

RESOLUTION NO. 32, 2014

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REAFFIRMING THE APPROVAL OF THE SALE OF CERTAIN REAL PROPERTY

WHEREAS, the City of Valparaiso, Indiana (“City”), currently owns two (2) parcels of real estate (hereinafter collectively referred to as the “Real Estate”) located on Chicago Street, within the geographical boundaries of the City, which are described as follows:

Parcel No.: 64-09-24-309-003.000-004 – OS Lot 3 Blk 15 (155 Chicago Street)

Parcel No.: 64-09-24-309-004.000-004 – OS Lot 2 Blk 15 (151 Chicago Street)

WHEREAS, on January 27, 2014, the Common Council of the City approved Resolution No. 3-2014 entitled “A Resolution of the Common Council of the City of Valparaiso, Indiana, Approving the Sale of Certain Real Property in Conformance with the Requirements of Ind. Code § 36-1-11-4”. Resolution No. 3-2014 is hereby incorporated by reference into this Resolution as if fully set forth herein; and

WHEREAS, on June 23, 2014, the Common Council of the City approved Ordinance No. 17-2014 entitled “An Ordinance Amending the Zoning Map Rezoning Land Within the City of Valparaiso, Indiana from NC-60, Neighborhood Conservation to CBD, Central Business District.” Ordinance No. 17-2014 rezoned the parcel located at 155 Chicago Street in order so that the both lots were similarly zoned. Ordinance No. 17-2014 is hereby incorporated by reference into this Resolution as if fully set forth herein; and

WHEREAS, following the approval of Resolution No. 3-2014 and Ordinance No. 17-2014, the City drafted written Conditions for the Development of the Real Estate. The Conditions for the Development of the Real Estate are hereby incorporated by reference into this Resolution as if fully set forth herein; and

WHEREAS, the City has published the required legal notice seeking sealed bids for the sale and development of the Real Estate and said bids are due to be opened by the Board of Public Works and Safety on the 23rd day of December, 2014; and

WHEREAS, in accordance with the requirements of Ind. Code § 36-1-11-3 both the Common Council of the City, as its fiscal body, and the Board of Public Works and Safety, as the City’s executive, are required to convene public hearings before approving the sale of the Real Estate; and

WHEREAS, prior to the adoption of this Resolution, the Common Council will conduct a public hearing pursuant to notice published in accordance with the applicable provisions of Indiana law; and

WHEREAS, the Common Council finds that the sale of the Real Estate pursuant to the Conditions of Development of the Chicago Street Lots is in the best interest of the City, is fair and equitable, and should be approved and accomplished.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

1. The foregoing recitals (or “whereas clauses”) are findings of fact by the Common Council and incorporated into this Resolution by reference.
2. In accordance with Indiana law, the Common Council, as the City’s fiscal body, hereby approves the sale of the Real Estate in accordance with the Conditions for Development of Chicago Street Lots.
3. The Common Council hereby reaffirms in all respects its adoption of Resolution No. 3-2014.

4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any section, subsection, paragraph, sentence, clause or phrase of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Resolution.

5. This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

DULY PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana, on the 8th day of December, 2014, by a _____ vote of all members present and voting.

Robert Taylor

Deb Butterfield

Joey Larr

Michael Baird

John Bowker

Jan Dick

Tim Daly

Jon Costas, Mayor

ATTEST:

Sharon Emerson Swihart, Clerk-Treasurer