUILDING PROGRAM MANAGER DETERMINES THAT THE PROPERTY CONTINUES TO BE IN A STATE OF DISREPAIR; THAT IT IS DANGEROUS, UNSAFE, UNSANITARY AND UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE; AND THAT IT IS A PUBLIC NUISANCE, THE CODE OFFICIAL AND BUILDING PROGRAM MANAGER SHALL CAUSE THE PROPERTY TO BE DEMOLISHED IN ACCORDANCE WITH TROTWOOD CODIFIED ORDINANCE SECTIONS 1341.17(e)², 1357.12, AND/OR ANY OTHER APPLICABLE SECTIONS OF THE TROTWOOD CODIFIED ORDINANCES. IN THAT EVENT, THE COSTS INCURRED BY THE CITY OF TROTWOOD FOR THE RAZING AND REMOVAL OF THE PROPERTY SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

YOU WILL RECEIVE NO FURTHER ADVANCE NOTIFICATIONS REGARDING THE DEMOLITION OF THIS PROPERTY IF YOU FAIL TO APPEAL THIS ORDER AND/OR TIMELY TAKE ANY AND ALL CORRECTIVE ACTION REQUIRED.

¹ If you intend to undertake repairs and/or demolition of the property as required by the terms of this Legal Notice and Demolition Order, you are urged to review the Trotwood Codified Ordinances, which can be found at the following website: <https://codelibrary.amlegal.com/codes/trotwood/latest/overview>, to determine permitting and/or other requirements that must be met before commencing demolition or construction work on the Property. In the alternative, you may contact the City's Planning and Development Director and Building Program Manager, Deborah McDonnell, for further guidance as to permitting, construction and/or demolition requirements. You must submit a Residential Zoning Permit, found at https://trotwood.org/wp-content/uploads/2022/01/Residential-Zoning-Permit_12-2021-1.pdf, to the Trotwood Planning and Development department before undertaking any renovations.

² TCO Section 1341.17 ("Demolition") can be accessed at this website:
https://codelibrary.amlegal.com/codes/trotwood/latest/trotwood_oh/0-0-0-19661

NOTICE OF RIGHT TO APPEAL

You are hereby notified of your right to appeal the determination and findings set forth in this Legal Notice of Public Nuisance and Property Code Violations, including the Emergency, Correction, and Demolition Orders set forth herein, in accordance with Section 1341.16(a) of the Trotwood Codified Ordinance.³

- (a) ***Petition.*** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Property Maintenance Appeals Board provided that such person shall file in the City Offices a written petition requesting such hearing and containing a statement of the grounds therefor within fifteen days after the day the notice was served.

A petition of appeal must be made **in writing** to the Property Maintenance Appeals Board c/o Deborah McDonnell, Planning & Development Director and Building Program Manager, at 3035 Olive Road, Trotwood, Ohio 45426 within **fifteen (15) days** of the date of service of this LEGAL NOTICE OF PUBLIC NUISANCE AND PROPERTY MAINTENANCE CODE VIOLATIONS, WHICH INCLUDES EMERGENCY, CORRECTION AND DEMOLITION ORDERS. If a petition of appeal is not timely filed, **THIS PROPERTY WILL BE DEMOLISHED BY THE CITY OF TROTWOOD.**

If you believe this LEGAL NOTICE OF PUBLIC NUISANCE AND PROPERTY MAINTENANCE CODE VIOLATIONS, WHICH INCLUDES EMERGENCY, CORRECTION, AND DEMOLITION ORDERS has been sent to you in error, or if you have any questions, please contact me directly at (937) 854-7216, or via email at dmcdonnell@trotwood.org. Please note, however, that neither telephone communications with me or the City, nor attempts to reach me or the City by telephone, in person, or via email, will serve to toll the appeal and/or compliance deadlines set forth herein. Please also note that while I can give you general guidance and information as to permitting, construction and/or demolition requirements in the City of Trotwood, I cannot give you legal advice as to your rights and obligations or how you should proceed in this matter. **If you have questions concerning your legal rights or obligations concerning this Property, you are urged to consult with an attorney immediately.**

Sincerely,

Deborah McDonnell, MBA
Planning & Development Director, Code Official, and
Building Program Manager for The City of Trotwood, Ohio

cc: Stephen M. McHugh, Law Director for the City of Trotwood

FOR OFFICIAL USE ONLY			
A copy of this Legal	Personal Delivery:	Posting Notice on	Regular Mail

³ TCO Section 1341.16 ("Right to Appeal; Appeals Board") can be accessed at this website: https://codelibrary.amlegal.com/codes/trotwood/latest/trotwood_oh/0-0-0-19646

Notice was also served upon the owner and/or occupant(s) by:	<input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY) By: _____	Property: <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY) By: _____	(with Certificate of Mailing) <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY) By: _____
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SAMPLE

LEGAL NOTICE

Unknown Heirs, Next of Kin, Legatees and Devisees of Harold M. Clark and Mildred M. Clark, the owners of record of the property located at **119 DEVONSHIRE AVENUE** in the City of Trotwood, Ohio (Parcel ID No. **H33300816 0011**), shall take notice that on **February 2, 2022**, the City of Trotwood issued a Legal Notice of Public Nuisance and Property Maintenance Code

Violations, which includes Emergency, Correction, and Demolition Orders directing that all violations noted therein be corrected on or before **March 11, 2022**, or the City of Trotwood will demolish the property identified herein in accordance with Sections 1341.17, 1357.12, and all other applicable sections of the Trotwood Codified Ordinances. **NO FURTHER FORMAL NOTIFICATIONS CONCERNING THE DEMOLITION OF THIS PROPERTY WILL BE ISSUED.** Copies of the City’s Legal Notice and Demolition Order dated **February 2, 2022** can be obtained by contacting the City’s Planning & Development Director, Deborah McDonnell, at dmcdonell@trotwood.org, or the City’s Law Director, Stephen M. McHugh at mchugh@coollaw.com. Any appeal of the City’s Demolition Order must be made in writing to the Property Maintenance Appeals Board c/o Deborah McDonnell, Planning & Development Director and Building Program Manager, at 3035 Olive Road, Trotwood, Ohio 45426 within fifteen (15) days of the date of service of the Demolition Order issued on **February 2, 2022**. This notice pertains to:

Permanent Parcel No.: **H33300816 0011**

Property Mailing Address: **119 Devonshire Avenue, Dayton, Ohio 45417**

By: Stephen M. McHugh, Law Director for the City of Trotwood, Ohio
Coolidge Wall Co., L.P.A., 33 W. First Street, Suite 600, Dayton, Ohio 45402
(937) 223-8177

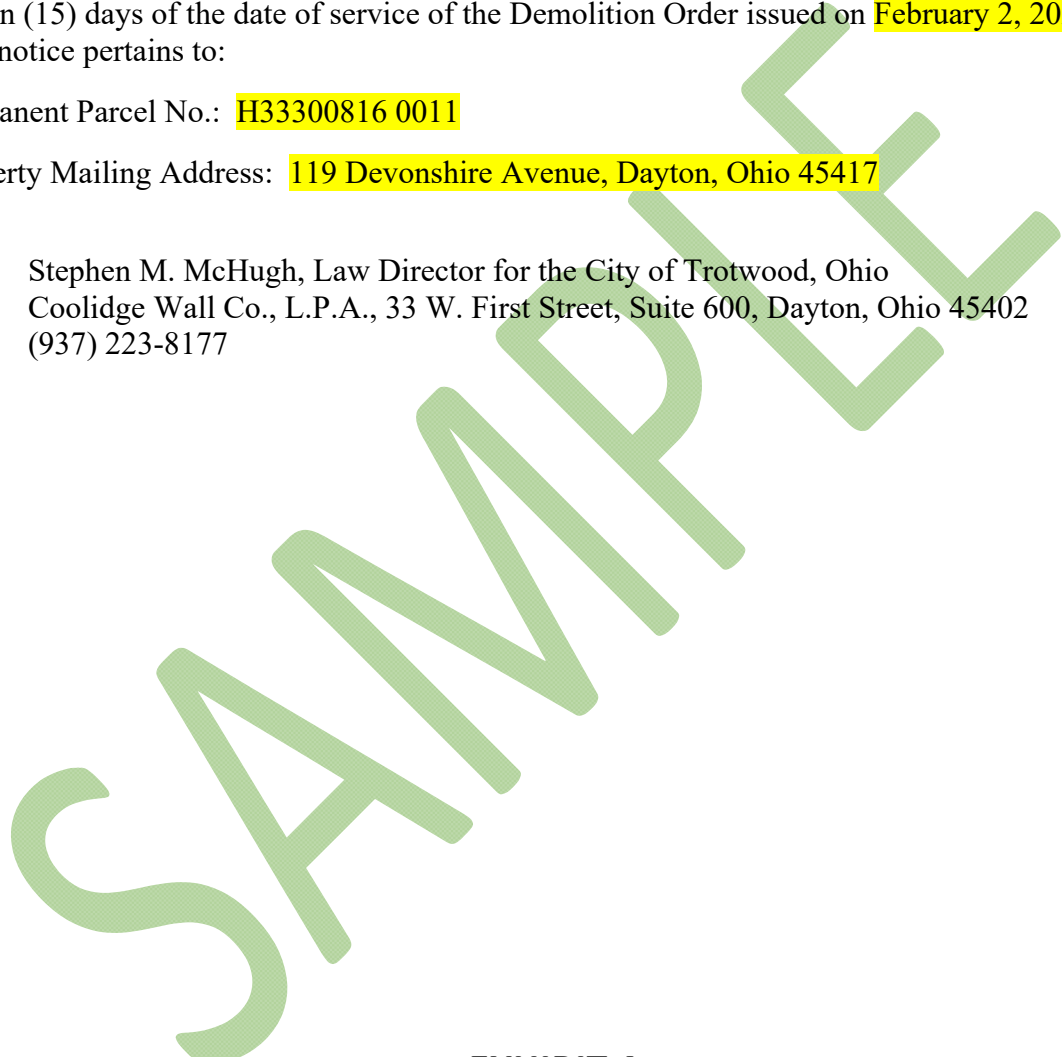


EXHIBIT A

NOTED VIOLATIONS AND CORRECTION ORDER

VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION	ORDER SETTING FORTH SPECIFIC CORRECTIVE ACTION REQUIRED	DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETED
PMC §1345.04(f) – <u>Weeds and Grass</u> . All areas	Pursuant to PMC §1345.04(f), you	Five (5) days from

<p>shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare. Weeds and grass shall not be permitted to exceed a height of eight inches.</p>	<p>are required to remove all noxious weeds from the Property. Further, you must ensure that the grass is properly mowed and that weeds and grass do not exceed a height of eight inches.</p>	<p>service of this notice or by February 11, 2022, whichever occurs last.</p>
<p>PMC §1341.12(a)(1)- Unsafe Structure: An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or the occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.</p>	<p>Pursuant to PMC §1341.12(a)(1), a Code Official has determined this Property to be an unsafe structure. You are required to raze and remove the structure and all of its contents; or, if the Property can be made safe by repairs, to repair the Property and make it safe, sanitary, and fully compliant with the Trotwood Codified Ordinances.</p> <p>IF YOU FAIL TO TIMELY TAKE THE CORRECTIVE ACTION SPECIFIED HEREIN, A DEMOLITION ORDER WILL BE ISSUED BY THE CODE OFFICIAL IN ACCORDANCE WITH PMC §1341.17.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1341.12(a)(2)- Unsafe Equipment: Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structures. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.</p>	<p>Pursuant to PMC §1341.12(a)(2), a Code Official has determined that there is unsafe equipment on this Property. You are required to raze and remove the structure and all of its contents; or, alternatively, remove all hazardous and unsafe equipment from the Property.</p> <p>IF YOU FAIL TO TIMELY TAKE THE CORRECTIVE ACTION SPECIFIED HEREIN, A DEMOLITION ORDER WILL BE ISSUED BY THE CODE OFFICIAL IN ACCORDANCE WITH PMC §1341.17.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION</p>	<p>ORDER SETTING FORTH SPECIFIC CORRECTIVE ACTION REQUIRED</p>	<p>DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETED</p>
<p>PMC §1341.12(a)(3)- Unfit for Human Occupancy: A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or</p>	<p>Pursuant to PMC §1341.12(a)(3), a Code Official has determined that this Property is unfit for human occupancy because it is unsafe, unsanitary, and constitutes a public health hazard. You are required to raze and remove the structure and all of its contents; or,</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>

<p>heating facilities, or other essential equipment required by this Code, or, because of its location constitutes a hazard to its occupants or the public.</p>	<p>if the Property can be made safe, sanitary, and fully compliant with the Trotwood Codified Ordinance by repair, to repair the Property.</p> <p>IF YOU FAIL TO TIMELY TAKE THE CORRECTIVE ACTION SPECIFIED HEREIN, A DEMOLITION ORDER WILL BE ISSUED BY THE CODE OFFICIAL IN ACCORDANCE WITH PMC §1341.17.</p>	
<p>PMC §1343.02(a)(27)(A)(B)(D)(E)(F)(G) and (H) – Public Nuisance. The Building Program Manager hereby finds that the Property constitutes a public nuisance as specifically defined in PMC §1343.02(a)(27)(A)(B)(D)(E)(F)(G) and (H).</p>	<p>Pursuant to PMC §1357.07, you are required to abate the public nuisance by satisfactorily rehabilitating the Property to be in full compliance with the Trotwood Codified Ordinances, or by the razing and removal of the Property.</p> <p>IF YOU FAIL TO TIMELY TAKE THE CORRECTIVE ACTION SPECIFIED HEREIN, A DEMOLITION ORDER WILL BE ISSUED BY THE CODE OFFICIAL IN ACCORDANCE WITH THE TROTWOOD CODIFIED ORDINANCES.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>

VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION	ORDER SETTING FORTH SPECIFIC CORRECTIVE ACTION REQUIRED	DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETED
<p>PMC §1345.03 – Vacant Structures. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.</p>	<p>Pursuant to PMC §1345.03, you are required to clean up the premises and remove all rubbish, garbage, debris and other materials so that the vacant structure is clean, safe, secure and sanitary.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.04(a) - Sanitation. All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or garbage.</p>	<p>Pursuant to PMC §1345.04(a), you are required to clean up the premises and remove all rubbish, garbage, debris and other materials so that the premises is restored to and maintained in a clean, safe and sanitary condition.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.04(e) – Public Areas. All sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be kept in a proper state of repair and free of snow, ice, mud and other debris. If any sidewalk or driveway or portion thereof by virtue of its state of repair shall constitute a danger to public health and safety, the sidewalk or driveway or portion thereof shall be replaced.</p>	<p>Pursuant to PMC §1345.04(e), you are required to clean up the premises and remove all rubbish, garbage, debris and other materials from all areas open to the public so that the premises is restored to and maintained in a clean, safe and sanitary condition.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.05(a) – General. The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.</p>	<p>Pursuant to PMC §1345.05(a), you are required to repair and maintain the Property so that it is structurally sound and sanitary and does not pose a threat to the health and safety of any occupant(s) and/or passersby. In the alternative, you may raze and remove the structure and all of its contents.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>

VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION	ORDER SETTING FORTH SPECIFIC CORRECTIVE ACTION REQUIRED	DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETED
<p>PMC §1345.05(b) – Structural Members. All supporting structural members on all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them.</p>	<p>Pursuant to PMC §1345.05 (b), you are required to repair and keep all supporting structural members structurally sound, free from deterioration, and in good condition to bear the loads imposed upon them. In the alternative, you may raze and remove the structure and all of its contents.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.05(c) – Exterior Surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained and shall be kept in such condition as to exclude rodents. Painted areas shall not be in a flaking or peeling condition. Wood that has been painted shall not have any bare spots where the wood is exposed. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, or other conditions indicative of deterioration or inadequate maintenance.</p>	<p>Pursuant to PMC §1345.05(c), you are required to repair and maintain all exterior surfaces free from rodents, peeling paint, broken glass, loose shingles and crumbling masonry. In the alternative, you may raze and remove the structure and all of its contents.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.05(d) – Foundation Walls. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks so as not be detrimental to public safety and welfare.</p>	<p>Pursuant to PMC §1345.05(d), you must repair all foundation walls so they are fully compliant with the Trotwood Codified Ordinances. In the alternative, you may raze and remove the structure and all of its contents.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.05(e) – Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the wall or to the occupied spaces of the building. All exterior surface material other than decay resistant woods, shall be protected from the elements and decay by painting, or other protective covering or treatment.</p>	<p>Pursuant to PMC §1345.05(e), you are required to repair and maintain the exterior walls so the exterior walls are free from conditions which allow the entry of moisture and/or vermin. In the alternative, you may raze and remove the structure and all of its contents.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>

VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION	ORDER SETTING FORTH SPECIFIC CORRECTIVE	DATE BY WHICH CORRECTIVE
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	ACTION REQUIRED	ACTION MUST BE COMPLETED
PMC §1345.05(f) –Roofs. The roof shall be structurally sound, tight and not have defects which might admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.	Pursuant to PMC §1345.05(f), the roof must be repaired so that it is structurally sound, has appropriate drainage, and has no other defects which allows rain and dampness into the building. In the alternative, you may raze and remove the structure and all of its contents.	Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.
PMC §1345.05(k) – Windows and Door Frames. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.	Pursuant to PMC §1345.05(k), you are required to repair and maintain all windows and door frames so as to exclude rain and wind from entering the building. In the alternative, you may raze and remove the structure and all of its contents.	Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.
PMC §1345.05(l) – Weathertight. Every window and exterior door shall be fitted reasonably in its frame and be weathertight and weather stripping shall be used to exclude wind or rain from entering the dwelling or structure and they shall be kept in sound condition and good repair.	Pursuant to PMC §1345.05(l), you are required to repair and maintain all windows and doors in a sound condition. In the alternative, you may raze and remove the structure and all of its contents.	Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.
PMC §1345.05(m) – Glazing. Every required window sash shall be full, supplied with approved glazing materials which are without open cracks or holes.	Pursuant to PMC §1345.05(m), you are required to repair the Property so that windows have appropriate glazing, without holes or cracks. In the alternative, you may raze and remove the structure and all of its contents.	Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.

VIOLATION AND APPLICABLE PROPERTY MAINTENANCE CODE SECTION	ORDER SETTING FORTH SPECIFIC CORRECTIVE ACTION REQUIRED	DATE BY WHICH CORRECTIVE ACTION MUST BE COMPLETED
<p>PMC §1345.06(a) – General. The interior of a structure and its equipment shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect the occupants from the environment.</p>	<p>Pursuant to PMC §1345.06(a), you are required to clean up and maintain the interior of the structure so the interior is structurally sound and in a clean, safe, and sanitary condition. In the alternative, you may raze and remove the structure and all of its contents.</p> <p>AS SET FORTH IN THE TROTWOOD FIRE CHIEF'S "STRUCTURAL INTEGRITY DETERMINATION" ATTACHED HERETO AS EXHIBIT C, ENTRY INTO THE STRUCTURE RISKS DANGER OF HUMAN LIFE OR FURTHER STRUCTURAL FAILURE. ACCORDINGLY, YOU SHOULD NOT ENTER THE STRUCTURE WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE CODE OFFICIAL/BUILDING PROGRAM MANAGER.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>
<p>PMC §1345.06(g) – Sanitation. The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage and other refuse shall be properly kept inside temporary storage facilities as required under Section 1355.02.</p>	<p>Pursuant to PMC §1345.06 (g), you are required to clean up the Property and remove all accumulated rubbish, refuse, debris and garbage.</p> <p>AS SET FORTH IN THE TROTWOOD FIRE CHIEF'S "STRUCTURAL INTEGRITY DETERMINATION" ATTACHED HERETO AS EXHIBIT C, ENTRY INTO THE STRUCTURE RISKS DANGER OF HUMAN LIFE OR FURTHER STRUCTURAL FAILURE. ACCORDINGLY, YOU SHOULD NOT ENTER THE STRUCTURE WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF THE CODE OFFICIAL/BUILDING PROGRAM MANAGER.</p>	<p>Thirty (30) days from service of this notice or by March 11, 2022, whichever occurs last.</p>

**LEGAL NOTICE OF PUBLIC NUISANCE, PROPERTY
MAINTENANCE CODE VIOLATIONS, CONDEMNATION,
EMERGENCY ORDER, AND CORRECTION ORDER**

July 30, 2021

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lori Dennison, Property Owner (via certified mail no. 7002 0460 0001 3037 5349)
and Unknown Spouse of Lori Dennison
12066 E. Mission Lane Circle
Scottsdale, Arizona 85259

Unknown Occupant(s), if any, at 117 Hanna Drive, Dayton, Ohio 45427 (via posting Legal
Notice on property)

Re: Property located at 117 Hanna Avenue, Dayton, Ohio 45427
Parcel ID Nos. H33300821 0112 and H33300821 0131



This Legal Notice is being sent to you because you are an owner of the above-described property, or you may have a recorded interest in this property.

A recent inspection of the property located at the above-described property (hereinafter the “Property”) revealed a number of violations of the City of Trotwood’s Property Maintenance Code. A list of violations of the Property Maintenance Code concerning this Property is set forth in the Noted Violations and Correction Order attached hereto as Exhibit A. Recent photographs of the Property are attached hereto as Exhibit B.

As Code Officials for the City of Trotwood, and based on the violations described in Exhibit A attached hereto and incorporated herein, we have determined that the Property is unsafe, unfit for human occupancy, and unlawful. Accordingly, **THE PROPERTY IDENTIFIED ABOVE IS HEREBY CONDEMNED** pursuant to Section 1341.12(a) of the Trotwood Property Maintenance Code, which section provides as follows:

(a) General. When a structure or part thereof is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it may be condemned pursuant to the provisions of this Code and may be placarded. Such a structure or part thereof shall be vacated within thirty days after notice of such condemnation has been given, and shall not be reoccupied without the approval of the Code Official. In addition, unsafe equipment shall be placarded and placed out of service.

(1) An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property or the safety of the public or its occupants because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it is likely to partially or completely collapse.

(2) Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that it is found to be a hazard to life, health, property or safety of the public or occupants of the premises or structures. Unsafe equipment may contribute to the finding that the structure is unsafe or unfit for human occupancy or use.

(3) A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe, unlawful or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rodent infested, contains

filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, or other essential equipment required by this Code, or, because its location constitutes a hazard to its occupants or to the public.

(4) An unlawful structure is one found in whole or in part to be erected, altered or occupied contrary to law.

The Order set forth herein is hereby declared to be an Emergency Order in accordance with Section 1341.15(a) of the Trotwood Property Maintenance Code. **Accordingly, the condemnation of this Property and the Order set forth herein are effective immediately.** Pursuant to Section 1341.14(a), a placard shall be placed on this Property bearing the words “CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE,” which placard shall state the penalties provided for occupying the condemned structure or removal of the placard.

CORRECTION ORDER AND SPECIFIC ACTION REQUIRED

Specific and immediate action must be taken in order to cure the existing violations of the Trotwood Property Maintenance Code and to secure the condemned Property. The specific action required and the timetable for completion is fully set forth in the Noted Violations and Correction Order attached hereto as Exhibit A. If you fail to take the corrective action required, and if you do not timely appeal the determination and findings set forth in this Notice, the City will proceed with issuing a Demolition Order in accordance with Section 1341.17 of the Trotwood Codified Ordinances.

NOTICE OF RIGHT TO APPEAL

In accordance with Section 1341.16(a) of the Trotwood Property Maintenance Code, you are hereby notified of your right to appeal the determination and findings set forth herein within **fifteen (15) days**. Section 1341.16(a) of the Trotwood Property Maintenance Code provides as follows:

*(b) **Petition.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Property Maintenance Appeals Board provided that such person shall file in the City Offices a written petition requesting such hearing and containing a statement of the grounds therefor within fifteen days after the day the notice was served.*

If you believe this Notice has been sent to you in error, or if you have any questions, please contact Deborah McDonnell, the City of Trotwood Planning & Development Director and Building Program Manager. Please note, however, that neither telephone communications with the City nor attempts to reach the City by telephone will serve to toll the deadline by which a written appeal of this Notice must be submitted.

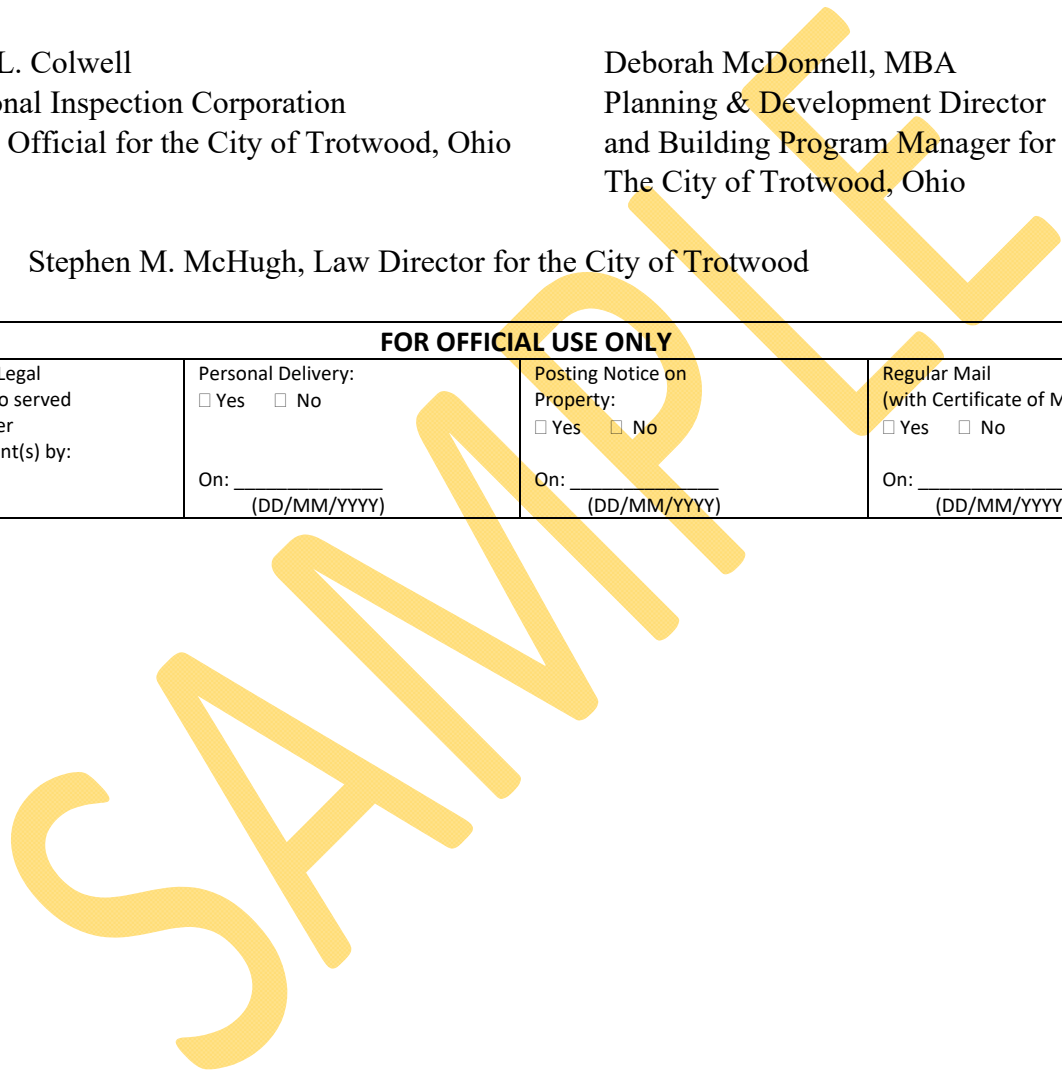
Sincerely,

Lisa L. Colwell
 National Inspection Corporation
 Code Official for the City of Trotwood, Ohio

Deborah McDonnell, MBA
 Planning & Development Director
 and Building Program Manager for
 The City of Trotwood, Ohio

cc: Stephen M. McHugh, Law Director for the City of Trotwood

FOR OFFICIAL USE ONLY			
A copy of this Legal Notice was also served upon the owner and/or occupant(s) by:	Personal Delivery: <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)	Posting Notice on Property: <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)	Regular Mail (with Certificate of Mailing) <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)



LEGAL NOTICE and DEMOLITION ORDER

September 29, 2021

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lori Dennison, Property Owner
and Unknown Spouse of Lori Dennison
4814 Beautiful Lane
Laveen, Arizona 85339

(via certified mail no. 7002 0460 0001 3038 9773)

Re: Property located at 117 Hanna Avenue
Parcel ID Nos. H33300821 0112 and H33300821 0131

This **LEGAL NOTICE AND DEMOLITION ORDER** is being sent to you because you are an owner of the above-described property, or you may have a recorded interest in this property.

The owner(s) of the above-described property (hereinafter the “Property”) and other interested parties were sent a *Legal Notice of Public Nuisance, Property Maintenance Code Violations, Condemnation, Emergency Order and Correction Order* (the “Legal Notice of Violation and Correction Order”).

As set forth in the previously issued Legal Notice of Violation and Correction Order, corrective action regarding some of the noted violations was to be completed on this Property or before **August 11, 2021**, or within five (5) days of service of the notice, whichever occurred last, and corrective action regarding all other cited violations was to be completed on or before **September 13, 2021**, or within thirty (30) days of service of the notice, whichever occurred last.

A recent inspection of the Property confirmed that all requisite corrective action has not been completed. **ACCORDINGLY, AS A CODE OFFICIAL FOR THE CITY OF TROTWOOD, OHIO, I HEREBY MAKE THE FOLLOWING FINDINGS:**

1. The Property continues to be in a state of disrepair;

2. The Property is dangerous, unsafe, unsanitary and unfit for human habitation, occupancy or use; and
3. Pursuant to TCO §1343.02(a)(27)(A)(B)(D)(E)(F)(G) and (H), the Property is a public nuisance.

YOU ARE HEREBY ORDERED TO RAZE OR FULLY REPAIR THE PROPERTY by taking all corrective action required, which corrective action is fully set forth in the previously issued Legal Notice of Violation and Correction Order, **within thirty (30) days of service of this Legal Notice and Demolition Order.**⁴ If you do not have a copy of the previously issued Legal Notice of Violation and Correction Order readily available to you at this time, you may contact me, Deborah McDonnell, directly at (937) 854-7216 or via email at dmcdonnell@trotwood.org, and I will provide you with a copy.

YOU ARE HEREBY ON NOTICE that the City of Trotwood **will demolish this Property** in accordance with Sections 1341.17, 1357.12 and all other applicable sections of the Trotwood Codified Ordinances, if you fail to **timely raze this Property and/or complete all corrective action required within thirty (30) days of service of this Legal Notice and Demolition Order.** **YOU WILL RECEIVE NO FURTHER ADVANCE NOTIFICATIONS REGARDING THE DEMOLITION OF THIS PROPERTY IF YOU FAIL TO APPEAL THIS ORDER AND/OR TAKE ANY AND ALL CORRECTIVE ACTION REQUIRED.**

YOU ARE ALSO HEREBY NOTIFIED THAT PURSUANT TO TROTWOOD CODIFIED ORDINANCE SECTION 1341.17(e),⁵ IF YOU FAIL TO COMPLY WITH THIS DEMOLITION ORDER WITHIN THE TIME PRESCRIBED, THE CODE OFFICIAL SHALL CAUSE THE PROPERTY TO BE DEMOLISHED AND THE COSTS INCURRED BY THE CITY OF TROTWOOD FOR THE RAZING AND REMOVAL OF THE PROPERTY SHALL BE CHARGED AGAINST THE REAL ESTATE UPON WHICH THE STRUCTURE IS LOCATED AND SHALL BE A LIEN UPON SUCH REAL ESTATE.

NOTICE OF RIGHT TO APPEAL

You may appeal this **Legal Notice and Demolition Order** in accordance with Section 1341.16(a) of the Trotwood Codified Ordinance.⁶ A petition of appeal must be made **in writing**

⁴ If you intend to undertake repairs and/or demolition of the property as required by the terms of this Legal Notice and Demolition Order, you are urged to review the Trotwood Codified Ordinances, which can be found at the following website: <https://codelibrary.amlegal.com/codes/trotwood/latest/overview>, to determine permitting and/or other requirements that must be met before commencing demolition or construction work on the Property. In the alternative, you may contact the City's Planning and Development Director and Building Program Manager, Deborah McDonnell, for further guidance as to permitting, construction and/or demolition requirements.

⁵ TCO Section 1341.17 ("Demolition") can be accessed at this website:

https://codelibrary.amlegal.com/codes/trotwood/latest/trotwood_oh/0-0-0-19661

⁶ TCO Section 1341.16 ("Right to Appeal; Appeals Board") can be accessed at this website:

https://codelibrary.amlegal.com/codes/trotwood/latest/trotwood_oh/0-0-0-19646

to the Property Maintenance Appeals Board c/o Deborah McDonnell, Planning & Development Director and Building Program Manager, at 3035 Olive Road, Trotwood, Ohio 45426 within fifteen (15) days of the date of service of this Legal Notice and Demolition Order. If a petition of appeal is not filed within fifteen (15) days of the service of this Legal Notice and Demolition Order, **THIS PROPERTY WILL BE DEMOLISHED BY THE CITY OF TROTWOOD.**

If you believe this Legal Notice and Demolition Order has been sent to you in error, or if you have any questions, please contact me directly at (937) 854-7216, or via email at dmcdonnell@trotwood.org. Please note, however, that neither telephone communications with me or the City, nor attempts to reach me or the City by telephone, in person, or via email, will serve to toll the appeal and/or compliance deadlines set forth herein. Please also note that while I can give you general guidance and information as to permitting, construction and/or demolition requirements in the City of Trotwood, I cannot give you legal advice as to your rights and obligations or how you should proceed in this matter. **If you have questions concerning your legal rights or obligations concerning this Property, you are urged to consult with an attorney immediately.**

Sincerely,

Deborah McDonnell, MBA
 Planning & Development Director
 and Building Program Manager for
 the City of Trotwood, Ohio

cc: Stephen M. McHugh, Law Director for the City of Trotwood

FOR OFFICIAL USE ONLY			
A copy of this Legal Notice was also served upon the owner and/or occupant(s) by:	Personal Delivery: <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)	Posting Notice on Property: <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)	Regular Mail (with Certificate of Mailing) <input type="checkbox"/> Yes <input type="checkbox"/> No On: _____ (DD/MM/YYYY)

Complete copies of TCO Sections 1341.16 and 1341.17 are also available at the Trotwood Government Center, 3035 Olive Road, Trotwood, Ohio 45426 between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.