

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

CITY OF COLUMBUS, OHIO

% Zach Klein
Columbus City Attorney, Zone Initiative
375 South High Street, 17th Floor
Columbus, Ohio 43215,

Plaintiff,

v.

OREN H. INVESTMENTS, LLC

c/o Northwest Registered Agent Service Inc. S/A
6545 Market Avenue North, Suite 100
North Canton, Ohio 44721

AND ALSO AT:

1985 W. Henderson Road, Suite 2080
Columbus, Ohio 43220

and

SHARESTATES INVESTMENTS DACL, LLC

c/o Corporation Service Company, Statutory Agent
50 W. Broad Street, Suite 1330
Columbus, Ohio 43215

AND ALSO AT:

45 North Station Plaza, Suite 400
Great Neck, New York 11021

and

ANDREW ASPELL

P.O. Box 44092
Columbus, Ohio 43204

and

**CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER**

373 South High Street, 17th Floor
Columbus, Ohio 43215

Case No.

JUDGE STEPHANIE MINGO

VERIFIED COMPLAINT

FOR INJUNCTIVE RELIEF

Franklin County Recorder's Office, Official Instrument Number 201905010050085 and by being an individual in charge, care and control of the property pursuant to Columbus City Code §4703.01(E) (5) and/or §4703.01(E) (6).

7. Sharestates Investments DALC, LLC holds a mortgage interest in the property, assignment of leases and rents, as filed with the Franklin County Recorder's Office, Official Record Instrument Number 2019910280142935, which could be adversely affected by this action.

8. Andrew Aspell may have an interest in the property by virtue of a pending law suit filed with the Franklin County Court of Common Pleas case number 20CV007041, which could be adversely affected by this action.

9. Cheryl Brooks Sullivan is the duly elected and qualified Treasurer of Franklin County, Ohio, and may claim an interest in the property for unpaid and future taxes. This interest could be adversely affected by this action.

10. The real property that is the subject matter of this complaint is located at 377-387 Lechner Avenue, Columbus, Ohio 43223 known as Franklin County Permanent Parcel No. 010-002953-00, (hereinafter "the Premises"), situated in the City of Columbus, Franklin County, Ohio on which is constructed as a Commercial Property Apartments 4 to 19 Family. This action is also *in rem* with respect to the Premises.

FACTS

11. Oren H. Investments, LLC has been the owners of record of the Premises since May 1, 2019.

12. On or about July 15, 2019, Property Maintenance Inspector James Kohlberg, (hereinafter "Hedrick"), of the Department of Development's Code Enforcement Division had reason to and inspected the Premises located at 377-387 Lechner Avenue, Columbus, Ohio 43223

and observed the violations of the Columbus City Code §§4525, 4707, and 707 as listed in Exhibit A.

13. Kohlberg issued Columbus City Code Violation Notices 19450-01762, (hereinafter “the Order”) to Defendant detailing violations of the Columbus City Code Title 7, Title 47 and Title 45.

14. The Orders stated that the violations needed to be corrected within 30 days of service of the Orders, unless an extension was granted.

15. On or about May 12, 2021, Gregory Hedrick of the Department of Development’s Code Enforcement Division re-inspected the property and found that the property was still not in compliance with Columbus City Code stated in Hedrick’s attached Affidavit. *(See attached Plaintiff’s Exhibit A.)*

16. Plaintiff asserts that the Order was not appealed or complied.

CLAIM FOR RELIEF

17. Plaintiff incorporates the preceding paragraphs 1 through 16 as if fully incorporated herein.

18. By reason of the foregoing, the Premises, in its non-compliant state, does not comply with the provisions of the Health, Sanitation and Safety Code – Title 7, the Housing Code – Title 45 and/or the Nuisance Abatement Code – Title 47.

19. By reason of the foregoing, the Premises, in its non-compliant state, constitutes a public nuisance as defined in R.C. § 3767.41(A) (2)(a) and Columbus City Code § 4703.01(F), §4501.275 and §4101.16.

20. Defendant(s) have a duty to abate the nuisance at 377-387 Lechner Avenue, Columbus, Ohio 43223 by bringing the properties into compliance with the Columbus Health,

Sanitation and Safety Code, Columbus Housing Code and/or the Columbus Nuisance Abatement Code.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Plaintiff demands judgment as follows:

Code Violations

1. A determination that the Premises violates C.C.C. Title 7, Title 45, Title 47 and/or O.R.C. §3767.41.
2. An order requiring the defendant(s) and any successor(s) in interest or title to bring the Premises into compliance with any and all applicable provisions of the Columbus City Code and/or Ohio Revised Code.
3. An order preliminarily and permanently enjoining the defendant(s) and any successor(s) in interest or title from further violating any and all applicable provisions of the Columbus City Code and/or Ohio Revised Code at the Premises.

Public Nuisance

4. A determination that the Premises constitutes and be declared a public nuisance as defined by C.C.C. §§4101.16, 4501.275, 4703.01(F) and/or O.R.C. §3767.41(A) (2).
5. An order preliminarily and permanently enjoining the defendant(s) and any successor(s) in interest or title from maintaining a public nuisance at the Premises.
6. An order preliminarily and permanently enjoining the defendant(s) from maintaining a public nuisance within the territorial limits of Franklin County, Ohio.

Plaintiff to Abate

7. Authorize Plaintiff, Plaintiff's agent pursuant to O.R.C. §715.261(E), and/or Plaintiff's private contractor to enter onto the Premises and perform abatement activity pursuant to C.C.C.

§§4109.06, 4509.06, 4701.08, R.C. §§715.26 and/or 715.261, including, but not limited to, demolishing any and all structures located on the Premises.

8. Authorize Plaintiff, and/or its agent pursuant to O.R.C. §715.261(E), to recover the total cost of abatement activity pursuant to C.C.C. §§4109.06, 4509.06, 4701.08, and/or R.C. §§715.261(B) including, but not limited to: (1) certifying the costs to the county auditor for placement as a charge upon the Premises' tax list, (2) commencing a civil action, and (3) filing a lien on the Premises and pursuing a foreclosure action for a minimum bid equal to the sum of the taxes, penalties, interest, costs, assessments, total cost of abatement activity and any associated court costs and interest.

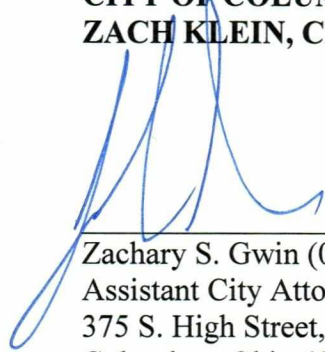
Receivership

9. Appoint a receiver, pursuant to O.R.C. §§1901.131, 2735.01 and/or 3767.41(C)(3).
10. Authorize said receiver to do any and all acts as the Court deems necessary pursuant to O.R.C. §§2735.04 and/or 3767.41 including, but not limited to: (1) repairing or renovating any and all structures on the Premises, (2) demolishing any and all structures on the Premises, and (3) selling the Premises free and clear of any and all liens.
11. Tax as court costs, or otherwise treat as an administrative expense of this matter, pursuant to O.R.C. §§2735.04 and/or 3767.41, any funds that are expended by or on behalf of the receiver.
12. Declare, through an enforceable order, that any and all courts costs and administrative expenses of this matter shall have priority over any and all preexisting liens upon the Premises.

Additional Relief

13. An award of Plaintiff's costs and attorney's fees payable by defendant(s).
14. All such further equitable and other relief as the Court determines Plaintiff to be entitled.

**CITY OF COLUMBUS, DEPARTMENT OF LAW
ZACH KLEIN, CITY ATTORNEY**



Zachary S. Gwin (0092170)

Assistant City Attorney

375 S. High Street, 17th Floor

Columbus, Ohio 43215

614-645-8928 (Tel.)

614-645-6548 (Fax.)

zsgwin@columbus.gov

Counsel for Plaintiff, City of Columbus

AFFIDAVIT

CODE ENFORCEMENT

Now comes **Greg Hedrick** who being first duly cautioned and sworn, stating that I have personal knowledge of the facts contained in this affidavit and that I am competent to testify to the matters stated herein, and state as follows:

1.) I am currently employed by the City of Columbus, Department of Development as a Property Maintenance Inspector. I have been employed with the City of Columbus Code Enforcement Division **3.5** years.

2.) In his capacity as a Property Maintenance **Inspector, James Kohlberg** had reason to initially inspect the property located at **377-387 Lechner Ave** Columbus, Ohio, **43223**, Parcel Number **010-002953**. The date of his original inspection was **7/15/2019**.

3.) During the course of the inspection Property Maintenance **Inspector James Kohlberg** witnessed the following violations of the Columbus City Code:

4707.01 General provision

This vacant structure is not secured in accordance with minimum Columbus City Code standards.

4707.03 Standards for securing and maintaining vacant buildings

This vacant structure is not secured nor maintained in accordance with Columbus City Code standards.

A. Any and all access points (including: windows, doors, etc.) of this structure/dwelling and any other accessory structures/sheds present on the premises require securing with one-half inch (1/2") thick CDX plywood cut/sized to fit tightly.

B. Securing of the CDX plywood requires a minimum of two inch (2") galvanized steel screws or bolts; the plywood must be painted.

707.03 - The exterior premises harbors solid waste items.

709.03 The exterior premises harbors high grass, noxious weeds, and/or rank growth of vegetation (12" or greater in height).

713.03 The exterior premises and the exterior of the structure exhibit rodent and/or vermin harborage.

4525.01 The exterior of this structure is inadequately rodent-proof/vermin-proof - there are animal access points/openings about the exterior of this structure.

4525.03 There are stairways lacking the required handrail on at least on side around the exterior of this structure.

There are stairways that exhibit disrepair, deterioration, and/or spalling materials.

There are porches/porch components that exhibit disrepair/deterioration.

4707.03 Standards for securing and maintaining vacant buildings

This vacant structure is not secured nor maintained in accordance with Columbus City Code standards.

4525.08 The rain carrier system (including gutters, downspouts, connectors, and/or splash guards) is lacking sections/components, exhibits disrepair, and requires maintenance/installation.

4525.11 There are areas of deteriorated stucco/exterior weather-resistant covering.

There are areas of deteriorated soffits/eaves and porch/balcony ceilings.

There are bare, exposed wood surfaces/components on the exterior of this structure, which includes but is not limited to:

- Fascia/rake boards at the front roof peak,**
- Unpainted window/door boards.**



4525.14

There are areas of deteriorated stucco/exterior weather-resistant covering.

There are stairways that exhibit disrepair, deterioration, and/or spalling materials.

There are porches/porch components that exhibit disrepair/deterioration.

4709.03 Designation as a hazardous building

This structure/building was inspected on 07/15/2019 and found to be vacant, and harboring numerous violations of Columbus City Code, Titles 7, 45, and 47, and thus has been declared Hazardous and a Public Nuisance.

4707.07 Reoccupancy of building

This vacant structure/building is Hazardous and a Public Nuisance.

This vacant structure/building is not to be occupied UNLESS and UNTIL a Columbus City Code inspection has been completed by an official with the City of Columbus Code Enforcement Division, declared compliant with minimum code requirements, and an Approval for Occupancy has been issued and is in the possession of the owner/operator.

4.) As a result of these violations, Order **19450-01762** was issued.

5.) I re-inspected the aforementioned property on **5/12/2021** and found the following violations:

4707.01 General provision

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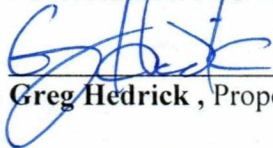
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FURTHER AFFIANT SAYETH NAUGHT.



Greg Hedrick, Property Maintenance Inspector

Sworn to and Subscribed in my presence this 13th day of May, 2021.

By: Deborah D. Coleman, Notary Public



DEBORAH D. COLEMAN
Notary Public, State of Ohio
My Commission Expires:
January 21, 2025