

**BOARD OF PUBLIC
WORKS & SAFETY
MEMBERS**

Nick Barbknecht
Chuck Lehman
Mayor Willis



***CITY OF WESTFIELD, IN
Board of Public Works Meeting Agenda***

BOARD OR COMMISSION: Board of Public Works Meeting

MEETING DATE: Monday, April 7, 2025 at 3:00 PM

MEETING PLACE: Westfield City Hall- Assembly Room

THE FOLLOWING AGENDA IS SUBJECT TO CHANGE AT THE DISCRETION OF BOARD OF PUBLIC WORKS

OPENING OF REGULAR MEETING

Note the presence of a quorum

CONTRACTS/AGREEMENTS

Action Item #1:

- City of Westfield & Daniel L. Duffer – Agreed Findings & Judgment

Action Item #2:

- City of Westfield & Compound Maple, LLC – Agreed Findings & Judgment

ADJOURNMENT

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON) CAUSE NO: 29C01-2502-PL-001526

CITY OF WESTFIELD, INDIANA,)
)
 Plaintiff,)
 v.)
)
DANIEL L. DUFFER and)
HAMILTON COUNTY, INDIANA,)
)
 Defendants.)

AGREED FINDINGS AND JUDGMENT

Plaintiff, City of Westfield (the “City”) and Defendant, Daniel L. Duffer, jointly submit their Agreed Findings and Judgment in this case. The Court, having examined the record and being duly advised, now finds:

1. The City filed its Complaint in Condemnation on February 10, 2025, seeking to acquire a fee simple interest in the entirety of Duffer’s real estate located at 204 Jersey Street, Westfield, Hamilton County, Indiana. Specifically, the City seeks to acquire a fee simple interest in an area consisting of 0.150 acres, more or less, more particularly described in the legal description attached hereto as **Exhibit A** and depicted in the diagram attached hereto as **Exhibit B** (the “Real Estate”).

2. Duffer was properly served with a Summons, the Complaint, and a Notice to Appear as required by statute.

3. The City's Complaint complies with Indiana eminent domain law, and the Court has jurisdiction over the subject matter of this case and the parties herein.

4. The City and Duffer agree to the City's appropriation of the Real Estate (described in **Exhibit A** attached hereto) for any purpose the City deems appropriate, and further agree that Duffer shall recover, for the Real Estate interests appropriated by the City and any and all damages for the acquisition, the total just compensation amount of \$720,000.00.

5. This Agreed Findings and Judgment is sufficient to convey the Real Estate interests acquired by the City and to resolve all outstanding issues in this matter.

IT IS ORDERED, ADJUDGED, AND DECREED by the Court that the City has appropriated the fee simple interest in the Real Estate, and the City now holds, in fee simple, the Real Estate interest described in **Exhibit A**, which legal description is incorporated herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that Duffer shall have and recover from the City as total just compensation for the City's acquisition of the Real Estate interests the sum of \$720,000.00, in full satisfaction of this judgment.

IT IS FURTHER ORDERED that the City shall issue a check in the total sum of \$720,000.00, made payable to Daniel L. Duffer, and send the same to Coots, Henke &

Wheeler, P.C., Attn: E. Davis Coots, 255 East Carmel Drive, Carmel, Indiana 46032. The total sum shall constitute the total just compensation amount due to Duffer.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

- a. The Clerk of the Court shall promptly send a certified copy of this Agreed Findings and Judgment to the Auditor and Recorder of Hamilton County, Indiana;
- b. The Auditor shall remove Fee Real Estate described in **Exhibit A** from the tax records and rolls of Hamilton County, Indiana and cancel any and all unpaid **Tax Year 2025** and subsequent years' taxes thereon;
- c. The Auditor shall submit evidence of this removal from the tax records by United States mail to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204;
- d. The Recorder shall, without payment of a fee, record the transfer of the Real Estate described in **Exhibit A**, also without payment of a fee; and
 - a. The Recorder shall submit evidence of that recordation, by United States mail, to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204.

SO ORDERED.

Dated: _____
Judge, Hamilton Superior Court

AGREED TO AND SUBMITTED BY:

CITY OF WESTFIELD, INDIANA

DANIEL L. DUFFER

By: _____

By: _____

Its: _____

Its: _____

APPROVED AS TO FORM:

/s/ Chou-il Lee

Chou-il Lee

Kristine Gordon

Taft Stettinius & Hollister, LLP

One Indiana Square, Suite 3500

Indianapolis, IN 46204

Attorneys for the City of Westfield

/s/ E. Davis Coots

E. Davis Coots

Coots, Henke, & Wheeler, P.C.

255 East Carmel Drive

Carmel, IN 46032

Attorneys for Daniel L. Duffer

Distribution: to all counsel of record.

Hamilton County Recorder
33 N. 9th St, Suite 309
Noblesville, IN 46060

Hamilton County Auditor
33 N. 9th Street, Suite L21
Noblesville, IN 46060

Hamilton County Treasurer
33 N. 9th Street, Suite 112
Noblesville, IN 46060

Hamilton County Clerk
1 Hamilton County Square, Suite 106
Noblesville, IN 46060

Exhibit A

EXHIBIT A

Seventy-five (75) feet off of the West side of Lot Numbered Four (4) in Roberts Addition, as per plat thereof recorded in Deed Record 39, Page 433 in the Office of the Recorder of Hamilton County, Indiana.

Exhibit B



(GIS exhibit. Not to scale. Subject tract outlined in red.)

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON) CAUSE NO: 29C01-2502-PL-001532

CITY OF WESTFIELD, INDIANA,)
)
 Plaintiff,)
 v.)
)
COMPOUND MAPLE, LLC and)
HAMILTON COUNTY, INDIANA,)
)
 Defendants.)

AGREED FINDINGS AND JUDGMENT

Plaintiff, City of Westfield (the “City”) and Defendant, Compound Maple, LLC, jointly submit their Agreed Findings and Judgment in this case. The Court, having examined the record and being duly advised, now finds:

1. The City filed its Complaint in Condemnation on February 10, 2025, seeking to acquire a fee simple interest in the entirety of Compound Maple’s real estate located at 330 Jersey Street, Westfield, Hamilton County, Indiana. Specifically, the City seeks to acquire a fee simple interest in an area consisting of 0.148 acres, more or less, more particularly described in the legal description attached hereto as **Exhibit A** and depicted in the diagram attached hereto as **Exhibit B** (the “Real Estate”).

2. Compound Maple was properly served with a Summons, the Complaint, and a Notice to Appear as required by statute.

3. The City's Complaint complies with Indiana eminent domain law, and the Court has jurisdiction over the subject matter of this case and the parties herein.

4. The City and Compound Maple agree to the City's appropriation of the Real Estate (described in **Exhibit A** attached hereto) for any purpose the City deems appropriate, and further agree that Compound Maple shall recover, for the Real Estate interests appropriated by the City and any and all damages for the acquisition, the total just compensation amount of \$900,000.00.

5. This Agreed Findings and Judgment is sufficient to convey the Real Estate interests acquired by the City and to resolve all outstanding issues in this matter.

IT IS ORDERED, ADJUDGED, AND DECREED by the Court that the City has appropriated the fee simple interest in the Real Estate, and the City now holds, in fee simple, the Real Estate interest described in **Exhibit A**, which legal description is incorporated herein.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that Compound Maple shall have and recover from the City as total just compensation for the City's acquisition of the Real Estate interests the sum of \$900,000.00, in full satisfaction of this judgment.

IT IS FURTHER ORDERED that the City shall issue a check in the total sum of \$900,000.00, made payable to Compound Maple, LLC, and send the same to Coots, Henke

& Wheeler, P.C., Attn: E. Davis Coots, 255 East Carmel Drive, Carmel, Indiana 46032. The total sum shall constitute the total just compensation amount due to Compound Maple.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

- a. The Clerk of the Court shall promptly send a certified copy of this Agreed Findings and Judgment to the Auditor and Recorder of Hamilton County, Indiana;
- b. The Auditor shall remove Fee Real Estate described in **Exhibit A** from the tax records and rolls of Hamilton County, Indiana and cancel any and all unpaid **Tax Year 2025** and subsequent years' taxes thereon;
- c. The Auditor shall submit evidence of this removal from the tax records by United States mail to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204;
- d. The Recorder shall, without payment of a fee, record the transfer of the Real Estate described in **Exhibit A**, also without payment of a fee; and
- a. The Recorder shall submit evidence of that recordation, by United States mail, to Taft Law c/o Kristine Gordon, One Indiana Square Suite 3500, Indianapolis, IN 46204.

SO ORDERED.

Dated: _____

Judge, Hamilton Superior Court

AGREED TO AND SUBMITTED BY:

CITY OF WESTFIELD, INDIANA

COMPOUND MAPLE, LLC

By: _____

By: _____

Its: _____

Its: _____

APPROVED AS TO FORM:

/s/ Chou-il Lee

Chou-il Lee

Kristine Gordon

Taft Stettinius & Hollister, LLP

One Indiana Square, Suite 3500

Indianapolis, IN 46204

Attorneys for the City of Westfield

/s/ E. Davis Coots

E. Davis Coots

Coots, Henke, & Wheeler, P.C.

255 East Carmel Drive

Carmel, IN 46032

Attorneys for Compound Maple, LLC

Distribution: to all counsel of record.

Hamilton County Recorder
33 N. 9th St, Suite 309
Noblesville, IN 46060

Hamilton County Auditor
33 N. 9th Street, Suite L21
Noblesville, IN 46060

Hamilton County Treasurer
33 N. 9th Street, Suite 112
Noblesville, IN 46060

Hamilton County Clerk
1 Hamilton County Square, Suite 106
Noblesville, IN 46060

DULY ENTERED FOR TAXATION
Subject to final acceptance of transfer
27th day of February 2015 - ALC
Dawn Cordale Auditor of Hamilton County
Parcel # 09-09-01-02-03-018.000

Exhibit A

MRC

2015008065 DEED \$18.00
02/27/2015 12:52:16PM 2 PGS
Jennifer Hayden
Hamilton County Recorder IN
Recorded as Presented



Warranty Deed

This Indenture Witnesseth, that Audrey Watkins, surviving spouse of Earl L. Watkins, by her attorney-in-fact, Gregory T. Pynn ("Grantor") of Hamilton County, State of Indiana, CONVEY(S) AND WARRANT(S) to **Compound Maple, LLC** ("Grantee") of Hamilton County, in the State of Indiana, for the sum of One and no/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following real estate in Hamilton County, State of Indiana, commonly known as 330 Jersey Street, Westfield, IN 46074, and more particularly described as:

The East half of Lot Numbered 35 in Abel Doan's, an addition to the City of Westfield, Hamilton County, Indiana, as per plat thereof recorded in Deed Record 49, pages 516-517, in the Office of the Recorder of Hamilton County, Indiana.

Parcel No.:29-09-01-203-018.000-015

Taxes for 2014 payable 2015, now a lien, not yet due and payable.

Subject to covenants, agreements, easements, restrictions and all rights of way of record.

Audrey Watkins, Grantor, certifies that she is the surviving spouse of Earl L. Watkins and that they owned the above-referenced property as tenants by the entireties. Upon the death of Earl L. Watkins on March 30, 2006, title passed solely to Audrey Watkins by operation of law, and Audrey Watkins attests that there is not an estate open for Earl L. Watkins, nor does Earl L. Watkins have any Indiana inheritance tax due and owing.

In Witness Whereof, Grantor has caused this deed to be executed this 25 day of

February, 2015.

Audrey Watkins / Gregory T. Pynn

Audrey Watkins, by her attorney-in-fact, Gregory
T. Pynn, Cross-Reference Instrument Number:
2010000888, recorded on 1/7/2010

4.

Exhibit B



(GIS exhibit. Not to scale. Subject tract outlined in teal.)