

RESOLUTION NO. 2021-012

A RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS MAKING A FINAL DETERMINATION TO TRANSFER REAL PROPERTY TO A NONPROFIT ENTITY PURSUANT TO I.C. 36-1-11-1 *ET SEQ.*

WHEREAS, the Board of Commissioners of Delaware County, Indiana (the “Board of Commissioners”) is the county executive of Delaware County, Indiana (the “County”); and

WHEREAS, Ind. Code § 36-1-11-1 *et seq.* sets forth the procedures by which a county executive may transfer property to a nonprofit entity; and

WHEREAS, the Board of Commissioners previously adopted Resolution No. 2021-011 identifying property for which it now desires to transfer to a nonprofit entity to be used for the public good, which said property is also identified on Exhibit A, attached hereto; and

WHEREAS, the Board of Commissioners received written applications from eligible nonprofit entities and, on May 17, 2021, conducted a public hearing to consider all submitted applications and hear any opposition to a proposed transfer of the identified property; and

WHEREAS, having considered the submitted applications and public comments presented at the public hearing, the Board of Commissioners now desires to make a final determination on the transfer of the identified property.

IT IS THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

SECTION 1. Having received and considered the applications from nonprofit entities, copies of which are attached hereto, the Board of Commissioners issue the final determination described in Exhibit A, attached hereto, regarding proposed transfer to a nonprofit entity of the property identified in Resolution No. 2021-011.

SECTION 2. The transfer of the identified property shall be completed according to the specific terms and conditions described in the Commissioners’ final determination for the identified property.

SECTION 3. If the grantee nonprofit entity fails to comply with the terms and conditions of the Commissioners’ final determination, title to the subject property shall revert to Delaware County to be retained or disposed of by the Board of Commissioners as permitted by law.

SECTION 4. The President of the Board of Commissioners is hereby authorized to execute all documents necessary to carry out the terms of this Resolution.

PASSED AND ADOPTED ON THIS, THE 17 DAY OF May, 2021
BY THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS.


DELAWARE COUNTY
BOARD OF COMMISSIONERS



James King, President




Sherry Riggins, Commissioner



Shannon Henry, Commissioner

ATTEST:



Steven Craycraft, Auditor
Delaware County, Indiana

Exhibit A

Final Determination of the Delaware County, Indiana Board of Commissioners

Parcel ID: 18-11-09-483-009.000-003

Common Address: 100 West Washington Street
Muncie, Indiana 47305

Legal Description: *Legal description included on following page(s).*

Total Applications Submitted: 1

Application(s) Received From: **EAST CENTRAL INDIANA (ECI) REGIONAL
PLANNING DISTRICT, INC.**

The above-described property is hereby awarded to _____
and shall be transferred according to the following terms and conditions:

1. The property shall be used only for those purpose(s) described in the grantee's application, which is attached hereto and incorporated herein by reference.
2. The use must be implemented and maintained within _____ days/months/years from the date the grantee receives title to the property.
3. Other terms and conditions (optional): _____

4. Title to the property shall revert to Delaware County if the grantee fails to comply with any of these terms and conditions and the grantee shall execute any and all documents necessary to facilitate this reversion.

A part of Block Eight (8) in Gilbert's Donation to Muncietown, an addition to the City of Muncie, Delaware County, Indiana, described as follows:

Beginning at the Northeast corner of Lot One (1), Block Eight (8) in Gilbert's Donation to Muncietown, an Addition to the City of Muncie as shown in Deed Record One (1), page 527, Records of Delaware County, Indiana; thence West Two Hundred Forty-five and Nineteen Hundredths (245.19) feet to a point on the North line of Lot Two (2) in said Block Eight (8), said point being Fourteen and Eighty-one Hundredths (14.81) feet East of the Northwest corner of said Lot Two (2); thence Southwesterly along a curve having a Forty-two (42) foot radius to a point on the West line of said Lot Two (2), said point being Seventeen and Thirteen Hundredths (17.13) feet South of the Northwest corner of said Lot Two (2); thence South Two Hundred Forty-three and Sixty-seven Hundredths (243.67) feet to the Southwest corner of Lot Eight (8) in said Block Eight (8); thence East Two Hundred Sixty and Ninety Hundredths (260.90) feet to the Southeast corner of Lot Five (5) in said Block Eight (8); thence North Two Hundred Sixty-one and Twenty Hundredths (261.20) feet to the point of beginning.

ALSO, the right of easement for a drive ramp located in the right-of-way of Gilbert Street adjacent to Lot Two (2), Block Eight (8) in Gilbert's Donation to Muncietown, an Addition to the City of Muncie, Delaware County, Indiana:

Beginning at a point in the North line of Lot Two (2), Block Eight (8), in Gilbert's Donation to Muncietown, an Addition to the City of Muncie as shown in Deed Record One (1), page 527, Records of Delaware County, Indiana, said point being Five (5) feet East of the Northwest corner of said Lot Two (2); thence continuing East on and along said North line of Lot Two (2) a distance of Seventy-one (71) feet; thence North parallel to the West line of said Lot Two (2) a distance of Ten (10) feet; thence West parallel to the North line of said Lot Two (2) a distance of Fifty-three and Sixty-eight Hundredths (53.68); thence deflecting to the left an angle of Thirty (30) degrees and continuing in a Southwesterly direction a distance of Twenty (20) feet to a point in the said North line of Lot Two (2), said point being also the point of beginning.

EXCEPTING THEREFROM the following described tract, more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot One (1), Block Eight (8) in Gilbert's Donation to Muncietown, an addition to the City of Muncie; thence South 00 degrees, 16 minutes, 00 seconds East and on and along the East line of said Lot One (1) 12.76 feet; thence South 89 degrees, 44 minutes, 00 seconds West 0.39 feet to a point, which point is the point of beginning for the exception herein described; thence South 89 degrees, 44 minutes, 00 seconds West 234.93 feet; thence South 00 degrees, 16 minutes, 00 seconds East 242.88 feet; thence North 89 degrees, 44 minutes, 00 seconds East 47.74 feet; thence North 44 degrees, 44 minutes, 00 seconds East 99.55 feet; thence North 89 degrees, 44 minutes, 00 seconds East 3.85 feet; thence North 44 degrees, 44 minutes, 00 seconds East 7.08 feet; thence North 45 degrees, 16 minutes, 00 seconds West 1.50 feet; thence North 44 degrees, 44 minutes, 00 seconds East 41.23 feet; thence South 45 degrees, 16 minutes, 00 seconds East 1.50 feet; thence North 44 degrees, 44 minutes, 00 seconds East 7.08 feet; thence North 00 degrees, 16 minutes, 00 seconds West 3.85 feet; thence North 44 degrees, 44 minutes, 00 seconds East 104.55 feet; thence North 00 degrees, 16 minutes 00 seconds West 55.76 feet to the point of beginning. Estimated in said land after said exception is .656 of an acre, more or less.