

CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY

Resolution No. 2014--03

**A Resolution Authorizing the Commencement of
Eminent Domain Proceedings to Take a Two Parcel of Real Estate
for Phase III of the 61st Avenue Improvement Project**

WHEREAS, the Board of Public Works and Safety (“Board”), of the City of Hobart, Indiana (“City”), has received the recommendation of the 61st Avenue Joint Governing Commission adopted on February 25, 2014 requesting that the Board authorize the commencement of judicial proceedings in exercise of the City’s power of eminent domain to take two parcels of real estate described in said Resolution, for the public purpose of providing right of way for the for the construction and location of 61st Avenue and the utilities and appurtenances thereto as included in or related to Phase III of the 61st Avenue Improvement Project; and

WHEREAS, the Board has been informed that the two parcels and their owners of record are identified as follows:

<u>Project Parcel No.</u>	<u>Owner of Record</u>
Parcel 60	John R. Bailey, William S. Bailey, James T. Bailey, Sally J. Barclay, Susan J. Moreno, Fred Stinson and Ralph S. Stinson as heirs and successors of Sarah Dorman Bailey, Marion A. Stinson and William F. Sykes, all deceased

Property Number 45-12-01-481-001.000-018

Legal Description:

That part of the East Half of the Southeast Quarter of Section 1, Township 35 North, Range 8 West of the Second Principal Meridian, lying South of the South right-of-way line of 61st Avenue, in Lake County, Indiana, which tract is more particularly described as follows:

Beginning at the point of intersection of the South line of 61st Avenue with the East line of Section 1, Township 35 North, Range 8 West of the Second Principal Meridian; thence running south along said East line a distance of 71.4 feet, more or less, to the Southeast corner of said Section 1; thence running West along the South line of said Section 1, 203.05 feet, more or less, to the point of intersection of said South line of Section 1 with the South line of 61st Avenue; thence running Northeasterly along the South line

46 of 61st Avenue a distance of 206.80 feet, more or less, to the place
47 of beginning, in Lake County, Indiana.

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49 The above-described parcel is referenced as "Parcel 3" in a Final
50 Decree of Estate No. GE-77-81 ordered on August 5, 1980;

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52 and

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54 WHEREAS, the Board has determined that all legal conditions precedent for the
55 assertion of the City's eminent domain rights have been met, that the owners have declined good
56 faith offers of purchase prepared and served upon them in the manner required by law, that the
57 property is needed for a valid public purpose, and that there is no reason why the City should not
58 commence proceedings to take the properties.

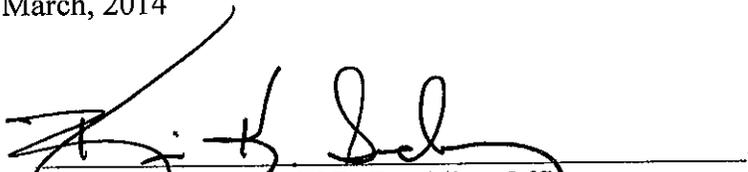
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60 THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City
61 of Hobart, Indiana, that:

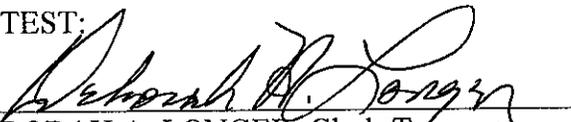
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63 1. The Board now finds and determines that all facts stated in the above prefatory
64 paragraphs of this Resolution are true.

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66 2. The Board authorizes and directs the City Attorney to commence proceedings in
67 any court of competent jurisdiction to take the parcel identified above by the exercise of the
68 City's power of eminent domain in accordance with the procedures specified in I.C. 32-24-1-1,
69 *et seq.* Such proceedings may be commenced at such time as the City Attorney shall determine
70 is most advantageous.

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72 3. Any settlement of litigation to take said parcels or either of them shall be subject
73 to the further approval of the Commission and this Board.

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75 ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public
76 Works & Safety on this 5th day of March, 2014

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81 BRIAN K. SNEDECOR, Presiding Officer:

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84 ATTEST:
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86 DEBORAH A. LONGER, Clerk-Treasurer
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