



City of Mansfield

Tim Theaker, Mayor

Bureau of Building Inspections, License and Permits

30 N. Diamond Street - Mansfield, OH 44902 - (419) 755-9688 Fax (419) 755-9453

www.ci.mansfield.oh.us

DEMOLITION ORDER

September 12, 2023

NAMDAR Realty Group
150 GREAT NECK RD 304
GREAT NECK, NY 11021

Citation #: 23-1328

Date of Orders: September 7, 2023

RE Property Located at: 1157 PARK AVE W
MANSFIELD, OH 44906

Parcel #: 0270213508000

Subsequent Address: 1165, 1169, 1179, 1183, 1187, 1193, 1199, 1201, 1203, 1209, 1217, 1223, 1225, 1227, 1229, 1231, 1233, 1235, 1237, 1239, 1241 and 1255 Park Ave West

Description of Violation: Demolition Inspection on September 14, 2022 by Marc Milliron

Records indicate that you are the owner, representative, lien holder, or mortgage holder of the above described property, it was inspected under the provisions of Chapters 1311 and 1335 of the City Codified Ordinances by the Bureau of Buildings, Inspections, Licenses and Permits and from such inspection it has been determined that the same is declared a nuisance and abandoned, based on the following:

DEMOLISH DETERIORATED SINGLE STORY, BRICK SIDED, COMMERCIAL STRUCTURE WITH MISC. STRUCTURES. STRUCTURE(S) IS DILAPIDATED, ABANDONED AND HAS NO UTILITIES; Severe structural conditions throughout; canopy imposes a lot of weight and is a safety concern for all patrons who are visiting this plaza, support post integrity onto existing footers indicate collapsing. Roof has deteriorated so far as to rotted the membrane, exterior walls failing, bricks and roof caps are in poor condition, large cracks within the wall indicate that footer has been compromised, damage and or missing windows and doors throughout, exit doors nonfunctioning with severe rust, sprinkler system non-functional, severe conditions of mold throughout, interior walls are in deplorable condition, interior ceiling has collapsed do to roof leaks, toilet rooms and plumbing fixtures nonfunctional, electrical system in deplorable condition, HVAC has failed throughout. Exterior light poles are structurally unsafe, with unsafe wiring, and the parking lot contains multiple trip hazards and damage which endanger life and other property.;

It has been determined that the above referenced property "**HAS BEEN DEEMED AS AN UNSAFE BUILDING.**" which is in violation of **Chapter 1311.04 "COMPLIANCE STANDARDS"** of the Codified Ordinances for the City of Mansfield and Ohio Revised Code 3781.06 (A)(1) and 3767.41 (2)(a) deemed public nuisance.

The above described structure was inspected under the provisions of Ohio Board of Building Standards 2017 section 109.4, Unsafe Buildings, on **September 14, 2022**, of the Bureau of Buildings, Inspections, Licenses and Permits and from such inspection it has been determined, upon and after inspection thereof, to be unsecured, unsafe, abandoned, vacant, open and insecure to trespass, structurally defective, liable to fire, Endanger to life, health, or other buildings or property.

Unless otherwise specified, Demolition includes but is not limited to: Removal of all structure(s); Removal of all foundation and basement materials, including but not limited to all masonry, stone concrete, tile, bank-run gravel, and brick and floors from all structure(s); Remove all demolition debris including but not limited to all wood, plastics, old plaster, drywall, masonry, floor, tile, all items remaining in structure(s), and debris and trash; Removal of all exterior debris and trash; Removal of some or all trees and all landscaping materials and fixtures; Removal of all exterior sidewalks and stairs; Removal of fencing and retaining wall(s); Removal of all clothes lines including poles, dog house(s), outhouse(s), storage shed(s), play equipment, pool(s), hot tub(s), flag and light pole(s), abandoned vehicle(s) including car(s), truck(s), boat(s), mower(s), trailer(s) (abandoned means any motorized or un-motorized vehicle(s) left on site), and all other such items; Removal and replacement of deteriorated sidewalks and curbs along street(s); Removal of all driveway(s), parking lot(s), parking space(s), parking pad(s), ramp(s), or other such improvement(s); Removal/abandonment of all utilities, cistern(s), and well(s) in accordance with Ohio Revised Code; Removal and/or appropriate abatement of asbestos containing materials, tire(s), and other hazardous environmental contaminate(s) found on site (including any necessary inspection(s), report(s), and environmental assessment(s)) in accordance with Ohio and Federal EPA standards. **Note:** Removal means all materials are to be removed from the demolition site (site includes the entirety of all parcel(s) listed in this document, unless otherwise specified).

"A specific itemization of the defects and conditions in the building, structure or premises which required the determination made is included in the attached inspection sheet."

This structure is **DEEMED TO BE UNSAFE**, to the life and health of children and the community and is ordered to obtain a licensed demolition contractor to demolish and dispose of properly and all debris from premise within Thirty (30) days from the date of this order.

You are hereby advised that this order can be appealed within TEN (10) days from the date of this order under the provisions of Section 1335.07 of the City Codified Ordinances before the City Planning Commission, included within this appeal approval by the City Planning Commission the owner must provide a Surety Performance Bond in the form of cash, certified check or money order equivalent to \$50,000.00 Bond for Commercial or Industrial, and if the inspection was made by the Bureau of Fire Prevention you may also appeal under the provisions of Section 3737.20 et. seq. of the Ohio Revised Code, **PLEASE NOTE FAILURE TO APPEAL THIS ORDER WITHIN TEN (10) DAYS FROM RECEIVING THIS NOTICE WILL RESULT IN FURTHER PROCESSING OF DEMOLITION PROCEEDINGS.**

Per Section 1335.05(g) An order to the owner, person in charge or occupant that the building, structure, permanently affixed and or premises described in subsection **must have all dangerous conditions enumerated in the attached inspection sheet alleviated and repaired to comply with the relevant cited code within 30 days of receipt for such order.**

Per Section 1335.05(k) Failure to comply with this order within the time stated, or with the order as affirmed or modified upon appeal, the initiating bureau will cause the order to be executed through the use of City forces, materials and equipment or by contract for labor, materials and equipment or both, all at the expense of such owner, person in charge or occupant, subject to the final approval by the Bureau of Buildings, Inspections, Licenses and Permits for the purpose of determining whether or not a subsequent sale of the demolished property could result in replenishing the City of Mansfield's P.R.I.D.E. tax demolition account for any expenditures associated with the demolition process, and that such costs and expenses may be certified to the County Auditor as a lien or special charge against the real estate and collected as are other taxes.

Per Section 1335.09 "remedy for structural concerns" execution of order states whoever fails to comply with an order issued under the provisions of this chapter from which no appeal has been taken, or with the order as finally affirmed or modified upon completion of appellate proceedings, within the time fixed in such order or order of affirmance or modification, then the Bureau may cause such building, other structure or premises to be repaired, secured by boarding up per section 1335.10, torn down, demolished, removed or the dangerous conditions remedied through the use of City employees, equipment and material in accordance and consonance with such order, order of affirmance or modified order. **"EXCEPTIONS MAY BE MADE FOR A COUNTY LAND REUTILIZATION CORPORATION, OR WITH PRIOR WRITTEN APPROVAL BY THE CITY OF MANSFIELD ."** ENCLOSED YOU WILL FIND AN APPEAL FORM TO THIS ORDER.

"NO PERSON OR BUSINESS ENTITY, INCLUDING BUT NOT LIMITED TO ANY FEE TITLE OWNER OR OTHER OWNERSHIP INTEREST IN THE PROPERTY, SUBJECT TO THE DEMOLITION ORDER IS PERMITTED TO ENTER UPON SUCH LAND AND REMOVE, MODIFY, OR AFFECT ANY PHYSICAL PORTION OF THE STRUCTURE(S) WITHOUT THE PRIOR WRITTEN PERMISSION OF THE BUREAU OF BUILDING, INSPECTIONS, LICENSES AND PERMITS.

Per Section 1335.15 at the time of making application for a demolition permit as required by Sections 1335.13 and 1335.17(a), a demolition contractor applicant shall have on file with the Bureau of Buildings, Inspections, Licenses and Permits a bond in the following amounts: Structures under 1,000 sq. ft. will require \$50,000.00 bond and Structures over 1,000 sq. ft. require that their bond must be equal to estimated cost of demolition, including asbestos abatement. Bonds must be approved as to form by the Director of Law, indemnifying the City for all liability arising by reason of the acts of the demolition contractor or his employees while in the pursuit of his business under a demolition permit issued by the City, please note: Bonds must be physically held by the City of Mansfield.

Demolition to be completed pursuant per Section 1335.19 (i) Unless the contract or orders of the City provide otherwise, total removal of the structure to the actual building and property line; and per section 1335.20 (b) (2), the contractor or resident-owner has broken and removed all foundations or slabs to not less than four feet below the ground surface, and has filled all basements, trenches or other depressions with not less than four feet of compacted earth, or with Bureau approval, graded neatly to the existing established grade level, and further depending on the season and or weather permitting has applied seed and straw, unless a building permit has been issued for a structure which will make use of the foundation or slab remaining after demolition.

Per Section 1335.02(c) "Demolish" or "demolition" means the tearing down and removal, so as to require reassembly as new construction if rebuilt, of any dangerous building, shed, fence or other man-made structure permanently affixed to the soil whose original construction cost was five hundred dollars (\$500.00) or more. "Removal of all concrete slabs, foundations, footers, curbs, walkways, parking lots, light poles, signage included".

Per Section 1335.26 It shall be unlawful for the owner of any dwelling unit or structure who has received a demolition order to sell, transfer, mortgage, lease, encumber in any way or otherwise dispose of such dwelling unit or structure to another until consent has been given by the Planning Commission of the City of Mansfield.

This order is lawful pursuant to authority granted by Section 3 Article XVIII of the Ohio Constitution, and Ohio R.C. 715.26, 715.26.1, 715.28, 715.29, 715.44, 3707.01, 3707.02, 3707.021, 3737.14, 3737.22 and 3737.45, 3767.41 and of the general provisions of Ohio R.C. Title 7, for the purpose of safeguarding life, property, health and for the promotion of the peace, health, safety and welfare of the City and its inhabitants.

Alex Marsh
Chief Building Official

Marc Milliron
Building Inspector

Adrian Ackerman
Director, Permitting and Development

Mansfield Bureau of Building Inspections, Licenses, and Permits