TERRE HAUTE REDEVELOPMENT COMMISSION

RESOLUTION NO. 10, 2020

A RESOLUTION TO AUTHORIZE THE SOLICITATION OF OFFERS FOR THE PURCHASE OF REAL ESTATE

WHEREAS, the Commission is the owner of certain real estate more particularly described in Exhibit A attached hereto and made a part hereof which said real estate is less than 5 acres in size and has been appraised by one independent appraiser at a value of $6500 and has been appraised by a qualified employee of the Department of Redevelopment with a value of $6500; and

WHEREAS, Commission has caused the preparation of an offering sheet showing the parcel to be offered and the offering price thereof together with maps and plats attached as Exhibit A showing the size and location of the parcel to be offered; copies of which Offering Sheet and Maps and Plats are attached hereto and shall be kept available for inspection at the Office of the Department; and

WHEREAS, the Commission has caused to be prepared the attached Notice to be published in accord with Indiana code section 5-3-1;

NOW, THEREFORE, BE IT RESOLVED by the Terre Haute Redevelopment Commission that:

a) the Commission cause of the publication of the attached Notice soliciting proposals for the purchase of the said real estate on the terms stated therein and in the Offering Sheet;

b) copies of the Offering Sheet and Maps and Plats shall be kept available for inspection at the Office of the Department;

c) the Commission shall open and consider any offers received at the time fixed in said Notice and proceed to consider any such offers in accord with the provisions of IC 36-7-14-22.

Dated: August 19, 2020

TERRE HAUTE REDEVELOPMENT COMMISSION

_____

Dave Heath, President

_____

Brian Conley, Vice President

Troy Helman, Secretary

Brian Dyer, Member

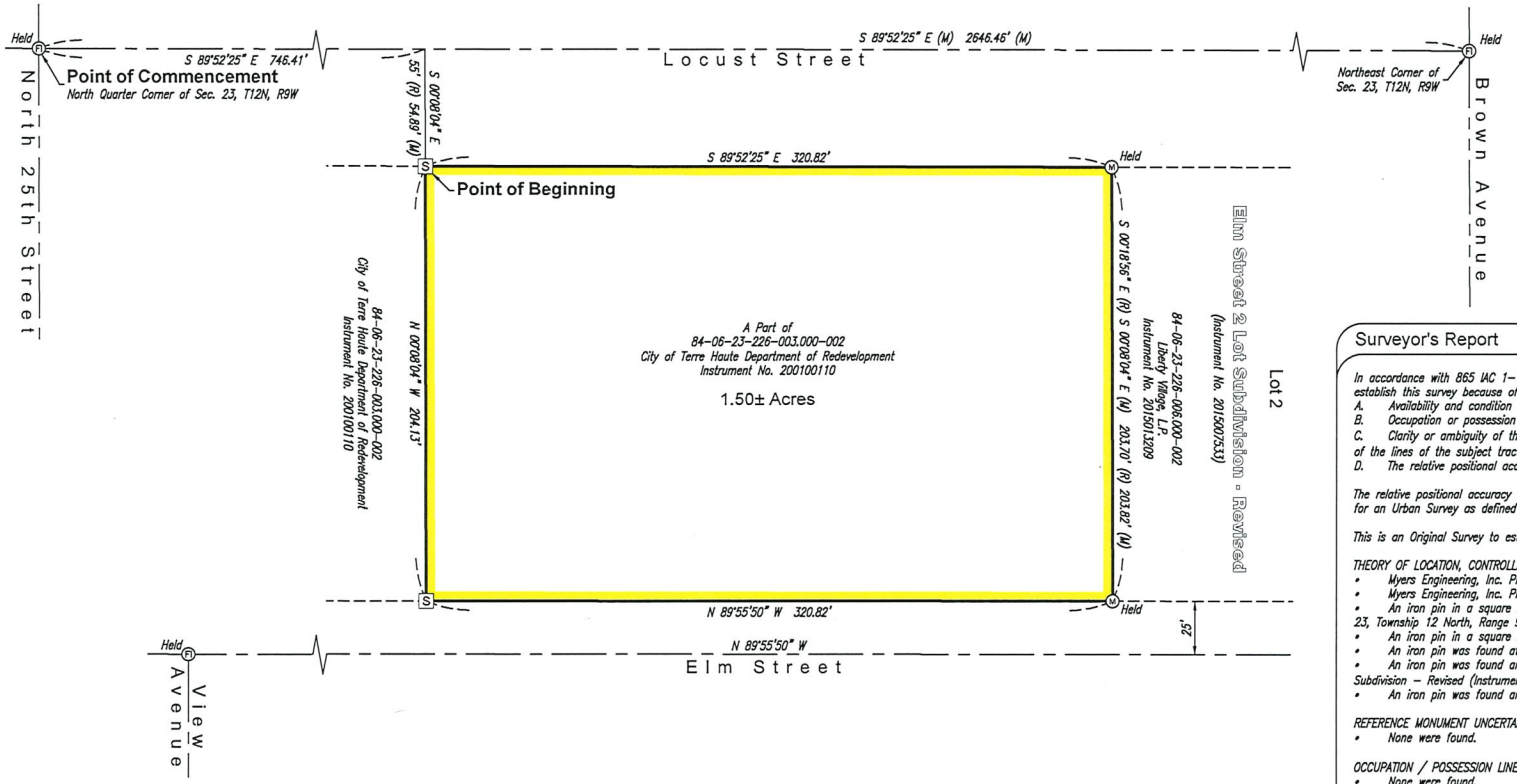
Karrum Nasser, Member

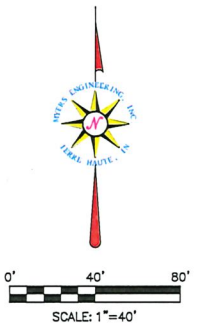
Exhibit A
Description of Real Estate

New Boundary Description

A part of the land in the name of the City of Terre Haute Department of Redevelopment (Instrument No. 20010110 [indexed under 200100110] records of the office of the Vigo County Recorder) being in the Northeast Quarter of Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on July 1, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plat of Survey (Myers Engineering, Inc. Project No. TM20-234) as follows:

Commencing at an iron pin in a POT at the North Quarter Corner of said section; thence South 89 degrees 52 minutes 25 seconds East (the basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North) along the North line of the Northeast Quarter of said section a distance of 746.41 feet; thence South 00 degrees 08 minutes 04 seconds East a distance of 54.89 feet to a 5/8 inch rebar with a plastic cap stamped "SPIRES IN LS 29900015", hereinafter called a Spires Pin set on the South right of way of Locust Street being the **Point of Beginning** *of this description; thence South 89 degrees 52 minutes 25 seconds East along said South right of way a distance of 320.82 feet to a an iron pin at the Northwest Corner of Lot 2 in the Elm Street 2 Lot Subdivision – Revised (Instrument No. 2015007533); thence South 00 degrees 08 minutes 04 seconds East along the West line of said Lot 2 a distance of 203.82 feet to a Spires Pin found at the Southwest Corner of said Lot 2 also being the North right of way of Elm Street; thence North 89 degrees 55 minutes 50 seconds West along said North line a distance of 320.82 feet to a Spires Pin set; thence North 00 degrees 08 minutes 04 seconds West parallel with the West line of said Lot 2 a distance of 204.13 feet to the* **Point of Beginning** *containing 1.50 acres, more or less.*





Legend

- (F) = Found Iron Pin
- (M) = 5/8" Rebar with Plastic Cap Stamped "MYERS IN LS 9400006"
- [S] = Set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"
- (M) = Measured Distance
- (R) = Record Distance

Surveyor's Report

In accordance with 865 IAC 1-12, the following information is presented concerning evidence used to establish this survey because of the following:

A. Availability and condition of reference monuments.
B. Occupation or possession lines.
C. Clarity or ambiguity of the record description used and of adjoiner's descriptions and the relationship of the lines of the subject tract with the adjoiners' lines.
D. The relative positional accuracy of the measurements.

The relative positional accuracy of the lines and corners established on this survey is within the specifications for an Urban Survey as defined in 865 IAC 1-12.

This is an Original Survey to establish the property described hereon.

THEORY OF LOCATION, CONTROLLING ELEMENTS OF SURVEY:

- *Myers Engineering, Inc. Project No. TM01-194 plat and monuments were used for this project.*
- *Myers Engineering, Inc. Project No. TM14-183A plat and monuments were used for this project.*
- *An iron pin in a square POT was found and held as monumenting the North Quarter Corner of Section 23, Township 12 North, Range 9 West.*
- *An iron pin in a square POT was found and held as monumenting the Northeast Corner of Section 23.*
- *An iron pin was found at the intersection of Elm Street with View Avenue.*
- *An iron pin was found and held as monumenting the Northwest Corner of Lot 2 in Elm Street 2 Lot Subdivision – Revised (Instrument No. 2015007533).*
- *An iron pin was found and held as monumenting the Southwest Corner of said Lot 2.*

REFERENCE MONUMENT UNCERTAINTIES:

- *None were found.*

OCCUPATION / POSSESSION LINE UNCERTAINTIES:

- *None were found.*

REFERENCE DOCUMENT UNCERTAINTIES:

- *None were found.*

Basis of bearings is the Indiana State Plane Coordinate System West Zone, Grid North.
Evidence of easements has not been located in the field and is not shown on this survey plat.
There may be unwritten rights associated with this survey.
This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.
I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Plat of Survey

Field Work Completed 6/25/2020

Sheet No. 2 of 3

Liberty Village Phase 2

Client: Mental Health Association of Vigo County Indiana

Record Owner: City of Terre Haute Department of Redevelopment

Project Number:	TM20-234
Date:	7/1/2020
Drawn By:	EDS
Checked By:	CLT
Approved By:	EDS
Scale:	1"=40'
File Name:	TM20-234.dwg
Drawing Name:	Plat of Survey

EARL D. SPIRES JR. REGISTERED 29900015 STATE OF INDIANA LAND SURVEYOR
7/1/2020

No.	Date	Revisions	By	Checked

Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Street Address: 801 North 25th Street

MYERS ENGINEERING, INC.
Myers Engineering, Inc.
525 West Honey Creek Drive
Terre Haute, Indiana 47802
Phone: (812) 238-9731
Fax: (812) 235-1353
http://MyersEngineering.com

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Locust Street

Public Right of Way

55'

S 89°52'25" E 320.82'

25'

25' Setback

Lot 1

84-06-23-226-003.000-002
City of Terre Haute Department of Redevelopment
Instrument No. 200100110

1.50± Acres

No Constructed Improvements Were Found on the Date of the Survey.

N 00°08'04" W 204.13'

5' Setback

S 00°08'04" E (M) 203.82' (M)

5' Setback

Lot 2
Elm Street 2 Lot Subdivision - Revised
(Instrument No. 2015007533)

25' Setback

25'

N 89°55'50" W 320.82'

25'

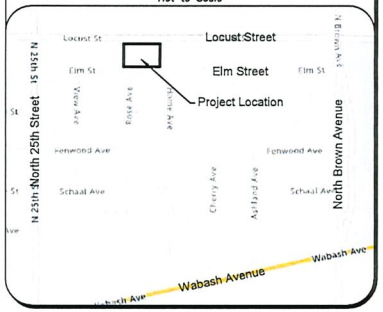
Public Right of Way

Elm Street

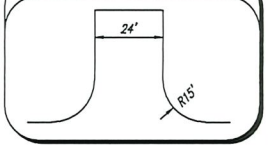
0' 20' 40'

SCALE: 1"=20'

Location Map
Not to Scale



Driveway Typical



Legend

(M) = 5/8" Rebar with Plastic Cap Stamped "MYERS IN LS 9400006"
[S] = Set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"

Flood Zone Information

Flood Insurance Rate Map, Community Number: 18167C0132C
Zone X Effective Date: February 18, 2011

Zoning & Setbacks

Current Zoning is M-2 and Proposed Zoning is R-3 per Vigo County Area Planning Department (7/16/2020).

Setbacks for R-3: Front – 25' From R/W of Elm Street
Rear – 25' From R/W of Locust Street
Side – 5"

Setbacks per Vigo County Area Planning Department (7/16/2020)

The locations of underground utilities as shown hereon are based on above ground structures and/or field locates, and record drawings provided by others, the actual locations of which may vary upon a more detailed sub-surface inspection. No excavations were made for purpose of this survey. Before proceeding with any excavation, the proper offices should be contacted for the verification of utility types and/or locations.

Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Vigo County Subdivision Control Ordinance in accordance with §6-103-11,4.,a.

For Private Roads the seller shall furnish the initial purchaser of the newly created lot served by a private road with a disclosure statement outlining the maintenance responsibilities for the road as per §6-103-11 B., 5.

The Policy of the County of Vigo is that, if the county or city improves streets that were never constructed to the standards required in this ordinance for dedicated streets, then 100 percent of the costs of such improvements shall be assessed to the abutting landowners.

There may be restricted covenants with this subdivision.

Plat of Subdivision

Field Work Completed 6/25/2020

Sheet No. 3 of 3

Liberty Village Phase 2

Client
Mental Health Association of Vigo County Indiana

Record Owner
City of Terre Haute Department of Redevelopment

Project Number:	TM20-234
Date:	7/17/2020
Drawn By:	EDS
Checked By:	CRW
Approved By:	EDS
Scale:	1"=40'
File Name:	TM20-234.dwg
Drawing Name:	Subdivision

EARL D. SPIRES, JR. REGISTERED 29900015 STATE OF INDIANA LAND SURVEYOR
7/17/2020

No.	Date	Revisions	By	Checked

Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Street Address
801 North 25th Street

MYERS ENGINEERING, INC.
Myers Engineering, Inc.
525 West Honey Creek Drive
Terre Haute, Indiana 47802
Phone: (812) 238-9731
Fax: (812) 235-1353
http://MyersEngineering.com

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NOTICE

The City of Terre Haute Department of Redevelopment (the "Redevelopment Commission") has determined that the property described below should be sold in accord with the requirements of Indiana Code Section 36-7-14-22 and is soliciting offers to purchase said property.

The offering price shall be at least equal to the average of the 2 appraisals obtained by the Redevelopment Commission for the property. In addition, the bidder will be required to construct 40 units of low income housing at a total cost of at least $10 million on the property and provide security satisfactory to the Redevelopment Commission regarding that obligation including the right of the Redevelopment Commission to repurchase the property for the purchase price paid by the purchaser if said improvements have not been substantially completed within 30 months after the conveyance of the property by the Redevelopment Commission.

Offers should be submitted to the Redevelopment Commission at the 3rd Floor Conference Room, City Hall, 17 Harding Ave., Terre Haute, IN 47807 no later than 4 o'clock pm local time on September 16, 2020 . Copies of an Offering Sheet and maps and plats showing the size and location of the parcels to be offered are available at the Redevelopment Commission Office, 3rd floor City Hall, 17 Harding Ave., Terre Haute, IN 47807.

The property may not be sold to a person who is ineligible under Indiana Code Section 36-1-11-16 and an offer to purchase the property submitted by a trust (as defined in Indiana Code Section 30-4-1-1(a)) must identify each beneficiary of the trust and settlor empowered to revoke or modify the trust.

Upon receipt of said offers, the Redevelopment Commission may proceed to sell the real estate described below (the "real estate") in the manner provided in Indiana Code Section 36-7-14-22.

Liberty Village Phase 2 Subdivision
Part of 801 N. 25th St., Indiana being the easternmost 1.5 acres of parcel number 84-06-23-226-003.000-002 as more particularly described in in the Offering Sheet.

Offers will be opened at a public meeting of the Redevelopment Commission at 4 o'clock p.m. local time on September 16, 2020 at the 3rd Floor Conference Room, City Hall, 17 Harding Ave., Terre Haute, IN 47807.

The Redevelopment Commission may reject any bids and make awards to the highest and best bidders. In determining the best bid the Commission shall take into account the following factors:

1. The size and character of improvements proposed to be made by the bidder on the real property bid on.
2. The bidder's plans and ability to improve the real property with reasonable promptness.

3. Whether the real property when improved will be sold or rented.
4. The bidder's proposed sale or rental prices.
5. The bidder's compliance with the requirements concerning the naming of the beneficiaries of any trust and any settlor empowered to revoke or modify a trust which is a bidder.
6. Any factors that will assure the commission that the sale, if made, will further the execution of the redevelopment plan and best serve the interest of the community, from the standpoint of both human and economic welfare.

The Commission may contract with a bidder in regard to the facts listed above and the contract may provide for the deposit of surety bonds, the making of good faith deposits, liquidated damages, the right of repurchase or other rights and remedies if the bidder fails to comply with the contract.

The Real estate is being sold in "as is", "where is" condition and "with all faults" . The Commission does not make and has not made any express or implied representations, warranties, promises, covenants, agreements or guarantees of any kind or character whatsoever, whether express or implied, oral or written, past, present or future, concerning the real estate, including, without limitation: the status of title, the condition or suitability of the real estate or any portion thereof for any particular purpose; any environmental condition; or concerning the presence or absence of any hazardous substance, hazardous waste (as those terms are defined under any state or federal law, rule or regulation relating to the environment) or any petroleum product or asbestos. The Offering Sheet includes an Environmental Conditions and Obligations document the terms of which must be incorporated into any Offer and any offer shall include an acknowledgment the purchaser is purchasing subject to these terms.

Dated: August 19, 2020

Terre Haute Department of Redevelopment

Offering Sheet

The Terre Haute Department of redevelopment (the "Redevelopment Commission") has determined that the property described below should be sold in accord with the requirements of Indiana Code Section 36-7-14-22 and is soliciting offers to purchase said property.

The offering price shall be at least $6500.00 In addition, the bidder will be required to construct at 40 units of low income housing at a total cost of at least $10 million on the property and provide security satisfactory to the Redevelopment Commission regarding that obligation including the right of the Redevelopment Commission to repurchase the property for the purchase price paid by the purchaser if said improvements have not been substantially completed within 30 months after the conveyance of the property by the Redevelopment Commission. In addition, any offer shall include the terms of the attached Environmental Conditions and Obligations.

Offers should be submitted to the Redevelopment Commission at the 3rd Floor Conference Room, City Hall, 17 Harding Ave., Terre Haute, IN 47807 no later than 4 o'clock pm local time on September 16, 2020 .

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6. Any factors that will assure the commission that the sale, if made, will further the execution of the redevelopment plan and best serve the interest of the community, from the standpoint of both human and economic welfare.

The Commission may contract with a bidder in regard to the facts listed above and the contract may provide for the deposit of surety bonds, the making of good faith deposits, liquidated damages, the right of repurchase or other rights and remedies if the bidder fails to comply with the contract.

The Real estate is being sold in "as is", "where is" condition and "with all faults" . The Commission does not make and has not made any express or implied representations, warranties, promises, covenants, agreements or guarantees of any kind or character whatsoever, whether express or implied, oral or written, past, present or future, concerning the real estate, including, without limitation: the status of title, the condition or suitability of the real estate or any portion thereof for any particular purpose; any environmental condition; or concerning the presence or absence of any hazardous substance, hazardous waste (as those terms are defined under any state or federal law, rule or regulation relating to the environment) or any petroleum product or asbestos. Any offer shall include an acknowledgment the purchaser is purchasing subject to these terms and incorporate the terms of the Environmental Conditions and Obligations Document attached.

Dated: August 19, 2020

Terre Haute Department of Redevelopment

Environmental Conditions and Obligations

There exists certain environmental contamination located on the Property as more specifically identified in the Report of Geotechnical Engineering Investigation prepared by Patriot Engineering and Environmental, Inc. dated April 8, 2015 and the report prepared by BCA Consultants, Inc. dated July 30, 2010 (the "Existing Contamination"). A copy of the reports may be obtained from the Commission. The successful bidder will be required to comply with the following requirements with respect to the Existing Contamination:

A. Reporting and Remediation

Within ten (10) days after title to the Property is transferred to the successful bidder, the successful bidder will report the Existing Contamination to the Indiana Department of Environmental Management ("IDEM"). Subsequently, the successful bidder will, at its sole cost, engage in all reasonably required investigation and remedial activities required by IDEM necessary to obtain documentation that the Property has achieved regulatory closure. This documentation may be in the form of a No Further Action letter, a Certificate of Completion and Covenant Not to Sue, or such other equivalent document as may be issued by IDEM. A remediation to commercial/industrial cleanup standards will be deemed sufficient, and institutional controls such as an Environmental Restrictive Covenant may be utilized to achieve a risk-based remediation.

B. Release and Indemnification

The successful bidder must agree to include language substantially similar to that set forth below in the purchase agreement for the Property:

Successful bidder hereby agrees to release, defend, indemnify, and hold harmless the Terre Haute Redevelopment Commission (the "Commission") and its agents, officers, directors, employees, successors, and assigns from and against any and all liability, obligation, claim, damage, penalty, cause of action (criminal, civil, or administrative), investigation, abatement, containment, remediation, response, removal, or cleanup costs or liens, and any other costs or expenses, whether known or unknown, including, without limitation, consultant or attorney fees, imposed upon or incurred by or asserted against the Commission by reason of, or in connection with:

a. the presence, disposal, escape, leakage, discharge, emission, release or threatened release of the Existing Contamination on, or emanating from the Property and including, without limitation, any groundwater, vapor or soil contamination;

b. any personal injury (including death) or property damage (real or personal) to third parties arising out of or related to the Existing Contamination;

c. any lawsuit or administrative action brought or threatened, settlement reached, or governmental order issued, relating to the Existing Contamination; or

d. any violation of federal, state, or local laws, orders, rules, ordinances, regulations, requirements, policies, or environmental defects affecting the Property that are based upon or in any way related to the Existing Contamination.

C. Survival

The Offer shall provide that foregoing terms and provisions shall survive Closing.

Exhibit A
Description of Real Estate

New Boundary Description

A part of the land in the name of the City of Terre Haute Department of Redevelopment (Instrument No. 20010110 [indexed under 200100110] records of the office of the Vigo County Recorder) being in the Northeast Quarter of Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana described on July 1, 2020 by Earl D. Spires Jr., Indiana Land Surveyor No. 29900015 and graphically shown on a Plot of Survey (Myers Engineering, Inc. Project No. TM20-234) as follows:

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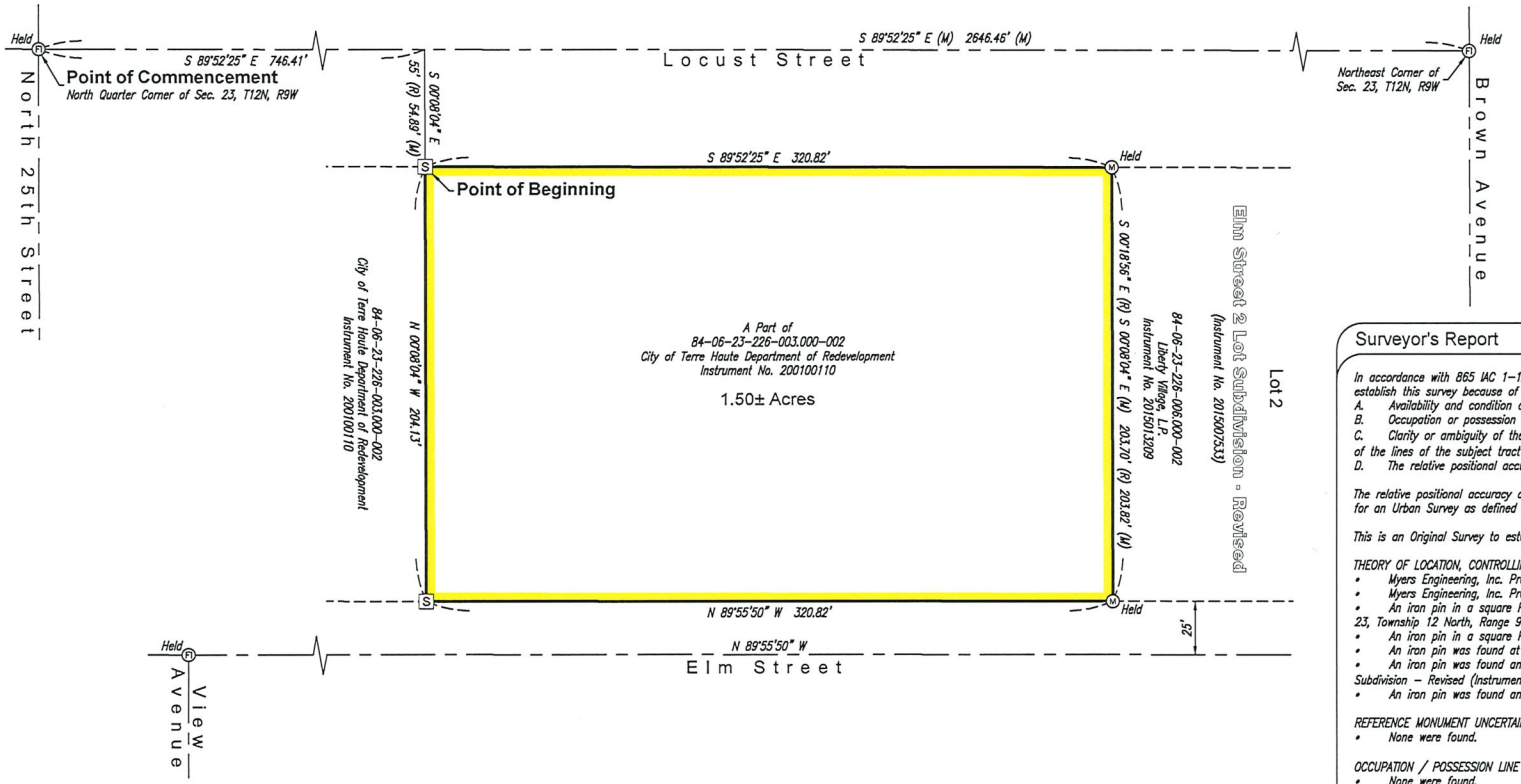

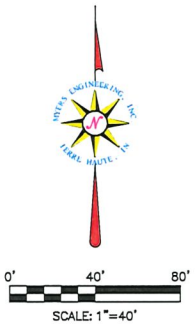

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- *None were found.*

OCCUPATION / POSSESSION LINE UNCERTAINTIES:

- *None were found.*

REFERENCE DOCUMENT UNCERTAINTIES:

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This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.
I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Plat of Survey	Liberty Village Phase 2	Project Number:	TM20-234
		Date:	7/1/2020
		Drawn By:	EDS
		Checked By:	CLT
Field Work Completed 6/25/2020	Client: Mental Health Association of Vigo County Indiana	Approved By:	EDS
		Scale:	1"=40'
		File Name:	TM20-234.dwg
Sheet No. 2 of 3	Record Owner: City of Terre Haute Department of Redevelopment	Drawing Name:	Plat of Survey

EARL D. SPIRES JR. REGISTERED 29900015 STATE OF INDIANA LAND SURVEYOR
7/1/2020

No.	Date	Revisions	By	Checked

Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Street Address
801 North 25th Street

MYERS ENGINEERING, INC.
Myers Engineering, Inc.
525 West Honey Creek Drive
Terre Haute, Indiana 47802
Phone: (812) 238-9731
Fax: (812) 235-1353
http://MyersEngineering.com
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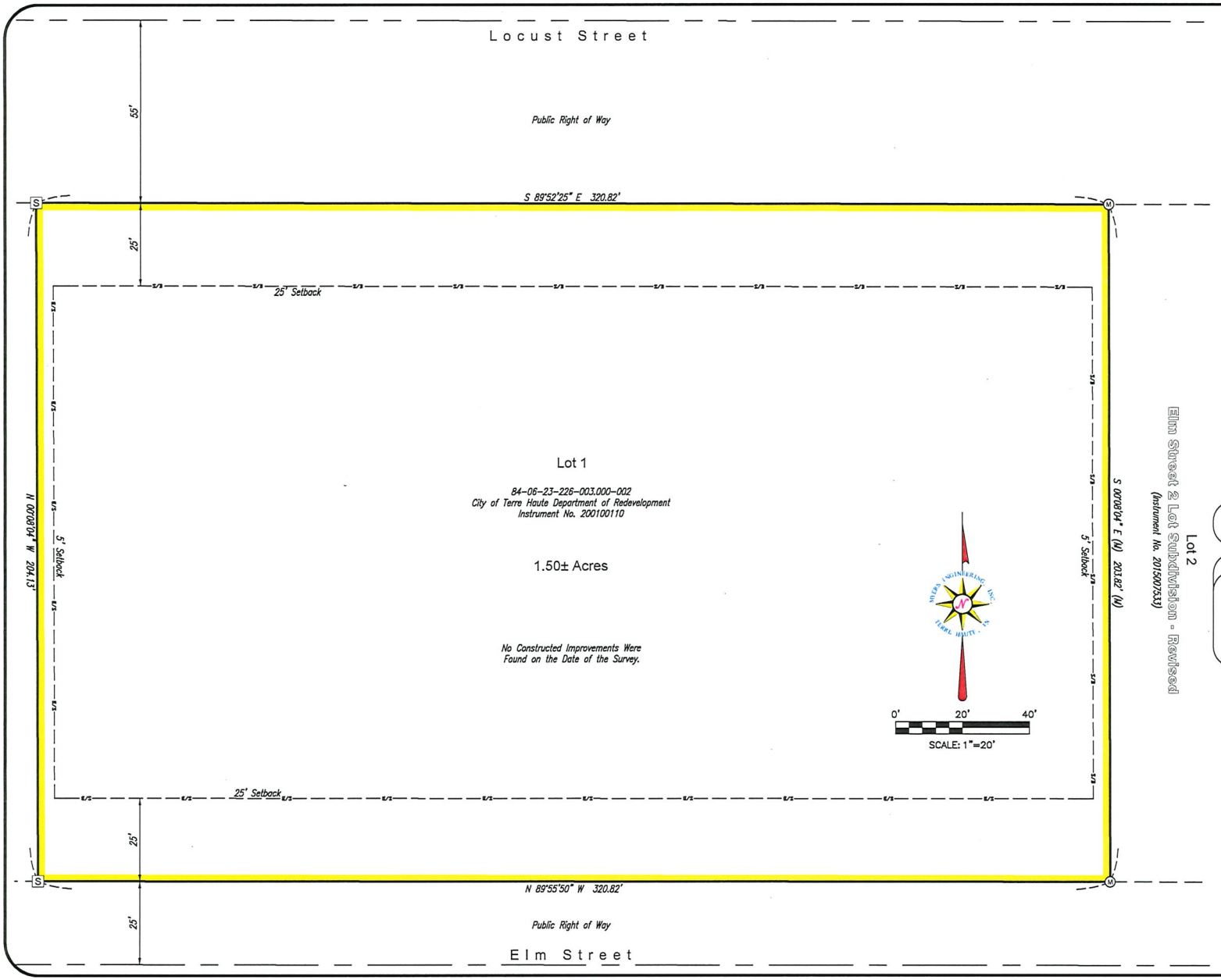
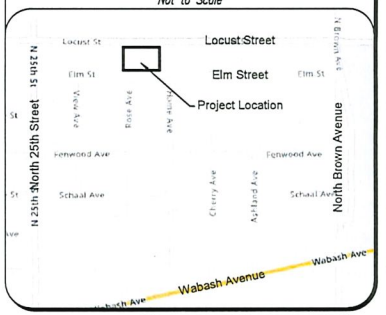
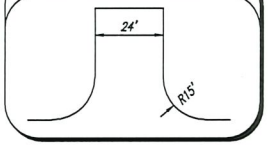


Location Map

Not to Scale



Driveway Typical



Legend

Ⓜ = 5/8" Rebar with Plastic Cap Stamped "MYERS IN LS 9400006"

Ⓢ = Set 5/8" Rebar with Plastic Cap Stamped "SPIRES IN LS 29900015"

Flood Zone Information

Flood Insurance Rate Map, Community Number: 18167C0132C
Zone X Effective Date: February 18, 2011

Zoning & Setbacks

Current Zoning is M-2 and Proposed Zoning is R-3 per Vigo County Area Planning Department (7/16/2020).

Setbacks for R-3: Front – 25' From R/W of Elm Street
Rear – 25' From R/W of Locust Street
Side – 5"
Setbacks per Vigo County Area Planning Department (7/16/2020)

The locations of underground utilities as shown hereon are based on above ground structures and/or field locates, and record drawings provided by others, the actual locations of which may vary upon a more detailed sub-surface inspection. No excavations were made for purpose of this survey. Before proceeding with any excavation, the proper offices should be contacted for the verification of utility types and/or locations.

Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Vigo County Subdivision Control Ordinance in accordance with §6-103-11,4.,a.

For Private Roads the seller shall furnish the initial purchaser of the newly created lot served by a private road with a disclosure statement outlining the maintenance responsibilities for the road as per §6-103-11 B., 5.

The Policy of the County of Vigo is that, if the county or city improves streets that were never constructed to the standards required in this ordinance for dedicated streets, then 100 percent of the costs of such improvements shall be assessed to the abutting landowners.

There may be restricted covenants with this subdivision.

Plat of Subdivision

Liberty Village Phase 2

Field Work Completed 6/25/2020

Client
Mental Health Association of Vigo County Indiana

Sheet No. 3 of 3

Record Owner
City of Terre Haute Department of Redevelopment

Project Number:	TM20-234
Date:	7/17/2020
Drawn By:	EDS
Checked By:	CRW
Approved By:	EDS
Scale:	1"=40'
File Name:	TM20-234.dwg
Drawing Name:	Subdivision

EARL D. SPIRES JR. REGISTERED 29900015 STATE OF INDIANA LAND SURVEYOR

7/17/2020

No.	Date	Revisions	By	Checked

Section 23, Township 12 North, Range 9 West of the Second Principal Meridian, Harrison Township, City of Terre Haute, Vigo County, Indiana

Street Address
801 North 25th Street

MYERS ENGINEERING, INC.
Myers Engineering, Inc.
525 West Honey Creek Drive
Terre Haute, Indiana 47802
Phone: (812) 238-9731
Fax: (812) 235-1353
http://MyersEngineering.com

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