

RESOLUTION NO. 2013-3

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

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;

**WHEREAS**, the City, by and through its representatives, has identified certain real property ("Identified Property") totaling **1.37 acres** within the geographical boundaries of the City of Valparaiso near the northwest corner of State Road 130 and Center Street consisting of a portion of **Parcel No. 64-09-23-254-015.000-004**. A map is attached that depicts the location of the Identified Property;

**WHEREAS**, the Board has received and reviewed two (2) appraisals for the Identified Property prepared by Steven Ingram with Valuation Services, LLC, and Jeffrey R. Vale with Vale Appraisal Group. The aforementioned appraisals are hereby incorporated by reference into this Resolution as if fully set forth herein.

**WHEREAS**, the City, is desirous of acquiring the Identified Property for purposes of using said Property as a stormwater facility;

**WHEREAS**, the Identified Property appears to be owned by GM Regional Development, LLC; and

**WHEREAS**, the Board, based upon the information provided to it as its June 14, 2013 meeting, specifically finds that acquiring the Identified Property will serve a clear public purpose and a benefit to the residents of Valparaiso.

**WHEREFORE**, the Board resolves as follows:

1. Pursuant to Ind. Code § 32-24-1-5, the Board authorizes the City of Valparaiso Attorney's Office to issue an Offer consistent with the appraised value of the Identified Property to the Owner. If the Offer is accepted, the Board authorizes the City of Valparaiso Attorney's Office to finalize the terms of any agreement and formally acquire the Identified Property.
2. Pursuant to Ind. Code § 32-24-1-4, if the Offer is not accepted, the Board authorizes the City of Valparaiso Attorney's Office to initiate eminent domain proceedings.

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

4. 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 based upon the Board's finding that acquisition of such Identified Property would serve the public interest of the City of Valparaiso and its citizens in its use as a stormwater facility. The City of Valparaiso Attorney's Office is authorized to take all actions consistent with its expressed intent and allowed by law.

Passed this 14<sup>th</sup> day of June, 2013, by a vote of 3-0.

FAVOR

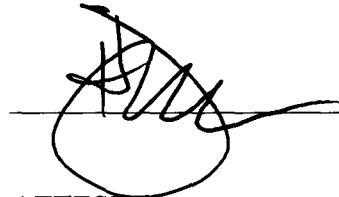
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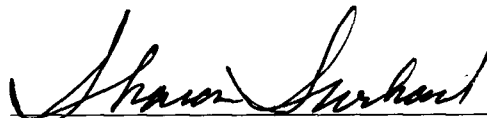
  
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ATTEST:

  
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Clerk-Treasurer