

# Kingston Township Zoning Office

Bob Talbott, Zoning Inspector



9899 St. Rt. 521  
Sunbury, OH 43074  
740•524•0290  
740•524•5304 FAX  
[www.kingstontwp.org](http://www.kingstontwp.org)

August 1, 2017

Bell Station Realty Investors, LLC  
5512 Kingston Adelphi Road  
Kingston, Ohio 45644

**RE: DECLARATION OF NUISANCE AND ABATEMENT, CONTROL, AND/OR REMOVAL OF NUISANCE PURSUANT TO R.C. § 505.87**

**PROPERTY: 7465 STATE ROUTE 521  
SUNBURY, OHIO 43074**

**PARCEL NO: 517-200-01-111-000**

Dear Bell Station Realty Investors, LLC:

This letter concerns the above identified property ('Property'). You have been identified as the owner of the Property, a holder of a lien(s) of record on the Property, and/or another person/entity who may have an ownership or lien interest in the Property (collectively "Owner(s) or Lienholder(s)").

As you may or may not be aware, the Property is not currently maintained and contains vegetation, garbage, refuse or other debris that are an attractive nuisance, dangerous, unhealthy, and/or unsightly to the neighborhood and community and which negatively impact the general welfare of the neighborhood and community. This lack of maintenance has been determined by the Kingston Township Board of Trustees, Delaware County, Ohio ("Board") to constitute a nuisance.

At the regular meeting of the Board held on August 1, 2017, the Board, in accordance with R.C. § 505.87, approved Resolution No. 17-08-02 ("Resolution"). (See Enclosed). In the Resolution, the Board declared the Property a nuisance due to the owner's lack of maintenance of vegetation, garbage, refuse, or other debris on the Property. This is the second such resolution passed within the last twelve (12) consecutive months. The Resolution provides that if, within four (4) days after notice, the owner of the Property fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, 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 and may employ the necessary labor, materials, and equipment to perform the task.

To avoid the Board taking such action, you, as Owner(s) or Lienholder(s), are hereby **ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the maintenance of which has been determined by the Board to be a nuisance.** Pursuant to R.C. § 505.87, if that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not

made, within four (4) days, the Board shall provide for the abatement, control, or removal. Any expenses 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.

The Board encourages your complete and prompt attention to this urgent matter and the abatement, control, or removal of the vegetation, garbage, refuse, or other debris. To avoid the possibility of the Board making these corrections for you and you incurring the cost of such corrections, please correct these issues within four (4) days. If you fail to timely resolve this matter as provided in this letter, the Board will, by any action deemed necessary by the Board, abate, control, or remove the vegetation, garbage, refuse, or other debris at your expense.

For any questions concerning this notice, the Property conditions, what must be done to bring the Property into compliance, and/or verification of compliance, contact the Kingston Township Zoning Office at (740) 524-0290.

Sincerely,



Bob Talbott  
Zoning Inspector

cc:  
Kingston Township Trustees  
Greg Roy, Kingston Township Fiscal Officer  
Andrew King, Delaware County Assistant Prosecuting Attorney

Enclosure: Resolution

2<sup>nd</sup> Abatement Legal Notice Letter 08-01-17

**KINGSTON TOWNSHIP BOARD OF TRUSTEES  
DELAWARE COUNTY, OHIO**

**DATE: 08-01-17**

**RESOLUTION NO. 17-08-02**

**DECLARATION OF NUISANCE AND ABATEMENT, CONTROL, AND/OR  
REMOVAL OF NUISANCE PURSUANT TO R.C. § 505.87  
ON REAL PROPERTY LOCATED AT:**

**7465 STATE ROUTE 521  
SUNBURY, OHIO 43074**

**PARCEL NUMBER:  
517-200-01-111-000**

**PREAMBLE**

**WHEREAS**, the Kingston Township Board of Trustees, Delaware County, Ohio (“Board”) is familiar with the real property located at 7465 State Route 521, Sunbury, Ohio 43074 bearing Delaware County Permanent Parcel Number 517-200-01-111-000 (“Property.”) (See Exhibit A – General Warranty Deed with legal description.) (See Exhibit B – Delaware County Auditor’s Summary, Tax Information, and Map), and;

**WHEREAS**, the Property is wholly located in Kingston Township, Delaware County, Ohio; and,

**WHEREAS**, the record owner of the Property is Bell Station Realty Investors, LLC, an Ohio limited liability company; and,

**WHEREAS**, the Property is not maintained by the property owner and contains accumulations of vegetation, garbage, refuse or other debris that are an attractive 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, or other debris on the Property constitutes a nuisance;

**WHEREAS**, this is the second abatement of this property within the previous twelve (12) consecutive months; and,

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

## RESOLUTION

### NOW THEREFORE, BE IT RESOLVED:

- A. The Board determines and declares that the Property owner's maintenance of vegetation, garbage, refuse, or other debris on the Property constitutes a nuisance.
- B. Within the previous twelve (12) consecutive months, the Board made a prior nuisance determination that the same owner's maintenance of vegetation, garbage, refuse, or other debris on the same Property constituted a nuisance. Such prior determination was made on September 6, 2016 by Resolution Number 16-09-01.
- C. The Board shall provide for the abatement, control, or removal of such vegetation, garbage, refuse, and other debris from the Property and recover the Board's costs in so doing, all in accordance with R.C. § 505.87.
- D. At least four (4) days before providing for such abatement, control, or removal of vegetation, garbage, refuse, or other debris from the Property, notification shall be provided to the owner(s) of the Property and any holders of liens of record on the Property. 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

- 1. Bell Station Realty Investors, LLC  
5512 Kingston Adelphi Road  
Kingston, Ohio 45644

#### Holders of Liens of Record

- 1. None

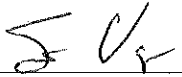
- E. The Board shall send the notice by first class mail to the above owner(s) and lienholders of record on the Property at the above addresses. In addition, the Board shall cause one of its agents or employees to post the notice on the principal structure on the Property and to photograph that posted notice with a camera capable of recording the date of the photograph on it. Additionally, the notice will be posted on the Township Website.
- F. The contents of the notice shall:
  - 1. Order the owner to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the Board to be a nuisance;
  - 2. State that if that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within four (4) days, the Board shall provide for the abatement, control, or removal. Any


expenses 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.

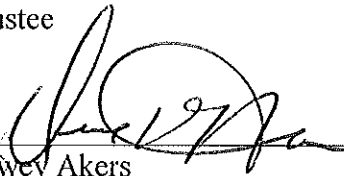
- G. A copy of this Resolution shall accompany the mailed notices.
- H. The Kingston Township Zoning Inspector ("Zoning Inspector") shall send and post the above notices on behalf of the Board.
- I. If, within four (4) days after notice is given pursuant to this Resolution, the owner of the Property fails to abate, control, or remove the vegetation, garbage, refuse, or other debris, 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 and may employ the necessary labor, materials, and equipment to perform the task.
- J. All expenses incurred to abate, control, or remove the vegetation, garbage, refuse, or other debris, when approved by the Board, shall be paid out of the Township general fund from moneys not otherwise appropriated.
- K. Pursuant to R.C. § 505.87, the Board shall collect the total cost of abating, controlling, or removing the vegetation, garbage, refuse, or other debris from the Property. To do so, the Board shall make a written report to the 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 in providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris from the Property, including the board's charges 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.
- L. On behalf of the Board, the Fiscal Officer 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 Officer shall deliver the report, along with a certified copy of this Resolution and a certified copy the Resolution approving the report, to the County Auditor.
- M. The expenses incurred, when allowed, shall be entered upon the tax duplicate, are a lien upon the land 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.
- N. 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 and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- O. This Resolution shall be in full force and effect immediately upon adoption.

Voted on and signed this 1st day of August 1, 2017 in Kingston Township, Delaware County, Ohio.

**BOARD OF TRUSTEES OF  
KINGSTON TOWNSHIP,  
DELAWARE COUNTY, OHIO**

  
\_\_\_\_\_  
Steve Volpe  
Trustee

*ABSTAIN*   
\_\_\_\_\_  
William L. Shively  
Trustee


  
\_\_\_\_\_  
Dewey Akers  
Trustee

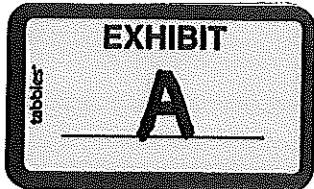
**CERTIFICATE**

State of Ohio, Delaware County

I, the undersigned Township Fiscal Officer of Kingston Township, Delaware County, Ohio, certify that the foregoing Resolution No. 17-08-02 is taken and copied from the record of proceedings of the Board, and that it has been compared by me with the Resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such Resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: 8-1-2017

  
\_\_\_\_\_  
Greg Roy,  
Township Fiscal Officer  
Kingston Township, Delaware County, Ohio



200500048169  
Filed for Record in  
DELAWARE COUNTY, OHIO  
ANDREW D BRENNER  
11-28-2005 At 10:16 am.  
DEED 28.00  
Book 668 Page 1740 - 1740

# GENERAL WARRANTY DEED

Barbara A. Hoover and Wesley J. Klipstein, husband and wife, of Franklin County, Ohio,  
for valuable consideration paid, grants(s) with general warranty covenants to Bell Station Realty  
Investors, LLC, an Ohio Limited Liability Company,  
whose tax-mailing address is 241 Greenbrier Road, Sunbury, Ohio 43074, the following REAL  
PROPERTY:

Situated in the County of Delaware, in the State of Ohio and in the Township of Kingston  
and bounded and described as follows:

Being on Range 17, Township 5, Section 2, north part Lot 36, U.S.M. Lands.  
Beginning at a point in the centerline of State Route 521 where said centerline meets the  
West line of John D. Sheets land, said West line also being the East line of lands owned  
by E.G. Bonnette, thence S. 87° 30' E. along the centerline of State Route 521, 177.46 feet  
to a point, thence N. 1° 33' E. 245.45 feet to an iron pin, passing over the iron pin at 30  
feet, thence N 87° 30' W 177.46 feet to an iron pin marking a common corner between E.G.  
Bonnette lands and Frank E. Johnson lands, also the tract herein being described, thence  
S. 1°33' W. along John D. Sheets' west line, 245.45 feet to place of beginning, passing  
over an iron pin at 215.45 feet.

DESCRIPTION APPROVED  
FOR TRANSFER  
Chris Bauserman  
Delaware County Recorder

Containing 1 acre of land, more or less.

Except reservations, easements, conditions, restrictions of record, zoning ordinances and  
real estate taxes which are not yet due.

Parcel No. 517-200-01-111-000

Prior Instrument Reference: Vol. 232 Page 1653 of the Deed Records of Delaware  
County, Ohio.

Witness his/hers/their hand(s) this 10 day of November, 2005.

Provisions contained in any deed or other instrument  
for the conveyance of a dwelling which restrict the  
use, rental or use of the property because of race or  
color are invalid under federal law and are unenforce-  
able.

Wesley J. Klipstein

Barbara A. Hoover

200500048169  
KEN MOLNAR-BOX

State of Ohio  
County of Delaware ss:  
Franklin

BE IT REMEMBERED, That on this 9<sup>th</sup> day of November 2005, before me, the subscriber, a  
notary public in and for said county, personally came,  
the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be their  
voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official  
seal on this day and year aforesaid.

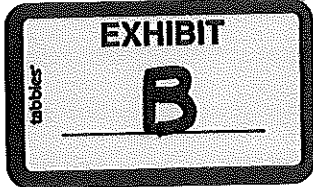


TIMOTHY D. CHAPMAN  
Notary Public, State of Ohio  
My commission expires 09/15/2009

This Instrument Prepared By  
Kenneth J. Molnar,  
Attorney at Law

Anthony [Signature]  
Notary Public

Delaware County  
The Grantor Has Complied With  
Section 319.202 Of The R.C.  
DATE 11-28-05 Transfer Tax Paid \$300.00  
TRANSFERRED OR TRANSFERRED BY  
Delaware County Auditor By TJB



517-200-01-111-000

### Property Information

Parcel Number	517-200-01-111-000	Property Address:
Owner Name	BELL STATION REALTY INVESTORS LLC	7465 STATE ROUTE 521
Owner Address	7465 STATE ROUTE 521 SUNBURY OH 43074	SUNBURY OH 43074
Tax District	22 KINGSTON TWP BUCKEYE	Tax Payer Address:
School District	2102 BUCKEYE VALLEY LSD	BELL STATION REALTY INVESTMENTLLC
Neighborhood	21001 Kingston 001	5512 KINGSTON ADELPHI RD
Use Code	499 Other commercial structures	KINGSTON OH 45644
Acres	1.00000	USA
Description	LANDS 17 5 2 36	

Assessment Info		Current Value		Recent Transfer	
Board of Revision	N	Mkt Land Value	\$22,500	# Parcels	1
Homestead/Disability	N	CAUV	\$0	Deed Type	Warranty Deed
Owner Occ Credit	N	Mkt Impr Value	\$6,300	Amount	\$100,000
Divided Property	N	Total	\$28,800	Sale Date	11/28/2005
New Construction	N	Current Tax		Conveyance	6006
Foreclosure	N	Tax Due	\$479.20	Deed #	
Other Assessments	Y	Paid To Date	\$0.00		
Front Ft.	N	Current Balance Due	\$5,281.62		

<< Previous Card      Card 1 of 1      Next Card >>

#### 630 Owned byTownships Building Section 001 Occupancy 001

Year Built	1955	Year Remodel	0	Occupancy	406 Storage Warehouse
# Stories	1	Story Height	10	Use Code	630 Owned byTownships
Section Area	3456	Perim/Shape	240		

■ Card - 1

#### Property Sketch and Photos -- Card 1

Property Sketch	Property Photos