

STATE OF INDIANA

BEFORE THE BOARD OF FLOYD COUNTY COMMISSIONERS

RESOLUTION NO. 2024-17

A RESOLUTION AUTHORIZING THE TENDER OF OFFERS PURSUANT TO THE PROVISIONS OF IND. CODE § 32-24-1-5 AND THE INTERLOCAL BETWEEN CLARK COUNTY AND FLOYD COUNTY TO PURCHASE CERTAIN REAL PROPERTIES LOCATED WITHIN THE COUNTY OF CLARK 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 Town Council for the Town of Clarksville (the “Town”) possesses authority to acquire real property within Clark County boundaries, that are within the scope of this project, 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, on October 19, 2021, the Board and the Town entered into an Interlocal Agreement authorizing the Board to acquire the Clark County parcels associated with the Bridge 51 project.

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 Katie Repp, with Repp Real Estate Services, LLC, to draft and serve an offer on the record owner of the properties identified in and approved herein as 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 1st DAY OF October, 2024.

BOARD OF COMMISSIONERS OF
FLOYD COUNTY, INDIANA



Al Knable, President




Jason Sharp, Commissioner



John Schellenberger, Commissioner

ATTEST:



Diana Topping, County Auditor

Property	Owner	COUNTY	Address	Parcel No.	Appraisal Date	Appraised Value
11	Graf Properties, LLC	CLARK	2832 Blackiston Mill Rd., Clarksville	10-40-06-300-002.000-007	4/8/2024	\$ 5,875.00
13	Larry Beeler and Nancy Beeler	CLARK	2832 Blackiston Mill Road, Clarksville, IN 47129	10-40-06-300-001.000-007	4/22/2024	\$ 860,700.00
14	Disponett & Disponett Property, LLP	CLARK	109 Walnut Grove, Clarksville, IN 47129	10-24-06-300-069.000-013	3/8/2024	\$ 32,525.00
15	Clearleaf Short Alternative Fund LP (previously Onsite Heating & Air, LLC)	CLARK	3011-3013 Blackiston Mill Road, Clarksville, IN 47129	10-24-06-300-079.000-013	4/3/2024	\$ 32,875.00
16	James R. Disponett, II	CLARK	3009 Blackiston Mill Road, Clarksville, IN 47129	10-24-06-300-087.000-013	3/8/2024	\$ 11,200.00
17	Sherman R. and Alice G. Nix	CLARK	2005 Blackiston Mill Road, Clarksville, IN 47129	10-24-06-300-011.000-013 & 10-24-06-300-003.000-013	3/2/2024	\$ 22,650.00
18	Larry W. Beeler	CLARK	2820 Blackiston Mill Road, Clarksville, IN 47129	10-24-40-300-088.000-007; 10-24-40-04-500-019.000-007; & 10-24-04-500-627.000-007	3/8/2024	\$ 17,525.00
19	Ramiro Gandara, Sr.	CLARK	2929 Blackiston Mill Road, Clarksville, IN 47129	10-24-04-500-457.000-013	3/2/2024	\$ 11,100.00
20	Myong Kang	CLARK	2917 Blackiston Mill Road, Clarksville, IN 47129	10-24-41-500-465.000-013	2/27/2024	\$ 14,000.00
21	River Heritage Conservancy, LLC	CLARK	approximately 3200 Blackiston Mill Rd., New Albany	10-24-06-300-045.000-013	3/12/2024	\$ 2,875.00
22	TCB Properties, LLC	CLARK	3205 Blackiston Mill Rd, Clarksville	10-24-06-300-060.000-13 & 10-24-06-600-055.000-013	3/5/2024	\$ 16,875.00
23	Unknown Owner (Walnut Grove Drive Unrecorded R/W)	CLARK	Intersection of Walnut Grove Dr. and Blackiston Mill Rd., Clarksville	n/a	2/27/2024	\$ 125.00
24	Unknown Owner (Startlight Drive Unrecorded R/W)	CLARK	Intersection of Startlight Dr. and Blackiston Mill Rd.	n/a	2/27/2024	\$ 325.00