



8. On December 18, 2012, the property was officially declared to be a nuisance and Plaintiff was authorized to proceed with demolition of the property. See Exhibit C.
9. Commencing on or about February 15, 2013, Plaintiff through its private, independent demolition contractor demolished the structure located at the property.
10. Plaintiff paid its independent contractors *Nine Thousand One Hundred Eighty One Dollars and 15 Cents (\$9,181.15)* for the aforesaid demolition work performed at the property.
11. On April 26, 2013, Plaintiff issued an Invoice to Defendant for costs associated with demolition. See Exhibit D.
12. To date, Defendant has not paid the Invoice.
13. Pursuant to Ohio Revised Code Section 715.261, Defendant owes to Plaintiff the amount of *Nine Thousand One Hundred Eighty One Dollars and 15 Cents (\$9,181.15)*, together with interest from February 15, 2013, and Defendant has failed or refused to pay said amount.

#### COUNT TWO

14. Plaintiff incorporates herein, by reference, each and every allegation contained in Paragraphs 1-13.
15. As a direct result of Plaintiff's expenditure of funds for the total cost of demolition of the property at 187-189 W. Second St. Defendant has been unjustly enriched at the expense of Plaintiff in the amount listed in Count I.
16. **This lawsuit is an attempt to collect a debt. Any and all information obtained will be used for that purpose.**

**WHEREFORE**, Plaintiff demands judgment against Defendant for the total amount of *Nine Thousand One Hundred Eighty One Dollars and 15 Cents (\$9,181.15)* together with interest, the costs of this action, and such other relief as this Court may deem appropriate.

Respectfully submitted,



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**JOHN R. SPON (0001805)**

Law Director

30 N. Diamond St.

Mansfield, OH 44902

Phone: (419)755-9659

Attorney for Plaintiff

**MICHAEL DEWINE**

**OHIO ATTORNEY GENERAL**



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**JENNIFER L. MILDREN (008756)**

Assistant Attorney General

30 E. Broad St., 15<sup>th</sup> Floor

Columbus, OH 43215

Phone: (614) 466-1795

Attorneys for Plaintiff



## CITY OF MANSFIELD

Mansfield Bureau of Building Inspections, Licenses and Permits  
30 N. Diamond Street Mansfield Ohio 44902  
Ph. 419 -755-9688 Fax 419 - 755-9453

March 2, 2012

DONALD D GRABER  
105 S MAIN STREET  
MANSFIELD, OH 44902

91 7108 2133 3937 2182 1621

Records indicate that you are the owner or person in charge of property located at of the consecutive numbered lots in the City of Mansfield, Ohio. **187-189 W SECOND ST., LOT # 1973 - Parcel ID# 027-01-090-17-000.**

The above described structure was inspected under the provisions of Chapters 1321, 1335 and 1371 of the City Codified Ordinances on 2/29/12 by Lori Donaldson of 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:


**2 - STORY FRAME STRUCTURE. FRONT CONCRETE DECK OVER TWO CAR GARAGE. BAYS DETERIORATED. NO RAILS. RETAINING WALLS AND FOUNDATION PUSHED INWARD ON EAST AND WEST SIDES. REAR BASEMENT ACCESS UNSAFE. TREES AGAINST FOUNDATION. LARGE TREE BRANCH BROKEN OFF AND LYING ON NW CORNER OF ROOF. THIS STRUCTURE IS DETERIORATED AND CONSIDERED A NUISANCE TO THE COMMUNITY. THIS STRUCTURE IS AN EYESORE, AND POSES AN IMMINENT THREAT TO HEALTH, POTENTIAL FOR FIRE AND THE SAFETY OF THE NEIGHBORHOOD AND IS TO BE DEMOLISED UNDER THE CRITERIA DESCRIBED IN CHAPTER 1335 OF THE CODIFIED ORDINANCES OF THE CITY OF MANSFIELD.**

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 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) from the date of this order under the provisions of Section 1335.07 of the City Codified Ordinances before the City Planning Commission, 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.**

Failure to adhere to the demolition order unless the same is appealed, may result in criminal charges being filed in court with possible penalties including a jail sentence of up to six (6) months and a fine of up to one thousand dollars (\$1,000.00) per Section 1335.99 of the Codified Ordinances of the City of Mansfield, or the undersigned will cause the defects and conditions remedied through the use of city forces, materials and equipment, or by a contract for the same or both, all at your cost and expense. Upon failure to pay the costs and expenses, the same will be certified to the County Auditor as a lien or special charge against the land or premises and collected as are other taxes as provided for under Chapters 1335.09 and 1335.12 of the Codified Ordinances of the City of Mansfield.

Enclosed you will find an appeal form to this order.

  
Gaylord Rice  
Manager

  
Lori Donaldson  
Housing Inspector





## CITY OF MANSFIELD

Mansfield Bureau of Building Inspections, Licenses and Permits  
30 N. Diamond Street Mansfield Ohio 44902  
Ph. 419 -755-9688 Fax 419 - 755-9453

AUGUST 17, 2012

DONALD D GRABER  
195 S. MAIN STREET  
MANSFIELD, OH 44902

91 7108 2133 3936 6885 0579

Records indicate that you are the owner or person in charge of property located at of the consecutive numbered lots in the City of Mansfield, Ohio. **187-189 W SECOND ST., LOT # 1973 - Parcel ID# 027-01-090-17-000.**

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Gaylord Rice  
Manager

  
Lori Donaldson  
Housing Inspector



BILL #12-215

ORDINANCE # \_\_\_\_\_

BY: MRS. HIGHTOWER

Declaring the remains of a designated dwelling (187-189 West Second Street) to be insecure, unsafe, structurally defective and unsafe to life and other property; directing the demolition thereof by City forces or contract labor; materials and equipment, and declaring an emergency.

**WHEREAS**, under authority of Section 3, Article XVIII of the Ohio Constitution and §§ 715.26, 715.261, 3737.14 and 3737.28 of the Ohio Revised Code, the City has enacted Chapter 1335 of the Mansfield Codified Ordinances, 1997, relating to the removal and repair of buildings and structures for the purpose of safeguarding life and property and for the promotion of the peace, health, safety and welfare of the City of Mansfield and its inhabitants, and

**WHEREAS**, the Bureau of Buildings, Inspections, Licenses and Permits has, pursuant to Chapter 1335 of the Mansfield Codified Ordinances, 1997, made its inspection and issued its notice and order as pertains to the remains of the building and structure hereinafter described, and

**WHEREAS**, the owner or occupant has failed to comply with the order issued by the Bureau, and

**WHEREAS**, Council is fully advised in this matter by reason of the reports and proceedings of the Bureau.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE  
CITY OF MANSFIELD, STATE OF OHIO:**

**SECTION 1.** That it is hereby determined and declared that the two (2) story, two family wood-frame structure with front concrete deck over two (2) car attached garage located on the premises described in Section 2 hereinafter is insecure, unsafe, structurally defective and unsafe to life and other property by reason of its hazardous and unsound condition, unsound and unsafe walls, floors, foundation and ceilings, and by reason of want of repair, age and dilapidation; and it is hereby further determined and declared that by reason thereof said building or structure is beyond repair and is a nuisance.

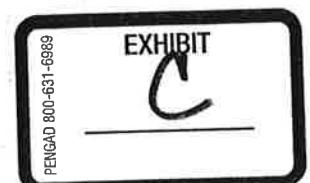
**SECTION 2.** That the premises referred to in Section 1 hereof are described as follows: Situated in the City of Mansfield, County of Richland and State of Ohio: Being parts of inlots numbered Two Thousand Three Hundred Three (#1973) of the consecutive numbers of the sublots in said City and having approximately Seventy and 2/10 feet of frontage on West Second Street and Forty-six and a half feet of frontage on Sturges Avenue.

Permanent Parcel No. 027-01-090-17-000

Owner: Don Graber

Address: 187-189 West Second Street

**SECTION 3.** That the Bureau of Buildings, Inspections, Licenses and Permits is hereby authorized and directed to enter into a contract according to law with a competent and licensed contractor for the provision of labor, materials and equipment for the demolition and removal of the building(s) or structure(s) hereinbefore described, together with the removal of all debris and leveling to grade, or to proceed by force account, in execution of its order





**CITY OF MANSFIELD**

30 N. DIAMOND STREET  
MANSFIELD, OHIO 44902  
755-9688  
Fax: 419/755-9453

**SERVICE INVOICE**

**INVOICE DESCRIPTION:**  
187-189 W. SECOND ST, LOT #1973  
PARCEL.ID # 027-01-090-17-000

INVOICE NUMBER 2013-DMO-10  
USER ID # #1303  
JOB DESCRIPTION DEMOLITION  
BILLING DATE April 26, 2013

DON GRABER AKA DONALD D GRABER AKA  
GRABER FAMILY LIMITED PARTNERSHIP  
1225 PLEASANT VALLEY ROAD  
MANSFIELD, OH 44903

DATE	SERVICE DESCRIPTION		RATE	AMOUNT
3/12/13	SOFT COSTS	1	735.54	735.54
3/12/13	HARD COSTS	1	8310.00	8310.00
3/12/13	ADMINISTRATIVE COSTS	1	135.61	135.61
				<b>\$9,181.15</b>
				<b>TOTAL DUE</b>

MAKE CHECKS PAYABLE TO: CITY OF MANSFIELD -  
CODES DEPT. WITHIN 15 DAYS OF RECEIPT  
30 N. DIAMOND STREET, MANSFIELD OH 44902

