

INTRODUCED: 06/08/2009

REFERRED TO: Public Works Committee

SPONSOR: Councillor Hunter

DIGEST: approves the purchase of certain land owned by Donro, Inc. by the Department of Public Works for construction of a stormwater improvements project

SOURCE:

Initiated by: Department of Public Works

Drafted by: Andrea L. Brandes, Assistant Corporation Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: June 3, 2009

CITY-COUNTY GENERAL RESOLUTION NO. _____, 2009

PROPOSAL FOR A GENERAL RESOLUTION establishing that the City-County Council of the City of Indianapolis and Marion County, Indiana, is interested in making the purchase of specified land.

WHEREAS, the City-County-Council of the City of Indianapolis and Marion County, Indiana ("City-County Council") is the fiscal body of the City of Indianapolis pursuant to IC 36-1-10.5-1, et seq.; and

WHEREAS, pursuant to IC 36-1-10.5-5 the City of Indianapolis may purchase land only after the City-County Council passes a resolution to the effect that the City-County Council is interested in making a purchase of specified land; and

WHEREAS, the City of Indianapolis wishes to purchase an interest in land through a temporary construction easement and a permanent drainage easement and right-of-way upon a particular parcel of real estate located in Marion County, which acquisitions are more particularly described by Exhibit "A" and Exhibit "B", respectively, and depicted by Exhibit "C", all of which are attached hereto and incorporated herein ("Real Estate Easements"); and

WHEREAS, the project for which the Real Estate Easements are being obtained is designed to construct stormwater improvements to Highland Creek and White River; and

WHEREAS, the City-County Council, having considered the acquisition of the Real Estate Easements and being duly advised, finds that the City-County Council has an interest in acquiring the Real Estate Easements; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby establishes that the City-County Council has an interest in acquiring the Real Estate Easements described in Exhibit "A" and Exhibit "B" (copies of which are attached to the official copy of the resolution on file with the Clerk of the Council).

SECTION 2. For purposes of Revised Code Sec. 151-66 the Real Estate is owned by Donro, Incorporated, through a Corporate Warranty Deed recorded in the office of the Marion County Recorder on September 8, 1988, as Instrument Number 880091922, and no person or firm owns more than ten percent or more of the equity of such coporation.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2009, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory Ballard, Mayor