

**SILAS ZARTMAN  
ENFORCEMENT AUTHORITY  
WABASH CITY HALL  
202 S. WABASH STREET  
WABASH, INDIANA 46992  
(260) 563-4171**

**HEARING NOTICE FOR UNSAFE BUILDING**

Date: April 5, 2024

**RE: ORDER TO REMOVE and/or REPAIR: 362 E Hill St. Wabash, IN 46992**

**Legal Description:** The following described real estate situated in Wabash County, State of Indiana:

The following described real estate situated in Wabash County, State of Indiana:

Thirty (30) feet off the entire east side of Lot Number Thirty-one (31) in Eastern Addition (as recorded on pages 114 & 115 in Plat Book #2 in the Office of the Recorder of Wabash County, Indiana), to the City of Wabash.

Parcel ID- 85-14-11-401-140.000-009

As the Enforcement Authority for the City of Wabash, Indiana, you are hereby advised of the following:

**YOU ARE HEREBY NOTIFIED** that your building(s), and structure(s) located at **362 E Hill St. Wabash, IN 46992**, has/have been declared, by this office, to be unsafe requiring their removal.

The property has been vacant since the death of a previous owner in 2007. It was the subject of an unsafe structure hearing in 2018, but the hearing was discontinued due to the County Health Department condemning the house on September 20, 2018. The structure has remained vacant and was sold in the county tax sale in 2019. The current owner was contacted by the Building Department in 2022 and 2023 to determine the intent regarding repairs or remodel. There have been no permit applications or construction activity noted regarding this property. There are no utilities, and the house is not habitable.

**IN ACCORDANCE WITH INDIANA CODE 36-7-9-7, YOU ARE FURTHER NOTIFIED THAT** a hearing on this declaration of Unsafe Building has been scheduled before the Board of Public Works and Safety (“Hearing Authority”), Wabash City Hall, 202 S. Wabash Street, Wabash, Indiana 46992, **at 4:00 p.m., May 2, 2024.**

**YOU ARE FURTHER NOTIFIED THAT** you, along with any other person or entity holding a substantial property interest in the unsafe premises, are entitled to appear at the above scheduled hearing, with or without legal counsel, present evidence, cross examine opposing witnesses, and present arguments.

**AFFIDAVIT OF SERVICE  
IN COMPLIANCE WITH I.C. 36-7-9-25**

I, Silas Zartman, who being duly sworn upon his/her oath, deposes and says:

1. I am over the age of eighteen (18) years, have personal knowledge of the matters stated herein and am competent to testify to the matters set forth herein.
2. I am the Code Enforcement Officer for the City of Wabash, Indiana.
3. I sent, by certified mail, return receipt requested, a Notice of Declaration of Unsafe Building on April 5, 2024 (copy attached) to the following:

**NAME AND ADDRESS**

**DATE & NATURE OF RETURN**

	Certified Mail – return receipt received on _____
IBYH LLC PO BOX 323 SPRINGPORT, IN 47386	_____
	_____
	_____
	_____
	_____
	_____

4. I also recorded a copy of this notice of Declaration of Unsafe Building, dated April 5, 2024, with the office of the Recorder of Wabash County, Indiana.
5. I, Silas Zartman, affirm under the pains and penalties for perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief this 5th day of April 2024.

The City of Wabash desires to make reasonable accommodations to persons with handicaps or disabilities in order that all persons may fully participate in the public hearing. In that regard, if you need reasonable accommodations to attend a public meeting, you are to contact the Mayor's Secretary, ADA Coordinator, Wabash City Hall, 202 South Wabash Street, Wabash, Indiana 46992, (260) 563-4171 between 8:00 a.m. and 4:00 p.m., at least twenty-four (24) hours prior to the meeting. Please indicate the accommodation requested and every reasonable effort will be made to comply with your request.

**IT IS THE INTENTION OF THIS OFFICE TO PURSUE A DECLARATION OF UNSAFE BUILDING AND TO OBTAIN AN ORDER REQUIRING THE REMOVAL and/or REPAIR WITHIN NO MORE THAN 30 DAYS FOLLOWING THE DATE OF THIS HEARING ON May 2, 2024.**

**IN THE EVENT THIS DETERMINATION OF UNSAFE BUILDING IS UPHELD** at the above referenced hearing, the following actions may be taken in the event you fail to comply with this Order:

1. The City of Wabash may remove the unsafe building(s) and/or structure(s) through its own workforce or obtain public bids for the removal of the unsafe building(s) and/or structure(s);
2. The City of Wabash may file a lawsuit seeking an injunction requiring you to take the ordered actions;
3. Civil penalties may be imposed;
4. A suit for costs may be instituted.

The above referenced actions are not exclusive but are provided to briefly indicate what action(s) may be taken if this Order is not complied with.

In addition to the following, and in accordance with Indiana Code 36-7-9-27, **YOU ARE FURTHER NOTIFIED THAT:**

- (A) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:
  - (1) Must supply full information regarding the order 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;
  - (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 or agreement to transfer the substantial property interest is accomplished.

If you have questions, please contact me at the above address or phone number.

\_\_\_\_\_  
Silas Zartman  
Code Enforcement Officer  
City of Wabash, Indiana

STATE OF INDIANA        )  
                                  ) SS:        IBYH, LLC  
COUNTY OF WABASH     )

Before me, a Notary Public, residing in Wabash County, State of Indiana, this 5th day of April 2024, personally appeared the above named, Silas Zartman, and acknowledged the execution of the foregoing Hearing Notice for Unsafe Building for the uses and purposes contained therein.

Commission Expires:

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

This instrument was prepared by:

Silas Zartman  
Code Enforcement Officer  
City of Wabash  
202 S. Wabash St.  
Wabash, IN 46992