

Resolution No. 2019-16 of the LaPorte County Board of Commissioners authorizing eminent domain proceedings.

WHEREAS, pursuant to IC 36-1-4-5, *et al.*, the Board of Commissioners possesses the authority to acquire, by eminent domain or other means, and own interests in real and personal property on behalf of LaPorte County and the LaPorte County Redevelopment Commission (“RDC”);

WHEREAS, pursuant to IC 36-7-14-15, *et al.*, the RDC possesses the authority to adopt economic development plans for the benefit and utility of the public, including plans for constructing a right-of-way that would facilitate transportation and shipping within economic development areas and promote economic growth within the county;

WHEREAS, the RDC has identified adjacent parcels of property located on or near East Hupp Road in Kingsbury, Indiana, upon portions of which it is necessary to acquire an easement to construct a public right of way by LaPorte County, Indiana, specifically: (a) Parcel No. 46-11-32-100-021.000-066, (b) Parcel No. 46-11-31-376-003.000-066, (c) Parcel No. 46-11-31-376-006.000-066, and (d) Parcel No. 46-11-31-376-007.000-066 (the “Property”);

WHEREAS, the RDC has proposed construction of a right-of-way over, across, and through portions of the Property, connecting the economic development area Kingsbury Industrial Park (“KIP”) by rail to existing freight rail lines in the immediate vicinity (the “KIP Rail Connection Plan”);

WHEREAS, the objective of the KIP Rail Connection Plan is to provide current and prospective LaPorte County residents, business owners, and taxpayers greater access to regional and national economic opportunities by connecting KIP by rail to existing freight rail lines in the immediate vicinity upon which to ship and receive goods;

WHEREAS, the Board of Commissioners has determined the objective of the KIP Rail Connection Plan to have substantial public utility and benefit for LaPorte County, Indiana, pursuant to *inter alia* IC 36-7-14-2, and in furtherance of the economic development plan for KIP and LaPorte County as a whole, as set forth by the RDC in cooperation with the Board of Commissioners;

WHEREAS, pursuant to IC 36-7-14-19, IC 36-7-14-12.2, *et al.*, the RDC may expend funds of the special taxing district to acquire the real property interests necessary to pursue the KIP Rail Connection Plan; and

WHEREAS, the RDC may acquire the real property interests necessary to pursue the KIP Rail Connection Plan through eminent domain proceedings, provided the Board of Commissioners authorizes the county attorney to do so on behalf of the RDC;

NOW, THEREFORE, BE IT RESOLVED that the LaPorte County Board of Commissioners hereby authorizes the RDC and the county attorney to negotiate for the acquisition of the real property interests necessary to pursue the KIP Rail Connection Plan, and authorizes the

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county attorney and the law firm of Barnes & Thornburg LLP to initiate any eminent domain actions necessary to acquire such rights pursuant to Section 32-24-1 *et seq.* of the Indiana Code.

Adopted and resolved this 6th day of November 2019.

BOARD OF COUNTY COMMISSIONERS
OF LAPORTE COUNTY, INDIANA

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Shela Adams

Paul A. Mingo

Attest: James W. Wiskie

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