

COMMON COUNCIL OF THE CITY OF HOBART

RESOLUTION NO. 2024- 16

A Resolution in Support of the City of Hobart's Unsafe Building Hearing Authority's July 5, 2023 Order and Subsequent Lake Superior Court Order Designating the Real Property Located at 235 Main Street Hobart, IN as an Unsafe Building Requiring Demolition

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City"), on behalf of the City, support the City's obligation to establish regulations for the health, safety and welfare of its citizens; and

WHEREAS, the City has adopted the Indiana Unsafe Building Law (I.C. 36-7-9 *et seq.*), which expressly allows the legislative body of a municipality to adopt the statute by ordinance, and it requires such an ordinance to specify which unit will enforce the statute; and

WHEREAS, the City's Building Department administers its enforcement of the Unsafe Building Law and the City's Building Official is its enforcement authority under Hobart Municipal Code §150.111(A) & (B)); and

WHEREAS, the City's Unsafe Building Hearing Authority, enabled by Hobart Municipal Code §150.110 *et seq.*, acting by and through the City of Hobart Board of Public Works and Safety, issues Findings supported by evidence regarding the determination of property deemed unsafe and, pursuant to §I.C. 36-7-9-8, the review of such Findings is subject exclusively to the Circuit or Superior Court of the county in which the unsafe premises are located; and

WHEREAS, on July 5, 2023, the City's Unsafe Building Hearing Authority issued an Order finding the real property located at 235 Main Street Hobart, IN was a vacant building in unsafe and dangerous condition posing a threat to the public, and barring immediate action, was ordered to be demolished and all remaining debris removed (a true and accurate copy of the referenced Order issued by the Unsafe Building Hearing Authority is attached herewith as Exhibit A and incorporated by reference); and

WHEREAS, the owner of the referenced real property failed to comply with the protective actions required by the City's Unsafe Building Hearing Authority and on August 2, 2023, a Demolition Order for the property was filed with the Lake County Recorder Document No. 2023-019680; and

WHEREAS, as prescribed by Indiana Unsafe Building Law statute, the owner of the real property filed an appeal of the City's Unsafe Building Hearing Authority's Demolition Order to the Lake County Superior Court under Cause No. 45DO2-2311-CT-001304 in which a disposition in favor of the City was issued on March 8, 2024 (a true and accurate copy of the referenced Order issued by the Lake County Superior Court is attached herewith as Exhibit B and incorporated by reference); and

WHEREAS, the owner, having unsuccessfully exhausted his administrative and legal remedies pursuant to the Indiana Unsafe Building Statute Law, now seeks review by the Council regarding the pending Demolition of the referenced property despite the Council's ceding of

authority to the City's Unsafe Building Hearing Authority and the Lake County Circuit / Superior Court pursuant to the prescribed statutory remedies; and

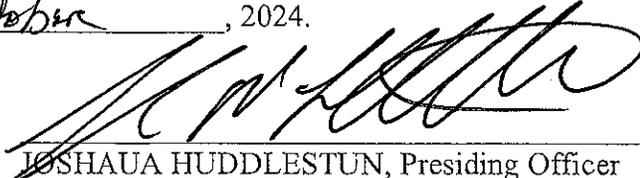
WHEREAS, the Council, as the legislative body charged with enacting and upholding all regulations that promote the safety and welfare of the citizens of Hobart, acknowledges and supports the determinations of the City's Unsafe Building Hearing Authority and the Lake County Superior Court, which upheld its July 5, 2023 Order; and

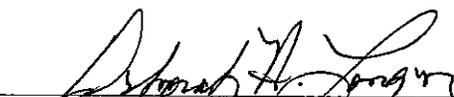
WHEREAS, the Council now wishes to spread its acknowledgment of the validity of the Findings and subsequent Order of Demolition issued by the City's Unsafe Building Hearing Authority upon the public record.

THEREFORE, BE IT RESOLVED by the Common Council of the City of Hobart, Indiana as follows:

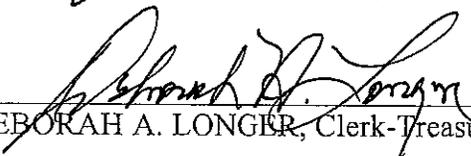
The Council hereby defers, as prescribed by statute, to the Findings and Order of the Unsafe Building Hearing Authority pertaining to demolition of the real property located at 235 Main Street, Hobart, IN issued on July 5, 2023 and recorded on August 2, 2023 (Document No. 2023-019680), and to the subsequent disposition of the appeal before the Lake Superior Court under Cause No. 45DO2-2311-CT-001304, and supports all such findings as determined by the forums lawfully identified by this Council and the Indiana Legislature to administer the City of Hobart Unsafe Building Ordinance (HMC § 150.110 *et. seq.*).

ALL OF WHICH, is adopted as the Resolution of the Common Council of the City of Hobart on this 2nd day of October, 2024.


JOSHUA HUDDLESTUN, Presiding Officer

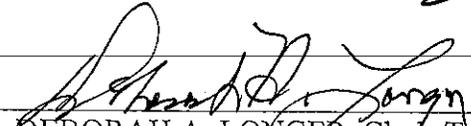
ATTEST: 
DEBORAH A. LONGER, Clerk Treasurer

PRESENTED by me to the Mayor of the City of Hobart, Indiana this 2nd day of October, 2024, at 7:00 pm. o'clock.

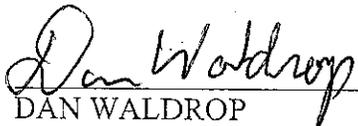

DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, SIGNED, and RETURNED by me as Mayor of the City of Hobart, Indiana, to the Common Council of the City of Hobart, Indiana, this 2nd day of October, 2024.


JOSHUA HUDDLESTUN, Mayor

ATTEST: 
DEBORAH A. LONGER, Clerk-Treasurer

Members of the Hobart Common Council

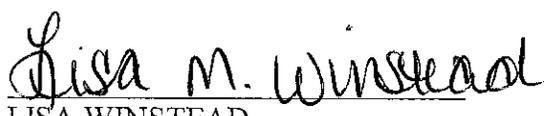

DAN WALDROP

MATTHEW CLAUSSEN


MARK KOPIL

MARK KARA


MICHAEL RODRIGUEZ


LISA WINSTEAD


WILLIAM PERRYMAN

GINA PIMENTEL
RECORDER

2023-019680

STATE OF INDIANA
LAKE COUNTY
RECORDED AS PRESENTED

10:38 AM 2023 Aug 2

2

ORDER OF THE CITY OF HOBART UNSAFE BUILDING HEARING AUTHORITY

A PUBLIC HEARING WAS HELD BEFORE THE CITY OF HOBART UNSAFE BUILDING HEARING AUTHORITY, 414 MAIN STREET, HOBART, INDIANA

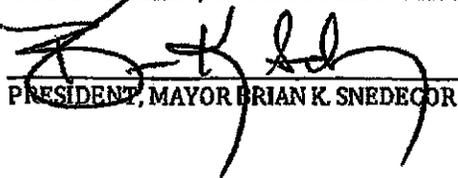
1. **DATE OF HEARING:** Wednesday, July 5, 2023, at 3:30 p.m. in the Council Chambers on the second (2nd) floor of City of Hobart City Hall, 414 Main Street, Hobart, Indiana
2. **PROPERTY:** 235 Main Street, Hobart, IN 46342
3. **LEGAL DESCRIPTION:** Attached
4. **OWNER:** Batalis Inc./Jimmy Batalis

ABOVE STATED HEARING WAS HELD AND THE CITY OF HOBART BOARD OF PUBLIC WORKS AND SAFETY, ACTING AS THE UNSAFE BUILDING HEARING AUTHORITY, AFFIRMS THE UNSAFE BUILDING OFFICIAL'S ORDER AND NOW FINDS AS FOLLOWS:

THE OWNER IS ALLOWED FIVE (5) BUSINESS DAYS TO PROVIDE A COPY OF AN EXECUTED CONTRACT FOR RECONSTRUCTING THE STRUCTURES IN QUESTION AND TRANSFER OF \$15,000.00 DOWN PAYMENT TO THE CONTRACTOR. IF THE OWNER FAILS TO DO SO, PURSUANT TO THE PROVISIONS CONTAINED IN THE DULY ADOPTED City of Hobart Municipal Code Unsafe Buildings § 150.110 et. seq. (Ordinance No. 1747), THE STRUCTURES AND IMMEDIATELY SURROUNDING PREMISES LOCATED AT 235 MAIN STREET, HOBART, INDIANA 46342 AND STATED MORE ACCURATELY ABOVE AND ON THE ATTACHED DOCUMENTS IS A VACANT BUILDING WHICH IS UNSAFE AND A DANGEROUS CONDITION. THEREFORE, BY ORDER OF THE CITY OF HOBART UNSAFE BUILDING HEARING AUTHORITY, THE STRUCTURES IN QUESTION SHALL BE DEMOLISHED AND ALL REMAINING DEBRIS SHALL BE REMOVED. FURTHER, THE PROPERTY SHALL BE GRADED SUCH THAT IT DOES NOT POSE A THREAT TO THE PUBLIC.

SO ORDERED THIS 5th DAY OF JULY, 2023 CITY OF HOBART UNSAFE HEARINGS AUTHORITY.

CITY OF HOBART, UNSAFE BUILDING AUTHORITY


PRESIDENT, MAYOR BRIAN K. SNEDECOR

2500
Cash
SP

ATTEST


CLERK-TREASURER, DEBORAH A. LONGER

EXHIBIT A

235 MAIN STREET LEGAL DESCRIPTION

THE NORTH 32 FEET OF LOT 21 AND THE SOUTH 1/2 OF LOT 22, ORIGINAL TOWN OF HOBART,
NOW THE CITY OF HOBART, AS PER PLAT THEREOF, RECORDED IN MISCELLANEOUS RECORD
"D" PAGE 423, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

Prepared by: City Attorney Heather McLaughlin

STATE OF INDIANA) IN THE LAKE SUPERIOR COURT
) SS:
COUNTY OF LAKE) CIVIL DIVISION, ROOM 5

Harold Killian, and)
Jimmie Batalis,)
Plaintiffs,)

v.) CAUSE NO: 45D05-2308-PL-000531

City of Hobart, Unsafe Building)
Hearing Authority, Brian K. Snedecor,)
in his official capacity as Mayor of the)
City of Hobart and Member of the)
Board of Public Works and Safety, Rich Lain,)
in his official capacity as Member of the)
Board of Public Works and Safety,)
Deborah Longer, in her official capacity as)
Member of the Board of Public Works and)
Safety and, Clerk-Treasurer for the City of)
Hobart, Karen Hansen, in her official)
capacity as Building Official for the City of)
Hobart,)
Defendants.)

Filed in Open Court

March 8, 2024


Judge, Lake Superior Court
Civil Division, Court Room 5
so

ORDER GRANTING MOTION TO DISMISS

Defendant, City of Hobart (also sued as Unsafe Building Authority, Brian Snedecor, in his official capacity as Mayor of the City of Hobart and Member of the Board of Public Works and Safety, Rich Lain, in his official capacity as Member of the Board of Public Works and Safety, Deborah Longer, in her official capacity as Member of the Board of Public Works and Safety and Clerk-Treasurer for the City of Hobart, Karen Hansen, in her official capacity as Building Official for the City of Hobart), filed a Motion to Dismiss pursuant to T.R. 12(B)(6).

The Court, being duly advised, now **GRANTS** the motion.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that Plaintiff Harold Killian's claims, which were brought in his personal capacity, are dismissed with prejudice. It is also **ORDERED, ADJUDGED, AND DECREED** by the Court that Plaintiffs'

claims against the Unsafe Building Hearing Authority, Brian Snedecor, in his official capacity as Mayor of the City of Hobart and Member of the Board of Public Works and Safety, Rich Lain, in his official capacity as Member of the Board of Public Works and Safety, Deborah Longer, in her official capacity as Member of the Board of Public Works and Safety and Clerk-Treasurer for the City of Hobart, and Karen Hansen, in her official capacity as Building Official for the City of Hobart, are dismissed with prejudice.

SO ORDERED.

Date: March 8, 2024



Stephen E. Scheele, Judge
Lake Superior Court, Civil Room Five

Distribution:
Eric D. Neff
Steve Tyler/Ryan A. Cook