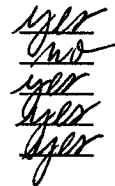


RESOLUTION D-2008

DECLARING A PUBLIC HEALTH NUISANCE IN THE AREA OF BAUERWOODS/ROSEWOOD SUBDIVISIONS IN HAMILTON COUNTY, OHIO

The Board of Health of the Hamilton County General Health District met in regular session on the fourteenth day of July 2008, with the following members present:

Mark Rippe, President
Tracey A. Puthoff, Esq., Vice President
Kenneth G. Amend, M.D.
Jim Brett
Thomas A. Chatham



Mr. Chatham

moved for adoption of the following resolution:

WHEREAS, a real and present public health problem exists within and around the Bauerwoods/Rosewood Subdivision in Colerain Township, Ohio, which constitutes that area to be serviced by a sanitary sewer improvement known as the Bauerwoods/Rosewood Subdivision Sewer Extension Project; and

WHEREAS, the Board of Health of the Hamilton County General Health District has received numerous complaints from citizens living in or around the Bauerwoods/Rosewood Subdivision regarding odors, health concerns and water pollution due to malfunctioning household sewage treatment systems; and

WHEREAS, a sanitary survey and extensive water sampling by the Hamilton County General Health District staff has shown that unsafe and disease conditions exist in the storm sewers and drainageways located within and around the Bauerwoods/Rosewood Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Board of Health of the Hamilton County General Health District pursuant to Section 6117.34 and 6117.51 of the Ohio Revised Code that the proposed sanitary sewer improvement planned for Bauerwoods/Rosewood Subdivision in Colerain Township will eliminate existing health hazards and water pollution in the area; and

BE IT FURTHER RESOLVED that the Board of Health of the Hamilton County General Health District hereby orders the public health nuisance to be abated and declares the area a public health nuisance, pursuant to Ohio Revised Code 307.08 and 6117.39; and

BE IT FURTHER RESOLVED that the Board of Health finds the public health nuisance is caused by an occasion of unavoidable urgency and suddenness due to unsanitary conditions; and

BE IT FURTHER RESOLVED that the Board of Health finds the public health nuisance compels the immediate construction of a sanitary sewer for the protection of the public health and welfare; and

BE IT FURTHER RESOLVED that this Board of Health requests the Director of the Ohio Environmental Protection Agency to conduct such study as is necessary to concur with the findings of this Board and order the immediate construction of the proposed sanitary sewer improvement; and

BE IT FURTHER RESOLVED that this Board of Health of the Hamilton County General Health District find and determine that all formal actions relative to the passage of this resolution were taken in an open meeting of this board and that all deliberations of the board and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full

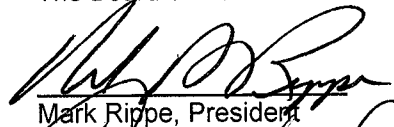
compliance with the applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

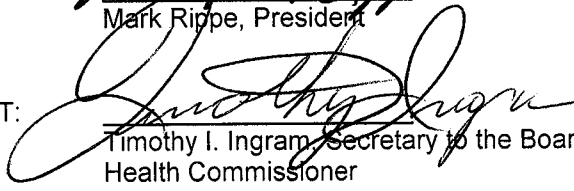
Dr. Amend seconded the motion. Upon roll call, the vote was as follows:

Mark Rippe, President
Tracey A. Puthoff, Esq., Vice President
Kenneth G. Amend, M.D.
Jim Brett
Thomas Chatham

yes
absent
yes
yes
yes

The Board of Health of the Hamilton County General Health District


Mark Rippe, President

ATTEST:  Date: July 14, 2008
Timothy I. Ingram, Secretary to the Board
Health Commissioner

This resolution was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By:  Date: July 21, 2008
Nee Fong Chin
Chief Assistant Prosecuting Attorney