

SENATE BILL No. 268

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-24-4.5-12.

Synopsis: Eminent domain for nonpublic use. Allows a municipality to acquire a parcel of real property by eminent domain for transfer to a private person for a nonpublic use if certain criteria are satisfied, including nonpayment of property taxes.

Effective: July 1, 2024.

Vinzant

January 16, 2024, read first time and referred to Committee on Local Government.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 268

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-24-4.5-12 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2024]: **Sec. 12. (a) Sections 7 and 8 of this**
- 4 **chapter do not apply to an eminent domain proceeding under this**
- 5 **section.**
- 6 **(b) A municipality may acquire by eminent domain a parcel of**
- 7 **real property that is located within the municipality, if:**
- 8 **(1) the requirements of subsections (c) and (d) are satisfied;**
- 9 **and**
- 10 **(2) the parcel meets all of the following criteria:**
- 11 **(A) Real estate taxes were not paid for:**
- 12 **(i) two (2) or more years and the property is on the**
- 13 **delinquent tax list prepared under IC 6-1.1-24-1; or**
- 14 **(ii) any two (2) year period within the four (4) calendar**
- 15 **years preceding the commencement of the eminent**
- 16 **domain proceedings.**
- 17 **(B) No appeal:**



- 1 (i) of any property tax assessment notice that was
 2 received during the two (2) years preceding the eminent
 3 domain proceeding has been filed; or
 4 (ii) was filed during the two (2) years before the
 5 beginning of the two (2) year period preceding the
 6 commencement of the eminent domain proceedings.
 7 (C) No appeal of any change in any property assessment
 8 filed in the last two (2) years has been filed.
 9 (D) No application for a permit to construct improvements
 10 or to improve the property has been filed with the county
 11 or municipality (as applicable) within:
 12 (i) the last two (2) years; or
 13 (ii) the two (2) years before the beginning of the two (2)
 14 year period preceding the commencement of the eminent
 15 domain proceeding.
 16 (E) No statutory agreement with the county treasurer to
 17 pay the amount due over time in accordance with
 18 IC 6-1.1-24-1.2:
 19 (i) is in effect; or
 20 (ii) was in effect during the two (2) year period preceding
 21 the two (2) year period preceding commencement of the
 22 eminent domain proceedings.
 23 (F) There:
 24 (i) is no improvement on the parcel occupied by the
 25 owner or another person; or
 26 (ii) was no improvement on the parcel occupied by the
 27 owner or another person before the one (1) year period
 28 preceding the commencement of the eminent domain
 29 proceeding.
 30 (c) The redevelopment commission of the municipality must
 31 adopt a resolution:
 32 (1) finding that the private ownership of the parcel creates a
 33 severe impediment to the redevelopment and economic goals
 34 of the municipality; and
 35 (2) recommending the acquisition of the parcel by eminent
 36 domain in order to redevelop the property consistent with the
 37 municipality's goals.
 38 (d) After receiving the resolution of the municipal
 39 redevelopment commission under subsection (c), the municipal
 40 legislative body must adopt a resolution authorizing the exercise of
 41 eminent domain to acquire the parcel.
 42 (e) A determination concerning whether the criteria set forth in



1 subsection (b) or any other requirement of this section has been
2 met is subject to judicial review in an eminent domain proceeding
3 concerning the parcel of real property. If a court determines that
4 an eminent domain proceeding brought under this chapter is
5 unauthorized because the municipality did not meet the conditions
6 described in this section, the court shall order the municipality to
7 reimburse the owner for the owner's reasonable attorney's fees
8 that the court finds were necessary to defend the action.

9 (f) A municipality that acquires a parcel of real property by
10 eminent domain under this section shall compensate the owner of
11 the parcel in accordance with IC 32-24-1.

12 (g) The certified list prepared under IC 6-1.1-25-4.9(e) shall be
13 made available to the municipality's executive that submits a
14 written request for the certified list as provided in
15 IC 6-1.1-25-4.9(f).

