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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2004 MAY 19 10:10 AM

FINDINGS OF FACT AND ACTION TAKEN BY HEARING OFFICER AT HEARING ON AN ORDER ISSUED BY THE BUILDING COMMISSIONER UNDER THE UNSAFE BUILDING ORDINANCE OF THE CITY OF GARY, INDIANA 2004 041419

CASE NO: 7/22/2003

MORRIS COUNTY RECORDER

PROPERTY OWNERS: A & J ENTERPRISES,
OWNER(S) OF RECORD AND ANY OTHER PERSONS
HAVING A SUBSTANTIAL PROPERTY INTEREST** IN UNSAFE
PREMISES, WHICH ARE THE SUBJECT OF THIS ORDER.

PROPERTY ADDRESS: 389-91 S. HAMILTON STREET, GARY, IN 46403
(SEE ATTACHED COPY OF ORDER FOR LEGAL DESCRIPTION)

FINDINGS

PROPER NOTICE GIVEN: YES X NO _____ **MANNER OF SERVICE:** CERTIFIED MAIL

The building subject to the Order constitutes an Unsafe Building within the meaning of the Unsafe Building Ordinance of the City of Gary, Indiana: (YES) (NO).

ORDER AFFIRMED: _____ **ORDER RESCINDED:** _____ **HEARING CONTINUED TO:** _____ ✓

ORDER MODIFIED AS FOLLOWS: _____

A copy of said Order is attached hereto and is made a part hereof.

Performance Bond Posted _____ **Amount \$** _____

Date of Hearing: JULY 22, 2003

Lisa A. Carmouche
LISA A. CARMOUCHE, # 23528-45
Hearing Officer



EXPENSE RECORD ATTACHED: YES _____ NO _____

Subscribed and sworn before me, a Notary Public, in and for the County of Lake and State of Indiana; this

3 day of MAY, 2004.

My Commission Expires: _____

[Signature]

NOTARY PUBLIC

DARYL E. JAMES
Notary Public Seal
State of Indiana Lake County
My Commission Expires 09/28/09

This instrument prepared by: Department of Redevelopment

COST OF DEMOLITION: _____

DATE DEMOLITION COMPLETED: _____

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CITY OF GARY, INDIANA
BUILDING DEPARTMENT
ORDER
DEMOLITION HEARING
JULY 22, 2003
10:00 A.M.
ADAM BENJAMIN TRANSPORTATION CENTER
GPTC BOARD ROOM
100 WEST 4TH AVENUE - 3RD FLOOR
GARY, IN 46402

TO: 389-91 SO. HAMILTON STREET, OWNER(S) OF RECORD and Any Other Persons having a Substantial Property Interest** in unsafe premises, which are the subject of this Order.

PROPERTY ADDRESS (Unsafe Premises):

389-91 SO.HAMILTON STREET, GARY, IN 46403

2. NAME AND ADDRESS OF PROPERTY OWNER(S) AND OTHER PERSONS HAVING A SUBSTANTIAL PROPERTY INTEREST**:

A & J ENTERPRISE, INC., OWNER(S) OF RECORD
389-91 SO.HAMILTON STREET
GARY, IN 46403

John S. Dull, ESQ
Atty. for Lake County Commissioners
Dull & Duggans
8300 Mississippi Street, Suite F
Merrillville, IN 46410

Lake County Treasurer
c/o PRESIDENT, LAKE COUNTY COMMISSIONERS
2293 North Main Street
Crown Point, IN 46307

Lake County Auditor
c/o PRESIDENT, LAKE COUNTY COMMISSIONERS
2293 North Main Street
Crown Point, IN 46307

**The term, "Substantial Property Interest", means any right in real estate susceptible of being affected in a substantial way by actions authorized by the Unsafe Buildings Ordinance of the City of Gary, including, but not limited to, a fee interest, a life estate or future interest, a present possessory interest, or equitable interest of a contract purchaser; or interest reflected by a recorded lease, license, mortgage, land sale contract or lien.

3. LEGAL DESCRIPTION OF REAL ESTATE IN GARY, LAKE COUNTY, INDIANA:

Pt. N2. S.6 T.36 R.7.16A

Key Number: 40-0011-0040

Continued:

4. **ORDER:**

The Building Commissioner, in accordance with the Indiana State Statute (I.C. 36-7-9-4 Unsafe building and unsafe premises), has determined the property to be unsafe for the following reason(s):

- (1) in an impaired structural condition that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.

The building inspection report is on file in the City of Gary, Department of Redevelopment, 100 West 4th Avenue, Suite 202, Gary, IN; and may be reviewed between the hours of 8:30 a.m. and 5:00 p.m.

The Building Commissioner orders that the Property Owner(s) or the Department of Redevelopment demolish the unsafe building and clear the premises of debris. Such operations must begin within ten (10) days from the date of this order.

5. **HEARING:**

A hearing will be held in the Adam Benjamin Transportation Center, 3rd Floor, GPTC Board Room, 100 West 4th Avenue, Gary, Indiana, on **Tuesday, JULY 22, 2003, at 10:00 A.M.** You have the right to appear at the hearing with or without legal counsel and present evidence, cross-examine opposing witnesses, and make argument.

If you appear to request additional time to reconstruct and/or to rehabilitate the building, or correct violations, you must present evidence of your intent to make improvements. (SEE ATTACHMENT.)

If the structure is not demolished and if you fail to appear, the hearing will proceed in your absence; and you will be bound by the determination of the Hearing Officer. The Building Commissioner will act pursuant to the power conferred upon him under the Unsafe Buildings Ordinance.

Continued:

At the conclusion of the hearing, the Hearing Officer may affirm the Order, rescind the Order or modify the Order. If the Hearing Officer affirms the Demolition Order, this structure will be demolished by the City of Gary and the Property Owner(s) will be responsible for all the expenses incurred in processing your case to obtain the action required by this Order.

6. **TRANSFER OF PROPERTY TO A THIRD (3RD) PERSON:**

If the Property Owner intends to transfer this property after receipt of this Notice, and has not complied with the Order, the Owner(s) MUST:

- 1.) Supply full information regarding the Order to any person who may take a substantial property interest in the unsafe premises. This information shall be supplied prior to the time when there is any transfer or agreement to transfer any substantial property interest in the unsafe premises; and
- 2.) Supply the following information to the Building Commissioner in writing within five (5) calendar days, after there is any transfer or agreement to transfer a substantial property interest in the unsafe building:
 - a.) The full name, address, and telephone number of the person(s) taking a substantial property interest in the unsafe premises; and
 - b.) A true and accurate copy of the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

If you have any questions relating to this matter, please contact:

Ann Stewart, Demolition Coordinator
City of Gary, Indiana
Department of Redevelopment
100 West 4th Avenue, Suite 200
Gary, IN 46402
(219) 886-1531.

ALL OF WHICH IS ORDERED THIS 25th day of june, 2003.

7001-1140-0001-2819-6496
Certified Mail Number

Benjamin Robinson
BENJAMIN ROBINSON,
Building Commissioner
401 Broadway - Room 307
Gary, Indiana 46402