

RESOLUTION NO. 10-19-2023-23

A RESOLUTION OF THE BRISTOL REDEVELOPMENT
COMMISSION APPROVING THE PURCHASE OF REAL
PROPERTY

WHEREAS, the Bristol Redevelopment Commission (the “Commission”) has been duly established and is authorized to transact business pursuant to the provisions of Indiana Code 36-7-14, *et seq.*, as amended (the “Act”), in order to administer certain redevelopment and economic development activities within the Town of Bristol, Indiana (the “Town”); and

WHEREAS, the Commission is currently in the process of amending its Economic Development Plan (the “Plan Amendment”) for the Town’s Consolidated State Road 15 Economic Development Area (the “Consolidated Area”) to authorize the acquisition of additional parcels to facilitate economic development and revitalization within the Town; and

WHEREAS, pursuant to Section 12.2(a)(1) of the Act, the Commission is permitted to acquire any property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the Town; and

WHEREAS, the Town has sought to acquire distressed real property consisting of 0.2 acres and located at 110 West Vistula Street, Bristol, Indiana (Parcel Number 20-03-27-229-002.000-031) (the “Property”) from the owner of the Property, identified in in public records as Lauren Howard (the “Property Owner”), in connection 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, on the date hereof, the Commission adopted Resolution No. 10-19-2023-22, which, among other things, expressed the Commission’s interest in acquiring the Property to further the Commission’s long-term redevelopment plans for the Town’s Consolidated Area; and

WHEREAS, pursuant to Section 19.5(b) of the Act, the Commission can acquire distressed real property from a willing seller after the property is appraised by two appraisers; and

WHEREAS, appraisals were secured for the Property from Iverson C. Grove, MAI, SRA, and Steven W. Sante, MAI, SRA of Appraisal Services, Inc., with an average value placed on the Property of Fifty-Six Thousand and No/100 Dollars (\$56,000);

WHEREAS, the Commission has determined that it is necessary to exceed the average appraised value for the Property by _____ and No/100 Dollars (\$_____.00) due to potential greater economic development opportunities available to the Commission through its ownership of the Property, subject to the prior approval of the Town Council in accordance with Section 19.5(b) of the Act; and

WHEREAS, Section 39(b)(3)(J) of the Act authorizes the Commission to pay expenses incurred by the Commission for local public improvements that are located in or serve an allocation area; and

WHEREAS, the acquisition of the Property will serve the South State Road 15 Allocation Area (“TIF 130”) which is located within the Consolidated Area as such acquisition will foster economic development throughout the Consolidated Area in accordance with the Economic Development Plan for the Consolidated Area; and

WHEREAS, the Commission desires to acquire the Property with revenues from TIF 130; and

WHEREAS, the Commission believes that the acquisition of the Property is in the best interest of the Town and its citizens and now desires to approve the purchase of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE BRISTOL REDEVELOPMENT COMMISSION THAT:

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

Section 2. The Commission hereby determines that the Property is a distressed property which may be acquired in accordance with Section 19.5 of the Act and hereby approves the purchase of the Property subject to the terms and conditions set forth herein and in the Offer (as defined herein).

Section 3. The Commission hereby determines in accordance with Section 19(b) of the Act that the purchase price for the Property shall be not more than _____ plus _____ other closing and related costs as may be provided for in the Offer (the “Purchase Price”). The Town Manager is hereby authorized to make a formal offer to purchase the Property, in an amount not to exceed \$_____ based upon a review of assessed value for property tax purposes pursuant to Indiana Code § 32-24-1-5, substantially in the form attached hereto as Exhibit A (the “Offer”). The Town Manager is hereby authorized to execute any and all documents and to take such other actions as may be necessary in order for the Commission to acquire the Property.

Section 4. The Clerk-Treasurer is hereby authorized to pay the Purchase Price from TIF 130 following the satisfaction of the conditions set forth in the Offer.

Section 5. Each of the President, Vice President and Secretary of the Commission is hereby authorized to execute and deliver appropriate conveyance instruments, documents, certificates, and agreements in the name of and on behalf of the Commission 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; provided, however, that the terms and conditions of any such document shall be consistent with the terms and conditions approved in this Resolution. Any and all

documents executed by the President, Vice President and Secretary of the Commission in connection with the actions contemplated by this Resolution and any and all actions previously, or to be, taken by the President, Vice President, Secretary, or Town Manager in connection with the actions contemplated by this Resolution be, and they hereby are, ratified and approved.

Section 6. Each agreement, instrument, certificate, and other document contemplated by this Resolution to be executed and delivered by the President, Vice President or Secretary of the Commission, or Town Manager, on behalf of the Commission shall be in a form approved by, and satisfactory to, the President, Vice President or Secretary upon the advice of counsel, which approval and satisfaction shall be conclusively evidenced by the execution and delivery thereof by the President, Vice President, Secretary, or Town Manager.

Section 7. If the Property Owner rejects the Offer or the Commission is otherwise unable to acquire the Property by agreement within thirty (30) days of the Offer, then the Commission resolves that the Town Council 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. The Commission resolves to be responsible for the costs and attorneys' fees for prosecuting such an action.

Section 8. This Resolution shall be in full force and effect immediately upon its adoption.

* * * * *

RESOLVED THIS ____ DAY OF _____, 2023.

BRISTOL REDEVELOPMENT
COMMISSION

By: _____
President

ATTEST:

Secretary

EXHIBIT A

Form of Offer

[Attached]

October 20, 2023

Ms. Lauren Howard
P.O. Box 443
Bristol, IN 46507

Re: Uniform Property Acquisition Offer Pursuant to I.C. § 32-24-1-5

Dear Ms. Howard:

The Town of Bristol, Indiana, through its Department of Redevelopment (the “Town”), is authorized by Indiana law to obtain your property for certain public purposes. The Town needs your property for a public project that will consist of the construction of a public pedestrian bridge connecting downtown Bristol with Congdon Park. The Town needs to take all of your property consisting of 0.2 acres and located at 110 West Vistula Street, Bristol, Indiana (Parcel Number 20-03-27-229-002.000-031) (the “Property”) to construct this project.

It is our opinion that the fair market value of the property we want to acquire from you is \$56,000.00, and, therefore, the Town offers you \$_____ for the above-described property. You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer, provided there are no difficulties in clearing liens or other problems with title to land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Town is required to make a good faith effort to purchase your property.
2. You do not have to accept this offer and the Town is not required to agree to your demands.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of your property, the Town, on behalf of the Town, has the right to file suit to condemn and acquire the property in the county in which the property is located.
4. You have the right to seek advice of an attorney, real estate appraiser, or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If the Town files a suit to condemn and acquire your property and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the property to be acquired.

7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the property condemned.
8. If the court appraisers' report is not accepted by either of us, then the Town, in the name of the Town, has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, the Town is legally entitled to immediate possession of the property. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.
9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice.
10. If you have any questions concerning this matter you may contact us at:

Town of Bristol, Indiana
Attention: Mike Yoder, Town Manager
303 E. Virtual Street
Bristol, Indiana 46507
Phone: (574) 848-4853
Email: mikeyoder@BristolIndiana.org

This offer was mailed via certified mail to the owner(s):

Lauren Howard of Elkhart County, IN

on the 20th day of October, 2023, BY:

TOWN OF BRISTOL, INDIANA,
THROUGH ITS DEPARTMENT OF
REDEVELOPMENT

By: _____
Mike Yoder, Town Manager

ACCEPTANCE OF OFFER

If you decide to accept the offer of \$ _____ made by the Town of Bristol, Indiana, through its Department of Redevelopment, sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

I, Lauren Howard, owner of the above-described property or interest in property, hereby accept the offer of \$ _____ made by the Bristol Redevelopment Commission on this 20th day of October, 2023.

Lauren Howard

NOTARY'S CERTIFICATE

STATE OF _____)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20__.

My Commission Expires: _____

(Signature)

(Printed) NOTARY PUBLIC