

Resolution 2023-189

**A RESOLUTION DECLARING MOTOR VEHICLE(S)
LOCATED AT 3519 Plainview Dr, PARCEL NUMBERS 140-002051-00, FRANKLIN
TOWNSHIP, FRANKLIN COUNTY, OHIO, A JUNK MOTOR VEHICLE AND PROVIDING
FOR ITS REMOVAL PURSUANT TO O.R.C. 505.871.**

The Board of Trustees of Franklin Township, Franklin County, Ohio, met in person in a Regular Meeting at 12:00 p.m. on Thursday, September 21st, 2023. The trustee marked below made a motion for the adoption of the following Resolution:

Fleshman *Leezer* *Horn*

The following trustee marked below seconded the motion:

Fleshman *Leezer* *Horn*

PREAMBLE

WHEREAS, pursuant to Section 505.871 of the Ohio Revised Code, the Franklin Township Board of Trustees (the "Board") is authorized to determine that a motor vehicle located on private property is a junk motor vehicle within the meaning of Section 505.173 of the Ohio Revised Code; order the property owner to remove any such junk motor vehicle from the property within fourteen (14) days of service of written notice; and, if the property owner fails to remove or to cause the removal of the junk motor vehicles from the property within said fourteen days, the Board may proceed to remove the junk motor vehicles from the property and enter the cost of such removal upon the tax duplicate for the property or cause the removal of the subject vehicles by a motor vehicle salvage dealer or scrap metal processing facility pursuant to Ohio Revised Code Sections 4737 and 4738; and

WHEREAS, the Board has found that there is a motor vehicle located at 3519 Plainview Dr, Franklin Township, Franklin County, Ohio, known as Parcel Numbers 140-002051-00 (the "Property"), (the Junk Motor Vehicles) that is three model years old or older, apparently inoperable, extensively damaged, and that otherwise constitutes a junk motor vehicle pursuant to Sections 505.871 and 505.173 of the Ohio Revised Code; and

WHEREAS, it is in the best interest of Franklin Township (the "Township") and its residents to proceed under Section 505.871 of the Ohio Revised Code in order to remove, or have removed, the Junk Motor Vehicles from the property.

RESOLUTION

NOW THEREFORE, be it resolved by the Board of Township Trustees of Franklin Township, Franklin County, Ohio (the "Board") that the following Resolution be, and it hereby is, adopted:

Section 1. The "Board" hereby determines that a motor vehicle located at 3519 Plainview Dr, Parcel 140-002051-00, in the unincorporated area of the Township (the "Property"), which may be generally described as a

White "Burton" Box Truck Unmoved in Over 2 Years

is three model years or older, apparently inoperable, and thus constitutes a "junk motor vehicle" as defined in Section 505.173 of the Ohio Revised Code.

Section 2. The "Board" hereby determines that it is in the best interest of the "Township" and its residents that the "Board" proceed under Section 505.871 of the Ohio Revised Code, and the "Board" hereby orders that the record owner of the "Property" ("Record Owner"), or the Executor for the estate of the Record Owner or other lawful representative for the Record Owner remove or provide for the removal of the Junk Motor Vehicle from the "Property" within fourteen (14) days of the date of receipt of written notice of the passage of this Resolution.

Section 3. The Board authorizes the Township Administrator to provide written notice to the Record Owner, his representative(s), or the Executor of the estate of the Record Owner, and to the holders of liens of record on the "Property" of the Board's intention to remove or cause the removal of the Junk Motor Vehicle from the "Property" as provided in Section 505.871 (C) of the Ohio Revised Code.

Section 4. If the Record Owner, his representative(s), or the Executor of the estate of the Record Owner does not remove or cause the removal of the Junk Motor Vehicle from the "Property" within fourteen (14) days of receipt of written notice of the passage of this Resolution evidencing the "Board's" intention to remove or cause the removal of the Junk Motor Vehicle from the "Property", then the Township Administrator is authorized to order Township employees, materials and equipment to be used to remove

Adopted: September 21st, 2023

The Junk Motor Vehicle from the Property or to enter into a contract with a motor vehicle salvage dealer or scrap metal processing facility, as defined in Sections 4738.01 and 4737.05 of the Ohio Revised Code, for removal of the Junk Motor Vehicle, and all costs and expenses incurred in connection therewith, in an amount not to exceed \$500.00, shall be paid from the Township's general fund, which funds are hereby appropriated for the purpose.

Section 5. The "Board" hereby directs the Fiscal Officer to certify any and all costs and expenses that the Township incurs in the removal of the Junk Motor Vehicle from the "Property," together with a general description of the "Property" to the Auditor of Franklin County, Ohio, for entry upon the tax duplicate as a lien upon the "Property" to be collected as other taxes and returned to the Township's general fund, all as provided in Section 505.871 of the Ohio Revised Code.

Section 6. The "Board" finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board and that all deliberations of this Board that resulted in formal actions were taken in meetings open to the public, in compliance with all legal requirements, including but not limited to, Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

Section 7. This Resolution shall take effect immediately upon its passage.

Roll was called for the adoption of the Resolution, and the vote was as follows:


Fleshman: YES/ NO **Leezer:** YES/ NO **Horn:** YES/ NO

**BOARD OF TRUSTEES,
FRANKLIN TOWNSHIP,
FRANKLIN COUNTY, OHIO**



John Fleshman, Chairman

Attested to on the 21st day of September 2023



James Leezer, Vice Chairman



Linzie Justus, Fiscal Officer

Ralph Horn, Trustee

Adopted: September 21st, 2023