

RESOLUTION CC 10-21-19-04

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA
CORRECTING SCRIVENER’S ERRORS
AND APPROVING THE INTERGOVERNMENTAL TRANSFER OF A REAL PROPERTY
INTEREST**

Synopsis: Corrects scrivener’s errors contained in a prior Common Council resolution. Resolves and approves the transfer of certain real property upon which the Carmel Fire Department Headquarters is located to the Carmel Redevelopment Commission.

WHEREAS, the Common Council of the City of Carmel, Indiana (the “Council”) is the fiscal body for the City of Carmel, Indiana (the “City”) and the City of Carmel Redevelopment Commission (the “CRC”) is a governmental entity created and authorized to administer certain redevelopment activities within the City; and

WHEREAS, the City owns certain property known as Tax Parcel Number: 16-09-36-00-00-008.000, located at 2 Civic Square, Carmel, Indiana 46032 (the “Property”); and

WHEREAS, the City has determined that it is in the best interests of the CRC and the City to transfer to the CRC that portion of the Property as is described in Exhibit A, attached hereto and incorporated herein by this reference, and the CRC has determined that it is in the best interests of the CRC to acquire said portion of the Property under and pursuant to the terms and conditions set forth herein, and as authorized by Indiana Code 36-7-14-12.2 and other applicable law; and

WHEREAS, Indiana Code Section 36-1-11-8 authorizes the transfer of property between governmental entities upon such terms and conditions as are agreed upon by those entities and evidenced by the adoption of a substantially identical resolution by each entity; and

WHEREAS, on October 7, 2019, the Council unanimously resolved, and on October 8, 2019 Carmel Mayor James Brainard duly approved Resolution CC-09-16-19-04, which authorized the City to transfer that portion of the Property now detailed in Exhibit A to the CRC under and pursuant to the terms and conditions set forth therein, and as authorized by Indiana Code 36-7-14-12.2 and other applicable law; and

WHEREAS, subsequent to its passage, Resolution CC-09-16-19-04 was found to contain scrivener’s errors regarding the Property’s tax parcel number and its description; and

WHEREAS, the Common Council now wishes to resolve and approve the intergovernmental transfer from the City to the CRC that portion of the Property as is now correctly identified in Exhibit A under and pursuant to the terms and conditions set forth herein and as authorized by Indiana Code 36-7-14-12.2 and other applicable law.

This Resolution was prepared by Douglas C. Haney, Carmel Corporation Counsel, on October 18, 2019 at 3:07 p.m. No subsequent revisions to this Resolution has been reviewed or approved by Mr. Haney.

45 **NOW, THEREFORE, BE IT HEREBY RESOLVED AND AGREED BY THE COMMON**
46 **COUNCIL OF THE CITY OF CARMEL, INDIANA, AS FOLLOWS:**

- 47
- 48 1. The foregoing Recitals are fully incorporated herein by this reference.
- 49
- 50 2. The City shall transfer that portion of the Property as is identified in Exhibit A to the CRC by
- 51 warranty deed and the City shall execute all other usual and customary conveyance documents.
- 52
- 53 3. The parties shall take all steps necessary to effect the transfer of that portion of the Property as
- 54 is identified in Exhibit A from the City to the CRC as provided herein. Such transfer shall take
- 55 place at a time and date mutually agreed upon by the City and the CRC.
- 56
- 57 4. The Common Council hereby designates James Crider, Director of the City's Department of
- 58 Administration, as its agent for purposes of completing the transfer of that portion of the
- 59 Property as is identified in Exhibit A. Mr. Crider is hereby authorized to execute all documents
- 60 required in connection with the transfer of said property pursuant to this Resolution and to take
- 61 all other lawful actions necessary to complete the transfer of the same.
- 62

63

64 **SO RESOLVED**, by the Common Council of the City of Carmel, Indiana, this ____ day of
65 _____, 2019, by a vote of ____ ayes and ____ nays.

66

67 **COMMON COUNCIL FOR THE CITY OF CARMEL**

68	69	70 _____	70 _____
71		71 Jeff Worrell, President	71 Anthony Green
72		72 _____	72 _____
73		73 Laura D. Campbell, Vice-President	73 H. Bruce Kimball
74		74 _____	74 _____
75		75 _____	75 _____
76		76 Ronald E. Carter	76 Kevin D. Rider
77		77 _____	77 _____
78		78 _____	78 _____
79		79 Sue Finkam	79 _____

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83 ATTEST:

84 _____

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86 Christine S. Pauley, Clerk-Treasurer

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This Resolution was prepared by Douglas C. Haney, Carmel Corporation Counsel, on October 18, 2019 at 3:07 p.m. No subsequent revisions to this Resolution has been reviewed or approved by Mr. Haney.

89 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
90 _____ 2019, at _____ .M.

91 _____
92 Christine S. Pauley, Clerk-Treasurer
93

94
95 Approved by me, the Mayor of the City of Carmel, Indiana, this ____ day of
96 _____ 2019, at _____ .M.

97 _____
98
99 James Brainard, Mayor
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101
102 ATTEST:

103
104 _____
105 Christine S. Pauley, Clerk-Treasurer
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107

LEGAL DESCRIPTION FOR LAND TRANSFER

PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE 2ND PRINCIPAL MERIDIAN, IN HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(ALL REFERENCES TO DEEDS, PLATS, SURVEYS, ETC. REFER TO THE RECORDS OF THE HAMILTON COUNTY RECORDER'S OFFICE, UNLESS OTHERWISE NOTED)

BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER WHICH BEARS SOUTH 00 DEGREES 13 MINUTES 53 SECONDS EAST 1188.00 FEET FROM THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 89 DEGREES 12 MINUTES 23 SECONDS WEST 51.18 FEET TO THE WEST RIGHT-OF-WAY LINE OF RANGELINE ROAD PER THE QUITCLAIM DEED RECORDED PER INSTRUMENT NUMBER 200400005236, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF MONON GREEN BOULEVARD PER THE LIMITED WARRANTY DEED RECORDED PER INSTRUMENT NUMBER 200200025738;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 12 MINUTES 23 SECONDS WEST, A DISTANCE OF 643.12 FEET TO A POINT ON THE FORMER EAST RIGHT-OF-WAY LINE OF THE CSX RAILROAD CORRIDOR;

THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, SOUTH 00 DEGREES 51 MINUTES 53 SECONDS EAST, A DISTANCE OF 275.49 FEET TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED MARCH 9, 2017 PER INSTRUMENT NUMBER 2017010195, BEING THE **POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE ALONG THE SOUTH LINE OF SAID PARCEL, NORTH 89 DEGREES 13 MINUTES 37 SECONDS EAST, A DISTANCE OF 71.55 FEET;

THENCE SOUTH 00 DEGREES 51 MINUTES 53 SECONDS EAST, A DISTANCE OF 251.27 FEET;

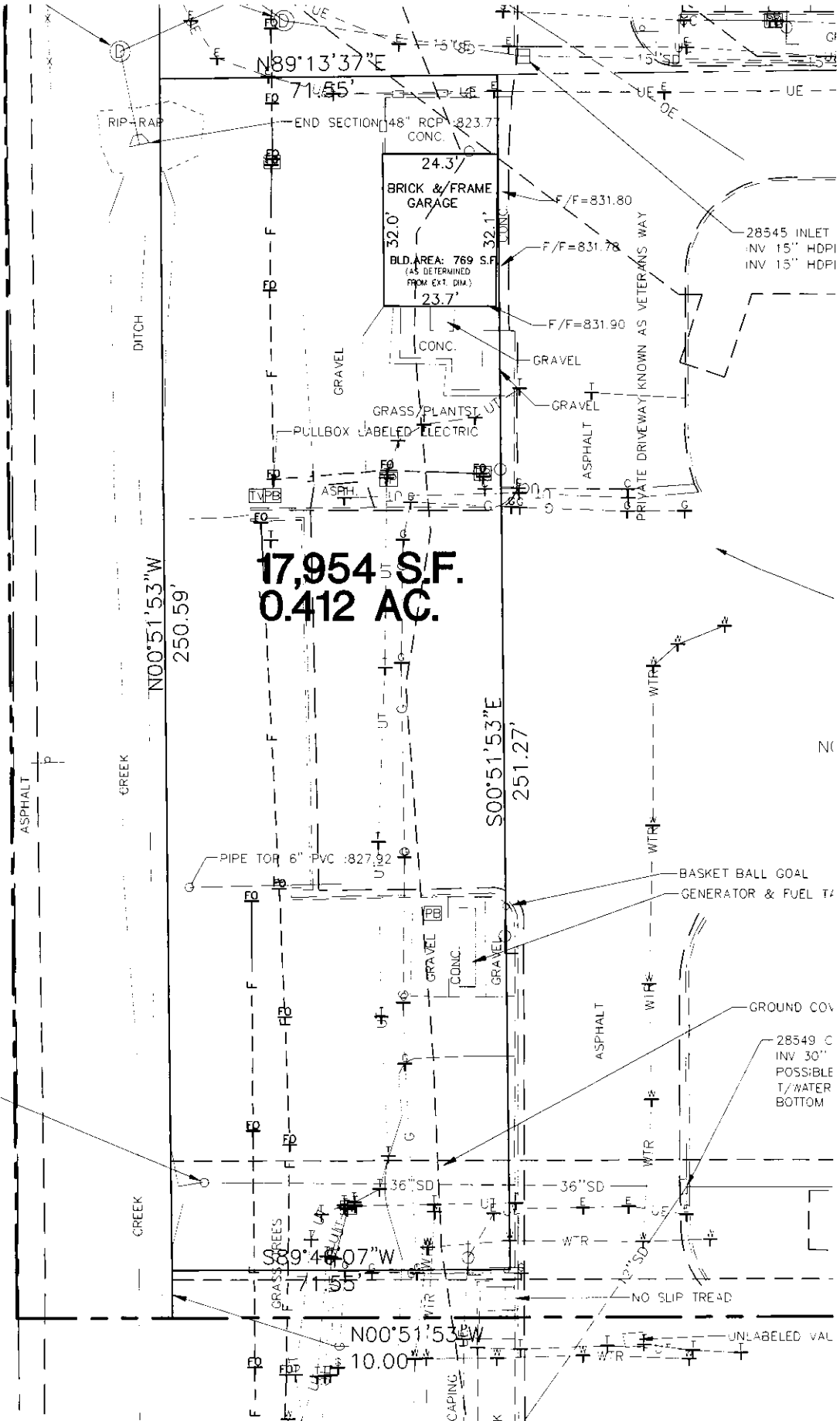
THENCE SOUTH 89 DEGREES 46 MINUTES 07 SECONDS WEST, A DISTANCE OF 71.55 FEET TO THE WEST LINE OF THE PARCEL REFERENCED IN THE SPECIAL WARRANTY DEED RECORDED MARCH 8, 2017 PER INSTRUMENT NUMBER 2017010009;

THENCE ALONG THE WEST LINE OF SAID PARCEL PER THE SPECIAL WARRANTY DEED RECORDED PER INSTRUMENT NUMBER 2017010009, NORTH 00 DEGREES 51 MINUTES 53 SECONDS WEST, A DISTANCE OF 250.59 FEET TO THE POINT OF BEGINNING, CONTAINING 0.412 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).

Exhibit A 102

CP E 824.83



17,954 S.F.
0.412 AC.