

COUNTY PLAN COMMISSION

PORTER COUNTY

NOTICE OF VIOLATION OF THE PORTER COUNTY UNSAFE BUILDING REGULATIONS AND ORDER TO DEMOLISH OR REPAIR AND NOTICE OF DEMOLITION ORDER THEREON REQUESTED BY THE PORTER COUNTY BUILDING COMMISSIONER AND PLAN COMMISSION

Via Publication, First Class Mail & Certified Mail, Return Receipt Requested

February 26, 2020

Parcel Owner:

Jay T. Kurbis
505 Manor Drive, Apt. 3C
Chesterton, IN 46304

and the unknown heirs, devisees, legatees, husbands, wives, widows, widowers, successors, executors, administrators, personal representatives, guardians, trustees, receivers, and unknown grantees and lessees; and any Party Claiming a Substantial Interest Whose Real Names are Unknown.

RE: 406 Park Ave., Wheeler, IN 46393

Legal Description: Heaths 1st Add Lots 9-11 Blk 16 Dr487 P18 Ditch Wood

Key No.:

64-08-01-357-008.000-019003.000-015

Pursuant to Porter County Unsafe Building Ordinance Number 8.36 and State Statute I.C. 36-7-9 et. seq., you are hereby notified that your property has been inspected and found to be an unsafe building. You are notified to repair or demolish this unsafe structure on or before the hearing date which is more than ten (10) days and less than thirty (30) days from the date of this notice.

You are further notified that a hearing on this property will be held on March 11, 2020 AT 2:00 p.m. before the Hearing Authority at the Office of the Porter County Plan Commission, (Enforcement Authority), for the purpose of reviewing and hearing an order issued by the Enforcement Authority that the above described property be repaired by or, in the alternative demolished by Porter County because of the following particulars which render the property unsafe:

406 Park Ave., Wheeler, IN 46393: The structure is vacant, and has no working utilities. Windows damaged and doors damaged or destroyed by the fire have been secured with plywood. A series of 2 X 6 boards have been braced against the north wall of the structure to prevent what appears to be slight bowing of said wall. The NIPSCO meter has been removed and a lock placed on the gas main.

Violation of Ordinance 8.36 include:

8.36.040 Public nuisance. All buildings, structures or portions thereof which are determined after inspection by the enforcement authority to be unsafe, as defined in this chapter, are declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

Other:

Pursuant to I.C. 36-7-9, these premises are considered a public nuisance and a serious health and fire hazard. This building is abandoned and vacant, and not maintained in a manner that would allow human habitation, occupancy and use. This building has been found to be in an impaired structural condition posing an immediate danger to the life, health and safety of passerby and neighboring properties. The condition of this property is such that it constitutes a hazard to the public health, safety and welfare; and contributes to blight within the community and potentially causing a decrease and decline in property values.

You have a right to appear at the hearing with or without counsel; present evidence; cross-examine opposing witnesses; and present arguments as to why this Notice and Order should be modified or withdrawn. Upon application by you to the Porter County Plan Commission the hearing may be postponed for a reasonable time beyond the hearing date, if in the judgment of the Porter County Plan Commission, you have submitted good and sufficient reason for such a postponement. All hearings on the above listed property are open to the public.

At the conclusion of the scheduled hearing, the Hearing Authority will make and enter written findings and take action to:

1. Affirm the order of the Enforcement Authority

that the property in question should be ordered to be repaired or in the alternative, ordered to be demolished. If no party appears for the hearing this notice is automatically considered an Order to Demolish. An Order issued by the Hearing Authority will be recorded with the Porter county Recorder;

2. Rescind that order; or

3. Modify that order; or

4. Continue the hearing for good cause.

If you fail to appear, the above-described action will be ordered to be performed by you within the number of days prescribed by the Porter County Plan Commission, for the date of the hearing.

If you fail to complete ordered action within the number of days prescribed by the Porter County Plan Commission from the date of hearing, this agency will cause the ordered work to be performed by a contractor who has been awarded a contract to perform such work or by the agency's own personnel. You will be liable and charged for all costs and expenses incurred for performing said work, and these costs will be placed as a lien upon the property. If you are aggrieved by the decision of the Hearing Authority, you may seek relief by submitting within ten (10) days after the decision, an appeal to the Circuit or Superior Court of Porter County. Such an appeal is prosecuted by filing a verified complaint setting forth a copy of this Notice as affirmed by the Hearing Authority and the date thereof, and a copy of the decision of the Hearing Authority, from which you are appealing, and the date thereof. Furthermore, the Porter County Plan Commission may determine the property to be abandoned pursuant to I.C. 36-7-37.

If you transfer your interest to the above-described property to any subsequent interest holder after the date you receive this notice, I.C. 36-7-9 et. seq. requires that you must do the following:

(1) Must supply full information regarding this notice to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and

(2) Must within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the Enforcement Authority with written copies of:

a. The full name, address and telephone number of the person taking a substantial property interest in the unsafe premises; and

b. The legal instrument under which the transfer of agreement to transfer the substantial property interest is accomplished.

If you fail to inform either a subsequent interest holder or this agency as required above, you will be held liable for any losses, attorney fees and other costs incurred in defending any actions taken against this agency because of your failure to inform. Any and all written responses to this notice must be directed to the attorney listed below.

Robert Thompson
Director,
Development & Storm Water Management
155 Indiana Ave., Suite 311
Valparaiso, IN 46383
(219)465-3540

By: _____

Scott R. McClure
RHAME, ELWOOD & MCCLURE, P.C.
3200 Willowcreek Rd., Suite A
Portage, IN 46368
(219)762-0494

Attorney for Porter County

2/28, 3/6/20 - hspaxlp