

CITY OF HOBART BOARD OF PUBLIC WORKS & SAFETY

Resolution No. 2013- 04

A Resolution Authorizing the Commencement of Eminent Domain Proceedings to Take Two Parcels 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 Resolution No. 2013- 02 of the 61st Avenue Joint Governing Commission adopted on November 4, 2013 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:

(a)	<u>Project Parcel No.</u>	<u>Owner of Record</u>	<u>Property Number</u>
	Parcel 51	Shirley M. Peddicord	45-13-06-451-002.000-018

Legal Description:

A part of the West Half of the Southeast Quarter of Section 6, Township 35 North, Range 7 West, Lake County, Indiana and that part of the grantor's land described in Instrument No. 93012302 in the Office of the Recorder of Lake County, lying within the right of way lines depicted on the attached Right of Way Parcel Plat marked Exhibit "B", described as follows: Beginning on the west line of said quarter section, North 0 degrees 51 minutes 28 seconds West (assumed bearing) 1,023.96 feet from the southwest corner of said quarter section, said point of beginning designated as point "808" on said plat; thence North 0 degrees 51 minutes 28 seconds West 198.62 feet along the west line of said quarter section to the center line of Bracken Road and the northwest corner of the grantor's land; thence North 87 degrees 27 minutes 11 seconds East 318.00 feet along the centerline of Bracken Road to the northwest corner of a 30.179-acre tract of land described in Instrument No. 2005-034325 in the office of said recorder; thence South 0 degrees 51 minutes 28 seconds East 64.47 feet along the west line of said tract; thence South 87 degrees 36 minutes 59 seconds West 184.37 feet to the point designated as "811" on said plat; thence South 49 degrees 44 minutes 29 seconds West 57.01 feet to the point designated as "810" on said plat; thence South 2 degrees 23 minutes 01 second East 100.00 feet to the point designated as "809" on said plat; thence South 87 degrees 36 minutes 59 seconds West 92.20 feet to the point of beginning and containing 0.765 acres, more or

47 less, inclusive of the presently existing right of way which contains 0.159 acres,
48 more or less.

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50 (b) Project Parcel No. Owner of Record

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52 Parcel 55 Raghuvraer P. Nayak and Anita R. Nayak, LLC

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54 Property Number: 45-13-06-451-003.000-018

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56 Legal Description:

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58 A part of the Southwest Quarter of the Southeast Quarter of Section 6,
59 Township 35 North, Range 7 West, Lake County, Indiana and that part of the
60 grantors' land described in Instrument No. 2005 034325 in the Office of the
61 Recorder of Lake County, lying within the right of way lines depicted on the
62 attached Right of Way Parcel Plat marked Exhibit "B", described as follows:
63 Beginning at the intersection of the East line of said quarter- quarter with the
64 centerline of Bracken Road; thence South 0 degrees 52 minutes 40 seconds
65 East (assumed bearing) 77.99 feet along said east line; thence Westerly 114.31
66 feet along an arc to the left having a radius of 9,925.00 feet and subtended by
67 a long chord having a bearing of South 87 degrees 56 minutes 47 seconds
68 West and a length of 114.31 feet to the point designated as "813" on said
69 plat; thence North 89 degrees 32 minutes 53 seconds West 202.15 feet to the
70 point designated as "812" on said plat; thence South 87 degrees 36 minutes 59
71 seconds West 685.63 feet to the west line of the grantors' land; thence North
72 0 degrees 51 minutes 28 seconds West 64.47 feet along said west line to the
73 centerline of said Bracken Road; thence North 87 degrees 27 minutes 11
74 seconds East 1,002.17 feet (999.93 feet per said Instrument) along said
75 centerline to the point of beginning and containing 1.566 acres, more or less,
76 inclusive of the presently existing right of way which contains 0.400 acres,
77 more or less;

78 and

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

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

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

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