

RESOLUTION NO. 1, 2014

A RESOLUTION OF THE CITY OF VALPARAISO, INDIANA, BOARD OF PUBLIC WORKS AND SAFETY AUTHORIZING THE USE OF EMINENT DOMAIN PROCEDURES TO ACQUIRE CERTAIN REAL PROPERTY

Comes now, the City of Valparaiso, Indiana, Board of Public Works and Safety ("Board") and resolves as follows:

WHEREAS, pursuant to Ind. Code § 36-9-6-4 the City of Valparaiso, Indiana, by and through its Board of Public Works and Safety ("City"), is authorized to condemn any real or personal property needed by the City for public use; and

WHEREAS, the City, by and through its representatives, has identified certain real property ("Identified Property") totaling approximately 0.638 acres consisting of a portion of **Parcel No. 64-09-11-300-006.000-004** that the City is desirous of acquiring. Attached to this Resolution as **Exhibit "A"** is the legal description for the Identified Property; and

WHEREAS, the City, by and through its representatives, has also identified two (2) additional areas totaling 0.463 acres and 0.177 acres wherein the City needs to acquire temporary construction easements ("Easement Properties"). Attached to this Resolution as **Exhibit "B"** are the legal descriptions for the Easement Properties; and

WHEREAS, the Board has received and reviewed two (2) appraisals for the Identified Property and Easement Properties. The aforementioned appraisals are hereby incorporated by reference into this Resolution as if fully set forth herein; and

WHEREAS, the City, is desirous of acquiring the Identified Property and Easement Properties for purposes of using said Properties for the construction of the public trail improvement known as the "Vale Park West Pathway."; and

WHEREAS, the Identified Property and Easement Properties appear to be owned by the Deters Family Limited Partnership No.1, a limited partnership under the laws of the State of Minnesota ("Partnership"); and

WHEREAS, the Board previously tendered a Uniform Property or Easement Acquisition Offer to the Partnership and said Offer was declined. The Uniform Property or Easement Acquisition Offer is hereby incorporated by reference into this Resolution as if fully set forth herein; and

WHEREAS, the Board, based upon the information provided to it as its August 22, 2014 meeting, specifically finds that acquiring the Identified Property and Easement Properties will serve a clear public purpose and a benefit to the residents of Valparaiso.

WHEREFORE, the Board resolves as follows:

1. The Board authorizes the City of Valparaiso Attorney's Office to initiate eminent domain proceedings in order to acquire the Identified Property and Easement Properties from the Partnership.

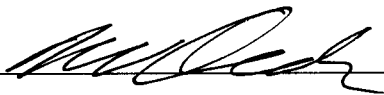
2. From time to time, the City of Valparaiso Attorney's Office shall keep the Board updated as to the status of the proceedings.

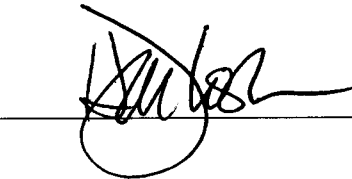
3. To the extent that any issue is left unaddressed in this Resolution, it is the intent of the Board, by adopting this Resolution, to initiate eminent domain proceedings to secure the Identified Property and Easement Properties based upon the Board's finding that acquisition of such Properties would serve the public interest of the City of Valparaiso and its citizens in its use as a public trail improvement known as the "Vale Park West Pathway." The City of Valparaiso Attorney's Office is authorized to take all actions consistent with its expressed intent and allowed by law.

Passed this 22nd day of August, 2014, by a vote of 2-0.

FAVOR

OPPOSED





ATTEST:


Clerk-Treasurer