

4

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2009 023709

2009 APR 14 AM 11:57

MICHAEL A. BROWN
RECORDER

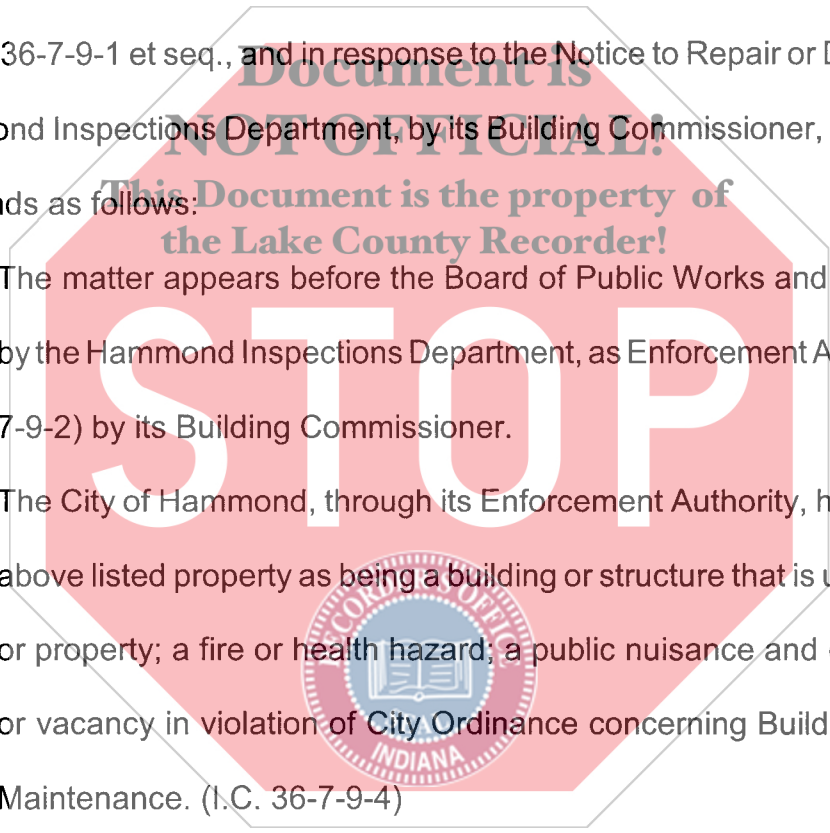
STATE OF INDIANA)	BEFORE THE BOARD OF PUBLIC WORKS
) ss	AND SAFETY
)	
COUNTY OF LAKE)	CITY OF HAMMOND, INDIANA

IN RE THE PROPERTY LOCATED AT: 1520-22 Hoffman Street, Hammond, IN 46327

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 December 8, 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



1

E

1700
8917
RB

health and safety, the Enforcement Authority issued notice of the condition of the above listed property, and required that the above listed 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:

Miguel Andrade, certified mail, 12/13/08

USA Funding Corp, Attn: Amanda Link, certified mail, 12/10/08

EMC Mortgage Corp., certified mail, 12/19/08

EMC Mortgage Corp, regular mail, 12/16/08

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, January 22, 2009, at 9:00 a.m., and was continued upon request of Attorney Kristina L. Garza on behalf of respondent owner. It was reset to Thursday March 12, 2009 at 9:00 a.m. and was continued upon request of Attorney Kristina L. Garza on behalf of respondent owner. It was reset to Thursday, April 9, 2009 at 9:00 a.m. and was conducted on that date by the hearing authority at a public meeting.

8. On March 13, 2009, a letter was sent to the representative of property owner providing notice of the April 9, 2009 hearing.
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 9th day of April, 2009

Hammond Board of Public Works and Safety

By: William J. O'Leary
President

Stanley Dostatni
Vice President

[Signature]
Member

Attest: [Signature]



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.

[Signature]
Kevin C. Smith

This instrument prepared by: Kevin C. Smith (#18169-45)
Rubino, Ruman, Crosmer, Smith, Sersic & Polen
275 Joliet Street, Suite 330
Dyer, IN 46311
219-322-8222