



# ZIONSVILLE

FOR ALL THE RIGHT REASONS

**ZIONSVILLE TOWN COUNCIL  
MEETING AGENDA  
FOR  
Tuesday, February 18, 2020 at 7:30 AM**  
Zionsville Town Hall Council Chamber  
1100 West Oak Street

1. OPENING
  - A. CALL MEETING TO ORDER
  - B. PLEDGE OF ALLEGIANCE
2. APPROVAL OF THE MEMORANDUM OF THE FEBRUARY 3, 2020 REGULAR MEETING (Copy Posted).
3. REQUEST TO SPEAK
4. OLD BUSINESS
5. NEW BUSINESS
  - A. Order Of Demolition For All Structures On 4075 South 875 East (Public Hearing)

Documents:

[AFFIDAVIT OF NOTICE.PDF](#)  
[RETURNED GREEN CARDS.PDF](#)  
[SEARCH \(REPORT OF SEARCH\).PDF](#)  
[ORDER 4025 E 875 E.PDF](#)

6. DEPARTMENTAL MONTHLY REPORTS  
Reports are submitted by the Town management staff for Council review and posted on the Town's website ([WWW.ZIONSVILLE-IN.GOV](http://WWW.ZIONSVILLE-IN.GOV)).
7. OTHER MATTERS
8. ADJOURN

The next regular Town Council meeting is scheduled for Monday, March 2 at 7:00 PM in the Zionsville Town Hall Council Chambers

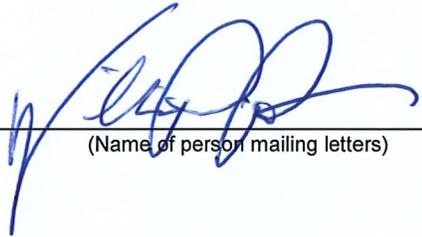
**AFFIDAVIT OF NOTICE  
FOR THE TOWN OF ZIONSVILLE**

STATE OF INDIANA  
COUNTY OF BOONE SS:

I, WILLIAM PAUL PEEPLES, DO HEREBY CERTIFY THAT LEGAL NOTICE TO PERSONS WITH A PROPERTY INTEREST IN 4075 SOUTH 875 EAST, to consider the RENOTIFICATION DUE TO DATE ERROR, NOTICE OF CODE VIOLATION FOR AN UNSAFE BUILDING AND FOR JUNK TRASH AND DEBRIS INCLUDING AN ORDER OF DEMOLITION FOR ALL STRUCTURES LOCATED ON THE PROPERTY was served by First Class Mail, by Certified Mail with a Return Receipt and that said Public Notice was posted on the structures subject to the demolition order. Said Notices were sent to each of the following property owners at the following addresses:

<u>OWNER</u>	<u>ADDRESS</u>
Jack Norton	12405 McCord Lane, Indianapolis, IN 46236
Gary and Colleen Wagner	600 East 8 <sup>th</sup> Street, Sheridan, IN 46069
Gary and Collen Wagner	4075 S 875 E, Zionsville, IN 46077

Said Legal Notices were sent by Certified Mail, Return Receipt Requested; by First Class Mail; and by posting on the property on the 10th day of January, 2020, (copies of the "Receipt for Certified Mail" attached).

  
\_\_\_\_\_  
(Name of person mailing letters)

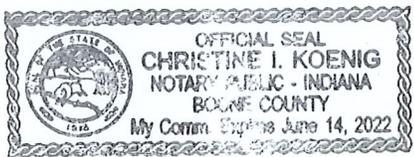
State of Indiana)  
County of Boone) SS:

Subscribed and sworn to before me this 10 day of JANUARY, 2020.

 , CHRISTINE I. KOENIG  
\_\_\_\_\_  
Notary Public Signature, Notary Public Printed

My commission expires 6-14-2022

My county of residence is BOONE County.



7012 1640 0002 2924 7685

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)®  
**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To **JACK NORTON**  
 Street, Apt. No., or PO Box No. **12405 M'CORD LANE**  
 City, State, ZIP+4 **INDIANAPOLIS, IN 46236**

PS Form 3800, August 2006 See Reverse for Instructions

7012 1640 0002 2924 7692

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)®  
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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To **GARRY AND COLLEEN WAGNER**  
 Street, Apt. No., or PO Box No. **4075 S 875 E**  
 City, State, ZIP+4 **ZIONSVILLE, IN 46077**

PS Form 3800, August 2006 See Reverse for Instructions

7012 1640 0002 2924 7678

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)®  
**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To **GARRY A ; COLLEEN WAGNER**  
 Street, Apt. No., or PO Box No. **600 E 8TH STREET**  
 City, State, ZIP+4 **SHERIDAN, IN 46069**

PS Form 3800, August 2006 See Reverse for Instructions

APR 10, 2020



**ZIONSVILLE**  
A TOWN OF INDIANA

**RENOTIFICATION DUE TO DATE ERROR  
NOTICE OF CODE VIOLATION  
UNSAFE BUILDING/JUNK, TRASH, AND DEBRIS  
ORDER TO DEMOLISH AND REMOVE**

January 10, 2020

Jack Norton  
13205 McCord Lane  
Indianapolis, IN 46238

Gary A. and Colleen Wagner  
600 E 8<sup>th</sup> Street  
Shelburne, IN 46068

Gary A. and Colleen Wagner  
4075 S 875 E  
Zionsville, IN 46077

Dear Mr. Norton and Mr. Wagner:

On December 11, 2019, the Town of Zionsville inspected the property at 4075 S 875 E, Zionsville, IN 46077. The Town has determined that the buildings and the premises are in an impaired condition that makes them unsafe to a person or property. Specifically, (1) the building has been damaged through neglect to such an extent that the structural strength or stability thereof is materially less than it was designed or constructed to have; (2) the building is in a state of disrepair, decay, or collapse and thereby injure persons or property; (3) that the building has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have deteriorated and decay; the building is likely to partially or completely collapse; and (5) that junk, trash, debris exists on the property.

These buildings and the premises do not meet applicable building and zoning codes allow for the issuance of this order. In these circumstances, the Town can pursue compliance in accordance with Town of Zionsville Code of Ordinances Chapter 9<sup>th</sup>, Unsafe Buildings and Indiana Code (IC 36-7-9, Unsafe Building Law, of the State of Indiana

1101 West Oak Street, Zionsville, Indiana 46077. Mr. John A. McLaughlin  
www.zionsville.org/inspections

Since the general condition of the buildings without removal and the physical and structural integrity of the buildings prevent further remediation and additional abatement, it is therefore ordered that (1) all junk, trash, debris, fire hazardous materials, and other public health hazards in and about the unsafe premises be removed so that all buildings on the premises be demolished and removed. The actions required shall be accomplished no later than 60 days from the date this order is issued.

A hearing on this order shall be held by the Zionsville Town Council on February 18, 2020 at 5:00 p.m. You are advised appeal at this hearing with a written legal claim and present evidence, cross-examine opposing witnesses and present arguments.

If the order is not complied with the Town will contract for a person who will be retained and a lien placed upon the property for all costs associated with the remediation of the property. Should the person who is ordered by this correspondence exceed \$10,000.00 the Town will file the lien for completion, approval and obtained under an order of a public use.

You must supply full information regarding this order to any person who wishes or agrees to take a substantial property interest in the property, including but not limited to, agreeing to transfer that interest. Additionally, with the Town and understanding or agreeing to transfer a substantial property interest in the property, you must supply the Town with written consent on (1) the full name, address, and telephone number of the person who is to be transferred the property interest; and (2) the full name, address, and telephone number of the person who is to be transferred the property interest. A judgment is contained against the Town for a failure to provide notice to persons holding an interest in the property. Failure to comply with the requirement to provide documentation to the Town may result in you being liable for the amount of any judgment.

The aforementioned authority is the Department of Planning and Economic Development for the Town of Zionsville. The point of contact is William Reddis, ACP 1100 West Oak Street, Zionsville, IN 46077. He can be reached by phone at 317-544-1183 or via e-mail at [williamreddis@zionsville.org](mailto:williamreddis@zionsville.org).

The Town Council may determine that the property is subject to be provided in Indiana Code 36-7-137.

Respectfully,  
  
William Reddis, ACP  
Director

*Handwritten in red:*  
Wagner  
4075 S 875 E  
10 JAN 2020

*W. L. J.*

4675 E 875E

10 JAN 2020



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:  <b>GARY AND COLLEEN  WAGNER</b>  <b>4075 S 875E</b>  <b>ZIONSVILLE, IN 46077</b></p>  9590 9402 4794 8344 0788 99	<p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>[Signature]</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)  <b>7012 1640 0002 2924 7692</b></p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 <span style="float: right;">Domestic Return Receipt</span></p>																	

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**ZIONSVILLE**

THE TOWN OF ZIONSVILLE, INDIANA  
1100 W. Oak Street Zionsville, IN 46077

**CERTIFIED MAIL**



7012 1640 0002 2924 7678

UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P \$006.80  
0000909236 JAN 10 2020  
MAILED FROM ZIP CODE 46077



*REFUSED*

-R-T-S- 46069-RFS-1N

01/14/20

\* R F

RETURN TO SENDER  
REFUSED  
UNABLE TO FORWARD  
RETURN TO SENDER



NIXIE

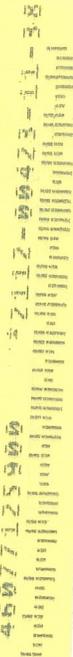
462 DC 1

0001/18/20

RETURN TO SENDER  
REFUSED  
UNABLE TO FORWARD

46069-191400  
46069-191400

RC: 46077125900





THE TOWN OF ZIONSVILLE, INDIANA  
1100 W. Oak Street Zionsville, IN 46077

INDIANAPOLIS  
JAN 14 2020  
11:58 AM



REFUSED



-R-T-S- 46069-RFS-1N 01/14/20

RETURN TO SENDER  
REFUSED  
UNABLE TO FORWARD  
RETURN TO SENDER  
NIXIE

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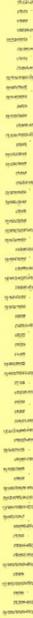
CE 1 8601/19/20



RETURN TO SENDER  
REFUSED  
UNABLE TO FORWARD

MANUAL PROC REQ \*2212-055505-11-37

46069-191400





**Fidelity National Title**

101 E. Carmel Drive, Suite 100  
Carmel, IN 46032  
Phone: (317)844-6496 / Fax: (317)573-0670

## **REPORT OF SEARCH**

**Order No.:** 671900543  
**Prepared For:**

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### **Current Owner Limited Search:**

Effective Date: November 29, 2019 at 08:00 AM

### **Names of Grantees in Last Deed of Record:**

Jack Norton

# REPORT OF SEARCH

(continued)

## Legal Description:

For APN/Parcel ID(s): 06-08-28-000-008.000-029

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A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 210.0 FEET NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION AT THE NORTH LINE OF THE RIGHT-OF-WAY OF THE INDIANAPOLIS AND NORTHWESTERN TRACTION COMPANY, RUN THENCE NORTH 282.0 FEET X 166.98 FEET X 265.16 FEET X 185.79 FEET, CONTAINING 1.50 ACRE, MORE OR LESS.

EXCEPTING THEREFROM, PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 875 EAST AND THE QUARTER QUARTER SECTION LINE, NORTH 00 DEGREES 37 MINUTES 04 SECONDS EAST 103.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID APPROXIMATE CENTER LINE OF COUNTY ROAD 875 EAST, THE QUARTER QUARTER SECTION LINE AND PART OF THE WEST DESCRIBED LINE OF THE JACK NORTON PROPERTY RECORDED IN DEED RECORD 243, PAGES 310-312, BOONE COUNTY RECORDER'S OFFICE, NORTH 00 DEGREES 37 MINUTES 04 SECONDS EAST 55.00 FEET; THENCE SOUTH 63 DEGREES 17 MINUTES 17 SECONDS EAST 185.93 FEET; THENCE ALONG PART OF THE EAST DESCRIBED LINE OF SAID NORTON PROPERTY AND THE WEST LINE OF BLOCK "J" IN THE PRESERVE AT SPRING KNOLL, SECTION FOUR B, RECORDED AS INSTRUMENT #0320298 IN PLAT BOOK 14, PAGES 24-26, SOUTH 00 DEGREES 37 MINUTES 04 SECONDS WEST 55.00 FEET; THENCE ALONG THE NORTH DESCRIBED LINE OF THE TURLEY PROPERTY RECORDED IN DEED RECORD 243, PAGES 189-191, NORTH 63 DEGREES 17 MINUTES 17 SECONDS WEST 185.93 FEET TO THE POINT OF BEGINNING, CONTAINING 0.2108 ACRE, MORE OR LESS.

4075 S 875 E, Zionsville, IN 46077

## Unreleased Mortgages of Record:

The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

## General Judgment Search: (Strictly limited to the names hereinafter written and not otherwise):

A judgment search has been made versus Jack Norton-(Individually) and none found.

A judgment search has been made versus Gary Wagner and Colleen Wagner-(Individually) and none found.

# REPORT OF SEARCH

(continued)

## Taxes:

Property taxes for the year 2018 due and payable in 2019 are delinquent in the amount of \$235.25, plus penalties and interest.

Property Taxes are as follows:

Tax Year: 2018

Due and Payable: 2019

May Installment: \$235.25 Paid

November Installment: \$235.25 Unpaid/Delinquent

Name of Taxpayer: Jack Norton c/o Gary & Colleen Wgner

Land: \$71,900.00

Improvements: \$10,000.00

Exemptions: \$55,990.00 (Homestead/Supplemental)

Taxing Unit: 003/005 Eagle/Zionsville Rural District

Tax Identification No.: 06-08-28-000-020.000-005 / 003-05210-00

Description: PT NE NE 28-18-2E 1.50 Lnd/Cont Gary & Colleen Wagner

Annual Assessment as set forth below:

Type of Assessment: Ditch

Annual Amount: \$5.00, Paid

All future assessments are not yet due and payable.

Taxes for the year 2019 are a lien, due in 2020, but are not yet due and payable.

Added improvements in place as of January 1, 2019 are subject to assessment which could increase the tax amounts due in 2020, in such cases, the Town or Township assessor should be contacted relative to possible new assessment amounts.

The real estate tax information set forth above is all that is currently available in the County Tax computer. Recent computer program changes may have rendered incomplete or inaccurate the available data. THIS INFORMATION MAY NOT BE SUFFICIENT FOR THE PURPOSE OF ESTABLISHING A PROPER REAL ESTATE TAX ESCROW. Neither the Company nor its agent, assume or accept any responsibility for loss, damage, cost or expense due to, or arising out of the unavailability of accurate tax information.

The Company assumes no liability for increases in the amount of real estate taxes as shown above, and any civil penalties, as a result of retroactive revaluation of the land and improvements, changes in the usage of the land or the loss of any exemption or deduction applicable to the land insured herein.

## Other Liens/Documents of Record:

Last transfer of record shows title in Jack Norton by document recorded June 26, 1985 in Instrument No. 2859 in Book 223 Page 500 in the Office of the Recorder of Boone County.

Conditional Sales Contract by and between Jack Norton, Seller, and Gary Wagner and Colleen Wagner, Buyer, dated October 10, 2016 and recorded May 11, 2017 as Instrument No. 2017004214 of the Boone County Records.

## LIMITATION OF LIABILITY

1. YOU EXPRESSLY AGREE AND ACKNOWLEDGE THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REPORT. YOU RECOGNIZE THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, YOU UNDERSTAND THAT THE COMPANY WAS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REQUESTED REPORT BUT FOR YOUR AGREEMENT THAT THE COMPANY'S LIABILITY IS STRICTLY LIMITED.

YOU AGREE THAT MATTERS AFFECTING TITLE BUT WHICH DO NOT APPEAR AS A LIEN OR ENCUMBRANCE AS DEFINED IN THE CUSTOMER AGREEMENT OR APPLICATION ARE OUTSIDE THE SCOPE OF THE REPORT.

YOU AGREE, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THIS REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE, OR ANY OTHER THEORY OF RECOVERY OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT, SO THAT **THE TOTAL AGGREGATE LIABILITY OF THE COMPANY, ITS EMPLOYEES, AGENTS AND SUBCONTRACTORS SHALL NOT EXCEED ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00).**

YOU AGREE THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE YOU ARE PAYING WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO YOU WITHOUT SAID TERM. YOU RECOGNIZE THAT THE COMPANY WOULD NOT ISSUE THIS REPORT, BUT FOR YOUR AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THIS REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THIS REPORT.

THIS REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. IN PROVIDING THIS REPORT, THE COMPANY IS NOT ACTING AS AN ABTRACTOR OF TITLE. THIS REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THIS REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTIES AS TO THE REPORT, ASSUMES NO DUTIES TO YOU, DOES NOT INTEND FOR YOU TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THIS REPORT OR OTHERWISE.

IF YOU DO NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND YOU DESIRE THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, YOU MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. YOU EXPRESSLY AGREE AND ACKNOWLEDGE THAT YOU HAVE AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCTS OR SERVICES PURCHASED.

## LIMITATION OF LIABILITY

(continued)

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THIS REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

YOU AGREE THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, OR ANY OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSES WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

THESE LIMITATIONS WILL SURVIVE THE CONTRACT.

2. This is a search only of certain public records from which the information shown above was obtained and with respect thereto no liability is assumed for (a) the identity of any party named or referred to herein; (b) the validity, legal effect or priority of any matter shown; (c) the inaccuracy of the aforementioned public records; and (d) the physical condition of the land described herein.

## MATTERS EXCLUDED

1. Easements or claims of easements.
2. Conditions, covenants and restrictions shown by the public records.
3. Any law, ordinance or governmental regulation affecting the ownership or use of the land or the regulation of existing or future improvements.
4. This search is for a limited period based on the limited information available in the County Records for the owner.

Dated: December 18, 2019

FIDELITY NATIONAL TITLE COMPANY, LLC

A handwritten signature in cursive script, appearing to read "Reesmy", is written above a horizontal line.

Authorized Signature



**RENOTIFICATION DUE TO DATE ERROR  
NOTICE OF CODE VIOLATION  
UNSAFE BUILDING/JUNK, TRASH, AND DEBRIS  
ORDER TO DEMOLISH AND REMOVE**

January 10, 2020

Jack Norton  
12405 McCord Lane  
Indianapolis, IN 46236

Gary A. and Colleen Wagner  
600 E 8<sup>th</sup> Street  
Sherdian, IN 46069

Gary A. and Colleen Wagner  
4075 S 875 E  
Zionsville, IN 46077

Dear Mr. Norton and Mr. Wagner:

On December 11, 2019; the Town of Zionsville inspected the property at **4075 S 875 E, Zionsville, IN 46077**. The Town has determined that the buildings and the premises are in an impaired condition that makes them unsafe to a person or property. Specifically, (1) the building has been damaged through neglect, to such an extent that the structural strength or stability thereof is materially less than it was before and is less than the minimum requirements for new buildings; (2) that a portion, member or appurtenance of the building is likely to fail and become detached, dislodged or collapse and thereby injure persons or damage property; (3) that the building has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes; (4) that due to dilapidation, deterioration and decay, the building is likely to partially or completely collapse; and (5) that junk/trash/debris exists on the property.

These buildings and the premises do not meet applicable building and zoning codes; allow for the intrusion of the elements, persons and infestation; and pose a threat to public health and safety. In these circumstances, the Town can pursue compliance in accordance with Town of Zionsville Code of Ordinances Chapter 97: Unsafe Buildings and Indiana Code IC 36-7-9: Unsafe Building Law of the State of Indiana.

Since the general condition of the buildings warrant removal; and the premises and the buildings thereon continue to require re-inspection and additional abatement action, ***it is therefore ordered that (1) all junk, trash, debris, fire hazardous material, and public health hazards in and about the unsafe premises be removed; and (2) that all buildings on the premises be demolished and removed.*** The actions so ordered shall be accomplished no later than 60 days from the date this order is issued, or by **March 11, 2020.**

A hearing on this order shall be held by the Zionsville Town Council on **February 18, 2020** at 7:30 a. m. You are entitled appear at this hearing, with or without legal counsel, and present evidence, cross-examine opposing witnesses and present arguments.

If the order is not complied with, the Town can cause the ordered actions to be completed and a lien placed upon the property for all costs associated with the remediation of the property. Should the remediation action ordered by this correspondence exceed \$10,000.00, the Town shall let the work to a contractor licensed and qualified under law after a public bid.

You must supply full information regarding this order to any person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest. Additionally, within five days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, you must supply the Town with written copies of: (1) the full name, address and telephone number of the person taking a substantial property interest in the unsafe premises; and (2) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished. If, in the future, a judgement is obtained against the Town for a failure to provide notice to persons holding an interest in the premises, failure to comply with the requirement to provide documentation to the Town may result in you being liable for the amount of any judgement.

The enforcement authority is the Department of Planning and Economic Development for the Town of Zionsville. The point of contact is William Peeples, AICP; 1100 West Oak Street, Zionsville, IN 46077. He can be reached by phone at 317-344-1163 or via e-mail at [wpeeples@zionsville-in.gov](mailto:wpeeples@zionsville-in.gov).

The Town Council may determine that the property is abandoned as provided in Indiana Code 36-7-37.

Respectfully,



William P. Peeples, AICP  
Planner I