

area. The Project was approved for a public purpose and found to be in the public interest by the City of Bloomington Board of Public Works in its Resolution 2019-43, approved at a public meeting held on April 30, 2019. A copy of said resolution is attached hereto and incorporated herein as Exhibit A.

4. 222 Hats owns title to certain real estate located in Monroe County, Indiana, which is commonly known as 222 South Walnut Street, Bloomington, Indiana 47401 and described as follows:

The South Half of In-Lot Number Thirty-three (33) in the City of Bloomington, Indiana, as set out on the original Plat of the City of Bloomington, Indiana, as shown in Plat Book No. 1 at page 4 (now Plat Cabinet B, Envelope 1), in the office of the Recorder of Monroe County, Indiana.
Tax Parcel No.: 53-05-33-310-173.000-005; Auditor's Parcel No.: 013-05940-00.

The property sought herein is more fully described and depicted in Exhibit B and incorporated by reference herein (the "Real Estate").

5. Defendant German American Bancorp, Inc., ("German American") holds a mortgage dated March 30, 2018, for the Real Estate in the original amount of Five Hundred Thousand Dollars (\$500,000.00) and recorded as Instrument Number 2018003813 in the records of the Office of the Recorder of Monroe County, Indiana. German American entered into the mortgage agreement with the individual Juan Carlos Carrasquel, whose address is listed as 34 E. Saddlebrook Ct., Bloomington, Indiana 47401.

6. Defendant German American Bancorp also holds an assignment of rents dated March 30, 2018, for the Real Estate recorded as Instrument Number

2018003815 in the records of the Office of the Recorder of Monroe County, Indiana. German American entered into the assignment of rents with Juan Carlos Carrasquel, whose address is listed as 34 E. Saddlebrook Ct., Bloomington, Indiana 47401.

7. The City has the statutory authority to undertake this Project and may exercise the power of eminent domain over the property outlined above under Indiana law including, but not limited to, Indiana Code Section 36-1-4-5 and Indiana Code 32-24-1, *et seq.*

8. In connection with and in carrying out the Project, the City has determined that it is necessary for the City to take, appropriate, acquire, remediate, and make use of the whole of the Real Estate for the Project.

9. The City has attempted to engage in negotiations with 222 Hats in a good faith effort to purchase the Real Estate, including obtaining two independent appraisals and tendering the required offer to purchase the Real Estate in accordance with Indiana Code Section 32-24-1-5. From the end of 2018, the City also has also discussed opportunities with 222 Hats LLC member Juan Carlos Carrasquel to have a space in the new structure that matches or exceeds his current real estate footprint and that would maintain the organization's visible presence on the corner of West Third Street and South Walnut Street.

10. The City has complied with Indiana Code Section 32-34-1-5, and the Uniform Property or Easement Acquisition Offer was personally delivered to 222 Hats LLC member Juan Carlos Carrasquel on May 6, 2019. A copy of the offer was

also sent via separate certified mailings on May 6, 2019, to the owner, via the following names and addresses: 222 Hats LLC at 222 S. Walnut Street, Bloomington, Indiana 47404-6108; the registered agent for 222 Hats LLC, listed with the Indiana Secretary of State's Office as Mallor Grodner LLP, at 511 S. Woodcrest Drive, Bloomington, Indiana 47401; and Juan Carlos Carrasquel at 3497 E. Saddlebook Court, Bloomington, Indiana 47401-8554.

11. The parties have been unable to agree upon the purchase and sale of such interests in the Real Estate.

12. Having been unable to acquire voluntarily the Real Estate, the City seeks to condemn and acquire the Real Estate in fee simple by this action.

WHEREFORE, the City of Bloomington prays that:

- (a) The Court issue an order requiring the Defendants to appear at a hearing to show cause, if any, why the Real Estate sought to be condemned should not be appropriated;
- (b) The Court appoint, pursuant to Indiana Code Section 32-24-1-7, one disinterested freeholder of the County and two disinterested appraisers licensed under Indiana Code 25-34.1 to assess the damages which any Defendant, as an owner or an interest holder of the Real Estate, may sustain or be entitled to by reason of such appropriation and condemnation of the fee interest in the Real Estate;

- (c) Upon payment to the Clerk of this Court of the damages assessed, the Court order that the City of Bloomington may take possession of and hold all necessary interests in the Real Estate;
- (d) The Court take all other steps which may be necessary for the City of Bloomington to acquire, by the right of eminent domain, the Real Estate, as more particularly described and depicted in Exhibit B; and
- (e) The Court grant the City of Bloomington all other proper relief in the premises.

The City of Bloomington reserves the right to demand a trial by jury.

Respectfully Submitted,

/s/ Larry D. Allen

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