

CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY

Resolution No. 2016- 06

**A Resolution Authorizing the Commencement of
Eminent Domain Proceedings to Take Temporary Construction Easements or
Portions of Four Parcels of Real Estate
for Downtown Streetscape Project**

WHEREAS, the Board of Public Works and Safety (“Board”), of the City of Hobart, Indiana (“City”), has received a request from the City administration that the Board authorize the commencement of judicial proceedings in exercise of the City’s power of eminent domain to take either fee simple title or temporary construction easements involving four (4) parcels of real estate described below for the public purpose of providing room for construction staging and activities or right of way for the construction and location of Downtown Streetscape Project; and

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

(a)	<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number</u>
	Parcel 13	Lizabeth Flores	45-09-32-133-008.000-018

Legal Description:

Lots 78 and 79, except the Westerly 66 feet of said lots in the Town of (now City) of Hobart, recorded in Deed Record “D,” page 423, in the Office of Recorder of Lake County, Indiana.

(b)	<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number:</u>
	Parcel 36	Dale Penix	45-09-32-177-003.000-018

Legal Description:

Part of Lot 49 in the City of Hobart, as per plat thereof, recorded in Book “D,” page 423, in the Office of Recorder of Lake County, more particularly described as follows: Beginning at a point in the Easterly line of Center Street 33 feet Northerly of the Southwest corner of Lot 49, thence Easterly parallel with Third Street 132 feet; thence Northerly parallel with Center Street 32 feet; thence Westerly parallel with Third Street 132 feet; thence South 32 feet to the place of beginning.

(c)	<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number</u>
	Parcel 41	CPC Holdings, LLC	45-09-32-131-007.000-018

Legal Description:

A part of Lot 37 of the Plat of the Town, now City, of Hobart, recorded in Deed Record “D”, Page 423 (all referenced documents are recorded in the Office of the Recorder of Lake County, Indiana), being part of the Northwest Quarter of Section 32, Township 36 North, Range 7 West, Lake County, Indiana, and being that part of the grantors’ land described in Instrument Number 2013 003919, more particularly described as follows: Commencing at the northwest corner of said Lot 37; thence South 24 degrees 25 minutes 37 seconds East 2.50 feet along the northwestern line of said Lot 37 to the point of beginning of this description; thence North 65 degrees 27 minutes 10 seconds East 127.00 feet; thence South 24 degrees 25 minutes 37 seconds East 63.50 feet to the southeastern line of said Lot 37; thence South 65 degrees 27 minutes 10 seconds West 10.00 feet along said southeastern line; thence North 24 degrees 25 minutes 37 seconds West 51.00 feet; thence South 65 degrees 27 minutes 10 seconds West 117.00 feet to the southwestern line of said Lot 37; thence North 24 degrees 25 minutes 37 seconds West 12.50 feet along said southwestern line to the point of beginning, containing 2,098 square feet, more or less.

(d)	<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number:</u>
	Parcel 42	Unknown	45-09-32-180-009.000-018

Legal Description:

A part of the Northwest Quarter of Section 32, Township 36 North Range 7 West, Lake County, Indiana, and being that part of the grantors’ land lying within the right-of-way lines depicted on the attached Right Of Way Parcel Plat marked Exhibit “B”, more particularly described as follows:
 Commencing at the northeast corner of Lot 89 of the Plat of the Town, now City, of Hobart, recorded in Deed Record “D”, Page 423 (all referenced documents are recorded in the Office of the Recorder of Lake County, Indiana); thence along an prolonged northwest line of said Lot 89, 70.48 feet to the northeast corner of a 0.018 acre tract of land described in Instrument Number 98075586 and the point of beginning of this description; thence along an extension of the northeast line of said 0.018 acre tract 25.02 feet to the centerline of 3rd Street; thence along the centerline of 3rd Street 195.43 feet to the prolonged southwestern line of Lot 6 in Earle & Davis Addition to Hobart, the plat of which is recorded in Plat Book A, Page 486; thence southeasterly along said prolonged southwestern line and the southwestern line of said Lot 6 105.26 feet to a line parallel with and 75 feet southerly from the northeasterly prolongation of the northwest line of said Lot 89, designated as point “5248” on said Parcel Plat; thence southwesterly along said parallel line 231.96 feet to the northeast line of the City of Hobart Property described in Deed Record 887 Page 173, designated as point “5247” on said Parcel Plat; thence northwesterly 75.05 feet along said northeast line and the

92 northeast line of said 0.018 acre tract to the point of beginning, containing 0.491
93 acres, more or less.

94 and

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

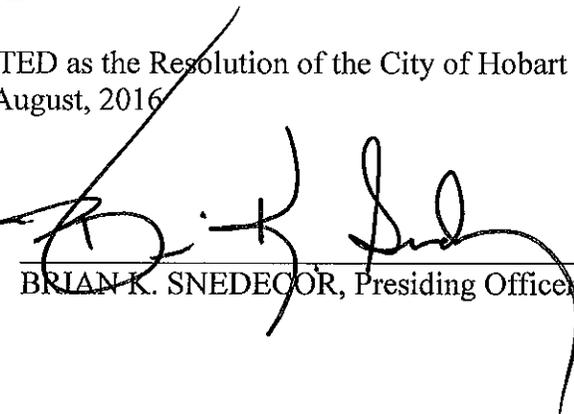
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102 THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City
103 of Hobart, Indiana, that:

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

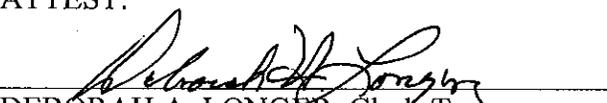
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108 2. The Board authorizes and directs the City Attorney to commence proceedings in
109 any court of competent jurisdiction to take either fee simple title or temporary construction
110 easements, as said Project's plans require, of the four (4) parcels identified above by the exercise
111 of the City's power of eminent domain in accordance with the procedures specified in I.C. 32-
112 24-1-1, *et seq.* Such proceedings may be commenced at such time as the City Attorney shall
113 determine is most advantageous.

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115 3. Any settlement of litigation to take said parcels or any of them shall be subject to
116 the further approval of the this Board.

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118 ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public
119 Works & Safety on this 3rd day of August, 2016

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125 BRIAN K. SNEDECOR, Presiding Officer:

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127 ATTEST:

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130 DEBORAH A. LONGER, Clerk-Treasurer
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