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STATE OF INDIANA )  
 ) ss  
 )  
COUNTY OF LAKE )

BEFORE THE BOARD OF PUBLIC WORKS  
AND SAFETY  
CITY OF HAMMOND, INDIANA

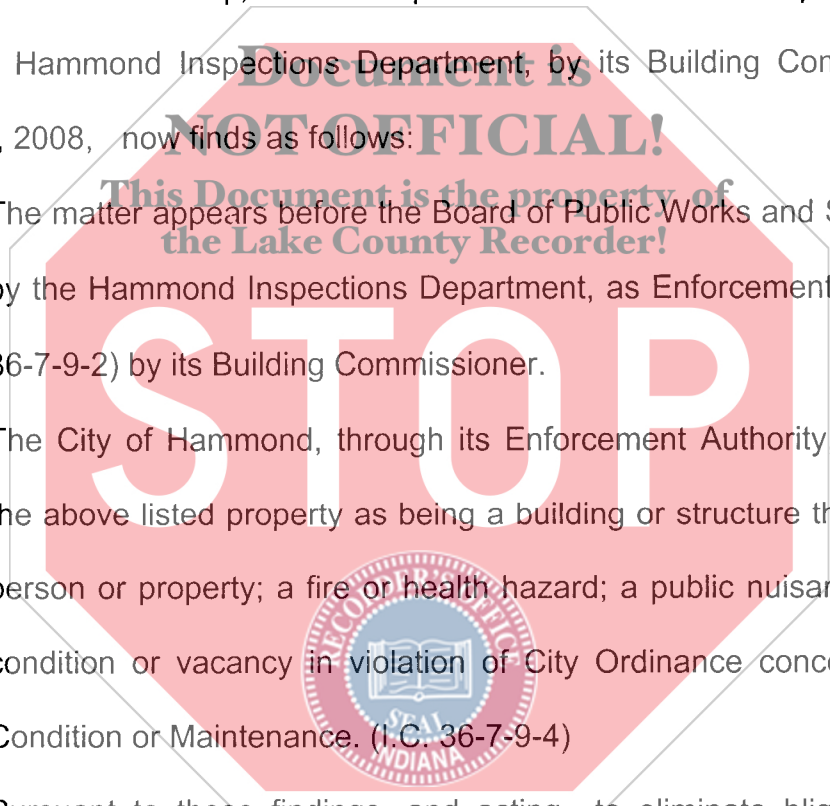
2008 07 54 89

IN RE THE PROPERTY LOCATED AT: 5621 Alice Avenue, Hammond, IN

**FINDINGS AND ORDER**

COMES NOW the Hammond Board of Public Works and Safety, the statutory designated Hearing Authority, acting under the authority of the Unsafe Building Act, Indiana Code 36-7-9-1 et seq., and in response to the Notice to Repair or Demolish issued by the Hammond Inspections Department, by its Building Commissioner, on September 12, 2008, now finds as follows:

1. The matter appears before the Board of Public Works and Safety, brought by the Hammond Inspections Department, as Enforcement Authority (I.C. 36-7-9-2) by its Building Commissioner.
2. The City of Hammond, through its Enforcement Authority, has identified the above listed property as being a building or structure that is unsafe to person or property; a fire or health hazard; a public nuisance and due to condition or vacancy in violation of City Ordinance concerning Building Condition or Maintenance. (I.C. 36-7-9-4)
3. Pursuant to these findings, and acting to eliminate blight and protect public health and safety, the Enforcement Authority issued notice of the condition of the above listed property, and required that the above listed



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property be repaired or demolished, pursuant to I.C. 36-7-9-5.

4. This Notice to Repair or Demolish complied with I.C. 36-7-9-5 and contained the required information including in part, the name of the person to whom the ordered was issued, a legal description and common address of the unsafe premises, the action requested on the unsafe property, the time frame permitted for compliance and notice of the time, date and place of a scheduled hearing before the Hammond Board of Public Works and Safety.

5. Service was made upon all parties possessing a known or recorded fee interest, life estate interest, substantial property interest, or equitable interest in the above listed property, as determined from information maintained by the Lake County Recorder.

6. Service on the above listed property was made upon, in the following manner on the following dates:

Robert R. Kurek, Pers. Rep. Of Est. Of Alex Kurek, Kenon L. Whitaker, Kelly Bardeson, Dawn Whitaker, Penny Whitaker, Terry Whitaker & Kenon Whitaker c/o C. Donald Emery, III, Certified Mail, 9/15/08

Dawn Whitaker, Certified Mail, Returned

Dawn Whitaker, Regular Mail, Returned

Dawn Whitaker, by publication in The Times, October 8 and 9, 2008

Penny Whitaker, Certified Mail, Returned

Penny Whitaker, Regular Mail, September 19, 2008

Penny Whitaker, by publication in The Times, October 8 and 9, 2008

Robert R. Kurek, Kenon L. Whitaker, Kelly Bardeson, Terry Whitaker and Kenon Whitaker, Certified Mail, Returned

Robert R. Kurek, Kenon L. Whitaker, Kelly Bardeson, Terry Whitaker and Kenon Whitaker, Regular Mail, Returned

Robert R. Kurek, Kenon L. Whitaker, Kelly Bardeson, Terry Whitaker and Kenon Whitaker, by publication in The Times, October 8 and 9, 2008

Wilbert Schneider, Certified Mail, Returned

Wilbert Schneider, Regular Mail, Returned

Wilbert Schneider, by publication in The Times, October 8 and 9, 2008

Kimberly Santos, Certified Mail, Returned

Kimberly Santos, Regular Mail, Returned

Kimberly Santos, by publication in The Times, October 8 and 9, 2008

SFMA c/o Richard Lesniak, Certified Mail, September 15, 2008

James Edward Saks, Certified Mail, September 26, 2008

Sumit Garg, Certified Mail, September 20, 2008

National City Bank, Certified Mail, September 13, 2008

Lake County Treasurer, Certified Mail, September 15, 2008

This above manner of service complies with the statutory requirements, and the Hearing Authority determines that a reasonable effort has been made to obtain service.

7. A hearing on the Notice and Order to Repair or Demolish was held before the Hammond Board of Public Works, pursuant to I.C. 36-7-9-7 on Thursday OCTOBER 30, 2008, at 9:00 a.m., and was conducted on that date by the hearing authority at a public meeting.
8. The following persons appeared at the hearing in person or by a

representative, Terry Whitaker-Rodriguez, Kevin Whitaker, Ken Whitaker, Mike Whitaker, Dawn Whitaker, Penny Whitaker and had no objection to the Order issued by the inspection department, nor the action requested. They did not request any further hearing nor oppose the demolition.

9. The property listed above was not substantially repaired nor demolished by the property owner prior to the scheduled hearing and the Notice and Order to Repair or Demolish issued by the Hammond Inspections Department proposes demolition of the unsafe property above, and that recommendation is reasonably related to the condition of the property, the failure of the owners of the property to remedy the condition, and given the nature and use of nearby properties. (36-7-9-5)

10. Demolition of the unsafe property is necessary and reasonable in relation to the present condition of the property, which requires services of the government in excess of ordinary property, and which creates a negative effect on property values, as well as effects the quality of life, and use, of the surrounding area in the City of Hammond.

NOW THEREFORE it is the finding and decision of the Hammond Board of Public Works and Safety to AFFIRM the Notice and Order to Repair and Demolish issued by the Enforcement Authority on the above named unsafe building. This affirmation shall be an ORDER to demolish the structure which shall be recorded in the office of the Recorder of Lake County, Indiana, with demolition of the property to subsequently follow. The costs of this demolition shall be assessed against the

property, and shall constitute a lien on the property.

SO ORDERED this 30<sup>TH</sup> day of October, 2008

Hammond Board of Public Works and Safety

By: William J. O'Connell  
President

Stanley J. Kostelnik  
Vice President

Member

Attest: Er Laville

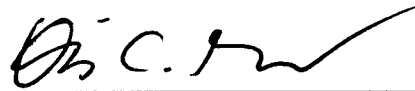
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**This Document is the property of  
the Lake County Recorder!**

**STOP**



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every social Security Number in this document, unless required by law.



Kevin C. Smith

This instrument prepared by: Kevin C. Smith (#18169-45)  
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Dyer, IN 46311  
219-322-8222

