

TOWN of MUNSTER

Resolution 2113

A Resolution Authorizing and Approving a Temporary Construction Easement Agreement by and between the Northern Indiana Commuter Transportation District and the Town of Munster, through its Town Council, all pursuant to IC 5-1.3-1-5 et sequitur.

WHEREAS, The Town of Munster, a municipality in the State of Indiana, does hold title to certain real estate, known as Parcel 45-06-36-201-002.000-027 & 45-06-36-201-003 .000-027 and which is further described as follows:

A part of Plat of Dedication to the Town of Munster, Indiana, the plat of which is recorded in Plat Book 52, page 12, in the Office of the Recorder of Lake County, Indiana; and a part of Plat of Dedication to the Town of Munster, Indiana, the plat of which is recorded in Plat Book 64, page 64, in the Office of the Recorder of Lake County, Indiana; and a part of Municipal Stormwater Detention Area in Midwest Central Industrial Park Unit 1 to the Town of Munster, Indiana, the plat of which resubdivision is recorded in Plat Book 52, page 31, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning on the southeastern line of said Plat of Dedication described in said Plat Book 64, page 64 North 47 degrees 43 minutes 05 seconds East 39.28 feet from the northwest corner of said Plat of Dedication described in said Plat Book 64, page 64; thence North 0 degrees 17 minutes 12 seconds East 283.48 feet to the south line of said Municipal Stormwater Detention Area; thence South 89 degrees 49 minutes 32 seconds East 11.10 feet along said south line; thence North 0 degrees 17 minutes 34 seconds East 960.06 feet to the north line of said Municipal Stormwater Detention Area; thence South 89 degrees 49 minutes 11 seconds East 80.00 feet along said north line to the prolonged east line of said Municipal Stormwater Detention Area; thence South 0 degrees 17 minutes 34 seconds West 1,160.05 feet along said prolonged east line and along the east line of said Municipal Stormwater Detention Area and along the east line of said Plat of Dedication described in said Plat Book 52, page 12 and along the east line of said Plat of Dedication described in said Plat Book 64, page 64 to the southeast corner of said Plat of Dedication described in said Plat Book 64, page 64; thence South 47 degrees 43 minutes 05 seconds West 123.67 feet along the southeastern line said Plat of Dedication described in said Plat Book 64, page 64 to the point of beginning and containing 98,824 square feet, more or less.;

WHEREAS, The Town of Munster, a municipality in the State of Indiana, does hold title to certain real estate, known as Parcel No 45-06-25-100-003.000-027 and which is further described as follows:

Said East 5 feet contains 0.019 acres, more or less, and lies west of and adjoining the west line of the right of way of the Louisville and Nashville Railroad, more or less;

WHEREAS, The Town of Munster, a municipality in the State of Indiana, does hold title to certain real estate, known as Parcel No 45-06-25-451-001.000-027 and which is further described as follows:

A part of Parcel A in the Plat of Dedication to the Town of Munster, Indiana, the plat of which is recorded in Plat Book 52, page 84, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning at the southeast corner of said Parcel A; thence North 0 degrees 17 minutes 34 seconds East 1,218.88 feet along the east line of said Parcel A; thence North 7 degrees 26 minutes 03 seconds West 324.17 feet to a north line of said Parcel A; thence South 89 degrees 50 minutes 25 seconds West 41.4 2 feet along said north line to a corner of said Parcel A; thence South 0 degrees 17 minutes 34 seconds West 1,539.94 feet to the south line of said Parcel A; thence South 89 degrees 49 minutes 11 seconds East 85.00 feet along said south line to the point of beginning and containing 123,908 square feet, more or less.

WHEREAS, The Town of Munster, a municipality in the State of Indiana, does hold title to certain real estate, known as Parcel No 45-06-13-401-002.000-027 and which is further described as follows:

The West 20 feet of Outlot A in Olthofs Addition Block One to the Town of Munster, Indiana, the plat of which is recorded in Plat Book 48, page 21, in the Office of the Recorder of Lake County, Indiana. Containing 16,247 square feet, more or less.

WHEREAS, The Northern Indiana Commuter Transportation District is a public body corporate and politic of the State of Indiana capable of entering into and fulfilling the requirements of a nonfederal interest (as defined by 42 U.S.C. 1962d-5b); and

WHEREAS, The State of Indiana, through the Northern Indiana commuter Transportation District, has presented an agreement which provides for a perpetual easement to be granted by the Town of Munster as Grantor, to the State of Indiana, Northern Indiana Commuter Transportation District as Grantee, in support of the West Lake Extension Project; and

WHEREAS, The Town of Munster, as a political subdivision of the State, may, upon the terms and conditions that the proper authorities of the Town and the State of Indiana through the Northern Indiana Commuter Transportation District consider reasonable and appropriate, lease, lend, grant, or convey to the commission, at the district's request, real or personal property, including an interest in the property, owned by the entity that is necessary or convenient to achieving the purposes of IC 5-1.3-1-5, all pursuant to IC 5-1.3-1-5, and;

WHEREAS, The Town of Munster, through its Town Council, now wishes to authorize and approve such transfer of warranty deed on the properties herein described;

Now, **THEREFORE, BE IT RESOLVED**, That Town of Munster, through its Town Council, does hereby grant a Temporary Construction Easement and right-of-way to the State of Indiana, Northern Indiana Commuter Transportation District, according to the terms of an Easement Agreement which is hereby adopted and incorporated by reference to this resolution;

BE IT FURTHER RESOLVED, That Town of Munster, through its Town Council, finds and determines that the Agreement Terms are reasonable and appropriate and hereby approves and ratifies the Transfer Agreements in each and every respect;

BE IT STILL FURTHER RESOLVED, That the Town of Munster, through its Town Council hereby finds and determines that the grant of the temporary construction easement will promote the general health and welfare of citizens of Indiana, will provide for the creation, development, maintenance, administration, and operation of park, recreation, marina, flood control, and other public works projects and otherwise is made in support of the purposes of IC 5-1.3-1-5, all pursuant to IC 5-1.3-1-5.

BE IT STILL FURTHER RESOLVED That the Town of Munster, through its Town Council hereby authorizes the Town Manager to execute the Transfer Agreements by his signature as thereto attested by the Clerk-Treasurer.

DULY ADOPTED by the Town Council of the Town of Munster this ____ day of May, 2023. Having been approved by a vote of ____ in favor and ____ opposed.

Chuck Gardiner
Town Council President

Attest:

Wendy Mis
Munster Clerk-Treasurer