

## **HIGHLAND PLAN COMMISSION**

Minutes of the Special Meeting of  
Wednesday, January 17, 2018

The Highland Plan Commission met at a special meeting on January 17, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The meeting opened at 6:00 P.M. led by Commissioner Schocke. The Pledge of Allegiance was led by Commissioner Martini.

**ROLL CALL** Present on roll call: Commissioners: Mark Schocke, Joseph Grzynski, Mark Kendra, Thomas Vander Woude and Bernie Zemen. Absent: Commissioners: Turich and Martini. Also present: Jared Tauber, Attorney and Ken Mika, Building Commissioner.

**MINUTES:** None.

**ANNOUNCEMENTS:** The next study session will be held on February 7, 2018 at 6:30 P.M. The next business meeting will be held on February 21 at 7:00 P.M.

**COMMUNICATION:** None.

**NEW BUSINESS:** Commissioner Schocke opened up the unsafe building public hearing for the location of 9135 Southmoor. He recognized Attorney Jared Tauber representing the Town and Mr. Mika.

Attorney Tauber asked Mr. Mika to describe the property. Mr. Mika stated he believed that the property has been vacant for about four years. During the winter months some pipes had frozen, the water has been turned off as well as NIPSCO for non-payment. He believes that occasionally someone did live there but they claim they are homeless. He described the interior condition of the house and garage as being unsanitary. There are items strewn all over and things have just been left where they were. The garage is a large fire load due to a lot of newspaper etc. The house is secured. The Highland Police Department have been there on several occasions regarding cats as well as Commissioner Zemen. They had secured the entrance into the house that the cats used, however for some reason it still became compromised.

The Town has been maintaining the cutting of the grass. There had been several unsuccessful attempts to address the property maintenance issues with the previous owners and there is difficulty in contacting them. He continued that when he went to post the notice on the house, he had noticed a posting also stating that the redemption period had passed as the house had been sold at a tax sale.

Attorney Tauber entered Exhibit 1 into the record. Mr. Mika described the photographs in the exhibit as being both of the exterior and interior of the property. Both the electric and gas meters have either been locked out or removed from the property.

Attorney Tauber described the process. When they are notified by Mr. Mika they prepare a document giving the owners a certain amount of time to fix the issues with the property or do something with it.

Attorney Tauber entered Exhibit 2 into the record. This was documentation of the certified mailing to Ms. Kay Jamison of the Order Requiring Action Relative to Unsafe Premises. There was also a title search done on the property which showed the owners of record as Howard and Nancy Jamison who have been deceased for several years. The only surviving daughter they know of is Ms. Kay Jamison. As they went through the

process they found out that the property had been sold at a tax sale and explained the tax sale process. The purchaser of the property bids on the property and puts money down. The owner of the property then has one year to redeem the property by paying the taxes and some additional costs. After the expiration of the redemption period, the purchaser has to petition the court for a deed to the property. In this case the purchaser was Nebraska Alliance/Graymor. He introduced Ms. Debbie Krause from Century 21 Real Estate, 8080 E. 109<sup>th</sup> Ave., Crown Point, IN 46307, who was here to represent the purchaser. He continued they had been in contact with the purchaser's attorney and learned that their hearing date was to be in April for the deed. They have asked them to petition the court for an emergency order in order to obtain the deed at an earlier date so that they can get started working on the property considering the condition.

Attorney Tauber entered Exhibit 3 into the record. This was the proof of publication for the legal notice that ran in The Times on November 8 and November 15, 2017. The reason for this was because of the deaths of the legal owners of record, to give notice to any unknown occupants or unknown heirs to the property.

Attorney Tauber entered Exhibit 4 into the record. This was a copy of Attorney Tauber's email to Angela Lagasse to the new owners, Nebraska Alliance regarding this hearing, the condition of the property and their process. He continued that they are asking the Commission to set a time frame for the property to be either restored or to demolish the property. He continued that they are not worried about people getting in to the property at this time and that is not a huge nuisance, however the neighbors have complained. They request a date of April 30, 2018 and as it gets closer to that date and they have the deed they would be doing the reconstruction and Mr. Mika would use his best judgement on the time frame. Mr. Mika suggested that someone from their group keep in contact with him to keep him informed as to where they are. Ms. Krause said that a contractor had been out last week to assess the situation last week and they are putting together a bid.

Commissioner Kendra asked how long it takes to get the deed. Attorney Tauber stated that he would hope they would be able to get them sooner as he knows that there are a couple of tax sales in February that the Court would be handling so the hope would be they got on one of those dates. Commissioner Kendra stated that they can't start work until they get the deed so if they did not get the deed until April, he was concerned about the April 30, 2018 date. Attorney Tauber stated they can start the process before they have the deed and that date was a suggestion to the Plan Commission. Mr. Mika said that mostly likely he would not be arranging for a demolition if they go that route as this was not an emergency situation.

Commissioner Vander Woude clarified if they would be able to get the permits for the rehabilitation work prior to getting the deed. Mr. Mika stated no they would not nor he believed they would want to. Attorney Tauber stated he was looking at it as them getting started on the planning steps. Commissioner Vander Woude inquired if they would need to continue the public hearing and reconvene if they cannot get the deed by April 30, 2018. Ms. Krause commented that there was a lot of personal property that would need to be removed. Attorney Tauber stated once the Commission has approved the Findings of Fact and Decision Regarding Order of Enforcement, Mr. Mika would have unilateral authority to act if there is no progress being made.

Commissioner Vander Woude asked that in the event that communication broke down and there was no progress, then the building could be demolished who would be responsible for the costs. Attorney Tauber stated that typically the Town would incur the cost and then place a lien on the property. Commissioner Schocke asked if they had liened the property before the tax sale would the purchaser be responsible for the

cost. Attorney Tauber stated the Town would have been notified as a lien holder that the property would be going to a tax sale and they would have some options available such as bidding on the property in order to retain interest in the property. Commissioner Schocke asked if you can foreclose on lien. Attorney Tauber stated that in some cases you can. Attorney Tauber stated that Nebraska Alliance did a lot of this type of work. Ms. Krause said that they can maintain the outside of the property and check on the property.

Commissioner Kendra asked if Ms. Krause thought the April 30<sup>th</sup> date would be adequate for them. Her reply was that she hoped so. Commissioner Kendra motioned to approve the order with the date for the implementation of April 30, 2018. Commissioner Schocke added to grant the relief on the unsafe building order per the Town's suggestion. Commissioner Kendra added that there would be proof of the deed had been obtained and progress on the property's condition repair verified by Mr. Mika. The motion was seconded by Commissioner Grzyski and passed unanimously by a roll call vote of 5 – 0.

**BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT:** There being no further business to come before the Board, Commissioner Kendra moved to adjourn. Commissioner Vander Woude seconded the motion and it was unanimously carried by voice vote. Meeting adjourned at 7:00 P.M.