

March 11, 2022

400 W 7<sup>th</sup> LLC  
105 S. York Su 450  
Elmhurst, IL 60126

### **MODIFIED UNSAFE BUILDING ORDER**

RE: Structure(s) located at 400 W 7<sup>th</sup> St, Bloomington Indiana, 47404  
Legal description of relevant property: 013-23790-00 ORIG PLAT, PT 297 & 298, & VAC STS  
& ALLEY (1.132A)

You are the recorded owner of the aforementioned property ("Property"). On January 10, 2022, the City of Bloomington Housing and Neighborhood Development Department ("City") issued an Order to you requiring you to repair the smokestack located on your Property pursuant to Bloomington Municipal Code ("B.M.C.") Chapter 17.16 and Indiana Code ("I.C.") Chapter 36-7-9-5(a)(5). On March 1, 2022, the City received and reviewed a report related to the structural condition of the smokestack and the viability of various repair options. In light of the findings in the study, the City, pursuant to I.C. § 36-7-9-6, hereby modifies the January 10, 2022, Order as follows:

Pursuant to B.M.C. Chapter 17.16 and I.C. § 36-7-9-5(a)(5),(6), and (7), **YOU ARE HEREBY ORDERED, SUBJECT TO ANY NECESSARY APPROVALS AND ADDITIONAL CONDITIONS IMPOSED BY THE CITY OF BLOOMINGTON HISTORIC PRESERVATION COMMISSION, TO DEMOLISH AND COMPLETE ANY REQUIRED REPAIRS TO STABILIZE THE SMOKESTACK STRUCTURE ON THE PROPERTY AT A HEIGHT NOT TO EXCEED 60 FEET** within 60 days from the date of this modification, to wit: commencing on the date of receipt of this Order. This Order expires two years from date of receipt/or posting on site.

The following actions must be taken to comply with this Order:

- 1. Contact Monroe County Building Department to obtain the appropriate permits for the work to be performed.**
- 2. Contact the City of Bloomington Historic Preservation Program Manager to determine what restrictions may apply for the work to be performed. If the property is locally designated by the City of Bloomington Common Council, a request for a certificate of appropriateness will be required from the Historic Preservation Commission so that it may review the proposal and property and approve any demolition or work plans.**

3. **Present plans for repair or demolition to HAND before completing the work necessary to comply with this modified order. This work may include, but is not limited to,**
- a. **Preventing additional listing and/or eliminating the existing list of the smokestack.**
  - b. **Compliance with any recommendations put forth by professional engineers regarding the stability of the smokestack.**
  - c. **Replacement/repair where bricks are deteriorated or missing.**
  - d. **Any other structure work or demolition necessary for stabilization.**

The structure referenced above is being declared unsafe in accordance with B.M.C. Chapter 17.16 and I.C. § 36-7-9-4(a) and this Modified Unsafe Building Order is being issued as a result of inspection(s) conducted by HAND on December 14, 2021, followed by review of the March 1, 2022, Arsee engineering study of the structure. The inspection, together with the review, revealed that the property is:

- In an impaired structural condition that makes it unsafe to a person or property;
- A fire hazard;
- A hazard to the public health;
- A public nuisance;
- Dangerous to a person or property because of a violation of the below listed statute or ordinance concerning building condition or maintenance:  
; and/or
- Vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of the below listed statute or ordinance:

The law requires a hearing be held before this Order can go into effect. To that end, a hearing will be conducted by the City's Board of Public Works ("Board") at **5:30 p.m. local time on March 29, 2022**. The hearing will take place in the City's Common Council Chambers, located at 401 North Morton Street, Bloomington, Indiana. If the meeting occurs via a hybrid meeting format, we will provide the login information for you to participate remotely if you choose. You or your legal counsel may present evidence, cross-examine witnesses, and present arguments at this hearing.


Failure to comply with this Order by the deadline(s) imposed may result in the City issuing citations for violations of the B.M.C., civil penalties being assessed against you, a civil suit being filed against you, the City making the necessary repairs (either by itself or via the use of an

independent third-party contractor) and placing a lien on the Property to recover costs associated with this action, and/or demolition and repair of the Property.

You must notify the City's HAND Department within five (5) days if you transfer title, or if another person or entity agrees to take a substantial interest in the Property. This notification shall include the full name, address and telephone number of the person or entity taking title of or substantial interest in the Property. The legal instrument used in the transfer must also be supplied to the HAND Department. Failure to comply with this notification requirement may render you liable to the City if a judgment is entered for the failure of the City to provide notice to persons holding an interest in the Property.

If you have questions regarding this Order, please feel free to contact Neighborhood Compliance Officer during normal business hours at the address, telephone number, and/or email herein provided below:

Michael Arnold  
Neighborhood Compliance Officer  
Housing & Neighborhood Development Department (HAND)  
401 N. Morton Street/P.O. Box 100  
Bloomington, Indiana 47402  
(812) 349-3401  
arnoldm@bloomington.in.gov.

  
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John Zody, Director  
City of Bloomington  
Housing & Neighborhood Development (HAND)  
401 N. Morton Street/P.O. Box 100  
Bloomington, Indiana 47402

3/11/22  
Date