

RESOLUTION NO. 12-15

**RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF WEST LAFAYETTE, INDIANA AUTHORIZING
THE CITY ATTORNEY TO EXERCISE THE CITY'S
POWER OF EMINENT DOMAIN**

WHEREAS, the Common Council of the City of West Lafayette, Indiana established a Redevelopment Commission ("RDC") and Department of Redevelopment by Ordinance No. 6-89; and

WHEREAS, the RDC established the Levee/Village Redevelopment Area on February 26, 1990 by Resolution No. 3-90; and

WHEREAS, the RDC expanded the Levee/Village Redevelopment Area on April 18, 2012 by Resolution No. RC2012-4 ("Levee TIF"); and

WHEREAS, the Levee TIF includes a parcel of real estate more particularly described on Exhibit A attached hereto and made a part hereof ("Parcel"); and

WHEREAS, the RDC has determined that it is necessary for the City to acquire the Parcel for a public project in the Levee TIF; and

WHEREAS, the owner of the Parcel is Abby Manor Acquisitions, LLC ("Owner"); and

WHEREAS, the RDC, acting by and through the Office of the City Engineer made an offer to acquire the Parcel from the Owner; and

WHEREAS, the Owner rejected said offer;

WHEREAS, pursuant to I.C. 36-7-14-20, the RDC has requested the Common Council to adopt a resolution to exercise the City's power of eminent domain to acquire the Parcel and direct the City Attorney to file a petition in court to acquire the Parcel.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Lafayette, Indiana, as follows:

1. The Common Council considers it necessary that the City acquire the parcel of real estate described on Exhibit A, attached hereto and made a part hereof, by the exercise of its power of eminent domain on behalf of the West Lafayette Redevelopment Commission.

2. The City Attorney is hereby directed to file a petition in the Circuit or Superior Courts of Tippecanoe County, Indiana in the name of the City on behalf of the Redevelopment Commission and to take any other action under the laws of the State of Indiana and City of West Lafayette to effectuate the acquisition of the Parcel.

INTRODUCED ON FIRST READING ON THE 1 DAY OF June, 2015.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR Burch.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 1 DAY OF June, 2015, HAVING BEEN PASSED BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			



 Presiding Officer

Attest:



 Judith C. Rhodes, Clerk-Treasurer

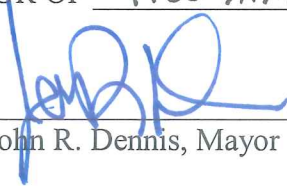


PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 2 DAY OF June, 2015, AT THE HOUR OF 9:00 A.M.



 Judith C. Rhodes, Clerk-Treasurer

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 2 DAY OF June, 2015, AT THE HOUR OF 9:00 A.M.



John R. Dennis, Mayor

Attest:



Judith C. Rhodes, Clerk-Treasurer



EXHIBIT "A"

Project: Northwestern Avenue
Tax I.D.: 79-07-19-283-009.000-026

Parcel: 02
Sheet: 1 of 1

A part of the East Half of the Northeast Quarter of Section 19, Township 23 North, Range 4 West, Tippecanoe County, Indiana, being a portion of the grantors' land described in Instrument 201010015133 (all referenced documents are recorded in the Office of the Recorder of Tippecanoe County), more particularly described as follows: Commencing at a plastic capped rebar stamped "R.W. Gross" (RWG Rebar) found marking the northeast corner of Lot 6 of Lentz's Subdivision of A.B. McClain's Addition to Chauncey, recorded in Plat Book 1, Page 10; thence North 88 degrees 34 minutes 04 seconds West (bearings based on the Indiana State Plane Coordinate System, West Zone, NAD 1983) 123.28 feet along the north line of said Lot to the point of beginning of this description; thence South 38 degrees 42 minutes 10 seconds West 25.67 feet to the southwestern line of said Lot, witness an RWG Rebar at North 13 degrees 29 minutes 48 seconds West 1.68 feet; thence North 39 degrees 24 minutes 00 seconds West 27.00 feet along said southwestern line to the northwest corner of said Lot; thence South 88 degrees 34 minutes 04 seconds East 33.20 feet along the north line of said Lot, passing an RWG Rebar at 24.67 feet, to the point of beginning, containing 339 square feet, more or less, inclusive of the presently existing right of way which contains 90 square feet, more or less.

Given this 22nd day of April, 2015.



Randall A. Nick, P.S.
Registered Professional Land Surveyor
State of Indiana, Surveyor No. 20900163



This description was prepared for the City of West Lafayette by Butler, Fairman & Seufert, Inc.