

RESOLUTION NO. AD12-009

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA, REGARDING
RECONVEYANCE OF PROPERTY RELATED TO RAIL SPUR
PROJECT

WHEREAS, Delaware County, Indiana (the "County"), pursuant to I.C. 36-7-11.9 and I.C. 36-7-12, has authorized the financing of certain economic development facilities constructed or to be constructed by Brevini, Inc. or an affiliate thereof (the "Project");

WHEREAS, a portion of the Project involves the construction of a new Railroad Track ("Rail Spur") to provide rail service from the Park One Industrial Park to the Norfolk Southern Corporation main line;

WHEREAS, the County has acquired the necessary right-of-way for the construction and operation of the new Rail Spur;

WHEREAS, the prior owners of certain properties acquired for such right-of-way conditioned their conveyance upon the County's agreement to reconvey the property in the event of future abandonment of the Rail Spur and

WHEREAS, this Board of Commissioners desires to accommodate the condition of reconveyance for those prior owners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA, AS FOLLOWS:

Section 1. The Board of Commissioners of Delaware County, Indiana, hereby resolves as follows:

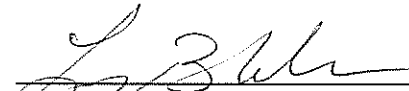
In the event that, at any time after December 31, 2020, the Rail Spur is abandoned and the rails are removed from the right-of-way, and a certificate of public convenience and necessity relieving any common carrier obligations for the Rail Spur is issued (if applicable), then the real estate acquired by the County for right-of-way as described in: (i) that certain Warranty Deed recorded July 2, 2010 as Instrument No. 2010R11508 in the Office of the Recorder of Delaware County, Indiana (the "Crisp Property"); (ii) that certain Warranty Deed recorded July 2, 2010 as Instrument No. 2010R11520 in the Office of the Recorder of Delaware County, Indiana (the "Short Property"); and (iii) that certain Warranty Deed recorded August 2, 2010 as Instrument No. 2010R12563 in the Office of the Recorder of Delaware County, Indiana (the "Doughty Property"); shall be reconveyed by the County to the respective Prior Grantor(s) thereof, upon written request, so long as such Prior Grantor(s) still own real property adjacent to the Crisp Property, the Short Property and the Doughty Property, as the case may be. For purposes of clarity, the respective


prior grantors of the Crisp Property, the Short Property and the Doughty Property are Duff H. Crisp and Susan D. Crisp, JoAnn Short, and Jackie W. Doughty, respectively (the "Prior Grantors"). The reconveyance from the County shall be by quit-claim deed and each Prior Grantor electing to reacquire such property shall pay the County the fair market value thereof at the time of reconveyance as determined from a mutually agreed upon appraiser.


Section 2. This resolution shall be in full force and effect upon adoption.

The foregoing was passed by the Board of Commissioners of Delaware County, Indiana, this ___ day of _____, 2012.

BOARD OF COMMISSIONERS OF DELAWARE
COUNTY, INDIANA


By: 
Larry Bledsoe, Commissioner

By: 
Todd Donati, Commissioner

By: 
Donald Dunnuck, Commissioner

(SEAL)

ATTEST:

By: 
Judith Rust, County Auditor
Delaware County, Indiana

File No.: 20101479
Parcel No.: 18-10-05-100-001-000.014 (Mother Number)
18-10-05-100-015-000.014 (New Number)

WARRANTY DEED

This Indenture Witnesseth, That Duff H. Crisp and Susan D. Crisp, husband and wife, (“Grantor”) ***Convey(s) and Warrant(s)*** to Board of Commissioners of the County of Delaware, State of Indiana, for the sum of Ten & 11/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

See Attached Exhibit A for complete Legal Description made a part hereof.

Subject To any and all easements, assessments, agreements, and restrictions of record; provided, however, that the right of reacquisition reserved by Grantor in that certain Warranty Deed recorded July 2, 2010 as Instrument No. 2010R11508 in the Office of the Recorder of Delaware County, Indiana is hereby released by Grantor and of no further force or effect.

In Witness Whereof, Grantor has executed this deed this 1st day of July, 2010.

Duff H. Crisp

Susan D. Crisp

STATE OF INDIANA, COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for said County and State personally appeared Duff H. Crisp and Susan D. Crisp, husband and wife, who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of July, 2010.

My Commission Expires: March 29, 2015

James W. Trulock, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee’s street or rural route address is: 100 W. Main Street
Muncie, IN 47304

File No.: 20101477
Parcel No.: 18-10-06-200-008-000.014 (Mother Number)
18-10-06-200-013-000.014 (New Number)

WARRANTY DEED

This Indenture Witnesseth, That Jackie W. Doughty (“Grantor”) ***Convey(s) and Warrant(s)*** to Board of Commissioners of the County of Delaware, State of Indiana, for the sum of Ten & 11/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

See Attached Exhibit A for complete Legal Description made a part hereof.

Subject To any and all easements, assessments, agreements, and restrictions of record; provided, however, that the right of reacquisition reserved by Grantor in that certain Warranty Deed recorded August 2, 2010 as Instrument No. 2010R12563 in the Office of the Recorder of Delaware County, Indiana is hereby released by Grantor and of no further force or effect..

In Witness Whereof, Grantor has executed this deed this 29th day of July, 2010.

Jackie W. Doughty

STATE OF INDIANA, COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for said County and State personally appeared Jackie W. Doughty who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 29th day of July, 2010.

My Commission Expires: March 29, 2015

James W. Trulock, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee’s street or rural route address is: 100 W. Main Street
Muncie, IN 47304

File No.: 20101478
Parcel No.: 18-10-06-200-006-000.014 (Mother Number)
18-10-06-200-011-000.014 (New Number)

WARRANTY DEED

This Indenture Witnesseth, That JoAnn Short, a/k/a Joan Short, (“Grantor”) ***Convey(s) and Warrant(s)*** to Board of Commissioners of the County of Delaware, State of Indiana, for the sum of Ten & 11/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Delaware County, in the State of Indiana:

See Attached Exhibit A for complete Legal Description made a part hereof.

This Conveyance is executed pursuant to a Power of Attorney recorded as Instrument No. 2010R11519 in the office of the Recorder of Delaware County, Indiana.

Subject To any and all easements, assessments, agreements, and restrictions of record; provided, however, that the right of reacquisition reserved by Grantor in that certain Warranty Deed recorded July 2, 2010 as Instrument No. 2010R11502 in the Office of the Recorder of Delaware County, Indiana is hereby released by Grantor and of no further force or effect..

In Witness Whereof, Grantor has executed this deed this 1st day of July, 2010.

JoAnn Short

By: _____
Christopher Lee Short, her Attorney in Fact

STATE OF INDIANA, COUNTY OF DELAWARE, SS:

Before me, a Notary Public in and for said County and State personally appeared JoAnn Short who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 1st day of July, 2010.

My Commission Expires: March 29, 2015

James W. Trulock, Notary Public
Residing in Delaware County, Indiana

Send tax bills to and Grantee's street or rural route address is: 100 W. Main Street
Muncie, IN 47304