

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

June 28th, 2019

Parcel Owner: Richard R. & Carol M. Simcox

769 Heritage Rd., Valparaiso, IN 46385

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

RE: 769 Heritage Rd., Valparaiso, IN 46385

Legal Description: Lot 38 in block 7 of the St.
Michael American - Russian Home and institu-
tion, 1st Addition

Key No.:

64-06-29-251-033.000-015-251-003.000-015

Pursuant to Porter County Unsafe Building Or-
dinance 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 re-
pair or demolish this unsafe structure on or be-
fore 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 August 6, 2019 at 1:00
p.m. before the Hearing Authority at the Office
of the Porter County Plan Commission, (En-
forcement Authority), for the purpose of review-
ing and hearing an order issued by the Enforce-
ment Authority that the above described prop-
erty be repaired by or, in the alternative demol-
ished by Porter County because of the following
particulars which render the property unsafe:

769 Heritage Rd., Valparaiso, IN 46385, is a
burned out shell of a residential structure. The
roof is not existing and walls have collapsed.
The structure is open and dangerous to the
public. The burned out residential structure has
been in this condition for several years. This
structure is totally inhabitable.

Violation of Ordinance 8.36 include:

8.36.040 Public nuisance. All buildings, struc-
tures or portions thereof which are determined
after inspection by the enforcement authority to
be unsafe, as defined in this chapter, are de-
clared to be a public nuisance and shall be
abated by repair, rehabilitation, demolition or re-
moval.

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 aban-
doned and vacant, and not maintained in a
manner that would allow human habitation, oc-
cupancy 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 con-
stitutes 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-ex-
amine opposing witnesses; and present argu-
ments 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

7/5, 7/12/19 - hspaxlp