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IN THE COURT COMMON PLEAS
SUMMIT COUNTY, OHIO

VILLAGE OF BOSTON HEIGHTS)	CASE NO. CV-2003 11 6883
)	
Plaintiff)	JUDGE MURPHY
)	
-vs-)	
)	
JOHN W. BRUMFIELD, et al.)	
)	STIPULATED PERMANENT
Defendants)	INJUNCTION
)	

This matter is before the Court on Plaintiff's Complaint seeking injunctive relief and declaratory relief against the Defendants, John W. Brumfield and Concrete Dimensions, Inc. regarding the improper use of the real property located at 7740 Olde Eight Road. Plaintiff asserts that Defendant's use of said real property is in violation of the Plaintiff's Codified Ordinances and the Ohio Revised Code.

Defendant, John W. Brumfield, was granted a limited variance by the Board of Zoning Appeals for the Village of Boston Heights in 1983 to operate a landscaping business on the real property located at 7740 Olde Eight Road.

The parties agree and stipulate that a Permanent Injunction should issue that clearly identifies the limited uses that Defendant may conduct on the real property located at 7740 Olde Eight Road to operate a landscaping business. Accordingly, the Defendants are permanently

enjoined as to said landscaping business uses as follows:

1. Defendants shall not park and store more than four (4) 2 axle, one ton commercial vehicles on the property after this date: August 16, 2004. (Personal car/pick-up trucks like those which defendant presently owns are additionally permitted).

2. Defendants shall not park and store more than two landscaping trailers (with or without loaded equipment) on the property. "Utility trailers" such as those used for small boats, personal ATV's and landscapers' mowers were not prohibited in the 1983 variance. If defendants utilize these smaller, towable devices, they shall be parked or stored inside or behind the permitted storage facility shielded from view from Olde Route Eight.

3. Defendants shall not install any commercial signs on the property.

4. Defendants shall not have any offices on the property. Defendants (and spouse) may perform typical "Home Office" functions inside their house such as bookkeeping, filing and related "paper" functions as generally permitted by local authorities' resolutions and/or ordinances.

5. Defendants shall not engage in outside storage of concrete, concrete related materials, landscaping materials used in Defendant's stock-in-trade or used for other off-site business application or delivery, or any other business-related building materials on the property. All other personal, on-site residential-use materials and equipment shall comply with Plaintiff's Codified Ordinances as may be amended.

6. Defendants shall not engage in any grading activities on the subject property without first obtaining a grading plan approved by the Engineer for the Village of Boston Heights.

7. Defendants shall not engage in any other business use on the subject property without the proper authorization from the Plaintiff.

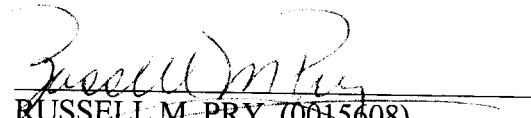
If Defendants violate the terms of this Order, Plaintiff may institute contempt proceedings to enforce this Order and recover attorney fees and all costs associated with the enforcement of this Order. Further, in contempt proceedings, Defendants' use of the property for a landscape business may be revoked if the Court determines that Defendants are in violation of this Order.

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Costs to the Defendant.

IT IS SO ORDERED.


JUDGE JAMES MURPHY


RUSSELL M. PRY (0015608)
Solicitor for the Village of Boston Heights

Telephone approval 7-29-04
GERALD J. PATRONITE (0009229)
Attorney for Defendants