

Eminent Domain (November 4, 1988; updated December 5, 2013)

November 4, 1988:

WHEREAS, Indiana Code 4-17-6-1 provides that whenever the Board of Trustees of Indiana University deems it necessary or desirable for the welfare or convenience of the University to acquire real estate for its use, the Board is authorized and empowered to condemn real estate and also provides that the Board of Trustees shall have the rights and powers secured by Indiana Code 32-11-1 dealing with the acquisition of real property by eminent domain;

WHEREAS, Indiana Code 4-17-6-1 also provides that before exercising the power of eminent domain, the Board of Trustees shall secure the written consent of the Governor of the State of Indiana, specifically authorizing acquisition of a particular property by such means;

WHEREAS, Indiana Code 20-12-1-4 authorizes the governing board of Indiana University to delegate such powers and authority as it may possess to the President of Indiana University; and

WHEREAS, this Board considers it necessary and convenient for the benefit of the University to be able to expeditiously acquire property and to request the approval of the Governor to institute an action to acquire real property by eminent domain without delay, and to the end of avoiding delay it is desirable that authority to institute eminent domain actions in behalf of this Board should be delegated to the President of the University:

RESOLVED: The Trustees of Indiana University now delegate to the President of Indiana University all the authority conferred upon this Board by Ind. Code 4-17-6-1 to request, from time to time as he sees fit, from the Governor of the State of Indiana consent to acquire real property by condemnation and, further delegates to the President of Indiana University the authority of this Board to take all other action that the President may consider necessary or convenient to acquire such property by eminent domain or otherwise, following the receipt of the Governor's consent.

Unanimously approved, on motion duly made and seconded.

December 5, 2013:

(in relevant part)

WHEREAS, the "Exercise of Eminent Domain," as adopted November 4, 1988, was predicated on Indiana Code 4-17-6-1 and Indiana Code 20-12-6-2, which both have now been repealed; and

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby amends the above named resolutions as follows:

The "Exercise of Eminent Domain," as adopted November 4, 1988, is hereby updated to reflect the current Indiana Code citation, IC 21-31-2-4. This resolution shall be renamed "Acquisition and Use of Property" to reflect the current Indiana Code Article title.

Unanimously approved on a motion duly made and seconded.