

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R - 08 - 20 - 40

### **A RESOLUTION DIRECTING CF OHIO OWNER LLC, THE OWNER OF PROPERTY LOCATED AT 101 TREEGLEN WAY, CLAYTON, OHIO, AND KNOWN AS GREENGLEN APARTMENTS, TO DRAIN STAGNANT WATER PURSUANT TO CLAYTON CODIFIED ORDINANCE 531.28**

**WHEREAS**, the City has received complaints relative to a private dry retention basin located at 101 Treeglen Way, Clayton, Ohio, and further known as Greenglen Apartments, and owned by CF Ohio Owner LLC, and managed by Friedman Integrated Real Estate Solutions; and

**WHEREAS**, the City has verified there does exist a problem with the aforementioned dry retention basin causing and continuing to cause water to back up and remain stagnant thereby becoming prejudicial to the health, comfort, safety, welfare, and convenience of the citizens of the neighborhood and thereby creating a nuisance in that, *inter alia*, the stagnant water is causing mosquitoes to congregate and further causing an odor issue; and

**WHEREAS**, Clayton Codified Ordinance 531.28 grants the City the authority and power to adopt and enact a Resolution directing the owner of 101 Treeglen Way, Clayton, Ohio, and known as Greenglen Apartments to remedy the situation which is causing the above referenced nuisance.

### **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That, per Clayton Codified Ordinance 531.28, the City hereby directs CF Ohio Owner LLC, the owner of the property located at 101 Treeglen Way, Clayton, Ohio, and known as Greenglen Apartments, to take all necessary action to permanently remedy and thereby abate the nuisance referenced herein, including, but not limited to, draining the dry retention basin located at 101 Treeglen Way, Clayton, Ohio, and/or removal of obstructions causing the stagnant water and drainage problems and/or enlarging of culverts or covered drains to remedy said nuisance.
2. The Clerk of Council is hereby directed, in addition to the customary publication of Resolutions and Ordinances, to cause a certified copy of this Resolution to be served via Certified Mail, RRR, upon CF Ohio Owner LLC at the following addresses:
  - a. CF Ohio Owner LLC c/o Friedman Integrated Real Estate Solutions, ATTN: Dawn Thomas, 101 Treeglen Way, Dayton, Ohio 45415; and
  - b. CF Ohio Owner LLC, 512 Seventh Avenue, Floor 16, c/o the Chetrit Group, New York, NY 10018; and

- c. CF Ohio Owner LLC, c/o Corporation Service Company, 50 West Broad Street, Suite 1330, Columbus, Ohio 43215.
3. Per Clayton Codified Ordinance 531.28(c), **within 30 days from the date of Certified Mail service** of this Resolution upon CF Ohio Owner LLC, CF Ohio Owner LLC, shall completely abate the herein referenced nuisance by taking all necessary action to permanently remedy and thereby abate the nuisance referenced herein, including, but not limited to, draining the dry retention basin located at 101 Treeglen Way, Clayton, Ohio, and/or removal of obstructions causing the stagnant water and drainage problems and/or enlarging of culverts or covered drains to remedy said nuisance.
4. If the Clerk of Council is unable to obtain service upon CF Ohio Owner LLC via Certified Mail, then per Clayton Codified Ordinance 531.28(c), the Clerk of Council is directed to publish this Resolution in a newspaper of general circulation within the City for two (2) consecutive weeks. If service is accomplished via publication per this Paragraph 4, then CF Ohio Owner LLC shall have **30 days from the date of second publication** to completely abate the herein referenced nuisance by taking all necessary action to permanently remedy and thereby abate the nuisance referenced herein, including, but not limited to, draining the dry retention basin located at 101 Treeglen Way, Clayton, Ohio, and/or removal of obstructions causing the stagnant water and drainage problems and/or enlarging of culverts or covered drains to remedy said nuisance.
5. Per Clayton Codified Ordinance 531.28(d), should CF Ohio Owner LLC, fail to completely abate the nuisance referenced herein as directed and within the time frame directed, the City may enter upon said land, abate said nuisance, and recover the expense thereof from the Owner, said expense being a lien upon the property.

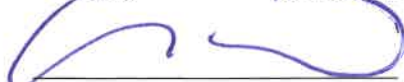
ADOPTED BY COUNCIL ON AUGUST 6, 2020.

AUTHENTICATION:

  
\_\_\_\_\_  
Mayor (Presiding Officer of Council)

  
\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Brockville Star

Date of publication

Aug. 12, 2020

Barbara Stein

CLERK

Ref. C.C.O. 531.28