

RESOLUTION NO. 12-07-2023-28

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL,
INDIANA AUTHORIZING THE ACQUISITION OF
REAL PROPERTY BY EMINENT DOMAIN ON BEHALF OF THE
THE BRISTOL REDEVELOPMENT COMMISSION

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, the Town intends to proceed with a project to construct and maintain a public pedestrian walking bridge, which is to be constructed parallel to the Division Street Bridge over the St. Joseph River, thereby connecting Congdon Park with Main Street and the Town’s downtown, and providing a safe walking path for pedestrians across the St. Joseph River (the “Project”); and

WHEREAS, Bristol Redevelopment Commission (the “Commission”), pursuant to Resolution 10-19-2023-23, approved the acquisition of certain real property consisting of 0.2 acres and located at 110 East Vistula Street, Bristol, Indiana (Parcel Number 20-03-27-229-002.000-031) (the “Property”), which is located within the Town’s Consolidated State Road 15 Economic Development Area, from the owner of the Property, identified in the public records as Lauren Howard (the “Property Owner”), in connection with the Project, and authorized the submission of a good faith offer to purchase the Property pursuant to Indiana Code § 32-24-1-3 and -5 (the “Offer”); and

WHEREAS, the Commission further resolved for the Council to authorize the Town Attorney to commence eminent domain proceedings, pursuant to Indiana Code §§ 36-7-14-20 and 32-24-1-1, *et. seq.*, to acquire the Property by filing a petition in the name of the Town, on behalf of the Commission, for condemnation of the Property in any court of competent jurisdiction, if the owner of the Property rejected the Offer, or if the Commission was otherwise unable to obtain title to the Property within thirty (30) days of the Offer; and

WHEREAS, the Council is informed that the Property Owner rejected the Offer by written notice dated November 20, 2023; and

WHEREAS, the Council has determined that there is a need for the Project, and that the Project will serve a public purpose and be of public benefit and intends to appropriate funds to finance the acquisition of the Property and construction of the Project; and

WHEREAS, the Council has determined that it is necessary to acquire the Property from the Property Owner in connection with the Project; and

WHEREAS, pursuant to Indiana Code § 36-7-14-20, if the Council, as the legislative body of the Town, considers it necessary to acquire real property in a redevelopment project area by the exercise of the power of eminent domain, the Council shall adopt a resolution setting out its determination to exercise that power.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Bristol, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The Project serves a public purpose and will benefit the citizens of the Town and of Elkhart County, Indiana.

Section 3. The Town Attorney is hereby authorized and directed to comply with Indiana law governing eminent domain actions and file a petition in the name of the Town, on behalf of the Town of Bristol Redevelopment Commission, for condemnation of the Property in any court of competent jurisdiction. The Town Attorney is authorized to take all actions consistent with the express intent of this Resolution and allowed by law.

Section 4. The Town Council President and Town Manager are hereby authorized to execute and deliver appropriate documents in the name of and on behalf of the Town in connection with the transactions set forth in this Resolution and to take any and all actions which such person deems necessary or appropriate regarding such transactions. Any and all documents executed by the Town Council President and Town Manager in connection with the actions contemplated by this Resolution and any and all actions previously, or to be, taken by the Town Council President and Town Manager in connection with the actions contemplated by this Resolution be, and they hereby are, ratified and approved.

Section 5. This Resolution shall be in full force and effect upon its adoption by the Council.

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RESOLVED THIS 7th DAY OF DECEMBER, 2023.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Andrew Medford

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer