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STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
)SS:
COUNTY OF LAKE) CROWN POINT, INDIANA

2013 050406

TOWN OF CEDAR LAKE,)
LAKE COUNTY, INDIANA,)
a Municipal Corporation,)
Plaintiff,)

vs.)
VICKI LYNN VICARI;)
LAKE COUNTY AUDITOR;)
LAKE COUNTY TREASURER;)
DEMOTTE STATE BANK;)
INTERNAL REVENUE SERVICE;)
STATE OF INDIANA;)
CAPITAL ONE BANK, USA; and)
CEDAR LAKE UTILITIES,)
Defendant(s).

Case No.: 45C01-1211-PL-119

RECEIVED
FEB 25 2013
MICHAEL BROWN
CLERK LAKE CIRCUIT COURT

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STATE OF INDIANA
LAKE COUNTY
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MICHAEL BROWN
CLERK LAKE CIRCUIT COURT

**ORDER APPROPRIATING REAL ESTATE
AND APPOINTING APPRAISERS**

The Parties having filed their Stipulated Agreement and the Court, being fully advised in the premises, now finds as follows:

1. That this is an Eminent Domain action for condemnation of certain real property located in the Town of Cedar Lake, Lake County, Indiana pursuant to Indiana Code §32-24-1-1, *et seq.*, as amended.

2. That Plaintiff, Town of Cedar Lake, Lake County, Indiana, is a municipal corporation organized and existing pursuant to the laws of the State of Indiana.

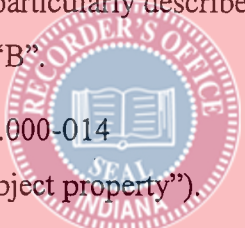
3. That Defendant, VICKI LYNN VICARI, is the owner of a certain parcel of real property located in the Town, and more particularly described as follows:

Please refer to Exhibits "A" and "B".

Parcel No.: 45-15-21-351-014.000-014
(hereinafter referred to as the "subject property").

4. That Defendant, LAKE COUNTY AUDITOR, may claim to have some right, title, or interest in the subject property.

5. That Defendant, LAKE COUNTY TREASURER, may claim to have some right, title, or interest in the subject property.



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6. That Defendant, DEMOTTE STATE BANK, may claim to have some right, title, or interest in the subject property.

7. That Defendant, INTERNAL REVENUE SERVICE, may claim to have some right, title, or interest in the subject property.

8. That Defendant, STATE OF INDIANA, may claim to have some right, title, or interest in the subject property.

9. That Defendant, CAPITAL ONE BANK, USA, may claim to have some right, title, or interest in the subject property.

10. That Defendant, CEDAR LAKE UTILITIES, may claim to have some right, title, or interest in the subject property.

11. That the identity of any other owners, claimants, and lien holders on the subject property, if any, is unknown.

12. That Plaintiff seeks to condemn the subject property for the purpose of utilizing the same in connection with a road improvement project along West 133rd Avenue within the Town from approximately 300' west of Wicker Avenue (US 41) to approximately 50' east of Industrial Drive. The project is required to address the deteriorating infrastructure, reduce congestion, improve storm water management, and provide aesthetic features along West 133rd Avenue, all for the benefit of the residents of the Town.

13. That Plaintiff has negotiated in good faith the purchase of the subject property from Defendant, VICKI LYNN VICARI, and has served upon Defendant on August 17, 2012, a Uniform Land Acquisition Offer, in compliance with Indiana Code §32-24-1 *et. seq.*, as amended, wherein the Plaintiff made a good faith offer to Defendant for the subject property based upon appraisal made by competent, licensed and certified real estate appraiser. Notwithstanding such good faith offer, Defendant has been unable to agree to the terms offered by Plaintiff. (A copy of the Uniform Land Acquisition Offers is attached hereto as Group Exhibit C).

14. That the Defendants, VICKI LYNN VICARI; INTERNAL REVENUE SERVICE; and STATE OF INDIANA; CAPITAL ONE BANK, USA; have not objected to this proceeding.

15. That the Defendants, LAKE COUNTY AUDITOR; LAKE COUNTY TREASURER; DEMOTTE STATE BANK; CAPITAL ONE BANK, USA; and CEDAR LAKE UTILITIES, have not appeared, responded, or otherwise objected to this proceeding.

16. That three (3) disinterested freeholders of Lake County, Indiana, should be appointed to appraise the interest to be appropriated and the benefits and damages, if any, caused by the appropriation of fee simple ownership and a Temporary Right-of-Way Easement.

17. That said freeholders should be ordered to make their report in writing to the Court within thirty (30) days of the Court's Order, and the Clerk of the Court be ordered to send said report to all parties and the their respective legal counsel of record.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That fee simple ownership and a Temporary Right-of-Way Easement as both are included within Exhibits "A" and "B", are now appropriated by the Plaintiff and that said interest does vest, as of the date of this Order, in the name of the Town of Cedar Lake, Lake County, Indiana.

2. The Court appoints Stephen Kovachevich, Stanford Hess, and Steven Ingram all of whom are freeholders in Lake County, Indiana, and who, after taking an oath that they will have no interest in the matter and that they will honestly and impartially make such appraisal, shall view the fee simple ownership and Temporary Right-of-Way Easement, and all adjacent property, if any, of the Defendant, after doing all things necessary and receiving and hearing any and all evidence offered by any party in interest, shall ascertain a just compensation to be paid to the Defendant for the real estate appropriated, its damages and residual benefits, if any.

3. Within thirty (30) days of the entry of this Order, the appraisers shall, after making such determination, report to the Court pursuant to Indiana Code §32-24-1-9, as amended, as follows:

- (a) The fair market value of each parcel of property sought to be acquired and the value of each separate estate or interest in the property;
- (b) The fair market value of all improvements pertaining to the property, if any, on the portion of the property to be acquired;
- (c) The damages, if any, to the residue of the property of the owner or owners caused by taking out the part sought to be acquired; and

(d) The other damages, if any, that will result to any persons from the construction of the improvements in the manner proposed by the plaintiff.

4. Additionally, as this is condemnation by a municipal corporation for public use, the appraisers shall deduct any benefits assessed from the amount of damage allowed, if any, under subsection (3)(c) and (3)(d) above and the difference, if any, plus the damages allowed under subsection (3)(a) and (3)(b) above shall be the amount of the award. However, the damages awarded may not be less than the damages allowed under subsection (3)(a) and (3)(b) above.

ALL OF WHICH IS SO ORDERED THIS 21 DAY OF Feb, 2013.

George C. Paws
Judge Lake Circuit Court



[Handwritten signature]

Exhibit "A"

Project: 0200739
Parcel: 1 Fee Simple
Key No.: 45-15-21-351-014.000-014

Sheet 1 of 1

A part of the Southwest Quarter of the Southwest Quarter of Section 21, Township 34 North, Range 9 West, Lake County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked EXHIBIT "B", described as follows: Commencing at the southwest corner of said section designated as point "204" on said plat; thence South 89 degrees 19 minutes 12 seconds East 132.00 feet along the south line of said section to the southeast corner of the grantor's land; thence North 0 degrees 14 minutes 58 seconds East 20.00 feet along the east line of the grantor's land north boundary of 133rd Avenue pre Commissioner's Record 14, page 63 and the point of beginning of this description: thence North 89 degrees 19 minutes 12 seconds West 112.00 feet along the boundary of said 133rd Avenue to the east boundary of U.S. 41; thence North 0 degrees 14 minutes 58 seconds East 4.55 feet along the boundary of said U.S. 41 to a south boundary of said U.S. 41 per Cause Number 25148; thence South 89 degrees 45 minutes 02 seconds East 60.00 feet along said south boundary to the northeastern boundary of the intersection of said 133rd Avenue and said U.S. 41; thence North 35 degrees 05 minutes 23 seconds West 51.87 feet along the boundary of the intersection of said 133rd Avenue and said U.S. 41 to the east boundary of said U.S. 41; thence North 0 degrees 14 minutes 58 seconds East 0.92 feet along the boundary of said U.S. 41 to point "628" designated on said plat; thence South 44 degrees 42 minutes 06 seconds East 54.10 feet to Point "629" designated on said plat; thence South 89 degrees 19 minutes 12 seconds East 43.77 feet to the east line of the grantor's land; thence South 0 degrees 14 minutes 58 seconds West 10.00 feet along said east line to the point of beginning and containing 0.024 acres, more or less, inclusive of the presently existing right-of-way which contains 0.007 acres, more or less.

This description was prepared for the Town of Cedar Lake by Jessica L. Stapleton, Indiana Registered Land Surveyor, License Number LS20600032, on June 25, 2012.

Jessica L. Stapleton



Exhibit "A"

Project: 0200739

Parcel: 1A Temporary Right-of-Way for Drive Construction and Grading

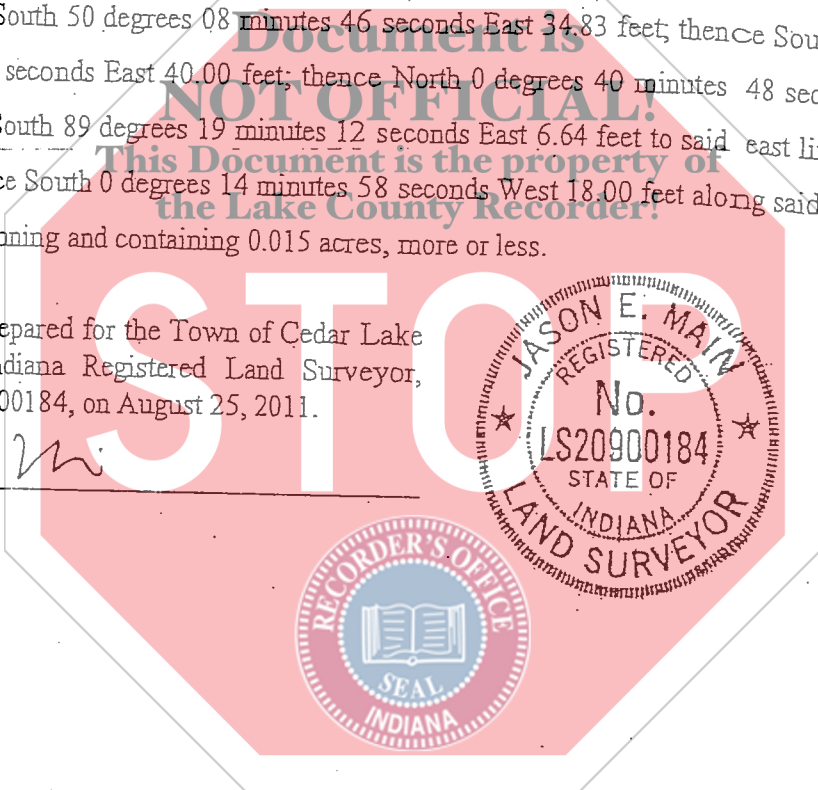
Key No.:45-15-21-351-014.000-014

Sheet 1 of 1

A part of the Southwest Quarter of the Southwest Quarter of Section 21, Township 34 North, Range 9 West, Lake County, Indiana, and being that part of the grantor's land lying within the right-of-way described as follows: Commencing at the southwest corner of said section; thence South 89 degrees 19 minutes 12 seconds East 132.00 feet along the south line of said section to the prolonged east line of said grantor's land; thence North 0 degrees 14 minutes 58 seconds East 30.00 feet along said east line prolonged and said east line to the point of beginning of this description: thence North 89 degrees 19 minutes 12 seconds West 43.77 feet; thence North 44 degrees 42 minutes 06 seconds West 45.56 feet; thence South 89 degrees 19 minutes 12 seconds East 2.43 feet; thence South 50 degrees 08 minutes 46 seconds East 34.83 feet; thence South 89 degrees 19 minutes 12 seconds East 40.00 feet; thence North 0 degrees 40 minutes 48 seconds East 8.00 feet; thence South 89 degrees 19 minutes 12 seconds East 6.64 feet to said east line of the grantor's land; thence South 0 degrees 14 minutes 58 seconds West 18.00 feet along said east line to the point of beginning and containing 0.015 acres, more or less.

This description was prepared for the Town of Cedar Lake by Jason E. Main, Indiana Registered Land Surveyor, License Number LS20900184, on August 25, 2011.

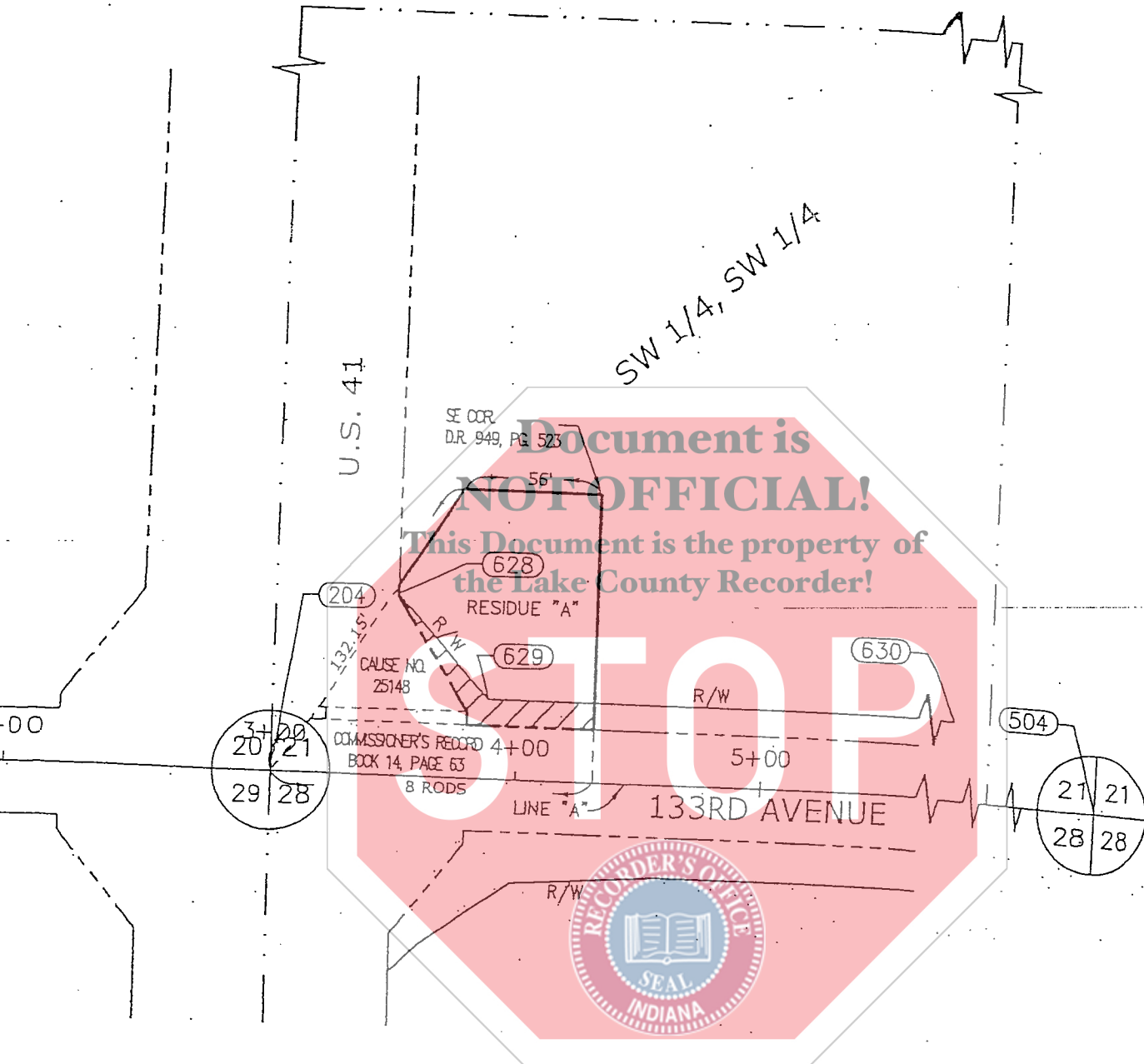
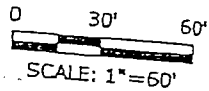
Jason E. Main

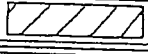


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EXHIBIT "B"
 RIGHT-OF-WAY PARCEL PLAT
 Prepared For Town of Cedar Lake
 by: AMERICAN
STRUCTUREPOINT
 INC.

SHEET 1 OF 2



 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: VICARI, VICTORIA LYNN
 PARCEL: 1
 PROJECT: 0200739
 ROAD: 133RD AVENUE
 COUNTY: LAKE
 SECTION: 21
 TOWNSHIP: 34 NORTH
 RANGE: 9 WEST

DRAWN BY: J. Parks
 CHECKED BY: J. Main
 DES. NO.: 0200739

INSTRUMENT NUMBER: 98059942 DATED: JULY 27, 1998

EXHIBIT
B

TITLE PLAT WAS ORDERED FROM...