

APRIL 6, 1992

OPEN TO PUBLIC

At this time, the Meeting was opened to the public for comment on any topic. There being no one wishing to address the Council, the public portion of the Meeting was closed.

1991 ANNUAL REPORT

The 1991 Annual Report of the Town of Munster was presented to the Council by the Town Manager. This report highlights the events of 1991 as detailed by each of the Department heads. Mr. Brauer commended the Staff for the preparation of this report. Mr. Illingworth pointed out that there was a tremendous effort by the Staff last year and many of the Council's goals were accomplished.

Mr. Illingworth, seconded by Mr. Shafer, moved to accept the 1991 Annual Report and place it on file. All Council Members voted yes.

→ RESOLUTION NO. 1323: CSX PROPERTY ACQUISITION

RESOLUTION NO. 1323 is A RESOLUTION AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF ABANDONED CSX RAILROAD PROPERTY IN MUNSTER, INDIANA. This Resolution authorizes the Town of Munster to proceed to acquire, by purchase or condemnation, the right of way of CSX, approximately 60 feet wide, including tracks and ballast, from the northern Corporate Limits to Airline Junction in Munster, Indiana. Representatives of the Town shall determine a good faith fair market value of said right of way, including tracks and ballast, and deliver a uniform land or easement acquisition offer to CSX in the form and manner prescribed by law. In the event the good faith offer of purchase is rejected, representatives of the Town are authorized to file condemnation proceedings.

Mr. Feingold gave the background of this transaction and indicated that the City of Hammond was also in the process of acquiring the acquisition of that line in the Hammond city limits. They have, at least on a temporary basis, included the Munster property in their documents. Mr. Feingold indicated that it is in the Town's best interest to receive title to this portion for our own uses. Congressman Visclosky has passed a bill to provide funds to acquire the right of way.

Mr. Johnson, seconded by Mr. Shafer, moved to adopt Resolution No. 1323. Mr. Brauer pointed out that this does not mean that the acquisition will result in a rail line in the immediate future and probably not for 15 to 20 years. This area can be used for recreational purposes. Mr. Shafer pointed out that if we have ownership of this area, the Town then has the right to repair railroad crossings. The four Council Members then voted yes to adopt Resolution No. 1323.

SETTLEMENT OF LITIGATION AGAINST CONRAIL AND MERCANTILE TRUST

RESOLUTION NO. 1324 is A RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION AGAINST CONSOLIDATED RAILROAD CORPORATION AND MERCANTILE NATIONAL BANK OF INDIANA, AS TRUSTEE UNDER TRUST NO. 3523. Mr. Feingold pointed out that this refers to the cleanup of the Sherwin-Williams drums at the landfill site and adjacent areas. It was pointed out that Conrail cleaned up their own land

RESOLUTION NO. 1323

A RESOLUTION AUTHORIZING THE ACQUISITION BY
PURCHASE OR CONDEMNATION OF ABANDONED CSX
RAILROAD PROPERTY IN MUNSTER, INDIANA.

WHEREAS, CSX Corporation (CSX) owns approximately _____ miles of right of way, approximately 60 feet wide, including tracks and ballast, from the northern Corporate Line to Airline Junction in the Town of Munster, Indiana; and

WHEREAS, CSX has abandoned said railroad right of way; and

WHEREAS, the Town of Munster desires to acquire said abandoned right of way, including tracks and ballast, within the Town of Munster for public purposes.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Munster, Lake County, Indiana, as follows:

1. The Town of Munster shall proceed to acquire, by purchase or condemnation, the right of way of CSX, approximately 60 feet wide, including tracks and ballast, from the northern Corporate Line to Airline Junction in the Town of Munster, Indiana.

2. Representatives of the TOWN shall determine a good faith fair market value of said right of way, including tracks and ballast, and deliver a uniform land or easement acquisition offer to CSX in the form and manner prescribed by law.

3. In the event the good faith offer of purchase is rejected, representatives of the TOWN are authorized to file condemnation proceedings.

4. The foregoing is also authorized as to any other owner of said CSX right of way from the northern Corporate Line to Airline Junction in the Town of Munster, Indiana.

RESOLVED and ADOPTED this 6TH day of April, 1992 by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF
MUNSTER, LAKE COUNTY, INDIANA

Hugh D. Brauer
Hugh D. Brauer, President

ATTEST:

Phyllis A. Hayden
Phyllis A. Hayden
Clerk-Treasurer

and Thomas Boyden for four terms on the EDSC, ending December 31, 1996. All Council Members voted in the affirmative.

Mr. Feingold then administered the oath of office to Mr. Friend, Mrs. Frye, and Mr. Boyden.

VACATION OF ALLEY

This item was moved from the Consent Agenda to General Orders. It was first brought to the Council in December, 1992, after the Plan Commission conducted a Public Hearing on November 24, 1992. The Plan Commission's hearing was to consider the request of Dreux and Graciela Benne, owners of the property adjacent to the public alley which is located approximately 177 feet north of Ridge Road on Manor Avenue. This alley runs east and west. The adjacent property owner has consented to the vacation. The alley will be preserved as a public utility easement.

Mr. Feingold suggested that a quit claim deed be used rather than just a consent of vacation from Joanne Trepanowski. Mr. Shafer, seconded by Mr. Brauer, moved to grant the vacation of the alley conditioned upon the property owner, Ms. Trepanowski's approval of vacation, and agreement to transfer interest to Mr. and Mrs. Benne through a quit claim deed. Mr. Keslin told a little of the history of the property involved. Mr. Johnson suggested that someone in Town notify the Trepanowskis' of this condition so that they may receive some advice and make an informed choice about transferring their interest. All Council Members voted yes.

PRELIMINARY RESOLUTION DECLARING BENEFITS AND DAMAGES

RESOLUTION NO. 1343 is a PRELIMINARY RESOLUTION AWARDING THE DAMAGES SUSTAINED AND ASSESSING THE BENEFITS ACCRUING TO THE PROPERTY AFFECTED BY THE OPENING AND LAYING OUT OF BEECH STREET FROM FAIRWAY AVENUE SOUTH TO THE NORTH LINE OF LOT 6 AND LOT 10 IN PROPOSED MARINER COVE ADDITION TO THE TOWN OF MUNSTER, INDIANA. Mr. Feingold indicated that it would be appropriate for the Council not to take any action until Exhibit A is completed. This item could be deferred until the next regular meeting and discussed at the next study session.

Mr. Illingworth, seconded by Mr. Shafer, moved to table this item until the next regular meeting. Mr. Brauer then gave an example of how the process would go if the damages were less than the benefits. He indicated that the Town was not interested in the residents having to give money to the Town and that there was a process by which the Town could minimize the benefits to match the damages so that there would be a wash. We need to have time to go through this process. All Council Members then voted yes to table this item until the next regular meeting.

THREE PARTY AGREEMENT - WESTLAKE CORRIDOR ACQUISITION

FEB. 1, 1993

For the better part of a year, Northern Indiana Commuter Transportation District, the City of Hammond, and the Town of Munster have been moving toward the ultimate goal of acquiring the abandoned CSX rail line from Airline Junction in Munster extending north to approximately Sibley Street in Hammond. The right-of-way includes the real property portion of the rail line including, but not limited to, all fee interest, above, below, and along the track structure. The right-of-way is commonly known as the Westlake Corridor. The agreement sets out in detail the terms and conditions of which the two communities along with NICTD will, through an inter-local cooperative agreement, manage and maintain the right-of-way. The agreement contemplates three phases:

1. A pre-acquisition phase
2. A post-acquisition - pre-transit rail line phase
3. A post-acquisition - transit rail line management phase

The cooperative management committee shall be responsible for administering the agreement, including the determinations concerning non-rail and non-mass transit services. The Committee will be made up of the Mayor of the City of Hammond, the Council President for the Town of Munster, and the President of the Board of Trustees for the Northern Indiana Commuter Transportation District. Eighty percent of the funds for the acquisition will be through a Highway Administration Grant. The City of Hammond has approved this agreement, as has NICTD.

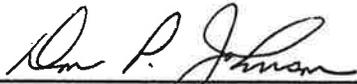
After some further discussion, Mr. Illingworth, seconded by Mr. Brauer, moved to authorize the Town Council President and the Clerk-Treasurer to execute the three party agreement between the Northern Indiana Commuter Transportation District, the City of Hammond, and the Town of Munster. All Council Members voted in the affirmative.

ANNOUNCEMENTS

1. The next regular Town Council Meeting will be February 15, 1993, at 8 p.m. There will be a work-study on February 8th.
2. The Board of Finance will meet as a part of the February 15th Town Council Meeting.
3. Mr. Brauer indicated that there were several people in the audience for a variety of reasons, and he was glad to see people in attendance.

ADJOURNMENT

There being no further business to come before the Council, Mr. Illingworth, seconded by Mr. Brauer, moved to adjourn the Meeting. All Council Members voted in the affirmative.



 DON P. JOHNSON, PRESIDENT

Attest: 