

STATE OF INDIANA

BEFORE THE BOARD OF FLOYD COUNTY COMMISSIONERS

FCR 2024-5

RESOLUTION NO. 2024-\_\_\_\_\_

**A RESOLUTION AUTHORIZING THE TENDER OF OFFERS PURSUANT TO THE PROVISIONS OF IND. CODE § 32-24-1-5 TO PURCHASE CERTAIN REAL PROPERTIES LOCATED WITHIN THE COUNTY OF FLOYD THAT ARE NEEDED FOR THE BRIDGE 51 RELOCATION PROJECT, AND TO INITIATE LITIGATION TO APPROPRIATE SUCH PROPERTY IF SUCH OFFERS ARE NOT TIMELY ACCEPTED**

**WHEREAS**, the Board of Commissioners of the County (the “Board”) is the executive and legislative body for the Floyd County, Indiana, government unit; and,

**WHEREAS**, the County possesses authority to acquire real property located within the County boundaries by eminent domain or other means pursuant to Indiana Code § 36-1-4-5(a); and,

**WHEREAS**, on July 16, 2019 the Board of Commissioners approved a Contract (the “Contract”) with Jacobi, Toombs, and Lanz, Inc. (“JTL”), for their work and services on the Bridge 51 Relocation Project. The parties have entered into Supplemental Contracts to effectuate the scope of the original Contract. Thereafter, on March 9, 2024, entered into a Subconsultant Services Agreement with SJK Appraisals, LLC (“SJK”) to obtain an appraisal of certain properties, including but not limited to those properties identified in Exhibit A (attached hereto and made a part hereof) in a manner that satisfies Indiana Code § 32-24-1-3.

**WHEREAS**, the Board has obtained and been presented with appraisal reports from SJK for the properties referenced in attached Exhibit A (the “Appraisals”), the text of which Appraisals are fully incorporated herein by reference, and which Appraisals establish the fair market value of each of the properties as set out in attached Exhibit A as of the respective date of its inspection as identified in the Appraisal; and,

**WHEREAS**, the Board now finds it to be in the best interest of the County and its citizens to proceed with the acquisition of the properties listed in attached Exhibit A in accordance with the provisions of Ind. Code § 32-24-1, *et. seq.*, and now adopts this Resolution for such purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Floyd, Indiana, as follows:

1. **Approval of Appraisal Valuations.** The Board having had adequate opportunity to review and consider the Appraisals on the properties identified in attached Exhibit A now approves the Appraisal valuations established by SJK for such properties.
2. **Authorization of Offers to Purchase Fee Simple Title.** The Board hereby authorizes the County Attorney, Richard R. Fox and/or Kristi L. Fox, to draft and serve an offer on the record owner of the properties identified in attached Exhibit A for a purchase price equal to the appraised value for each such property identified in attached Exhibit A in the form and manner required by Indiana Code.
3. **Authorization to File Complaint(s) for Appropriation, if Needed.** The Board hereby further authorizes the County Attorney to file a complaint in the Floyd Circuit Court against the record owner(s) of any or each of the properties identified in attached Exhibit A for appropriation by fee simple title in accordance with the provisions of Indiana Code § 32-24-1-4 in the event that the offer for such property authorized under section 2 above is not accepted within thirty (30) days following service of the offer on the record owner(s).
4. **Effective Date.** This Resolution shall be in full force and effect immediately upon its adoption by a majority vote of the entirety of the membership of the Board.

SO RESOLVED AND ADOPTED THIS 4th DAY OF June, 2024.

BOARD OF COMMISSIONERS OF  
FLOYD COUNTY, INDIANA

  
\_\_\_\_\_  
Al Knable, President

  
\_\_\_\_\_  
Jason Sharp, Commissioner

  
\_\_\_\_\_  
John Schellenberger, Commissioner

ATTEST:

  
\_\_\_\_\_  
Diana Topping, County Auditor

Exhibit A

Property	Owner	COUNTY	Address	Parcel No.	Appraisal Date	Appraised Value
1	Future Freedom, Inc.	FLOYD	3108 Blackkiston Mill Rd., New Albany	22-05-06-300-381.000-008	2/22/2024	\$ 3,625.00
2	Koerber's Properties, LLC	FLOYD	3095 Blackkiston Mill Rd., New Albany	22-05-06-300-001.000-008 & 22-05-06-00-623.000-008	2/29/2024	\$ 40,600.00
3	WoodSilver, LLC (previously Silverwood Court, LLC)	FLOYD	Silverwood Court, New Albany	22-05-06-300-627.000-007	3/8/2024	\$ 11,325.00
4	Albanessa Venture, LLC	FLOYD	3700 Blackkiston Mill Rd., New Albany	22-05-06-300-378.000-008	2/23/2024	\$ 6,825.00
7	Larry and Nancy Beeler (Floyd County portion)	FLOYD	S of 2999 Blackkiston Mill Rd., New Albany	22-05-06-300-012.000-007	4/1/2024	\$ 5,000.00
12	Unknown Owner	FLOYD	Lands in Silver Creek along Blackkiston Mill Rd., Clarksville	n/a	3/11/2024	\$ 150.00
25	Larry and Nancy Beeler	FLOYD	2832 Blackkiston Mill Rd., Clarksville	22-05-06-300-012.000-007	4/8/2024	\$ 1,375.00