

**IN THE ADMINISTRATIVE HEARING BY CITY MANAGER
OF CITY OF NAPOLEON, OHIO**

Case No. 10-ADM000018

IN THE MATTER OF:

Holt Investment Properties, LLC
12 Lakeview Drive
Napoleon, Ohio 43545

ORDER

The matter of an alleged nuisance existing on the property located at 12 Lakeview Drive, Napoleon, Henry County, Ohio, consisting of litter, weeds, other rank growths of vegetation, plants, grass or the like, came on for hearing this 30th day of July, 2010, at the Napoleon City Conference Room after proper notice. Present were Tom Zimmerman, Zoning Administrator and David M. Grahn, City Law Director. After due notice of hearing was delivered to the person owning or controlling the property, the owner or controller of the property or other interested parties, failed to appear.

Evidence was produced by the Zoning Administrator demonstrating to the satisfaction of this hearing officer that a nuisance does in fact exist.

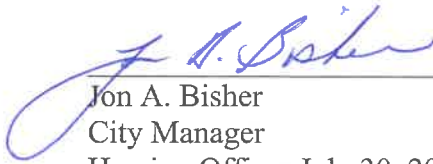
It is therefore **ORDERED** that:

- I. All nuisances on said premises be abated no later than 4th of August, 2010 at 7: 30 AM by mowing and/or other appropriate action.
- II. If not so abated as ordered, the City of Napoleon Ohio is granted the immediate right to enter upon the premises known as 12 Lakeview Drive, Napoleon, Ohio for the purpose of abating any and all nuisances found on said premises by its owns means or by contracting with third parties.
- III. Judgment is rendered for the City in those amounts actually expended by the City of Napoleon, Henry County, Ohio to abate all nuisances on said premises, including but not limited to all publication costs and postage.
- IV. In the event the Law Director of the City of Napoleon must initiate any legal action in order to compel Owner to abide by the terms, conditions and orders of this Judgment, Owner shall be liable to the Law Director of the City of Napoleon

for any costs relating to such action, including but not limited to, a reasonable sum for attorney fees.

- V. This Hearing Officer shall retain jurisdiction to enforce compliance with the terms of this Order.

IT IS SO ORDERED:


Jon A. Bisher
City Manager
Hearing Officer July 30, 2010

You may appeal this decision in accordance with Section 503.11 of the Codified Ordinances of the City of Napoleon, Ohio, within three (3) City business days by filing notice with the City Finance Director.

*503.11 APPEALS.

“503.11 APPEALS.

- (a) Right to Appeal: An appeal to the City Council may be taken by any person aggrieved where it is alleged there is an error in any order, requirement, decision or determination made by the City Manager in the enforcement of this chapter.
- (b) Notice of Appeal: Except for nuisances involving: litter, weeds, grass, plants, other rank growths of vegetation or the like where an appeal shall be taken within three (3) city business days from the determination complained of, an appeal shall be taken within ten (10) City business days from the determination complained of by filing with the City Finance Director a notice of appeal, specifying the grounds thereof. The City Finance Director, upon receipt of notice, shall forthwith transmit to the Council and the City Manager true copies of all the paper constituting the record of the matter. Upon receipt of the record, the City Finance Director shall set the matter for public hearing before the Council. Notice of said public hearing shall be given by publication once in a news paper of general circulation in the City, and by sending regular U.S. mail to the last known address of the appealing party at least three (3) calendar days in advance of the hearing. A thirty-five dollar (\$35.00) deposit is required for an appeal, refundable should the appealing party prevail; moreover, if expenses are incurred by the City in removing personal property as the subject of abatement, a bond covering the expense must be posted by the owner if release of the property is requested pending appeal. Said deposit and/or bond may be waived by the City Finance Director upon a showing of indigence.

**NOTICE TO ABATE NUISANCE
GRASS & WEEDS
(503.08 (e) NAPOLEON CITY CODE)**

The City of Napoleon to the following property owner and interested parties:

Holt Investment Properties, LLC
15202 County Road K
Napoleon, OH 43545

You are hereby notified that the property at **12 Lakeview Dr.** that is maintained, operated or permitted to exist by you has been declared a nuisance as defined in the City's codified Ordinance Section 503.03(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding ten inches (10") on lots zoned business, commercial or industrial, or eight inches (8") on lots zoned residential. This paragraph (4) does not apply to sloped areas of properties requiring excessive lengths to maintain the integrity of the slope; and must be abated by removal of the same and that if this notice is not complied with within 2 days of service of this notice (being this publication date), you are directed to appear before the undersigned in the Conference Room at City Hall located at 255 W. Riverview, Napoleon, Ohio 43545 on July 30, 2010 at 11:00 am and to show cause why the same shall not be abated and that upon your failure to so appear the undersigned will take necessary steps to abate such nuisance. The cost of abatement incurred by the City shall be assessed against you, and a lien may be imposed on the property to secure such payment. In addition to any other penalty, there may be imposed by the City Manager, upon the person that is the named party in the abatement action under this Chapter 503, a civil fine in an amount not to exceed \$750.00 upon the finding of the City Manager during the administrative hearing held in accordance with 503.08 (f) that a nuisance exists.

You are notified that abatement has been initiated involving real or personal property of which you have a recorded interest; therefore, to protect your interest therein you may appear at the above noted hearing.

Tom Zimmerman, Building & Zoning

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Tom Zimmerman, Building & Zoning



PENGAD 800-631-6989
PLAINTIFF'S
EXHIBIT
1

Table in the Town of...

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PENGAD 800-631-6989

PLAINTIFF'S
EXHIBIT

3

IPAL POWER

OHIO, INC.

STATEWIDE POWI

Labels by Tim Swanson

PENGAD 800-631-6989

PLAINTIFF'S
EXHIBIT

C

**NOTICE TO ABATE NUISANCE
GRASS & WEEDS
(501 BR 60) NAPOLEON CITY CODE**

City of Napoleon, Ohio
11000 Napoleon Road
Napoleon, OH 44665

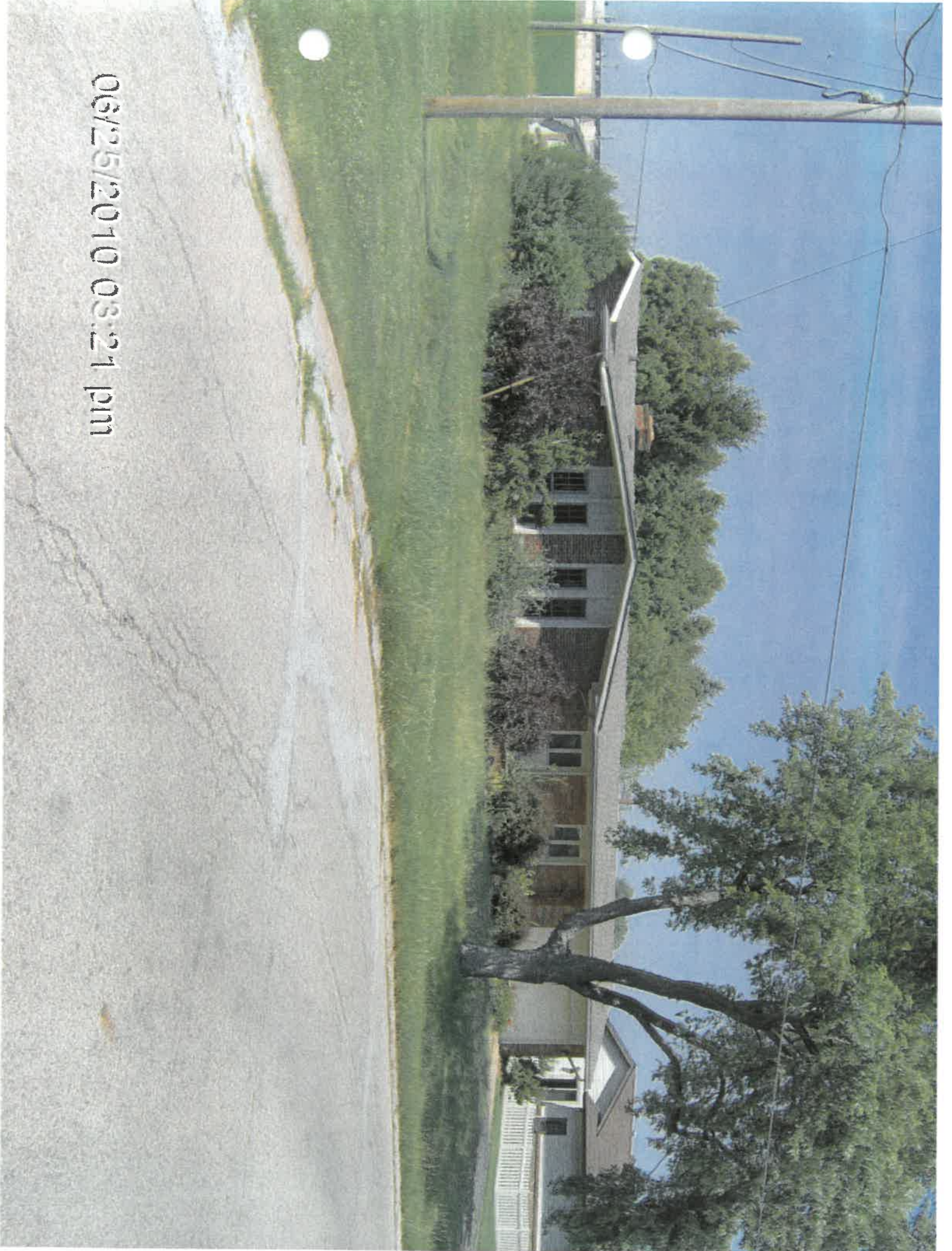
Under the authority vested in the Mayor of the City of Napoleon, Ohio, the following is hereby notified that the property at 11000 Napoleon Road, Napoleon, Ohio, is in violation of the City Code, Chapter 60, Article I, Section 60.01, which requires that the property owner maintain the property in a neat and tidy condition and free of weeds and grass. The property owner is hereby notified that the City of Napoleon, Ohio, is authorized to take any action necessary to abate the nuisance, including the removal of the weeds and grass, and the assessment of a fine. The property owner is hereby notified that the City of Napoleon, Ohio, is authorized to take any action necessary to abate the nuisance, including the removal of the weeds and grass, and the assessment of a fine. The property owner is hereby notified that the City of Napoleon, Ohio, is authorized to take any action necessary to abate the nuisance, including the removal of the weeds and grass, and the assessment of a fine.

[Signature]

City of Napoleon, Ohio
11000 Napoleon Road
Napoleon, OH 44665



06/25/2010 03:22 pm



06/25/2010 03:21 pm

