

CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY  
Resolution No. 2019- 11

**A Resolution Authorizing the Commencement of Proceedings  
to Appropriate Title or Temporary Construction Easements for Portions of <sup>TEN</sup> Eleven  
Parcels of Real Estate for the 69<sup>th</sup> Avenue Improvement Project  
by Exercise of the City’s Power of Eminent Domain**

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 ten (10) 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 road improvements on 69<sup>th</sup> Avenue from Mississippi Street to and including its intersection at and near Colorado Street; and

WHEREAS, the Board has been informed that the ten (10) parcels and their owners of record are identified as follows:

<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number(s)</u>
Parcel 4	Modrak Partners, LP	45-12-11-300-008.000-046
Parcel 5	Lake County Trust Co. Trust No. 5778	45-12-14-101-012.000-046
Parcel 8	Greater NW Investments, Inc.	45-12-14-101-016.000-046
Parcel 10	Nicholas F. Fitousis, <i>et al.</i>	45-12-11-300-009.000-046
Parcel 15	Ronald Williams	45-12-14-126-012.000-046
Parcel 17	Indiana Becknell Investors 2011, LLC	45-12-11-300-010.000-046
Parcel 18	Santiago Vaca	45-12-14-201-001.000-046
Parcel 22	Slavka Andonov, <i>et al.</i>	45-12-14-226-001.000-046
Parcel 23	Alan A. Metz, <i>et ux.</i>	45-12-11-400-004.000-046
Parcel 26	Darrell Audiss	45-12-13-101-003.000-046 45-12-13-101-002.000-046 45-12-13-101-001.000-046;

and

47 WHEREAS, the Board has determined that either all legal conditions precedent for the  
48 assertion of the City's eminent domain rights have been met, or will be met by the time suit is  
49 filed, if necessary, that the property is needed for a valid public purpose, and that there is no  
50 reason why the City should not commence proceedings to take the easements and/or portions of  
51 these properties required for the project should negotiations fail to produce a reasonable  
52 agreement.

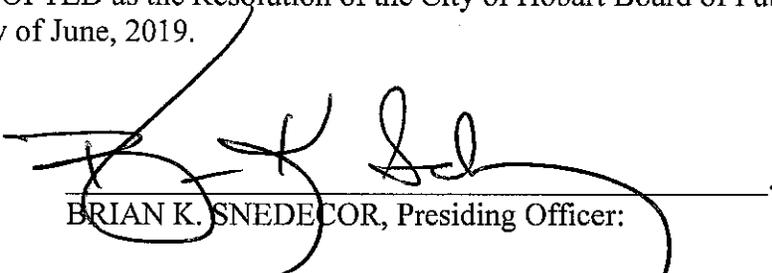
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54 THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City  
55 of Hobart, Indiana, that:

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

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60 2. The Board authorizes the City Attorney to commence proceedings in any court of  
61 competent jurisdiction to take either fee simple title or temporary construction easements, as said  
62 Project's plans require, of portions of any one or more than one of the ten (10) parcels identified  
63 above by the exercise of the City's power of eminent domain in accordance with the procedures  
64 specified in I.C. 32-24-1-1, *et seq.* Such proceedings may be commenced at such time and in  
65 such order as the City Attorney shall determine is most advantageous.

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

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70 ALL OF WHICH IS ADOPTED as the Resolution of the City of Hobart Board of Public  
71 Works & Safety on this 19th day of June, 2019.

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77 BRIAN K. SNEDECOR, Presiding Officer:  
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79 ATTEST:  
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82 DEBORAH A. LONGER, Clerk/Treasurer  
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