

VILLAGE OF JOHNSTOWN



RESOLUTION 2017-26

TO AUTHORIZE THE VILLAGE MANAGER TO DIRECT THE JOHNSTOWN DEVELOPMENT COMPANY TO ABATE THE PUBLIC NUISANCE IT CREATED AND PERPETUATED ON THE VACANT PROPERTY IDENTIFIED AS RESERVE “B” ON THE CONCORD CROSSING WEST DEVELOPMENT PLAT, AND TO TAKE ANY FURTHER ACTION NECESSARY TO DECLARE AND ABATE THE PUBLIC NUISANCE.

WHEREAS, the Concord Crossing West plat (the “Plat”) was recorded with the Licking County recorder’s office on or about March 1, 2005 by the Johnstown Development Company (the “Property Owner”); and

WHEREAS, the Property Owner, through the Plat, dedicated a 3.703-acre portion of the development for open space and a detention basin, said portion identified as Reserve “B” (the “Reserve Area”); and

WHEREAS, the Property Owner, as part of the development, installed drainage tiles in the Reserve Area in order for it to properly function as a detention basin to ensure proper drainage for the surrounding development and any future developments in the vicinity; and

WHEREAS, the Property Owner had a duty to maintain the Reserve Area, including, but not limited to, maintenance of the drain tile and maintenance and control of noxious weeds and grass; and

WHEREAS, the Property Owner failed to fulfill its duty to maintain the Reserve Area; and

WHEREAS, the Property Owner’s failure to fulfill its duty to adequately maintain the Reserve Area, including the drain tile and noxious weeds and grass, directly and proximately caused the Reserve Area to fail as a detention basin; and

WHEREAS, due to the lack of maintenance and failure to control noxious weeds and grass, the Reserve Area does not drain properly, floods, and collects stagnant water; and

WHEREAS, the flooding, stagnant water, noxious weeds, and high grass create dangerous, noxious, and otherwise objectionable conditions that affect the public health, safety, and welfare; and

WHEREAS, the Village determined that to completely and fully abate the objectionable condition in the Reserve Area would require complete replacement of the tile drain, and

WHEREAS, the Village originally notified the Property Owner of the objectionable conditions on May 16, 2013 and requested that the Property Owner abate the objectionable conditions on the Reserve Area; and

WHEREAS, the Village engaged in further communication with the Property Owner and its representatives in order to resolve the matter without further legal action; and

WHEREAS, the Village advised the Property Owner of the necessary fix for the Reserve Area, obtained a quote/proposal for the same from TLV Services Inc., and provided said quote/proposal to the Property Owner; and

WHEREAS, to date, the Property Owner has not abated or otherwise rectified the dangerous, noxious, and objectionable conditions of the Reserve Area it created, nor has it provided the Village with the necessary funds to take such actions; and

WHEREAS, the Village Manager seeks authority from the Village Council to further direct the Property Owner to abate the dangerous, noxious, and objectionable property conditions, and further authority to utilize legal action to enforce the Village's rights, if such action becomes necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF JOHNSTOWN, OHIO:


Section 1. That the Village Manager be and hereby is authorized to direct the Property Owner to abate or otherwise rectify the dangerous, noxious, and objectionable conditions on the Reserve Area.

Section 2. Council further hereby authorizes and directs the Village Manager, Law Director, Finance Director, Clerk of Council, or other appropriate officers of the Village to take any other action as may be appropriate to resolve this matter.

Section 3. That this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduction/Public Hearing/Vote: June 20, 2017


By: Mavin



Mayor Sean Stanearth




ATTEST TO:



Teresa Monroe, Clerk of Council

APPROVED AS TO FORM:



Yazan S. Ashrawi, Law Director