

Resolution 2024-16

A RESOLUTION CERTIFYING TO THE COUNTY AUDITOR AN ASSESSMENT AND LIEN UPON 208 CARRIAGE LANE IN THE VILLAGE OF SWANTON FULTON COUNTY, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Swanton has the right to abate nuisances should a property owner not abate such nuisance within the time stated in the notice given pursuant to law;

WHEREAS, Ohio law provides that the failure to pay the charges imposed shall constitute and result in a lien upon the property in question; and

WHEREAS, certain property owners have not paid the fee and, therefore, are to be assessed the fee on their property taxes.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SWANTON, FULTON COUNTY OHIO, THAT:

Section 1. The amount set forth in the attached Exhibit A is hereby certified to the Auditor of Fulton County, Ohio, as a lien and assessment upon the property described therein, with such amount to be placed upon the tax rolls collected as in the case of other taxes and assessments.

Section 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the Village of Swanton and the State of Ohio.

Section 3. This resolution is deemed an emergency measure, is necessary for the immediate preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary to place this upon the tax duplicate.

Motion to Suspend the Rules

Moved: Kania

Second: Westhoven

YEAS: 5

NAYS: 0

Vote on Passage

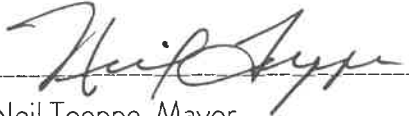
Moved: Kania

Second: Westhoven

YEAS: 5

NAYS: 0

Date of Passage: February 12, 2024:

  
\_\_\_\_\_  
Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2024-16, passed on February 12, 2024.

  
\_\_\_\_\_  
Holden Benfield, Fiscal Officer

Holden Benfield, Fiscal Officer

# Village of Swanton

219 Chestnut Street  
Swanton, Ohio 43558  
Phone 419.826.9515 Fax 419.825.1827

# INVOICE

INVOICE: 939  
DATE: AUGUST 22, 2023

TO:  
Mr. Johnathan Foreman  
12129 W. Central Ave.  
Swanton, Ohio 43558

FOR:  
Nuisance Abatement-208 Carriage

DESCRIPTION	AMOUNT
Nuisance Abatement- 208 Carriage Page Irrigation & Landscaping, LLC- Invoice #8169 (enclosed) Cut down and hauled away debris along fence line. Sprayed weeds.	\$643.50
TOTAL	\$643.50

Make all checks payable to Village of Swanton.  
Due within 30 days of receipt

9.28.23 - not paid -  
emailed SS & HR

Page Irrigation & Landscaping LLC

3825 County Rd 5-1  
Delta Oh 43515

**RECEIVED**  
AUG 17 2023  
VILLAGE OF SWANTON

Date	Invoice #
8/17/2023	8169

**Bill To**  
Community Development  
Village of Swanton  
Swanton, OH 43558

**Ship To**  
Community Development  
208 Carriage Ln

**Terms**  
Completion

**Due Date**  
8/17/2023

Quantity	Item Code	Description	Price Each	Amount
1	Maintenance	Cut down and hauled away debris along fence line. sprayed weeds.	600.00	600.00T
		Sales Tax	7.25%	43.50

Thank you for your business.

**Phone #**  
419-877-5900

**E-mail**  
pageirrigation@yahoo.com

**Total** \$643.50

August 22, 2023  
Jonathan Foreman  
12129 West Central Avenue  
Swanton, Ohio 43558

Dear Mr. Foreman,

On Monday August 7, 2023 the Village of Swanton hired Page Irrigation and Landscaping LLC to cut overgrown vegetation, remove hazardous shrubs and weeds, and spray to abate other noxious vegetation such as poison ivy at your property of 208 Carriage Lane, which we have deemed a nuisance property. This letter is to inform you that you have thirty (30) days after receiving this notice with the enclosed invoice to pay the Village of Swanton for the services performed before your taxes will be assessed through the Fulton County Auditor.

**§ 92.07 ABATEMENT BY VILLAGE; COSTS AND ASSESSMENT.**

(A) Should the public nuisance not be abated as provided in the notice given pursuant to § 92.04 or § 92.05, the Village Administrator or designee shall have the right to enter upon the premises to abate such public nuisance. In abating any public nuisance, the Village Administrator or designee may take such action as is necessary to complete the abatement of the same and should it be practicable to sell or salvage any material resulting from such abatement, the Village Administrator may cause the same to be sold at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds shall be deposited in the General Fund of the village and any difference in the amount so received and the cost of the abatement shall be reported to Council, which shall levy an assessment against the premises upon which such nuisance was abated and cause such assessment to be certified and collected as other assessments by the village.

(B) Should the proceeds of the sale of any material salvaged in the course of such abatement exceed the cost thereof, the amount of such excess shall be paid to the owner of the premises upon filing a claim thereof and proof of title and right to such surplus.

219 Chestnut Street  
Swanton, Ohio 43558  
T: 419.826.9515  
F: 419.825.1827  
[www.villageofswantonohio.us](http://www.villageofswantonohio.us)



**MAYOR**  
Neil Toeppen

**COUNCIL MEMBERS**  
Dianne Westhoven  
David Pilliod  
Patrick L. Messenger  
Derek Kania  
Samantha Disbrow  
Mike Disbrow

**ADMINISTRATOR**  
Shannon Shulters

**FINANCE  
DIRECTOR**  
Holden Benfield

(C) The Village Administrator or designee may utilize any labor or equipment of the village in making such abatement or the Village Administrator may contract privately for the abatement of the nuisance provided that Council authorizes the expenditures of such funds.

(D) Any and all expenses or costs incurred under this chapter for the abatement, including removal, repair, alteration, securing, boarding, or demolition of a building or structure shall be paid by the owner of the land and/or responsible person as provided in R.C. § 715.261. If the owner and/or other responsible person fails to pay for the costs within 30 days after receipt of notice from the Village Administrator of a statement of the charges and costs incurred, the Village Administrator may certify such amount to the Fiscal Officer. The Fiscal Officer shall promptly make a written return to the Fulton or Lucas County Auditor of the action under this section with a statement of the total costs and expenses, the amount credited for salvage, if any, and a proper legal description of the premises. Certification to the County Auditor is for the purpose of making such costs and expenses a lien upon the property, to be collected as other taxes and returned to the village with accounting thereof in accordance with R.C. § 715.261.

(Ord. 2018-14, passed 5-14-2018)

Finally, in case you need assistance with this grass/vegetation, here are some landscape companies contact information. However, please be aware that the Village of Swanton does not officially endorse or sponsor these organizations and I am unaware of their availability, services, or pricing. I am merely providing them for possible convenience for yourself.

Page Irrigation & Landscaping LLC	(419) 690-2265
A & J Landscape	(419) 842-8733
Veterans Mowing	(419) 388-9173
Loch's Lawn and Landscape LLC	(419) 871-5289 or (419) 330-9750
Wiser Lawn	(419) 654-0594
DMX Lawn & Landscape	(567) 868-5869

Thank you and be well,



Shannon Shulters  
Village Administrator



Claire Smith  
Community Development

*Sent via Regular U.S. Mail*

*Cc: property file*

RESOLUTION 2023-26

A RESOLUTION DECLARING THE PROPERTY LOCATED AT 208 CARRIAGE LANE A  
NUISANCE WITHIN THE VILLAGE OF SWANTON AND AUTHORIZING THE ABATEMENT  
OF NUISANCE PROPERTY BY THE VILLAGE OF SWANTON, AND DECLARING AN  
EMERGENCY

WHEREAS, the property located at 208 Carriage Lane was inspected by the Village of Swanton, as provided under Section 92.03 of the Swanton Village Code of Ordinances, and has been found to be in violation of Sections 92.02 of the Swanton Village Code of Ordinances.

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Swanton, Fulton County, Ohio, three-fourths of the members elected thereto concurring and as follows:

Section One: That the property located at 208 Carriage Lane is in violation of Sections 92.02 and 92.02 of the Swanton Village Code of Ordinances and is declared to be a nuisance as enumerated in Section of the Swanton Village Code of Ordinances.

Section Two: The Council of the Village of Swanton hereby directs the owner, occupant, or person in charge of such land within ten (10) days to abate such nuisance *by removing garbage, refuse, debris and junk*. Upon the failure or refusal to comply with such abatement order, the Village Administrator is authorized to abate such nuisance and may employ the necessary labor to perform the abatement of this nuisance as specified under Section 92.07 of the Swanton Village Code of Ordinances.

Section Three: Upon abatement of the nuisance, the Council of the Village of Swanton shall make a written statement of the charges for all of the services necessary to abate the nuisance including, but not limited to, the amounts paid for labor, the fees incurred by the officers serving the notices, and a proper description of the premises. The amounts expended therefore to be a valid claim against such owner or occupant and charged as a lien upon such land to be recovered by the Village of Swanton as provided under Section 92.07 of the Swanton Village Code of Ordinances.

Section Four. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council 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 Section 121.22 of the Ohio Revised Code.

Section Five. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the village peace, health and safety; wherefore this ordinance shall be in full force and effective immediately upon passage.

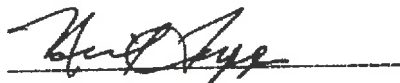
Motion to Suspend the Rules and adopt as an Emergency

Moved: Councilman Pilliod      Second: Councilman Kania      YEAS: 6      NAYS: 0

Vote on Passage

Moved: Councilman Disbrow      Second: Councilman Kania      YEAS: 6      NAYS: 0

Date of Passage: October 10, 2023



Neil Toeppe, Mayor

Attest:

I, Holden Benfield, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Resolution 2023-26, passed on October 10, 2023.



Holden Benfield, Fiscal Officer