

ORDER OF HEARING AUTHORITY

WHEREAS, the City of Bluffton, Indiana, has adopted an "Unsafe Building Ordinance" in accordance with IC 36-7-9-1, *et seq*; and

WHEREAS, pursuant to IC 36-7-9-1, *et seq*, the Enforcement Authority appointed under the Unsafe Building Law issued an Order on January 29, 2010, to Brock Rittenhouse as the registered agent for Rittenhouse Properties, LLC, (hereinafter referred to as "the Owner") the owner of a tract of real estate and improvements thereon located at 202 West Market Street, Bluffton, Indiana 46714 (hereinafter referred to as the Premises"), and National City Bank as a holder of a substantial interest in said premises, requiring certain action to be taken with respect to the premises (See attached Order of the enforcement authority); and

WHEREAS, in accordance with IC 36-7-9-7, a hearing was held before the Hearing Authority on the Order issued, which hearing took place on March 2, 2010, at which Officer Christopher M. Broderick of the Bluffton Fire Department (hereinafter the Enforcement Authority) presented evidence and testimony;

NOW THEREFORE THIS HEARING AUTHORITY FINDS AS FOLLOWS:

1. Rittenhouse Properties, LLC is the owner of the real estate and improvements thereon located at 202 West Market Street, Bluffton, Indiana 46714.
2. The commercial building located on and occupying the vast majority of the premises, was heavily damaged by fire on January 10, 2010.
3. The Order issued by the Enforcement Authority to Rittenhosue Properties, LLC on January 29, 2010, is in compliance with the requirements of the Unsafe Building Ordinance of the City Of Bluffton, Indiana, and IC 36-7-9-1 *et seq*.
4. Brock Rittenhouse as the registered agent for Rittenhouse Properties, LLC, received proper and sufficient notice of this hearing and the hearing is being timely held.
5. The Owner has advised the Hearing Authority that he will not be present at this hearing and that no one will be appearing on his behalf.
6. As a result of the fire damage sustained by the building, it is:
 - a. in an impaired structural condition that makes it unsafe to persons and/or

- b. property; and
Is not currently maintained in a manner that would allow human habitation, occupancy, or use, and as such, is considered an Unsafe Building as set forth in IC 36-7-9-4.
7. Some of the requirements contained in the Enforcement Authority's order have already been met and others are not necessary in light of the apparent intent of the owner to repair and rehabilitate the building on the premises.
 8. The Order previously issued by the enforcement authority to the Owner should be affirmed in part and modified in part.

THEREFORE THE ORDER OF THE HEARING AUTHORITY SHALL BE AS FOLLOWS:

1. The Owner shall by no later than March 4, 2010 at 5:00 PM, secure the premises against ingress and/or intrusion by unauthorized persons, which action shall include but not necessarily be limited to, the locking or securing of all exterior doors to the premises, and said premises shall remain secured at any time that an agent, employee, or contractor of the Owner is not present.
2. The Owner shall continue the removal of trash, debris, fire hazardous material, or material that is a public health hazard so that such removal is completed by no later than March 30, 2010.
3. The Owner shall within sixty (60) days of the date of this Order repair or rehabilitate the unsafe building on the premises to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use which repair or rehabilitation shall include but not be limited to the following:
 - a. The temporary bracing of walls until such time as the building itself provides full lateral support;
 - b. Protection of the existing walls from moisture intrusion;
 - c. The further demolition of fire damage in such a manner that imposes no further damage on the existing walls;
 - d. The repair or rehabilitation of the walls to the building such that they provide full lateral support;
 - e. Repair or rehabilitation of the walls in such manner that the remaining bricks and mortar are secured and not at risk to fall or collapse;
 - f. The replacement of a roof for the building;
 - g. The installation of windows in the building;

all of which shall be completed in accordance with the Construction Design Release(s) as issued by the Indiana Department of Homeland Security, Division of Fire Prevention & Building Safety Plan review Division.

4. This matter is set for further review by this Board and to hear additional evidence from the Owner of the Premises to occur on March 9, 2010, at 1:00 p.m.

Entered at Bluffton, Indiana, this ninth day of March 2010.

/s/ Ted Ellis _____
TED ELLIS

/s/ Melanie Durr _____
MELANIE DURR

/s/ James E. Phillabaum _____
JAMES E. PHILLABAUM