

WELLS COUNTY COUNCIL ORDINANCE NO. 2020-10

*AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL ESTATE
FOR ADDITIONAL RIGHT-OF-WAY FOR THE BRIDGE 99,
HOOSIER HIGHWAY AND ASH ROAD PROJECT*

COMES NOW the WELLS COUNTY COUNCIL, and by ordinance says as follows:

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana, pursuant to IC 36-2-2-20 may make orders concerning the sale and acquisition of county property; however, a conveyance or purchase by a county of land having a value of one thousand dollars (\$1,000) or more must be authorized by an ordinance of the county fiscal body fixing the terms and conditions of the transaction.

The Commissioners are interested in purchasing from JAMES A. RAGG AND TONYA S. RAGG, husband and wife, for and in consideration of \$980.00, the real estate located in Wells County, in the State of Indiana (hereinafter referred to as "the Real Estate") shown in "Exhibit A" attached hereto and made a part hereof, more particularly described as follows, to-wit:

A part of the west half of the Southeast Quarter of Section 19, Township 26 North, Range 12 East, Wells County, Indiana, being a portion of the grantors' land described in Deed Book 151, Page 419 (all referenced documents are recorded in the Office of the Recorder of Wells County, Indiana), and being that part of the grantors' land lying within the right-of-way lines depicted on the attached Right-Of-Way Parcel Plat marked Exhibit "B", more particularly described as follows: Commencing at the southwest corner of said Southeast Quarter, designated as point "2" on said Parcel Plat; thence North 0 degrees 06 minutes 25 seconds West (bearings based on the Location Control Route Survey Plat for this project, recorded as Instrument Number 20194364) 1,224.19 feet along the west line of said Southeast Quarter; thence North 89 degrees 52 minutes 40 seconds East 452.63 feet to the west corner of the grantors' said land, being the point of beginning; thence North 50 degrees 58 minutes 11 seconds East 174.78 feet along the northwestern line of the grantors' land, being the centerline of Hoosier Highway; thence continuing

✓
Aye

Nay

Chuck King
Chuck King

✓
Aye

Nay

Vicki Andrews
Vicki Andrews

✓
Aye

Nay

Steve Huggins
Steve Huggins

✓
Aye

Nay

Jim Oswald
Jim Oswald

✓
Aye

Nay

Seth Whicker
Seth Whicker

ATTEST:

Lisa McCormick
Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *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. Lisa McCormick*

EXHIBIT "A"

Project: Hoosier Highway, Bridge 99
Tax ID: 90-08-19-400-006.000-003

Code: N/A

Parcel: 2
Sheet: 1 of 2

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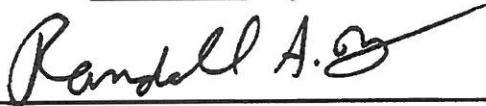
EXHIBIT "A"

Project: Hoosier Highway, Bridge 99 Code: N/A
Tax ID: 90-08-19-400-006.000-003

Parcel: 2
Sheet: 2 of 2

length of 134.71 feet to the point designated as "1223" on said Parcel Plat; thence South 50 degrees 58 minutes 11 seconds West 67.86 feet to the southwestern line of the grantors' land; thence North 44 degrees 59 minutes 12 seconds West 40.22 feet along said southwestern line to the point of beginning and containing 0.222 acres, more or less, inclusive of the presently existing right-of-way, which contains 0.124 acres, more or less.

Given this 18th day of December, 2019.



Randall A. Nick, P.S.
Registered Professional Land Surveyor
State of Indiana, Surveyor No. 20900163

This description was prepared for the Wells County Board
of Commissioners by Butler, Fairman & Seufert, Inc.



PARCEL NO. : 2
 ROAD NAME : HOOSIER HIGHWAY
 COUNTY : WELLS
 SECTION : 19
 TOWNSHIP : 26 N.
 RANGE : 12 E.

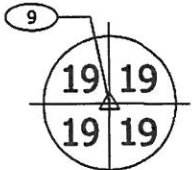
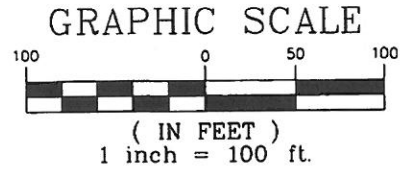
OWNER: JAMES A. & TONYA S. RAGG
 DEED BOOK 151, PAGE 419, DATED 05/15/2012

DRAWN BY: DRM 12/11/2019
 CHECKED BY: RAN 12/18/2019
 SCALE: 1"= 100'
 SHEET 1 OF 2

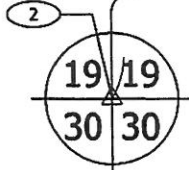
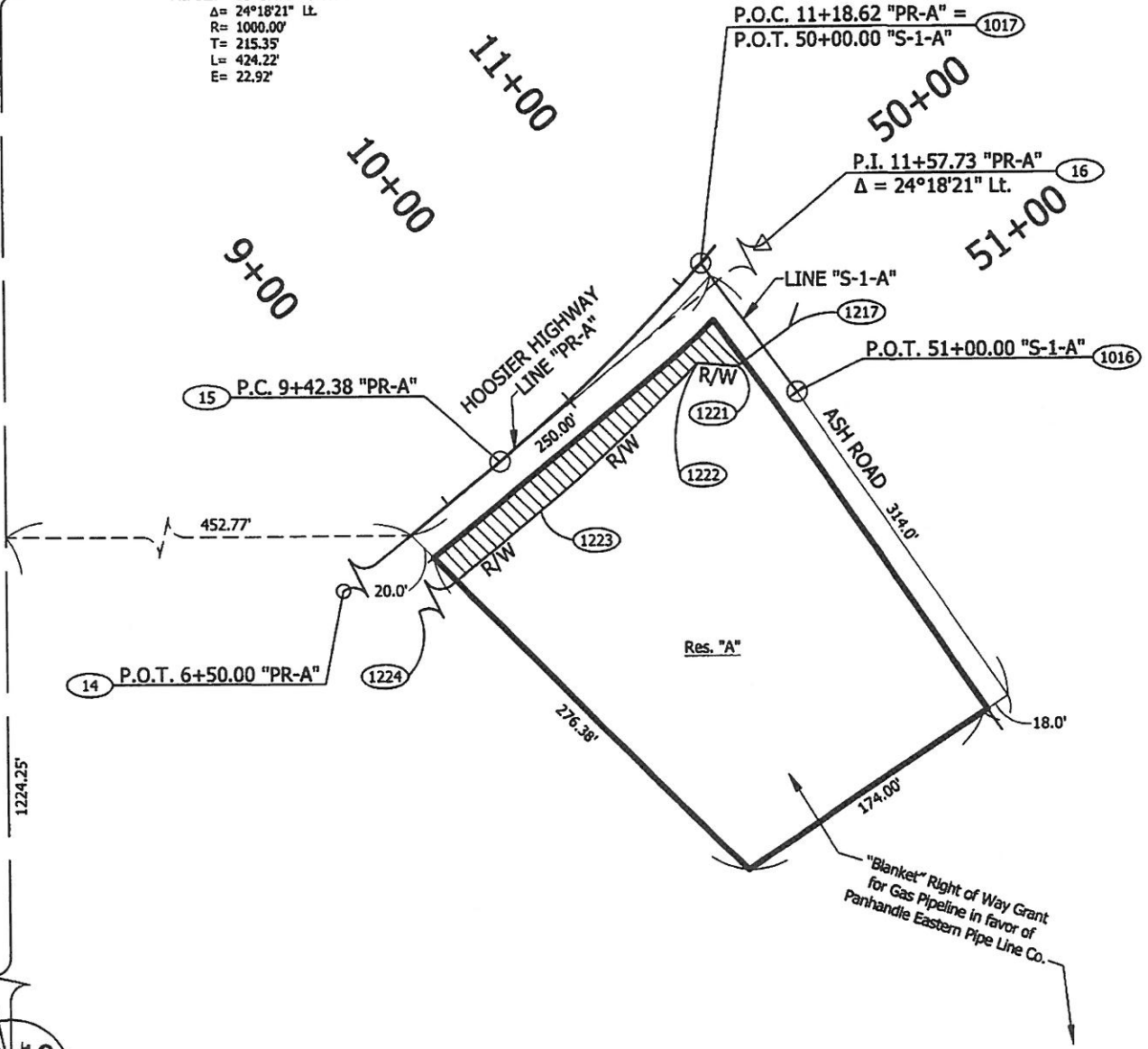
 HATCHED AREA IS THE APPROXIMATE TAKING

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

EXHIBIT "B"



CURVE DATA
 P.I. Sta. 11+57.73 "PR-A"
 $\Delta = 24^\circ 18' 21''$ Lt.
 R= 1000.00'
 T= 215.35'
 L= 424.22'
 E= 22.92'



RIGHT-OF-WAY PARCEL PLAT

Prepared for - INDOT
 by Butler, Fairman and Seufert, Inc. (Job #6271.0201)

Project = 6271.0201 12/18/2019 2:53 PM DRM 1

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PARCEL NO. : 2
 ROAD NAME : HOOSIER HIGHWAY
 COUNTY : WELLS
 SECTION : 19
 TOWNSHIP: 26 N.
 RANGE : 12 E.

OWNER: JAMES A. & TONYA S. RAGG

DRAWN BY: DRM 12/11/2019
 CHECKED BY: RAN 12/18/2019
 SHEET 2 OF 2

THIS PLAT WAS PREPARED FROM INFORMATION OBTAINED FROM THE RECORDER'S OFFICE
 AND OTHER SOURCES WHICH WERE NOT NECESSARILY CHECKED BY A FIELD SURVEY.

EXHIBIT "B"

PARCEL COORDINATE CHART					
POINT	STATION	OFFSET	CL	NORTH	EAST
1016	10+98.76	97.81' Rt.	"PR-A"	1981514.2702	454661.4485
1017	11+18.63	0.00' Rt.	"PR-A"	1981594.6242	454601.9234
1217	50+65.00	20.00' Lt.	"S-1-A"	1981554.2991	454656.6855
1221	50+65.00	20.00' Rt.	"S-1-A"	1981530.4891	454624.5439
1222	10+72.00	40.00' Rt.	"PR-A"	1981532.5358	454599.5973
1223	+PC(9+42.38)	40.00' Rt.	"PR-A"	1981441.1058	454500.6666
1224	6+65.00	40.00' Rt.	"PR-A"	1981266.4304	454285.1939
SEE LOCATION CONTROL ROUTE SURVEY PLAT FOR POINTS: 2, 9, 14, 15, 16, and 17					
NOTE: STATIONS AND OFFSETS CONTROL OVER BOTH NORTH AND EAST COORDINATES AND BEARINGS AND DISTANCES.					

Notes:

- The coordinates on the project Location Control Route Survey Plat recorded as Instrument #20194364 and those shown hereon are "Indiana State Plane Coordinates (East Zone) Nad 83 (1997) U.S. Survey Feet" grid coordinates.
- To convert ground data to grid data, a combination scale factor of 0.9999502027 should be used. A scale of 1/0.9999502027 should be used to convert grid data to ground.
- Deed distances shown on Sheet 1 are directly from the deed and do not reflect any adjustment to the grid.
- Description distances in Exhibit "A" are grid distances.



SURVEYORS STATEMENT

To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey Plat" recorded as Instrument #20194364 in the Office of the Recorder of Wells County, Indiana, (incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Indiana Administrative Code 865 IAC 1-12, ("Rule 12").

RIGHT-OF-WAY PARCEL PLAT

Prepared for - INDOT
 by Butler, Fairman and Seufert, Inc. (Job #6271.0201)

Randall A. Nick

Randall A. Nick
 P.S. 20900163

12/18/2019

Date

**UNIFORM PROPERTY OR EASEMENT
ACQUISITION OFFER**

To: James A. Ragg and Tonya S. Ragg, husband and wife
Address: 3679 Hoosier Hwy
Bluffton, IN 46714

(who may hereinafter be collectively referred to as "you", "your", or "owner")

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor), is authorized by Indiana law to obtain your property or an easement across your property for certain public purposes. THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) needs your property to improve traffic safety in the area by upgrading the curve and intersection of Hoosier Highway and Ash Road in addition to the road improvements which will provide greater safety, various ditches and drainage improvements are also being made in the area and bridge replacement of Wells County Bridge 99 which carries Hoosier Highway over Neff Ditch (which may hereinafter be collectively referred to as "the Improvements"), and needs to take the fee simple interest in the real estate located in Wells County, Indiana, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference.

It is our opinion that the fair market value of the property we want to acquire from you (which may hereinafter be referred to as "the Real Estate") is \$980.00, and, therefore, THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) offers you \$980.00 for the fee simple interest in the Real Estate. You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, and provided there are no difficulties in clearing liens or other problems with title to the Real Estate. Possession will be required thirty (30) days after you have received your payment in full.

**HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND
LEGALLY PROTECTED RIGHTS:**

1. By law, THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) is required to make a good faith effort to purchase your property.

2. You do not have to accept this offer and THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) is not required to agree to your demands.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of your property, THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) has the right to file suit to condemn and acquire the property in the county in which the property is located.
4. You have the right to seek advice of an attorney, real estate appraiser, or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) files a suit to condemn and acquire your property and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the property to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the property condemned.
8. If the court appraisers' report is not accepted by either of us, then THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) is legally entitled to immediate possession of the property. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.
9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice.

10. Copies of the survey of the property we want to acquire from you are attached hereto as "Exhibit B" and made a part hereof by reference.
11. **Purchase Subject to Approval of the Wells County Council.** The purchase of the Real Estate is subject to the approval of The Wells County Council.
12. If you have any questions concerning this matter you may contact us at:
Lisa McCormick, County Auditor
102 W. Market Street, Suite 206
Bluffton, IN 46714
Telephone: (260) 824-6470

This offer was made to the owner(s):

To: James A. Ragg and Tonya S. Ragg, husband and wife
Address: 3679 Hoosier Hwy
Bluffton, IN 46714

on MAY 18 2020 .

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS:



Blake Gerber



Kevin S. Woodward



Tamara Robbins

ATTEST:



Lisa McCormick, Auditor

If you decide to accept the offer of \$980.00 made by THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I (We), (owner) owner(s) of the above described property or interest in property, hereby accept the offer of \$980.00 made by THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, as the County Executive of Wells County, Indiana (condemnor) on this 6 day of May, 2020.

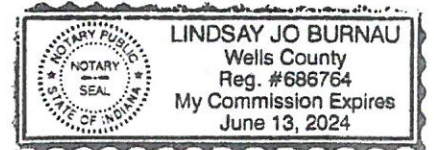
James A. Ragg
Signature name: (owner)

James A Ragg
Printed name: (owner)

Lynette Ragg
Signature name: (owner)

Tonya Sue Ragg
Printed name: (owner)

NOTARY'S CERTIFICATE



STATE OF INDIANA)
) SS:
COUNTY OF WELLS)

Subscribed and sworn to before me this 6 day of May, 2020.

My Commission Number:

My Commission Expires:

Lindsay Jo Burnau
Notary Public
Lindsay Jo Burnau
Notary's printed or typed name
Resident of Wells County, IN

EXHIBIT "A"

**Project: Hoosier Highway, Bridge 99
Tax ID: 90-08-19-400-006.000-003**

Code: N/A

**Parcel: 2
Sheet: 1 of 2**

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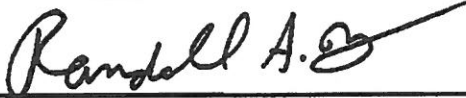
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Tax ID: 90-08-19-400-006.000-003

Parcel: 2
Sheet: 2 of 2

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Given this 18th day of December, 2019.



Randall A. Nick, P.S.
Registered Professional Land Surveyor
State of Indiana, Surveyor No. 20900163

This description was prepared for the Wells County Board
of Commissioners by Butler, Fairman & Seufert, Inc.



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 COUNTY : WELLS
 SECTION : 19
 TOWNSHIP : 26 N.
 RANGE : 12 E.

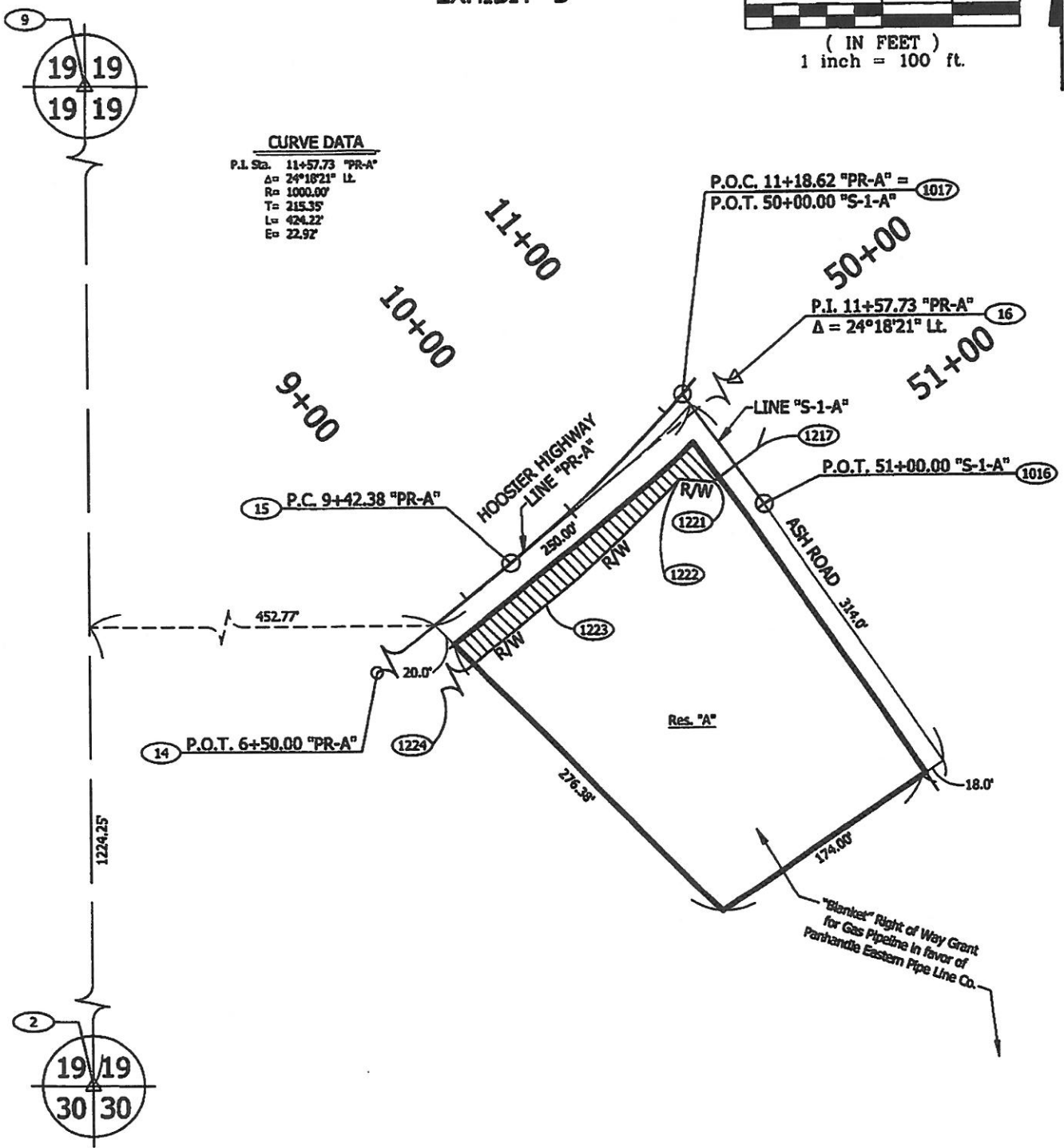
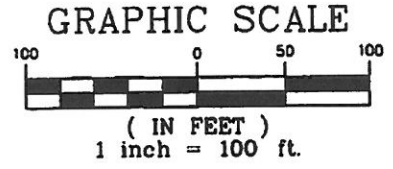
OWNER: JAMES A. & TONYA S. RAGG
 DEED BOOK 151, PAGE 419, DATED 05/15/2012

DRAWN BY: DRM 12/11/2019
 CHECKED BY: RAN 12/18/2019
 SCALE: 1"= 100'
 SHEET 1 OF 2

 HATCHED AREA IS THE APPROXIMATE TAKING

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EXHIBIT "B"



RIGHT-OF-WAY PARCEL PLAT

Prepared for - INDOT
 by Butler, Falman and Seufert, Inc. (Job #6271.0201)

PARCEL NO. : 2
 ROAD NAME : HOOSIER HIGHWAY
 COUNTY : WELLS
 SECTION : 19
 TOWNSHIP: 26 N.
 RANGE : 12 E.

OWNER: JAMES A. & TONYA S. RAGG

DRAWN BY: DRM 12/11/2019
 CHECKED BY: RAN 12/18/2019

SHEET 2 OF 2

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RIGHT-OF-WAY PARCEL PLAT

Prepared for - INDOT

by Butler, Fairman and Seufert, Inc. (Job #6271.0201)

Project = 6271.0201 12/18/2019 2:54 PM DRM 1

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Randall A. Nick

Randall A. Nick
 P.S. 20900163

12/18/2019

Date