

IN THE FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL DIVISION  
FRANKLIN COUNTY, OHIO

FILED  
17 JUN 20 AM 11:48

STATE EX. REL  
COLUMBUS CITY ATTORNEY  
RICHARD C. PFEIFFER, JR.  
375 South High Street, 17th Floor  
Columbus, Ohio 43215

FRANKLIN COUNTY  
MUNICIPAL COURT  
1000 BROADWAY

2017 EVH 60445

Relator-Plaintiff,

Case No.

v.

Judge Daniel R. Hawkins

ROBERT W. JOHNSON  
6696 Blacklick Eastern Rd.  
Pickerington, Ohio 43147

Parcel No. 010-051211

**ORDER SETTING PRELIMINARY INJUNCTION HEARING DATE**

This cause is before this Court on the request of the Plaintiff, City of Columbus, for a hearing upon its Complaint for Preliminary and Permanent Injunctive Relief. The Court, having reviewed the facts, finds good cause to support the hearing request. Accordingly, the request is hereby granted.

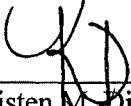
NOW, THEREFORE, it is ORDERED, this cause shall come before this Court for a preliminary injunctive hearing upon Plaintiff's request for relief, including board up of the entire property/all structures. This hearing will be held at 10:00 A.M. on Friday, June 30, 2017. This hearing shall take place in Courtroom 15B located on the 15<sup>th</sup> floor, Franklin County Municipal Court, 375 South High Street, Columbus, Ohio 43215.

SO ORDERED this 20<sup>th</sup> day of June, 2017.

  
JUDGE DANIEL HAWKINS

Prepared by and Respectfully submitted,

CITY OF COLUMBUS, DEPARTMENT OF LAW  
RICHARD C. PFEIFFER, JR., CITY ATTORNEY

  
\_\_\_\_\_  
Kristen M. Dickerson (0088727)

Assistant City Attorney

375 S. High Street, 17<sup>th</sup> Floor

Columbus, Ohio 43215

Phone: (614) 645-8928 (Tel.)

[kmdickerson@columbus.gov](mailto:kmdickerson@columbus.gov)

*Counsel for Relator, Columbus City Attorney*

*Richard C. Pfeiffer Jr.'s Office*

**Copies To:**

**KRISTEN M. DICKERSON**

Assistant City Attorney

375 S. High Street, 17<sup>th</sup> Floor

Columbus, Ohio 43215

*Attorney for Plaintiff*

And

**ROBERT W. JOHNSON**

6696 Blacklick Eastern Rd.

Pickerington, Ohio 43147

**ALSO AT**

11240 Pickerington Rd.

Pickerington, Ohio 43147

And

**UNKNOWN TENANTS/OCCUPANTS**

**OF 441 S. TERRACE AVENUE**

441 S. Terrace Avenue

Columbus, Ohio 43204

And

**LIBERTY SAVINGS BANK, FSB**

2251 Rombach Avenue

Wilmington, Ohio 45177

**ALSO AT**

3435 Airborne Rd., Suite B  
Wilmington, Ohio 45177

And

**REAL PROPERTY AT**  
**441 S. TERRACE AVENUE**  
441 S. Terrace Avenue  
Columbus, Ohio 43204

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ENVIRONMENTAL DIVISION  
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STATE EX. REL  
COLUMBUS CITY ATTORNEY  
RICHARD C. PFEIFFER, JR.  
375 South High Street, 17th Floor  
Columbus, Ohio 43215

Relator-Plaintiff,

v.

ROBERT W. JOHNSON  
6696 Blacklick Eastern Rd.  
Pickerington, Ohio 43147

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UNKNOWN TENANTS/OCCUPANTS  
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ALSO AT

3435 Airborne Rd., Suite B  
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And

REAL PROPERTY AT  
441 S. TERRACE AVENUE  
441 S. Terrace Avenue  
Columbus, Ohio 43204

Respondents-Defendants.

Case No.

**2017 EV H 60445**

Judge Daniel R. Hawkins

Parcel No. 010-051211

FRANKLIN COUNTY  
MUNICIPAL COURT  
1000 N. HIGHWAY  
COLUMBUS, OHIO 43204

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**VERIFIED COMPLAINT FOR PRELIMINARY  
AND PERMANENT INJUNCTIVE RELIEF**

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1. This complaint concerns enforcement of the Ohio Revised Code (hereinafter "R.C.") Chapter 3767 et seq., other code provisions, and common law so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.183.
2. Relator-Plaintiff Richard C. Pfeiffer, Jr. is the duly-elected, sworn, and acting City Attorney for the City of Columbus, Ohio and is a party charged at both common law and by R.C. § 3767.03 with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. Respondent-Defendant / real property that is the subject matter of this complaint is located at 441 S. Terrace Ave., Columbus, Ohio 43204, (hereinafter "the premises" or the "property"), known as Franklin County Permanent Parcel No. 010-051211, situated in the City of Columbus, Franklin County, Ohio.
4. All Respondents-Defendants, other than banks/those only with an interest, have been owners, occupants, and/or persons with charge, care or control of the premises at all times relevant to this Complaint.
5. Respondent-Defendant Robert W. Johnson (hereinafter also referred to as "owner" and/or "landlord") is the record owner of and rental contact for 441 S. Terrace Ave., Columbus, Ohio 43204. (*See Attached Plaintiff's Exhibits A & B*)
6. Respondents-Defendants Unknown Tenants/Occupants have occupied the premises and/or exerted charge, care and control over it.
7. Respondent Liberty Savings Bank, FSB is an interested party to this action based on its lien (see Franklin County Recorder Instrument No. 200807290115553).

8. The premises is a single family dwelling in the Hilltop area less than a half mile from two nearby schools (Burroughs Elementary School; St. Mary Magdalene School).
9. Over the last several months, Columbus Police have been investigating and responding to the property due to complaints of illegal activity, including drugs and prostitution.
10. The general reputation of the property is that it is tied to illegal activity, including drug trafficking and prostitution.
11. Columbus Police Narcotics Division made covert purchases of heavy narcotics at the property using pre-recorded City funds on the following occasions:
  - a. January 9, 2017 (heroin)
  - b. February 1, 2017 (crack-cocaine)
  - c. April 17, 2017 (crack-cocaine)
12. On May 19, 2017, owner "Robert Johnson" signed a certified mail return card, acknowledging receipt of a R.C. 3767 abatement notice letter sent by Columbus Police; this notice letter clearly indicated R.C. 3767, owner responsibility, and the potential for an abatement action (this lawsuit) if the drug offenses/nuisance activity failed to be abated by the owner.
13. The illegal drug activity still continues at the premises.
14. Columbus Police and the surrounding community report daily issues with drug trafficking and prostitution at the property—issues the owner has been well aware of for quite some time.
15. There are multiple Columbus City Code violations as verified by Code Enforcement at the property, also creating a public nuisance per Columbus City Code Title 45 and/or 47 *et al*:

*(See Attached Plaintiff's Exhibit C for Affidavit)*

> 4525.11 – Front porch fascia and soffits missing/in disrepair.

> 4525.08 – Areas of rain carrier system lacking, in need of repair, and/or not being maintained.

Housing Violations pertaining to tent being occupied/used as habitable space in rear yard:

- 4541.025 - The tent structure/dwelling unit in the exterior premises is not approved for purposes of sleeping, dwelling, and/or occupancy because it is not habitable space.
- 4523.05 - The tent structure/dwelling unit in the exterior premises lacks required heating facilities.
- 4523.04 - The tent structure/dwelling unit in the exterior premises lacks the required connection to electric power service.
- 4525.06 - The tent structure/dwelling unit in the exterior premises lacks active water service and/or proper water and sewer connections.
- 4521.01 - The tent structure/dwelling unit in the exterior premises lacks a kitchen sink.
- 4521.02 - The tent structure/dwelling unit in the exterior premises lacks a bathroom with a flush water closet/toilet, lavatory basin, and/or bathtub or shower;
- 4513.03 - The tent structure/dwelling unit in the exterior premises has been declared as Unfit for Human Habitation based on the lack of required utilities and/or facilities, as listed above.

Zoning Violations pertaining to the tent being occupied/used as habitable space in rear yard:

- 3332.035 – More than one single-family dwelling/dwelling unit on one parcel is prohibited
  - Usage of this parcel as a campground and/or for purposes of camping is prohibited.
- 3391.09 – Lacking a Council Variance to initiate a new use at this residential property for uses of camping/campground;
  - A structure/addition for purposes of dwelling has been erected, created, and/or added to this single-family, residential-use structure/parcel which has increased the intensity of use.
- 3305.01 – Lacking a Certificate of Zoning Clearance for:
  - R-3 residential parcel being used as campground;
  - Expansion of primary-use/dwelling on parcel;
  - Creation, expansion of, and/or usage of non-habitable addition and/or temporary-use structure (tent) for purposes of dwelling;
  - The change, use, and/or activity of camping and/or creating a campground on this parcel lacking a Council Variance.

16. The premises is littered with syringe needles and trash.

17. The property is the area one-stop-shop for crack-cocaine and heroin, and the property serves to fuel the habits of addicts, including known prostitutes.

18. People have overdosed at the property, and there is an imminent risk of danger from the property and its nuisance activity.

19. Robert W. Johnson, record-owner of the property, is aware of the nuisance/illegal activity—he has failed to take steps to abate illegal activity at the premises (even after constructive and actual notice of the apparent problems at the property).
20. Relator-Plaintiff alleges that the property is a public nuisance as defined in § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. Title 45 and/or 4703.01(F), and under common law, subject to abatement under R.C. § 3767.
21. Relator-Plaintiff asserts that the premises herein is generally reputed to be kept, conducted, and maintained for the purposes of committing violations of Ohio Revised Code 2925 (Drug Offenses), and for the purposes of illegal activity, including activity involving known prostitutes.
22. Respondents-Defendants are guilty of maintaining a nuisance at the premises, subject to abatement in accordance with R.C. 3767.01 (*et seq.*), for having a structure in violation of the laws pertaining to illegal drugs (including violations of R.C. Chapter 2925, R.C., R.C. 3719.10, etc.); such operations, and criminal activity at the premises, substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.
23. Respondents-Defendants own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
24. Respondents-Defendants at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the People of the City of Columbus (and the health, safety, and welfare of those at 441 S. Terrace Ave., and that of Columbus Police).
25. All Respondents-Defendants (except interested parties/banks) are guilty of maintaining a nuisance at the premises based on their actual and constructive

knowledge of the nuisance, as well as the well-known general reputation of the premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the nuisance.

**JUDGMENT AND RELIEF DEMANDED**

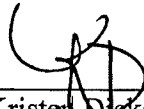
**WHEREFORE**, Relator demands judgment as follows:

1. Per R.C. § 3767 and Ohio Civ.R. 65(B)(1), that the court set a preliminary injunction hearing on the matter, so that the remedies of R.C. Chapter 3767, and/or Ohio Civ.R. 65(B)(1), and/or any equitable remedies may be enforced and the preliminary injunction granted (and all structures at the premises be vacated and boarded up).
2. That the premises be declared a public nuisance as defined in Ohio Revised Code § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. Title 45 and/or 4703.01(F), and under common law, as alleged herein.
3. That all Respondents-Defendants be found to have been guilty of maintaining a public nuisance as defined in R.C. § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, as alleged herein.
4. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants, and any heirs, successors in interest or title, transferees and/or assigns be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of the premises as a public nuisance.
5. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Franklin County, Ohio and/or Columbus, Ohio.
6. On final judgment, the Chief of Police of Columbus, Ohio, be ordered to sell the furniture, fixtures, and moveable property identified herein in the manner provided

- for the sale of chattels under execution, and effectually close the entire premises against its use for a one year period per Civ.R. 65 and R.C. Chapter 3767 *et seq.*
7. To tax Respondents-Defendants \$300 in accordance with Revised Code § 3767.08, plus the costs of this action.
  8. This Court appoint a receiver if needed pursuant to Chapter 2735 of Ohio Revised Code.
  9. An award of Plaintiff's cost and attorneys' fees payable by Defendant(s).
  10. Relator-Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
    - (a) interest on all sums to which Relator-Plaintiff may be entitled;
    - (b) attorneys' fees and costs and expenses of this action; and
    - (c) all such further legal, equitable and other relief this Court determines Relator-Plaintiff to be entitled.

Respectfully submitted,

City of Columbus, Department of Law  
Richard C. Pfeiffer, Jr., City Attorney



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Kristin Dickerson (0088727)  
Assistant City Attorney  
375 South High Street, 17<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 645-8928  
[kmdickerson@columbus.gov](mailto:kmdickerson@columbus.gov)  
*Counsel for the Relator-Plaintiff*

**SPECIAL WARRANTY DEED FOR CORPORATION**

KNOW ALL MEN BY THESE PRESENTS: That Wells Fargo Bank, N.A., whose address is c/o Chase Home Finance LLC, 10790 Rancho Bernardo Road, San Diego, CA 92127 for valuable consideration paid, grants with Limited Warranty covenants to:

Robert W. Johnson , Unmarried

Whose tax mailing address will be: 11240 Pickerington Road  
Pickerington, OH 43147

Situated in the State of Ohio, County of Franklin, City of Columbus and described as follows:

Being Lot Number Two Hundred Ten (210) of Thorpe Bros. Bronx Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 31, Recorder's Office, Franklin County, Ohio. Be the same more or less, but subject to all legal highways.

PPN: 010-051211-00

Commonly known as: 441 South Terrace Avenue, Columbus, OH 43204  
Prior Deed Reference:

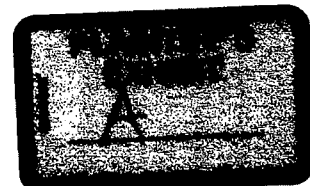
The warranties passing to grantees hereunder are limited solely to those matters arising from acts of the grantor, its agents or representatives, occurring solely during the period of grantor's ownership of the subject real estate.

For the sum of \$14,000.00

Subject to easements and restrictions of record, applicable zoning and taxes and assessments payable after delivery of this deed.

1707

Conveyance
Mandatory- 14.00



IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed this 22<sup>nd</sup> day of January, 2008.

Signed in the presence of:

Witness Valerie Alba, REO Specialist

Witness Emilia S. Hutter

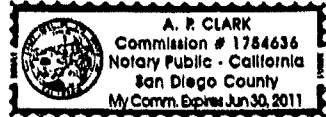
Signed and Sealed  
Wells Fargo Bank, N.A.

By: [Signature]  
Chase Home Finance LLC successor by  
merger to Chase Manhattan Mortgage  
Corporation, as its Attorney in Fact

Its: Jenena Blackburn  
Asst. Vice President

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_ ss.

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of January, 2008, Wells Fargo Bank, N.A., by Chase Home Finance LLC successor by merger to Chase Manhattan Mortgage Corporation, as its Attorney in Fact, by Jenena Blackburn the AVP.



A. P. Clark  
Notary Public, \_\_\_\_\_ County, State of \_\_\_\_\_  
My commission expires:

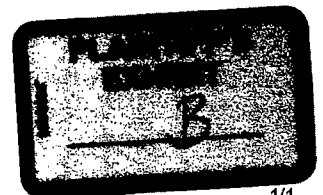
This instrument prepared by  
Paul S. Sanislo, Esq.  
7100 E. Pleasant Valley Road Suite 100  
Independence, OH 44131  
216-520-0050  
File # 52242

Our Office	Your Property	Search	On-Line Tools	Reference	Contact Us
<b>Summary</b>	<b>ParcelID: 010-051211-00</b>	<b>Map-Rt: 010-D062 -099-00</b>			
<b>Land Profile</b>	<b>JOHNSON ROBERT W</b>	<b>441 S TERRACE AV</b>			
<b>Residential</b>	Rental Contact	1 of 1 Return to Search Results			
<b>Commercial</b>	Owner / Contact Name:	ROBERT JOHNSON		Actions	
<b>Improvements</b>	Business Name:			Neighborhood Sales Proximity Search Printable Version Custom Report Builder	
<b>Permits</b>	Title:	OWNER		Reports	
<b>Mapping</b>	Contact Address1:	11240 PICKERINGTON RD		Proximity Report ▲ Map Report ▲ Parcel Summary ▲ Parcel Detail ▼	
<b>Sketch</b>	Contact Address2:	PICKERINGTON		Go	
<b>Photo</b>	City:	43147		Social Media Links	
<b>Cyclomedia</b>	Zip Code:	614-920-1261			
<b>Aerial Photos</b>	Phone Number:				
<b>Transfers</b>	Last Updated:	03/22/2011			
<b>BOR Status</b>					
<b>CAUV Status</b>					
<b>Tax &amp; Payments</b>					
<b>Tax Distribution</b>					
<b>Value History</b>					
<b>Rental Contact</b>					
<b>Quick Links</b>					
<b>Test</b>					

**Disclaimer:**

The information on this web site is prepared from the real property inventory maintained by the Franklin County Auditor's Office. Users of this data are notified that the primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

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# AFFIDAVIT

## CODE ENFORCEMENT

Now comes **James Kohlberg** 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:

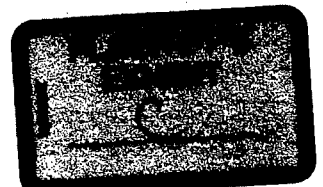
- 1.) I am currently employed by the City of Columbus, Department of Development as a Property Maintenance Inspector. I have been employed with the City of Columbus Code Enforcement Division 1 years.
- 2.) In her capacity as a Property Maintenance Inspector, **Amanda Knisely** had reason to initially inspect the property located at **441 S Terrace Avenue**, Columbus, Ohio, **43204**, Parcel Number **010-051211**. The date of her original inspection was **8/8/2016**.
- 3.) During the course of the inspection Property Maintenance Inspector **Amanda Knisely** witnessed the following violations of the Columbus City Code:
  - > **4525.11 – Front porch fascia and soffits missing/in disrepair.**
  - > **4525.08 – Areas of rain carrier system lacking, in need of repair, and/or not being maintained.**
  - > **4525.09 – The address of the structure is not adequately visible and/or displayed.**
- 4.) As a result of these violations, Order **16440-04560** was issued.
- 5.) I re-inspected the aforementioned property on **6/7/2017** and found the following violations:
  - > **4525.11 – Front porch fascia and soffits missing/in disrepair.**
  - > **4525.08 – Areas of rain carrier system lacking, in need of repair, and/or not being maintained.**

### Housing Violations pertaining to tent being occupied/used as habitable space in rear yard:

- **4541.025 - The tent structure/dwelling unit in the exterior premises is not approved for purposes of sleeping, dwelling, and/or occupancy because it is not habitable space.**
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- **4521.02 - The tent structure/dwelling unit in the exterior premises lacks a bathroom with a flush water closet/toilet, lavatory basin, and/or bathtub or shower;**
- **4513.03 - The tent structure/dwelling unit in the exterior premises has been declared as Unfit for Human Habitation based on the lack of required utilities and/or facilities, as listed above.**


### Zoning Violations pertaining to the tent being occupied/used as habitable space in rear yard:

- **3332.035 – More than one single-family dwelling/dwelling unit on one parcel is prohibited**
  - **Usage of this parcel as a campground and/or for purposes of camping is prohibited.**
- **3391.09 – Lacking a Council Variance to initiate a new use at this residential property for uses of camping/campground;**

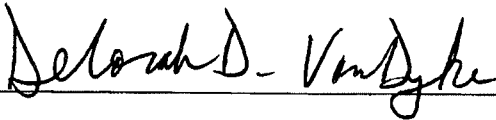


- A structure/addition for purposes of dwelling has been erected, created, and/or added to this single-family, residential-use structure/parcel which has increased the intensity of use.
- 3305.01 – Lacking a Certificate of Zoning Clearance for:
  - R-3 residential parcel being used as campground;
  - Expansion of primary-use/dwelling on parcel;
  - Creation, expansion of, and/or usage of non-habitable addition and/or temporary-use structure (tent) for purposes of dwelling;
  - The change, use, and/or activity of camping and/or creating a campground on this parcel lacking a Council Variance.

FURTHER AFFIANT SAYETH NAUGHT.

  
James Kohlberg, Property Maintenance Inspector

Sworn to and Subscribed in my presence this 19th day of June, 2017.

By:  \_\_\_\_\_, Notary Public



Deborah D. Van Dyke  
Notary Public, State of Ohio  
My Commission Expires 01-21-20

INSTRUCTIONS FOR SERVICE  
and

WAIVER OF NOTIFICATION

FILED  
17 JUN 20 AM 11:28

FRANKLIN COUNTY MUNICIPAL COURT  
ENVIRONMENTAL CIVIL DIVISION, THIRD FLOOR  
375 SOUTH HIGH STREET, COLUMBUS, OHIO 43215

STATE EX. REL  
CITY OF COLUMBUS

VS.

ROBERT W. JOHNSON, ET AL.

2017 EV H 60445

Case No. ....

TO THE CLERK OF COURTS:

You are instructed to make certified mail service, return receipt requested, and bailiff service, to the defendants at the addresses set forth in the caption of this complaint. If service of process by certified mail is returned by the postal authorities with an endorsement of "refused" or "unclaimed" and if the certificate of mailing can be deemed complete not less than five (5) days before any scheduled hearing, the undersigned waives notice of the failure of service by the clerk and requests ordinary mail service in accordance with civil rule 4.6 (c) or (d) and O.R.C. 1923.06.

Kristen M. Dickerson (0088727)  
Assistant City Attorney  
[kmdickerson@columbus.gov](mailto:kmdickerson@columbus.gov)  
City of Columbus 614-645-8928  
ATTORNEY OF RECORD

DATE: 6-20-17

Signature

