

Land Acquisition Division

402 W. Washington St., Rm. W255-A, Indianapolis, IN 46204-2739 317-232-4050

MEMORANDUM

REGARDING THE USE OF EMINENT DOMAIN AS IT PERTAINS TO THE NEXT LEVEL TRAILS GRANT PROGRAM

The right of eminent domain should only be exercised when all other options have been exhausted.

For any parcels for which the Next Level Trails grant applicant cannot provide a signed letter of intent from a willing seller, the applicant must provide a letter demonstrating the appropriate condemning authority's willingness to exercise its right of eminent domain, if necessary. The letter should use the condemning authority's letterhead and be signed by an authorized signatory.

The Eminent Domain letter (or an affidavit) from a condemning authority should contain the following information:

1. That the proposed trail is deemed a public benefit (for health, transportation, and/or recreation) to the citizens of the local unit jurisdiction and all other users of the proposed project; and
2. A statement that the local unit of government has authority to condemn for the public benefit and the legal citation for the authority (*each type of local unit may be different*); and
3. That the condemning authority will consider the use of eminent domain as appropriate in the completion of this proposed public benefit project; and
4. That any necessary legal clearances required for the use of eminent domain will be granted by the local unit of government at the appropriate time; and
5. That the applicant and/or condemning authority understands that costs related to eminent domain exceeding the appraised value of the land acquired are not considered eligible for payment by the Next Level Trails grant program.