# PENNSYLVANIA REDEVELOPMENT AREA

## Documentation of Conditions, Data, Reports and Plans

**DECLARATORY RESOLUTION NO. 99-R-178**
**December 15, 1999**

**CONFIRMATORY RESOLUTION NO. 00-R-001**
**January 5, 2000**

City of Indianapolis
Division of Planning
Department of Metropolitan Development

# PENNSYLVANIA REDEVELOPMENT PLAN

## Table of Contents

The following items **A** through **J** , the appendices and the maps identified below constitute the Redevelopment Plan.


**A. Description of Project Area**

1. Boundaries of the Pennsylvania Redevelopment Area ..... 1
   **PROJECT BOUNDARIES AND ACQUISITION AREA Map** ..... 2
   **AERIAL PHOTOGRAPH** ..... 3
2. Evidence of Blight ..... 4

**B. Objectives and Land Use Plan**

1. Redevelopment Plan Objectives ..... 5
2. Current Plans and Land Use Recommendations ..... 6

**C. Proposed Project Activities**

1. Land Assembly/Acquisition for Redevelopment ..... 7
2. Land Disposition ..... 7
3. Zoning ..... 7
4. Project Improvements ..... 7
5. Utilities ..... 7

**D. Enforcement of Pennsylvania Redevelopment Area Objectives** ..... 8

**E. Relationship to Definite Local Objectives** ..... 9

**F. Redevelopment Proposals** ..... 9-10

**G. Redeveloper's Obligations** ..... 10

**H. Procedures for Changes in the Pennsylvania Redevelopment Area Plan** ..... 10

**I. Acquisition List** ..... 11

**J. Redevelopment Budget** ..... 12

**APPENDIX 1 – Health and Hospital Unsafe Building Act Actions** ..... 1-9

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## A.DESCRIPTION OF PROJECT AREA

### 1.Boundaries of the Pennsylvania Redevelopment Area

The Pennsylvania Redevelopment Area is located in the central part of the Regional Center (downtown area).

The Pennsylvania Redevelopment Area is bounded as shown on the "Project Boundaries and Acquisition Area" Map, Page 2.

The boundaries of the Pennsylvania Redevelopment Area are as follows:

That part of Lots 7, 8, and 9 in Square 44 of the Donation Lands of the City of Indianapolis, and more particularly described as follows:

Beginning at the North East corner of said Lot 7 and running thence South along and with the East line of said Lot, 85.95 feet to a point; thence West parallel with the North line of Lots 7 and 8, 90 feet to a point; thence South parallel with the East line of Lot 8, 14.05 feet to a point; thence West parallel with the North line of Lots 8 and 9, 112 feet and 6 inches to a point in the West line of said Lot 9; thence North along and with said West line 100 feet to the North West corner of said Lot 9; thence East along and with the North line of Lots 9, 8 and 7, 202 feet 6 inches to the place of beginning.

More commonly known as 115 North Pennsylvania Street, Indianapolis, Indiana.
**See Project Boundaries and Acquisition Area Map, Page2.**

# The City of Indianapolis
## PENNSYLVANIA REDEVELOPMENT AREA

## PROJECT BOUNDARIES AND ACQUISITION AREA

*Project Boundaries and Acquisition Area*

*0000000 Parcel Number*

*Buildings*

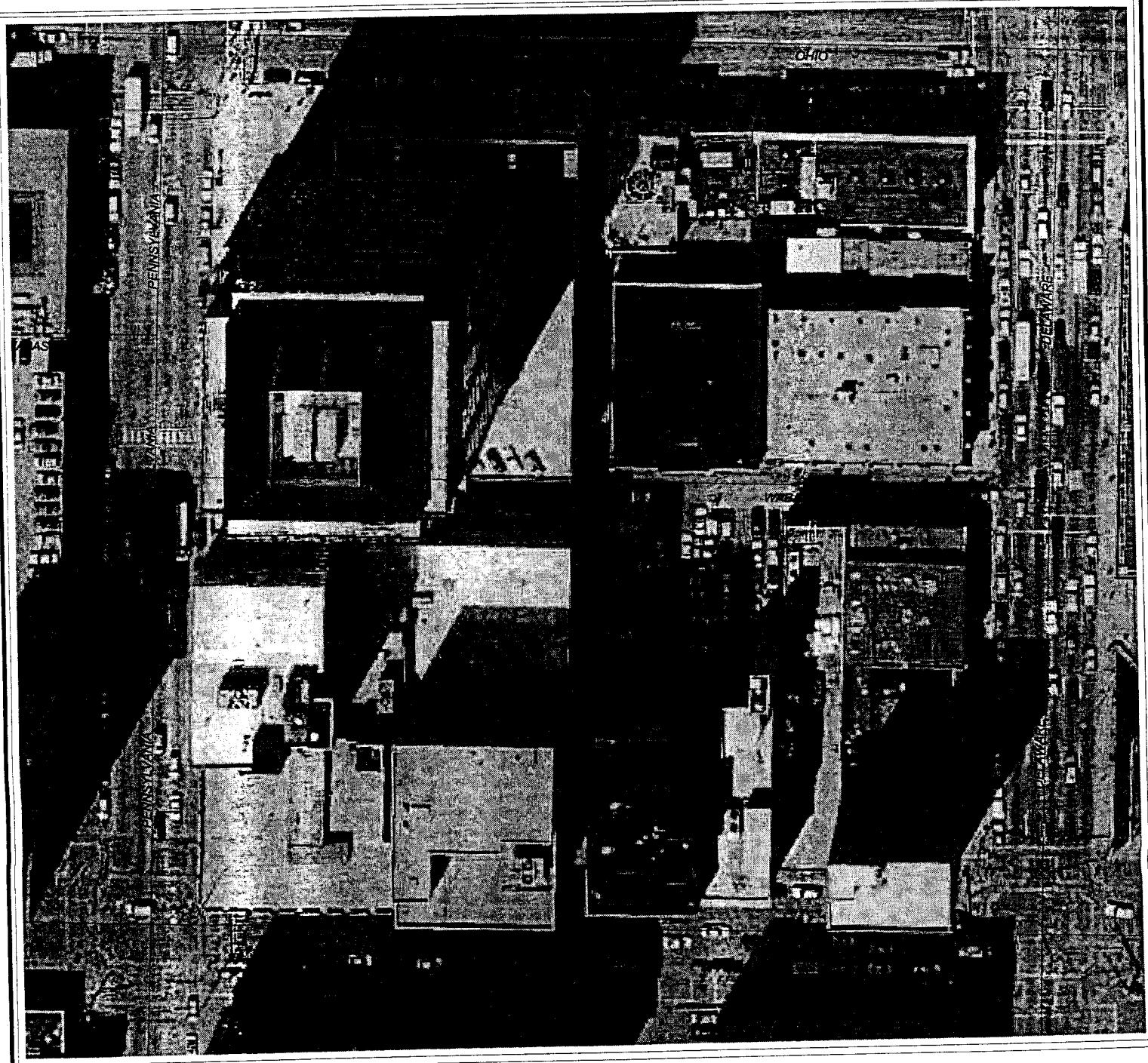
50 0 50 Feet

December 15, 1999

Data Source: The City of Indianapolis
Geographic Information Systems

N
W E
S

# The City of Indianapolis
## PENNSYLVANIA REDEVELOPMENT AREA




## AERIAL PHOTOGRAPH

50 0 50 Feet

N
W E
S

December 15, 1999

Data Source: The City of Indianapolis
Geographic Information Systems

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## A.DESCRIPTION OF PROJECT AREA

### 2.Evidence of Blight

a. Finding that the Pennsylvania Redevelopment Area has become blighted, deteriorated, or deteriorating to an extent that cannot be corrected by regulatory process or by the ordinary operations of private enterprise without resort to IC 36-7-15.1 and that the public health and welfare will be benefited by the redevelopment of the area under IC 36-7-15.1.

b. Finding that the blighted, deteriorated, or deteriorating Pennsylvania Redevelopment Area is a detriment to the social or economic interests of the City and its inhabitants.

c. Finding that it will be of public utility and benefit to redevelop the Pennsylvania Redevelopment Area,

d. The above findings are supported by the conditions, data, and plans presented to the Metropolitan Development Commission which show deterioration, a lack of development, cessation of growth, and a character of occupancy that is inconsistent with the *Marion County Comprehensive Plan*.

e. This historic building is in need of major reinvestment. The building is vacant and the interior has suffered from water damage. The Marion county Health and Hospital Corporation has filed suit under the 'Unsafe Building Act" requiring the repair or demolition of the building. (See **APPENDIX 1**, pages 1-9).

### 2.Existing Improvements

a. The site is approximately 18,899 SF in size and is occupied by an original building and annex.

b. The original building was constructed in 1901, is fifteen stories high, and has an area of approximately 113,625 SF plus basement (7,575 SF). The annex was constructed in 1974, is seven stories high, and has a floor area of approximately 53,550 SF plus basement.

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## B. OBJECTIVES AND LAND USE PLAN

### 1. Redevelopment Plan Objectives

Objectives of the Redevelopment Plan are to:

a. Eliminate blighting, deteriorated, and deteriorating areas,
b. Eliminate blighting, deteriorated, and deteriorating influences,
c. Maximize new and existing opportunities for the development that is consistent with adopted plans for the area,
d. Benefit the public health and welfare by stimulating an increase in the property tax base,
e. Benefit the public health and welfare by protecting the economic value of surrounding properties,
f. Encourage and stimulate economic development in the project area,
g. Phase out incompatible structures and land uses,
h. Redevelop parcels in accordance with the Pennsylvania Redevelopment Area Plan,
i. Encourage redevelopment of the property, and
j. Support and stimulate further growth of residential and commercial uses and other similar uses consistent with the Redevelopment Plan.

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## B. OBJECTIVES AND LAND USE PLAN

### 2. Current Plans and Land Use Recommendations

### PROPOSED LAND USE

The proposed land use of the Pennsylvania Redevelopment Area is consistent with the Marion County Comprehensive Plan.

The Proposed Land Use is consistent with the adopted plan for the area (*Indianapolis Regional Center Plan 1990-2010*, 1991, Metropolitan Development Commission, Department of Metropolitan Development/Division of Planning)

The Regional Center Plan recommends High Density Mixed Use which is defined in the Regional Center Plan as the following:

> "Theaters, Business Services and Professional Offices, Membership Organizations, Personal services, Public administration, Repair Service (non-automotive), Retail, High Density Housing and Garage Parking."

### CURRENT ZONING

Current primary zoning for the area is CBD-1, which is consistent with the proposed use.

### HISTORIC RESOURCES

The following description of the Consolidated Building in the Redevelopment Area is excerpted from the Indiana Historic Sites and Structures Inventory, Center Township, Marion County, Interim Report, July 1991:

Number: 1564
Rating: "Notable"
Description: Lemcke Annex, 115 N. Pennsylvania Street; Commercial Style, 1909; Architecture, Commerce (296)

Historic Rating:

The property was rated as "Notable." The inventory states that this rating "... means that the property did not quite merit an "Outstanding" rating, but still is above average in its importance. Further research or investigation may reveal that the property could be eligible for National Register listing."

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## C. PROPOSED PROJECT ACTIVITIES

### 1. Land Assembly/Acquisition for Redevelopment.

The Pennsylvania Redevelopment Area includes properties to be acquired. Those properties are identified on the **Project Boundaries and Acquisition Area Map**. At the time additional real estate acquisition becomes necessary IC 36-7-15.1-10.5 will be followed.

### 2. Land Disposition

When land has been assembled, disposition documents will incorporate provisions for achieving development and design objectives with the Pennsylvania Redevelopment Area Plan objectives as criteria. The developers will be required by the contractual agreement to observe the Pennsylvania Redevelopment Area Plan objectives. The disposition documents shall be drawn up by the Department of Metropolitan Development.

### 3. Zoning

The Project Area is zoned CBD-1 which is consistent with the proposed land use.

### 4. Project Improvements

Infrastructure improvements, landscaping, and other improvements may be constructed by the City or the developer as needed subject to the availability of funds.

### 5. Utilities

All utilities in the area are adequate to serve the proposed development.

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## D. ENFORCEMENT OF PENNSYLVANIA REDEVELOPMENT AREA OBJECTIVES

1. The Metropolitan Development Commission hereby directs the Economic Development and Neighborhood Services Division to serve notice of the Meridian Redevelopment II Area Plan to all affected City boards, commissions, departments, divisions, agencies, or officers who are responsible for or involved with the issuance of permits, certificates, variances, planning, land use, tax allocation, or any other such items affecting the use or development of property within the Pennsylvania Redevelopment Area.

2. The Economic Development and Neighborhood Services Division shall have the responsibility to review and approve any development activities listed above prior to the issuance of permits and certificates.

3. The affected City boards, commissions, departments, divisions, agencies, bodies or officers of the City shall be notified that the Economic Development and Neighborhood Services Division shall have the responsibility to review and approve any use, plan, certificates or other device affecting the Redevelopment Area prior to the issuance of any permits or certificates.

4. The Economic Development and Neighborhood Services Division may enlist the assistance of the Inspection Services Section to use its authority to either require remedial action or to stop construction not in compliance with the Redevelopment Plan.

5. The Economic Development and Neighborhood Services Division is authorized to enter into a civil lawsuit to stop or rescind actions not in conformance with the Pennsylvania Redevelopment Area Plan or to enforce contractual agreements to ensure conformance with the Pennsylvania Redevelopment Area Plan.

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## E. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES

1. The development of commercial and/or residential uses in the area furthers the objectives of the *Marion County Comprehensive Plan.*

2. The improvements within the project area will revitalize commercial growth in this area of the City.

3. The revitalization and encouragement of the growth of commercial and/or residential uses within the project area will increase the property tax base.

4. The increased business activity will serve to protect the economic value of surrounding properties and maximize land uses.

## F. REDEVELOPMENT PROPOSALS

For land acquired by the City for redevelopment, the Commission will either accept or reject a redevelopment proposal. In making its decision the Commission shall weigh the following factors:

1. The amount of the proposal in terms of dollars and cents.

2. The size and character of the improvements proposed to be made on the real estate.

3. The redevelopers schedule of work activities.

4. The redevelopers work performance record and ability to carry out the work activity schedule.

5. The redevelopers financial resources to ensure that the redevelopment will be carried out.

6. Whether the real estate, when improved, will be sold or rented; and the redeveloper's proposed sale or rental prices.

7. The compatibility of proposed redevelopment as it relates to the surrounding area.

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## F. RELATIONSHIP TO DEFINITE LOCAL OBJECTIVES ( Continued)

8. Any factors which will assure the Commission that the sale, if made, will further the execution of the Redevelopment Plan and best carry out the interest of the community both from the standpoint of human and economic welfare.

## G. REDEVELOPER'S OBLIGATIONS

1. All redevelopers, their successors, or assigns agree that there will be no discrimination against any person or group of persons on account of race, color, sex, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the premises therein conveyed.

2. That all proposals for redevelopment shall be submitted on the proposal forms supplied by the Commission.

## H. PROCEDURES FOR CHANGES IN THE PENNSYLVANIA REDEVELOPMENT AREA PLAN.

Any plan changes will be in accordance with appropriate state law.

## PENNSYLVANIA REDEVELOPMENT AREA PLAN

I. ACQUISITION LIST (See Project Boundaries and Acquisition Area Map)
Address = 115 North Pennsylvania Street
Indianapolis, IN
Parcel = 1017155
Owner = The Consolidated Building Enterprise

# PENNSYLVANIA REDEVELOPMENT AREA PLAN

## J. REDEVELOPMENT BUDGET

The Redevelopment Budget for the Pennsylvania Redevelopment Area is estimated as follows:

Acquisition = 1,800,000.00

Relocation = $5,000.00

TOTAL = $1,805,000.00

APPENDIX 1

| | | |
|---|---|---|
| STATE OF INDIANA | ) | IN THE SUPERIOR COURT OF |
| | )SS: | MARION COUNTY, ROOM NO. F12 |
| COUNTY OF MARION | ) | CAUSE NO. 49F12 9910CP 003215 |

FILED
OCT 06 1999
Sarah M. Taylor
CLERK OF THE
MARION CIRCUIT COURT

HEALTH AND HOSPITAL CORPORATION )
OF MARION COUNTY, INDIANA, )
PUBLIC HEALTH DIVISION, )
)
Plaintiff, )
)
v. )
)
CONSOLIDATED BUILDING ENTERPRISES, )
)
Defendant. )

**COMPLAINT FOR INJUNCTION AND CIVIL FORFEITURE**

The Plaintiff, the Health and Hospital Corporation of Marion County, Indiana, for its complaint alleges and states as follows:

1. That the Plaintiff is a municipal corporation existing by and under Indiana Code 16-22-8, et seq. and is authorized to enforce Indiana Code 36-7-9, et.seq. (the Unsafe Building Act) and, accordingly, to act as the enforcement authority to order the boarding, repair or demolition of unsafe buildings located within Marion County, Indiana.

2. That the Defendant, Consolidated Building Enterprises, is the legal owner of the real estate generally located at and commonly known as 115 N. Pennsylvania Street, Indianapolis, Marion County, Indiana (hereinafter the "Real Estate"), and more particularly described as:

1017155, 50 FT ON PENN STREET X 75 FT 2.75 IN ON WASBASH ST SE COR NW PT LOT 8 & 9 & s OF 50 FT N END LOT 8 & 9 127 FT 3.25 IN ON WABASH ST X 85 FT NE PT LOT 7 & 8 SQ 44

3. That the Real Estate has located upon it a structure which is an unsafe building as defined by Indiana Code 36-7-9-4 (hereinafter, the "Unsafe Building").

4. That pursuant to Indiana Code 36-7-9-5, the Defendant was issued and served an order to repair the Unsafe Building (hereinafter, the "Order"). A copy of the Order is attached hereto as "Exhibit A" and is incorporated herein by reference.

5. That on, September 15, 1999 the Order was affirmed at an administrative hearing held pursuant to Indiana Code 36-7-9-7. A copy of the Record of Hearing, which contains the hearing authority's findings made and action taken, is attached hereto as "Exhibit B" and is incorporated herein by reference.

6. That the Order is not being reviewed under Indiana Code 36-7-9-8.

7. That the Defendant has not complied with the Order.

8. That Indiana Code 36-7-9-17 and 18 provide that the Plaintiff may bring a civil action seeking a mandatory injunction requiring compliance with an Order issued pursuant to Indiana Code 36-7-9-5 and, further, requiring disclosure of transfer of the Real Estate pursuant to Indiana Code 36-7-9-27.

9. That Indiana Code 36-7-9-19 provides that the Court may impose a civil forfeiture payment to the Unsafe Building Fund not to exceed One Thousand Dollars ($1,000.00).

WHEREFORE, the Plaintiff prays that the Court set a hearing on its Complaint, and that after such a hearing, a mandatory injunction be issued ordering the Defendant to comply with the Order and with Indiana Code 36-7-9-27; that a civil forfeiture be imposed in the amount of One Thousand Dollars ($1,000.00); that the costs of this action be assessed against the Defendant; and for all other relief appropriate in the premises.

Respectfully submitted,

Kay A. Beehler, Atty No 10777-49-B
Health and Hospital Corporation
of Marion County, Indiana
3838 North Rural Street
Indianapolis, Indiana 46205
(317) 221-2005
Attorney for Plaintiff

(5)

ORDER FOR INTERIOR DEMOLITION AND CLEANUP

HEALTH AND HOSPITAL CORPORATION
DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH
DIVISION OF PUBLIC HEALTH/VACANT BUILDING ENFORCEMENT

DATE PREPARED: July 28, 1999

CONSOLIDATED BUILDING ENTERPRISES, INC. DH
418 E. 59TH ST. #36B
NEW YORK, NY. 10022

CONSOLIDATED BUILDING ENTERPRISES, INC.
135 ENGINEERS RD.
HAUPPAUGE, NY 11722

CONSOLIDATED BUILDING ENTERPRISES, INC.
C/O BAKER AND DANIELS
ATTN: STEPHEN H. PAUL, ATTORNEY
300 N. MERIDIAN ST. #2700
INDIANAPOLIS, IN 46204

CONSOLIDATED BUILDING ENTERPRISES, INC.
C/O PHILLIP ELGHANIAN
6931 STANFORD AVENUE
LOS ANGLES, CA. 90001

FOR THE PROPERTY LOCATED AT 115 N. PENNSYLVANIA ST.
COMMERICIAL,INDPLS, INDIANA

LEGAL DESCRIPTION: PARCEL 1017155, 50 FEET ON PENNSYLVANIA STREET X 75 FEET 2.75 IN ON WABASH STREET SOUTHEAST CORNER NORTHWEST PT LOT 8 & 9 AND SOUTH OF 50 FEET NORTH END LOT 8 & 9 127 FEET 3.25 IN ON WABASH STREET X 85 FEET NORTHEAST PT LOT 7 & 8 SQ 44.

A RECENT INSPECTION OF THE ABOVE DESCRIBED REAL ESTATE REVEALS IT TO BE A PUBLIC HEALTH HAZARD. IN ACCORDANCE WITH THE UNSAFE BUILDING LAW (IC 36-7-9-1 ET. SEQ.), YOU ARE HEREBY ORDERED TO COMPLY WITH REMEDIES LISTED BELOW BY SEPTEMBER 1, 1999. IF COMPLIANCE WITH THIS ORDER HAS NOT BEEN ACHIEVED BY THE SPECIFIED DATE, THE DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH AND THE DEPARTMENT OF WATER QUALITY AND HAZARDOUS MATERIALS MANAGEMENT WILL TAKE FURTHER ENFORCEMENT ACTION.

* EMPLOY A PROFESSIONAL AND LICENSED WATER RESTORATION COMPANY TO REMOVE ALL MOLD STAINED

"EXHIBIT A-1"

08/17/99 09:03AM NANDA MARTIN MARION CTY RECORDER MEM 17.00 PAGES: 5
Inst # 1999-0155161

AND SOAKED BUILDING MATERIALS. ALL DRYWALL, CARPET, CARPET PAD, CEILING AND FLOORING MATERIAL, MUST BE REMOVED AND PROPERLY DISPOSED OF IN A SANITARY MANNER. ALL WORKERS ENTERING THE BUILDING MUST WEAR PERSONAL PROTECTIVE EQUIPMENT (PPE), AND THE RESTORATION COMPANY SHALL NOTIFY THE MARION COUNTY HEALTH DEPARTMENT (MCHD) AT 221-2172 PRIOR TO BEGINNING THE WORK. ALL BUILDING MATERIALS MUST BE CONSIDERED FOR ASBESTOS CONTENT, AND MUST BE TREATED AS A SPECIAL WASTE UNLESS TESTED BY A CERTIFIED INDIVIDUAL, AND FOUND TO BE NEGATIVE FOR ASBESTOS CONTENT. ANY FOOD DEBRIS, GARBAGE, AND SANITARY WASTE, MUST BE PROPERLY REMOVED. ONCE REMOVED, THE AREAS THAT CONTAINED THOSE TYPES OF WASTE, MUST BE SANITIZED AND DISINFECTED.

* COMPLIANCE MUST BE MET WITH THE ABOVE ORDER BEFORE OCCUPATION OF THE PROPERTY MAY OCCUR.

HEALTH AND HOSPITAL CORPORATION

Elizabeth McGovern

ELIZABETH MCGOVERN
ASSISTANT INDOOR AIR SPECIALIST
VACANT BUILDING ENFORCEMENT

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED THAT AN ADMINISTRATIVE HEARING RELATIVE TO THIS ORDER WILL BE HELD AT 1:00 P.M. ON SEPTEMBER 1, 1999 IN THE VACANT BUILDINGS ENFORCEMENT OFFICE AT 3838 NORTH RURAL STREET, 1ST FLOOR, INDIANAPOLIS, INDIANA. THE HEARING SHALL BE HELD BEFORE THE DIRECTOR OF HEALTH AND HOSPITAL CORPORATION, OR HIS REPRESENTATIVE TO GIVE THE PERSON TO WHOM THE ORDER WAS ISSUED OR HIS/HER LEGAL COUNSEL AN OPPORTUNITY TO PRESENT EVIDENCE, CROSS EXAMINE WITNESSES AND MAKE ARGUMENTS. AT THE CONCLUSION OF THIS HEARING, THE DIRECTOR MAY AFFIRM MODIFY OR RELEASE THE ORDER OF THE HEALTH AND HOSPITAL CORPORATION, HOUSING AND NEIGHBORHOOD HEALTH. IF THE DIRECTOR OR HIS REPRESENTATIVE DETERMINES THAT THIS ORDER IS APPROPRIATE AND THAT WITHOUT JUST CAUSE, THERE HAS BEEN A WILLFUL FAILULRE TO COMPLY WITH THIS ORDER, A FINE IN AN AMOUNT NOT EXCEEDING $1,000 MAY BE ACCESSED. IF YOU OR YOUR REPRESENTATIVE DO NOT APPEAR, THE MATTER WILL BE DETERMINED IN YOUR ABSENCE AND A FINE

"EXHIBIT A-2"

COULD BE IMPOSED. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE STAFF OF THE VACANT BUILDINGS ENFORCEMENT OFFICE AT (317)221-2150.

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, IN AND

FOR THE COUNTY OF MARION AND STATE OF INDIANA, THIS

5th DAY OF August, 1999.

NOTARY PUBLIC: Ruby Davisson

RUBY DAVISSON, NOTARY PUBLIC
STATE OF INDIANA
COUNTY OF MARION
MY COMMISSION EXPIRES: 02/22/2008

MY COMMISSION EXPIRES:

PREPARED BY: RUBY DAVISSON
RECIPIENT CODE ABBREVIATIONS:
CB=CONTRACT BUYER DH=DEEDHOLDER

**********READ THE NEXT PAGE OF THIS ORDER********

"EXHIBIT A-3"

## ENFORCEMENT

IF THE ORDER IS NOT COMPLIED WITH AND HAS BEEN AFFIRMED OR MODIFIED BY THE DIRECTOR, THE UNSAFE BUILDING LAW (IC36-7-9-1 ET SEQ.) PROVIDES THAT A COURT CAN BE REQUESTED TO GRANT INJUNCTIVE RELIEF, IMPOSE A COURTORDERED FORFEITURE, APPOINT A RECEIVER, OR REQUIRE THE WORK TO BE DONE BY A CONTRACTOR. IF A CONTRACTOR IS HIRED BY THE CITY, ANY PERSON OR PERSONS WHO HAVE A FEE INTEREST, LIFE ESTATE OR INTEREST OF A CONTRACT PURCHASER IN THE UNSAFE PREMISES, SHALL BE OBLIGATED TO PAY THE FOLLOWING COSTS:

1. THE BID PRICE OF THE WORK ACCOMPLISHED BY THE CONTRACTOR; AND

2. THE AMOUNT OF $480.00 DETERMINED BY THE METROPOLITIAN DEVELOPMENT COMMISION AS THE "AVERAGE PROCESSING EXPENSE" WHICH REPRESENTS THE ADMINISTRATIVE COSTS INCURRED IN PERFORMING THE REQUIRED ACTIONS.

IF THE BID PRICE AND THE APPICABLE "AVERAGE PROCESSING EXPENSE" REMAIN UNPAID AFTER A PERIOD OF THIRTY (30) DAYS HAS ELAPSED AFTER THE COMPLETION OF REQUIRED ACTIONS BY THE CONTRACTOR, THE CITY CAN SEEK TO RECOVER THE MONEY EXPENDED AND OBTAIN A PERSONAL JUDGEMENT IN THE MARION COUNTY COURTS.

## TRANSFER OF PROPERTY SUBJECT TO ORDER

ANY PERSON WHO HAS BEEN ISSUED AND RECEIVED NOTICE OF AN ORDER RELATIVE TO THE UNSAFE PREMISES, SHALL, IF THE ORDER HAS NOT BEEN COMPLIED WITH:

1. SUPPLY FULL INFORMATION REGARDING THE ORDER TO ANY PERSON WHO MAY TAKE OR AGREE TO TAKE A SUBSTANTIAL PROPERTY INTEREST IN THE UNSAFE PREMISES. THE INFORMATION SHALL BE SUPPLIED PRIOR TO THE TIME WHEN THERE IS ANY DISPOSAL OR AGREEMENT TO DISPOSE OF ANY SUBSTANTIAL PROPERTY INTEREST IN THE UNSAFE PREMISES.

2. SUPPLY THE FOLLOWING INFORMATION TO THE DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH (ADDRESS LISTED BELOW) IN WRITING FIVE (5) CALENDAR DAYS AFTER THERE IS AN DISPOSAL OR AGREEMENT TO DISPOSE OF A SUBSTANTIAL PROPERTY INTEREST IN THE UNSAFE PREMISES.

   A. FULL NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON TAKING A SUBSTANTIAL PROPERTY INTEREST IN THE UNSAFE PREMISES; AND

"EXHIBIT A-4"

B. A TRUE AND ACCURATE COPY OF THE LEGAL INSTRUMENT UNDER WHICH THE DISPOSAL OR AGREEMENT TO DISPOSE OF THE SUBSTANTIAL PROPERTY INTEREST IS ACCOMPLISHED.

IF YOU ARE TRANSFERRING THE PROPERTY THROUGH A CONDITIONAL SALE OF REAL ESTATE CONTRACT YOU ARE STILL THE LEGAL OWNER OF THE REAL ESTATE UNTIL A DEED IS EXECUTED. YOU AS WELL AS THE CONTRACT PURCHASER MAY BE HELD RESPONSIBLE FOR THE CONDITION OF THE PROPERTY. THE LAW REQUIRES YOU TO NOTIFY THE DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH OF ANY CONTRACT SALE OF THE REAL ESTATE SO THAT THE DEPARTMENT MAY CONTACT ALL PERSONS WHO HAVE A SUBSTANTIAL INTEREST IN THE PROPERTY.

PERMIT INFORMATION

MARION COUNTY ORDINANCE PROVISIONS REQUIRE THAT A WRECKING PERMIT BE OBTAINED BEFORE DEMOLISHING ANY STRUCTURE, A VARIANCE (ZONING) IS REQUIRED FOR ANY CHANGE OF USE FOR A STRUCTURE, AND REGIONAL CENTRAL APPROVAL IS REQUIRED IN REGIONAL CENTER. FOR MORE INFORMATION, CONTACT PERMIT INFORMATION AT 327-8700.

THE INDIANAPOLIS AIR POLLUTION CONTROL BOARD HAS ADOPTED REGULATION XIII: ASBESTOS ABATEMENT, WHICH APPLIES TO WRECKING ACTIVITIES. DEMOLITIONS MUST COMPLY WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS CONCERNING ASBESTOS. THE AIR POLLUTION CONTROL DIVISION AT 327-2277 CAN ASSIST YOU IN DETERMINING THE APPLICATION OF ASBESTOS CONTROL IN DEMOLITIONS.

IN ADDITION TO CITY PERMITS, A CERTIFICATE OF APPROPRIATENESS OR AUTHORIZATION IS REQUIRED FOR REPAIR OF DEMOLITION OF ANY BUILDING IN A LOCALLY DESIGNATED HISTORIC DISTRICT. PLEASE CALL THE INDIANAPOLIS HISTORIC PRESERVATION COMMISSION AT 327-4406 FOR MORE INFORMATION.

ANY INQUIRIES REGARDING THIS ORDER SHOULD BE ADDRESSED TO THE VACANT BUILDINGS ENFORCEMENT STAFF AT 3838 NORTH RURAL STREET, 4TH FLOOR, INDIANAPOLIS, INDIANA 46204. (317) 541-2150.

"EXHIBIT A-5"

THIS DOCUMENT REFLECTS ACTION RELATED TO THE ORIGINAL ORDER RECORDED UNDER INSTRUMENT 019990155161 AND SUBSEQUENTLY AMMENDED.

ACTION TAKEN BY THE DIRECTOR OF THE HEALTH AND HOSPITAL CORPORATION OR HIS APPOINTED REPRESENTATIVE AT HEARING RELATIVE TO AN ORDER ISSUED BY THE DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH PURSUANT TO THE PROVISIONS OF THE UNSAFE BUILDING LAW, IN CODE IC 36-7-9, 1981 (BURNS, 1974) AS AMENDED.

ISSUED DATE: JULY 28, 1999

DATE OF HEARING: SEPTEMBER 15, 1999

PERSONS WITH SUBSTANTIAL INTEREST IN REAL ESTATE AFFECTED:
CONSOLIDATED BUILDING ENTERPRISES(DH)
418 E 59TH ST #368
NEW YORK, NY. 10022

CONSOLIDATED BUILDING ENTERPRISES
DH
135 ENGINEERS RD
HAUPPAUGE, NY. 11722

CONSOLIDATED BUILDING ENTERPRISES
C/O BAKER AND DANIELS
DH
ATTN STEPHEN PAUL
300 N MERIDIAN ST #2700
INDIANAPOLIS, IN. 46204

Rory O'Bryan
Carmel IN

CONSOLIDATED BUILDING ENTERPRISES
C/O PHILLIP ELGHANIAN
DH
6931 STANFORD AV
LOS ANGLES, CA. 90001

REAL ESTATE AFFECTED: 115 N PENNSYLVANIA ST
APARTMENT, INDIANAPOLIS, INDIANA

LEGAL DESCRIPTION: 1017156, 50 FT ON PENN STREET X 75 FT 2.75 IN ON WASBASH ST SE COR NW PT LOT 8 & 9 & S OF 50 FT N END LOT 8 & 9 127 FT 3.25 IN ON WABASH ST X 85 FT NE PT LOT 7 & 8 SQ 44

ORDER BEING REVIEWED: REPAIR

EVIDENCE PRESENTED BY:
HOUSING AND NEIGHBORHOOD HEALTH

RELATIONSHIP TO PROPERTY:
ENFORCEMENT AGENCY

FINDINGS OF FACT:
1. PROPER NOTICE OF ORDER AND HEARING RELATIVE TO ORDER WAS GIVEN TO ALL PERSONS WITH SUBSTANTIAL PROPERTY INTEREST IN REAL ESTATE AFFECTED. YES
2. THE BUILDING IS UNSAFE AS STATED IN THE ORDER BEING REVIEWED AND SAID ORDER IS INCORPORATED HEREIN BY REFERENCE. YES
3. THE OWNER, CONSOLIDATED BUILDING ENTERPRISES, HAS WILLINGLY FAILED TO COMPLY WITH THE ORDER RESULTING IN THE ORDER BEING AFFIRMED.

DECISION OF THE DIRECTOR OR HIS APPOINTED REPRESENTATIVE:
ORDER AFFIRMED DUE TO NONCOMPLIANCE

DEPARTMENT OF HOUSING AND NEIGHBORHOOD HEALTH
DIVISION OF PUBLIC HEALTH
HEALTH AND HOSPITAL CORPORATION

Sean M. Murray

DIRECTOR OR REPRESENTATIVE
SEAN M. MURRAY

RUBY DAVISSON, NOTARY PUBLIC
STATE OF INDIANA
COUNTY OF MARION
MY COMMISSION EXPIRES, 02/22/2008

SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC, IN AND FOR MARION COUNTY, STATE OF INDIANA, THIS 28th DAY OF Sept, 1999.

NOTARY PUBLIC: Ruby Davisson
RUBY DAVISSON

MY COMMISSION EXPIRES: 02/22/2008 COUNTY OF RESIDENCE: MARION

PREPARED BY: RUBY DAVISSON # 018908

RECIPIENT CODE ABBREVIATIONS:
CB = CONTRACT BUYER DH = DEEDHOLDER

"EXHIBIT B"