

RESOLUTION NO. 22-2025

A RESOLUTION OF THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AFFIRMING AND AUTHORIZING CONDEMNATION ACTIONS OF THE CITY OF SOUTH BEND, INDIANA

WHEREAS, the City of South Bend Board of Public Works (“Board”) is a contracting body for the City of South Bend, Indiana (“City”); and

WHEREAS, the Board has custody of certain real property owned by the City pursuant to I.C. §36-9-6-3; and

WHEREAS, the Board is appointed by the Mayor, in accordance with Ind. Code §36-4-9-6; and

WHEREAS the Board recognizes that eminent domain is a legal option for obtaining property and that it has the authority to condemn property for any public use pursuant to Ind. Code §§32-24-1-1 *et seq.*, 32-24-2-1 *et seq.*, and elsewhere in the Indiana Code; and

WHEREAS, the Board acknowledges that the City, through its Department of Community Investment, has a planning division, which solicits public input and creates neighborhood plans for desired improvements in areas throughout the City, which neighborhood plans are adopted by various boards and commissions, including but not limited to the South Bend Common Council and the South Bend Redevelopment Commission (“Neighborhood Plans”); and

WHEREAS, the Board acknowledges that some aspects of such Neighborhood Plans may require the acquisition of real property; and

WHEREAS, the Board acknowledges that the City may use Ind. Code §34-24-1-1 *et seq.* to purchase or acquire such real property or to file a suit in eminent domain; and

WHEREAS, the Board acknowledges that it is not required to provide authorization prior to offering to purchase or filing a suit in condemnation for such property pursuant to Ind. Code §32-24-1-1 *et seq.*; however, the Board believes that the City has ability to acquire property to enact the vision of Neighborhood Plans; and

WHEREAS, the Board desires to affirm its support of the City’s acquisition of property pursuant to I.C. §34-24-1-1 *et seq.*, and, although not expressly required by I.C. §34-24-1-1 *et seq.*, to authorize the City’s leadership team under the guidance of the Mayor to make any and all past, present, and future offers to purchase and the City’s Corporation Counsel at the direction of the Mayor to file condemnation actions for any property for which such statute may be used, including, but not limited to, the taking of property for any public improvement allowable in the name of the Civil City of South Bend, Indiana for the use and benefit of its Board of Public Works.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOUTH BEND, INDIANA, BOARD OF PUBLIC WORKS AS FOLLOWS:

1. The Board hereby affirms its support of the City's past, present, and future acquisition of property pursuant to I.C. §34-24-1-1 *et seq.*, and

2. Although not expressly required by I.C. §34-24-1-1 *et seq.*, the Board hereby affirms all past, and authorizes all present and future, offers to purchase any property under I.C. §34-24-1-1 *et seq.* to be made by City leadership under the guidance of the Mayor; and

3. To the extent necessary, the Board hereby authorizes Corporation Counsel under the direction of the Mayor to file a condemnation action against any property for which I.C. §34-24-1-1 *et seq.* may be used, including, but not limited to, the taking of property for any public improvement allowable in the name of the Civil City of South Bend, Indiana for the use and benefit of its Board of Public Works.

4. This Resolution will be in full force and effect upon its adoption by the Board.

ADOPTED at a meeting of the City of South Bend, Indiana, Board of Public Works held on 23rd day of September 2025.

**CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS**



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



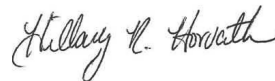
Gary A. Gilot, Member



Breana Micou, Member



Murray L. Miller, Member



Attest: Hillary R. Horvath, Clerk

Date: September 23, 2025