

RESOLUTION NO. 108 (22-23)

A Resolution to authorize the Law Director of the City of Marietta, Ohio, or his designee, pursuant to O.R.C. 733.53 to commence legal proceedings in the Common Pleas Court of Washington County, Ohio, against John H. Parsons, owner of property located within the city limits of Marietta, Ohio at 605 Pearl Street because said property is a nuisance property, a blighted property, and a dangerous property, and declaring an EMERGENCY.

WHEREAS, John H. Parsons owns real and personal property located within the city limits of Marietta, Ohio, situated at 605 Pearl Street; and

WHEREAS, the real property located at 605 Pearl Street, is a nuisance, blighted and dangerous property; and

WHEREAS, there have been numerous complaints from various citizens of the City of Marietta, Ohio, stemming as far back as 2016, concerning the nuisance, blighted and dangerous property located at 605 Pearl Street and the dangers presented by said property; and

WHEREAS, the property located at 605 Pearl Street has generated numerous calls for police interaction due to persons conducting unlawful business at the property which has resulted in numerous arrest, with two people having been arrested as recently as June 30, 2023; and

WHEREAS, the City of Marietta, Ohio condemned the property on December 13, 2019, by posting the property as "being dangerous, with a structure that was declared unsafe for human occupancy or use". The posting also informed the public that "it is

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unlawful for any person to use or occupy the building after December 13, 2019". The posting further informed the public that "any unauthorized person removing the sign would be prosecuted". This posting was accompanied by a Placard instructing Mr. Parsons and or anyone else who wished to access the property that they would have to register with the City before going onto the property; and

WHEREAS, on January 2, 2020, it was discovered that there had been no water service at the property located at 605 Pearl Street since June 19, 2015.

WHEREAS, on January 27, 2020, the City of Marietta, Ohio followed up with a Notice of Violation and Correction Order being sent to John H. Parsons, owner of the property located at 605 Pearl Street, Marietta, Ohio informing him that the property had been posted and that he was to cease and desist the use of the structure as a Boarding House and/or Homeless Shelter until he obtained all necessary permits, approvals and inspections from the City of Marietta's Engineering Department, the Marietta/Belpre Health Department and the Southeast Ohio Building Department, for such use. The Notice of Violation and Correction Order notified John H. Parsons that the structure was not to be occupied for any use until it was completely renovated, with necessary permits and inspections, for such intended use; or the structure was demolished. The Notice of Violation and Correction Order outlined all of the deficiencies with the property that were in violation of the Property Maintenance Code of the City of Marietta, Ohio and explained Mr. Parson's appeal rights. The Notice of Violation and Correction Order was further addressed in a letter to Mr. Parsons, dated that same day, i.e. January 27, 2020; and

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WHEREAS, on November 12, 2020, the property was again inspected and it was found that there was little to no progress being made in repairing the property and cleaning up the debris on the property; and

WHEREAS, on March 1, 2022, the property was again inspected wherein a large crack was found in the wall of the structure upon said property, and it was evident that no progress was being made to bring the property into compliance with the Codified Ordinances of the City of Marietta, Ohio; and

WHEREAS, on April 26, 2022, a second Notice of Violation and Correction Order was sent to Mr. Parsons informing him to bring the nuisance and blighted property into compliance with the Property Maintenance Code of the City of Marietta, Ohio, and further informing Mr. Parsons that the City was aware that he was continuing to allow himself and prohibited visitors to unlawfully enter the unsafe structure; and

WHEREAS, the property was again inspected on July 19, 2022, and there appeared to be no repairs, or cleanup progress made.

WHEREAS, on April 23, 2023, a letter was sent to Mr. Parsons advising him that his property had been inspected numerous times and that the City observed that very little progress had been made towards remediation of the various violations at the property. At this time, Mr. Parsons was given another copy of the original Notice of Violation and Correction Order. The letter further informed Mr. Parsons that the City of Marietta was going to install a six feet fence around the structure with a locked gate, and that Mr.



Parsons would have to pay rent on the fence, and would have to go to the Marietta City Police Department to get the key to access the property; and

WHEREAS, the City of Marietta, Ohio has requested numerous times that the owner of the property located at 605 Pearl Street, being John H. Parson, abate the nuisance, and/or abate the blight and the dangers that the property presents, but Mr. Parsons has failed to do so;

WHEREAS, the Law Director of the City of Marietta, Ohio, or his designee, is requesting a Resolution authorizing and directing the Law Director or his designee to file a lawsuit seeking damages and/or injunctive relief, on behalf of the City of Marietta, Ohio against John H. Parsons, in an effort to have the nuisance, blighted and dangerous property abated; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:


Section 1: That the Marietta City Council shall and does hereby authorize and direct the Law Director of the City of Marietta, Ohio, or his designee, to file a lawsuit, seeking damages and/or injunctive relief, in the Washington County Common Pleas Court against John H. Parsons, in an effort to have the nuisance, blighted and dangerous property located at 605 Pearl Street, Marietta, Ohio, abated;

Section 2: That this Resolution shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health, and safety of the City of Marietta, Ohio, and for the further reason that the property located at 605 Pearl

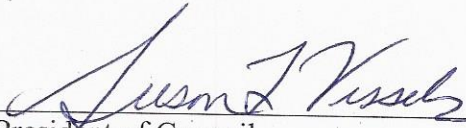
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Street, Marietta, Ohio, continues to be a nuisance, blighted and dangerous property and illegal activity continues to abound at the property. WHEREFORE, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

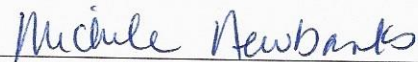
Introduced by the Planning, Zoning, Annexation & Housing Committee, Geoff Schenkel, Chairman.

  
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Geoff Schenkel, Chairman

Passed this 6<sup>th</sup> day of July, 2023.

  
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President of Council

ATTEST:

  
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Clerk of Council

Approved this 6<sup>th</sup> day of July, 2023.

  
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Mayor

First Reading July 6, 2023

Second Reading Suspended

Third Reading Suspended