



# INDIANA DEPARTMENT OF TRANSPORTATION

## Condemnation Procedures

If the buyer is unable to secure a parcel in 30 days, the file gets reviewed by the buyer / reviewer in house. When review is complete then it is routed to Condemnation / Admin Review in LRS and notify the condemnation team by email that there is a new condemnation with the Condemnation Close Out List and Condemnation Report.

The file is then prepared to send to Attorney General via OneDrive. (See processes folder for preparation information).

When the parcel file is sent to AG a Deputy Attorney General will be assigned to the case. Next steps to follow:

### Attorney General / Court Procedures

- Complaint filed by AG's office
  - Summons to parties of interest indicates return date to file appearance (30 days)
  - Defendants file appearance and / or objections to complaint (may be granted additional 30 days to file objections)
  - Hearings(s) on objections held by court
  - Court rules on objections
    - Hearings / rulings will cause largest delay in getting access to property
- Appropriation documents sent to court by AG's office an Order of Appropriation entered (Judge approves sale of land to INDOT)
  - Court appointed appraisers are sworn in and instructed by court (30-45 days to complete)
  - Report of appraisers filed with court
  - Expectations to court award filed by INDOT, Owner, or both (45 days after ROA mailed to parties)
- Entry & Order signed by court instructing INDOT to pay Court Appraisers award and fees to the County Clerk
- INDOT pays court award and fees to Clerk
- INDOT takes possession of condemned property (work may start on parcel) / Immediate if bare land; 30 days if cost-to-cures / structures.
- Court sets trial date and / or orders mediation (could be during or after construction)
- 45 Day final offer prior to trial



### **Possible Delays / Issues**

- Owner granted additional 30 days to file objections (can delay up to 90 days)
- Problems obtaining service on all defendants
- Busy court schedule to set hearing(s) / may have to wait several months
- Rulings / Judges take their time to rule objections / motions
- Delay in court appraisers report (questions, staking request, etc.)
- Errors in documents by court staff / delay in mailing documents by court staff