

RESOLUTION NO. _____

**RESOLUTION OF TOWN OF MCCORDSVILLE, HANCOCK COUNTY
APPROVING DONATION OF REAL PROPERTY FROM VERNON
TOWNSHIP, HANCOCK COUNTY**

WHEREAS, Vernon Township, Hancock County (“Township”) owns certain real property commonly known as Parcel 30-01-26-103-025.000-018 and wishes to donate and transfer any interests it may have in that real estate as further described in Exhibit A (“Parcel”);

WHEREAS, Township has decided to donate its property rights to the Parcel after determining a donation to a governmental entity rather than a sale or lease would be in the best interests of Township and the public;

WHEREAS, the donation does not involve the disposal of residential structures and the gift of the Parcel is without consideration to a governmental entity;

WHEREAS, the donation of the Parcel will promote parks, recreation, and facilitate compatible land use planning;

WHEREAS, the donation does not deprive a private or public owner and/or public utility of the use of all or part of the public easement or right of way that is sold or transferred if, at the time of the sale or transfer, the private or public owner and/or public utility is occupying and using all or part of that public easement or right of way for the location and operation of its facilities;

WHEREAS, a transfer or exchange of real property is allowed under Ind. Code § 36-1-11-8, the transfer may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of a substantially identical resolution by each entity, and such transfer may be made for any amount of real property, cash, or other personal property, as agreed upon by the entities;

WHEREAS, the Parcel is currently developed as a public park and used accordingly and lies within the jurisdictional boundary of the Town of McCordsville (“Town”) and Town would keep the Parcel as a Park available for both Town and Township residents to use;

WHEREAS, Township is interested in donating the Parcel to Town and Town agrees to accept the donation and maintain the Park in its inventory;

WHEREAS, Town has represented the donation will be of general public benefit and welfare and will promote the recreational, public, and civic well-being of the community;

WHEREAS, a part of the Parcel may be conveyed in the future as public easement or right-of-way for use as public facilities, public transportation, or public utilities so long as the majority of the parcel remains developed as a public park and used accordingly;

WHEREAS, Township wishes to donate the Parcel via a quitclaim deed to Town;

NOW, THEREFORE, BE IT RESOLVED BY THE MCCORDSVILLE TOWN COUNCIL, AS FOLLOWS:

1. The acceptance of the Parcel to Town from Township is hereby approved.
2. The form, terms, and provisions of the quitclaim deed attached hereto are hereby approved in substantially the drafts presented at this meeting, with such beneficial insertions, omissions and changes as shall be negotiated and approved by financial and legal representatives of Township, and then the execution of such finalized documents being conclusive evidence of such commitment by and an obligation of Township.
3. The Town Council authorizes its Town Manager, representatives, and advisors (collectively “designated representatives”) to take all action necessary or reasonably required by the parties to the quitclaim deed to negotiate, carry out, give effect to and consummate the transactions contemplated thereby, and to take all action necessary in conformity therewith, including, without limitation, the creation, execution, and delivery of any and other documents required to be delivered in connection with the quitclaim deed and Parcel.
4. The Town Council, and designated representatives shall each have the power to perform every act necessary or appropriate for the purposes of the quitclaim deed and Parcel and the best interests of Town and the public including the powers outlined in Ind. Code § 30-5-5-2 with respect to real property transactions, § 30-5-5-5 with respect to banking transactions, and § 30-5-5-6 with respect to business operating transactions.
5. All actions heretofore taken by the Town Council or its representatives, and designated representatives related to the quitclaim deed and Parcel are hereby approved and ratified.
6. The Town Council and its designated representatives shall each have the power to perform every act necessary or appropriate for the purposes of Town’s interests including, by way of illustration and not of limitation, the powers to represent Town and its interests before any governmental entity, to receive and inspect confidential information, and to perform acts Town can perform with respect to the quitclaim deed and Parcel.
7. The Town Council and its representative are hereby authorized and directed to take any and all actions necessary or appropriate to affect the foregoing resolutions and to comply with applicable laws and regulations.

ADOPTED AND APPROVED at a meeting of the McCordsville Town Council held on the _____ day of July, 2020.

Barry Wood, President

Greg Brewer

Larry Longman

Tom Strayer

Branden Williams

ATTEST:

Staci Starcher, Clerk-Treasurer

Exhibit A

Legal Description of the Real Estate

Parcel: 30-01-26-103-025.000-018

A part of Lots 68 and 69 in Bradley's Addition to the Town of McCordsville, Indiana, the plat of which is recorded in Plat Book 2, page 25, in the Office of the Recorder of Hancock County, Indiana, described as follows: Beginning at the southeast corner of said Lot 68; thence South 89 degrees 00 minutes 00 seconds West 25.01 feet along the south line of said Lot 68; thence North 6 degrees 42 minutes 43 seconds East 89.08 feet; thence North 0 degrees 16 minutes 00 seconds East 200.00 feet; thence North 11 degrees 02 minutes 36 seconds West 101.98 feet; thence North 5 degrees 58 minutes 38 seconds East 74.62 feet to the northern line of the owner's land; thence South 79 degrees 15 minutes 44 seconds East 28.04 feet along said northern line to the east line of said Lot 69; thence South 0 degrees 16 minutes 00 seconds West 457.12 feet along the east line of said Lots 69 and 68 to the point of beginning and containing 9,516 square feet, more or less.

Commonly known as: N. 600 W., McCordsville, IN 46055