

**City of Bloomington
Housing and Neighborhood Development**

April 25, 2022

AT&T
Attn: Legal Representative/Legal Affairs
RE: City of Bloomington Order to Vacate
240 N Meridian St Ste 1801
Indianapolis IN 46204

**UNSAFE BUILDING
ORDER TO VACATE**

RE: Structure located at 400 W 7th St, Bloomington, Indiana 47404
Legal description of relevant property: 013-23790-00 ORIG PLAT, PT 297 & 298, &
VAC STS & ALLEY 91.132A)

Records obtained by the City of Bloomington ("City") indicate that you have an interest in the aforementioned property ("Property"). A recent inspection determined the Property to contain an unsafe structure, specifically a smoke stack, and revealed violations of Bloomington Municipal Code ("B.M.C.") Chapter 17.16 and Indiana Code ("I.C.") Chapter 36-7-9. Pursuant to B.M.C. Chapter 17.16 and I.C. § 36-7-9-5(a)(1), you are hereby **ORDERED TO VACATE THE SMOKE STACK STRUCTURE** at the above-referenced property within 35 days, to wit: by 12 midnight local time on **May 31, 2022**. This Order expires on April 21, 2024.

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

1. Contact Monroe County Building Department to determine if any permits are required for the work necessary to comply with this Order
2. Contact City of Bloomington Public Works Department to determine if any permits are required for the work necessary to comply with this Order
3. Remove all equipment, materials and property from the smoke stack structure at this Property so the property owner can bring the smoke stack into compliance with the separately issued Order to Remove.
4. Contact Housing and Neighborhood Development upon completion

The structure referenced above was declared unsafe on December 14, 2021 and a modified Unsafe Building Order was issued on March 11, 2022 following a subsequent engineering study

in February 2022. The modified Unsafe Building Order requires that the smoke stack be reduced to a height not to exceed 60 feet. That Order was affirmed by the City of Bloomington Board of Public Works on April 12, 2022. AT&T's equipment is attached to the portion of the smoke stack which must be removed for public safety. The property owner is willing and able to begin work to comply with the modified Unsafe Building Order at around the beginning of June 2022, but cannot begin performing its work until AT&T removes its equipment from the smoke stack. In accordance with B.M.C. Chapter 17.16 and I.C. § 36-7-9-4(a), this **ORDER TO VACATE** is being issued as a result of the inspections conducted in December 2021 and February 2022 determining the smokestack needs to be reduced in height and the delay of progress to remove the AT&T equipment from the smoke stack. The inspections 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:

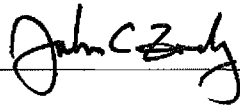
The law requires a hearing be held before this Order can go into effect. To that end, a hearing will be conducted by the City's Board of Public Works ("Board") at **5:30 p.m. local time on May 10, 2022**. The hearing will take place in the City's Common Council Chambers, located at 401 North Morton Street, Bloomington, Indiana. 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 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 Mike Arnold during normal business hours at the address, telephone number, and/or email herein provided:

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.



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

4/25/22
Date

400 W 7th St
April 21, 2022



**BOARD OF PUBLIC WORKS
RESOLUTION 2022-23
Unsafe Order for 400 West 7th Street, Bloomington, Indiana**

WHEREAS, the City of Bloomington Housing and Neighborhood Development (HAND) has issued a **Unsafe Building Order to Vacate** for the property located at 400 West 7th Street, Bloomington, Indiana ("Property") because said property is unsafe as defined by both Indiana Code 36-7-9 and Chapter 17.16 of the Bloomington Municipal Code; and

WHEREAS, HAND has issued an Order to the owner of record for the Property, and those individuals or corporations who are believed to have a substantial interest in the Property, in accordance with the rules and procedures outlined in Indiana Code 36-7-9 *et seq.* and Chapter 17.16 of the Bloomington Municipal Code; and

WHEREAS, the Board of Public Works heard testimony and reviewed evidence on this Order at its Regular Meeting of May 10, 2022.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Public Works now

- Affirms the Order issued by HAND on April 25, 2022.
- Rescinds the Order issued by HAND on April 25, 2022.
- Modifies the Order issued by HAND on April 25, 2022. The modification of HAND's original Order is less stringent and now requires the property owner to take the following actions: _____

_____.

So Ordered this 10th day of May 2022.

By: _____

Printed Name and Title

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared _____, of the City of Bloomington Board of Public Works, who acknowledged the execution of the foregoing Resolution as a voluntary act and deed.

WITNESS, my hand notarial seal this ____ day of _____, 20__.

My Commission Expires: _____

Notary Public Signature

Resident of _____ County

Printed Name of Notary