

RESOLUTION NO. FCR 2020-12

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FLOYD COUNTY, INDIANA, AUTHORIZING THE TRANSFER OF PROPERTY TO THE FLOYD COUNTY REDEVELOPMENT COMMISSION AND MATTERS RELATED THERETO**

WHEREAS, the Board of Commissioners of Floyd County, Indiana (the "Board"), acting on behalf of Floyd County, Indiana (the "County"), has given consideration to the transfer of certain real property located within the County's Novaparke tech district, consisting of approximately \_\_\_\_\_ acres, together with any improvements located thereon (collectively, the "Property"), as more particularly described on the Term Sheet attached as Exhibit A hereto (the "Term Sheet"); and

WHEREAS, the Floyd County Redevelopment Commission (the "Commission"), as governing body of the Floyd County Redevelopment District (the "District"), has proposed to acquire the Property under the terms and conditions set forth on the Term Sheet in order to promote economic development projects within the County and facilitate compatible land use planning; and

WHEREAS, the Commission has reviewed the Property and now believes that the transfer to the District of such real property and the improvements located thereon, under the terms and conditions set forth on the Term Sheet, would be in the interests of the County; and

WHEREAS, Indiana Code § 36-1-11-8, as amended, permits the transfer or exchange of property among governmental entities upon terms and conditions agreed upon by the governmental entities as evidenced by adoption of a substantially identical resolution by each governmental entity, which transfer may be for any amount of real property, cash or other personal property as agreed upon by the entities; and

WHEREAS, the Commission has adopted, or is expected to adopt, a resolution substantially identical to the terms of this Resolution.

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

Section 1. The Term Sheet is hereby approved.


Section 2. The Board hereby determines that the transfer of the Property to the Commission under the terms and conditions set forth on the Term Sheet is in the interests of the County.

Section 3. Each of the President of the Board (the "President"), the Secretary of the Board (the "Secretary") and any other authorized official of the County is hereby authorized to execute any and all documents and to take any and all actions which such person deems necessary or appropriate to complete the transaction contemplated by this Resolution; provided, however, that any such document must be executed by at least two of the foregoing people and must be consistent with the terms and conditions set forth in the Term Sheet. Any and all documents executed by the President, the Secretary and/or any other authorized official of the

County in connection with the transaction contemplated by this Resolution and any and all actions taken by the President, the Secretary and/or any other authorized official of the County in connection with the transaction contemplated by this Resolution are hereby approved.

DULY PASSED and ADOPTED on this  2  day of  Sept , 2020, by the Board of Commissioners of Floyd County, Indiana, by a vote of  3  in favor,  0  opposed, and  0  abstaining.

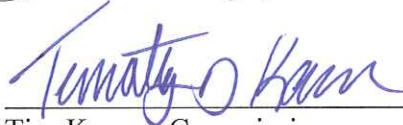
BOARD OF COMMISSIONERS OF  
FLOYD COUNTY, INDIANA



Shawn Carruthers, Commissioner



John Schellenberger, Commissioner



Tim Kamer, Commissioner

ATTEST:



Jacqueline Wenning, County Auditor

EXHIBIT A

Term Sheet for Property

*[Attached]*

## TERM SHEET

### **I. Special Warranty Deed executed by Floyd County, Indiana (the "County"), acting by and through its Board of Commissioners (the "Deed")**

- A. In consideration of the Floyd County Redevelopment Commission (the "Commission") paying the County cash consideration of one dollar (\$1):
  - 1. The County will convey fee simple title to the Commission by special warranty deed in certain real property located within the County's Novaparke tech district, consisting of approximately \_\_\_\_\_ acres, together with any improvements located thereon, as more particularly described by the legal description attached as Appendix I hereto (collectively, the "Property"), free and clear of any and all liens and security interest in such property.
  - 2. A map depicting the general location of the Property is attached as Appendix II hereto. The map is attached hereto solely for illustrative purposes only. In the event there shall be any inconsistency between the foregoing legal description and the map, the legal description shall control.
  - 3. The Commission will be responsible for any expenses associated with any title insurance policies, in form and substance acceptable to the Commission.
  - 4. The Commission will pay for all recording fees associated with the Deed.
  - 5. The County will provide the Commission with an executed vendor's affidavit and such other documents as are customarily delivered or required in an Indiana commercial real estate transaction, all in form and substance acceptable to the Commission.

### **II. Miscellaneous**

- A. The transactions set forth in this Term Sheet are conditioned upon all parties receiving acceptable surveys of the properties and all of the necessary governmental approvals under Indiana law to fulfill the transactions set forth in this Term Sheet.
- B. The transactions set forth in this Term Sheet are conditioned upon the simultaneous fulfillment of all of the transactions described in this Term Sheet.
- C. Except as otherwise noted in this Term Sheet, all of the costs, fees and expenses of each party for the transactions set forth in this Term Sheet shall be paid by that party and will not be the responsibility of any other party in the transaction. Each party shall be responsible for all surveys and due diligence costs associated with the property it is acquiring.

- D. The parties agree to execute any utility or access easements or agreements necessary to ensure that (i) any adjacent property retained by the County are independent parcels with adequate access to utilities and public rights-of-way to ensure the beneficial use of such property by the County, and (ii) the Property conveyed to the Commission is provided with adequate access to utilities and public rights-of-way to ensure the beneficial use of, and the ability to undertake improvements to, the Property by the Commission for its intended purpose

APPENDIX I

Legal Description of Property

*[attached]*

**QUITCLAIM DEED**

GRANTEE'S ADDRESS: \_\_\_\_\_

MAIL TAX STATEMENTS TO: \_\_\_\_\_

Key #002-05500-49 Parcel #22-02-03-500-042.000-002  
Key #002-06100-62 Parcel #22-02-00-200-118.000-002  
Key #002-06100-51 Parcel #22-02-00-200-111.000-002  
Key #002-06100-07 Parcel #22-02-00-200-076.000-002  
Key #002-06100-08 Parcel #22-02-00-200-077.000-002  
Key #002-05500-51 Parcel #22-02-03-500-044.000-002  
Parcel #s 22-02-00-300-005.000-002; 22-02-00-500-046.000-002  
& 22-02-00-200-071.000-002  
Prt Key #002-06100-10 Prt. Parcel #22-02-00-200-079.000-002

THIS INDENTURE WITNESSETH: That **Floyd County, Indiana a/k/a  
Floyd County Department of Redevelopment Commission**, by and through its  
Commissioners

**CONVEYS AND WARRANTS**

unto **Floyd County Department of Redevelopment Commission**, for and in  
consideration of the sum of One Dollar (\$1.00) and other good and valuable  
consideration, the receipt of which is hereby acknowledged, the following described  
real estate situated in the County of Floyd, State of Indiana, and described as follows,  
to-wit:

A PART OF THE NORTH HALF OF SECTION 2, TOWNSHIP 3  
SOUTH, RANGE 5 EAST; A PART OF THE SOUTHWEST QUARTER  
OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 5 EAST; AND A  
PART OF PLAT NO. 229 AS RECORDED IN THE OFFICE OF THE  
RECORDER OF FLOYD COUNTY, INDIANA DESCRIBED AS  
FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF

SAID NORTHWEST QUARTER OF SECTION 2, SAID POINT BEING SOUTH 89 DEG. 51' 43" EAST, 1,008.42 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 35; THENCE ALONG THE SOUTHERN AND EASTERN BOUNDARY OF INSTRUMENT NO. 201710495, AS RECORDED ON JULY 06, 2017, IN THE OFFICE OF THE RECORDER OF FLOYD COUNTY, INDIANA THE FOLLOWING FIVE (5) COURSES; THENCE SOUTH 60 DEG. 30' 05" EAST, 397.70 FEET; THENCE NORTH 15 DEG. 11' 13" EAST 41.50 FEET; THENCE SOUTH 73 DEG. 37' 15" EAST, 216.72 FEET; THENCE NORTH 8 DEG. 29' 34" EAST, 88.50 FEET; THENCE NORTH 29 DEG. 01' 41" EAST 176.00 FEET TO THE SOUTHERN RIGHT-OF-WAY OF THE NORFOLK SOUTHERN RAILWAY; THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY, EASTERLY 641.90 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 2,941.81 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 77 DEG. 21' 51" EAST AND A LENGTH OF 640.63 FEET TO THE WESTERN LINE OF INSTRUMENT NO. 800007723, AS RECORDED ON NOVEMBER 12, 1980 IN SAID RECORDER'S OFFICE THE FOLLOWING FOUR (4) COURSES: THENCE SOUTH 8 DEG. 23' 38" WEST 358.62 FEET; THENCE SOUTH 8 DEG. 21' 22" EAST, 482.41 FEET TO THE WEST LINE OF SAID PLAT NO. 229; THENCE SOUTH 89 DEG. 17' 22" EAST 294.69 FEET; THENCE NORTH 2 DEG. 13' 38" EAST 332.55 FEET TO THE CENTER OF GEORGETOWN CREEK; THENCE ALONG THE CENTERLINE OF SAID GEORGETOWN CREEK THE FOLLOWING FOUR (4) COURSES: THENCE SOUTH 83 DEG. 05' 21" EAST 227.53 FEET; THENCE NORTH 88 DEG. 03' 36" EAST 298.00 FEET; THENCE SOUTH 69 DEG. 41' 54" EAST 67.45 FEET; THENCE SOUTH 28 DEG. 16' 57" EAST 108.93 FEET TO THE WESTERN BOUNDARY OF INSTRUMENT NO. 200611536, AS RECORDED ON SEPTEMBER 7, 2006, IN SAID RECORDER'S OFFICE; THENCE ALONG SAID WESTERN BOUNDARY THE FOLLOWING TEN (10) COURSES: THENCE SOUTH 10 DEG. 17' 31" WEST, 50.46 FEET; THENCE SOUTH 5 DEG. 41' 29" WEST, 59.63 FEET TO AN IRON PIPE; THENCE SOUTH 75 DEG. 52' 51" WEST 73.42 FEET; THENCE SOUTH 22 DEG. 16' 21" WEST 107.95 FEET; THENCE SOUTH 14 DEG. 48' 39" EAST 181.21 FEET TO AN IRON PIPE; THENCE NORTH 77 DEG. 38' 35" EAST 102.05 FEET; THENCE SOUTH 19 DEG. 58' 43" EAST 84.40 FEET; THENCE SOUTH 77 DEG. 20' 29"



WEST 100.58 FEET TO AN IRON PIPE; THENCE SOUTH 20 DEG. 42' 54" EAST 345.03 FEET TO AN IRON PIPE; THENCE SOUTH 5 DEG. 19' 29" EAST 361.92 FEET TO AN IRON PIN AT THE NORTHERN BOUNDARY OF I-64 AS DEPICTED ON STATE HIGHWAY PLANS FOR PROJECT NO. 64-3 (32); THENCE ALONG SAID NORTHERN BOUNDARY OF I-64 THE FOLLOWING SIX (6) COURSES; THENCE SOUTH 89 DEG. 32' 39" WEST 349.33 FEET; THENCE NORTH 76 DEG. 12' 37" WEST 400.00 FEET; THENCE NORTH 55 DEG. 39' 15" WEST 213.60 FEET; THENCE NORTH 76 DEG. 12' 37" WEST 300.00 FEET; THENCE NORTH 78 DEG. 22' 44" WEST, 1,242.88 FEET; THENCE WESTERLY 734.57 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 4,833.66 FEET AND BEING SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 88 DEG. 32' 49" WEST AND A LENGTH OF 733.86 FEET TO A WOODEN CORNER POST AND THE SOUTHEAST CORNER OF INSTRUMENT NO. 201512892, AS RECORDED ON SEPTEMBER 17, 2015, IN SAID RECORDER'S OFFICE; THENCE NORTH 22 DEG. 21' 02" EAST, 1,106.85 FEET ALONG THE EASTERN BOUNDARY OF SAID INSTRUMENT NO. 201512892 TO THE POINT OF BEGINNING AND CONTAINING 61.259 ACRES, MORE OR LESS.

THE ABOVE-DESCRIBED LEGAL DESCRIPTION CONSOLIDATES THOSE DEEDS RECORDED AT INSTRUMENT NOS. 201002780, 201903757, AND 201810051 IN THE OFFICE OF THE RECORDER OF FLOYD COUNTY, INDIANA.

**EXCEPTING THEREFROM:** BEING A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 5 EAST, IN FLOYD COUNTY, INDIANA, AND BEING PART OF THE PROPERTY CONVEYED TO FLOYD COUNTY, INDIANA PER DEED NO. 201002780, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A STONE (MONUMENTS REFERENCED HEREIN ARE FROM A CONDRA SURVEY) AT THE NORTHWEST CORNER OF LOT 10 OF FLOYD COUNTY PLAT NO. 229; THENCE WITH THE NORTH LINE OF INDIANA INTERSTATE NO. I-64, NORTH 89 DEG. 59' 48" EAST 989.00 FEET TO AN IRON PIPE; THENCE WITH THE EAST LINE OF PROPERTY OWNED BY FLOYD COUNTY, INDIANA PER DEED 201002780, NORTH 20 DEG. 54' 48" WEST 345.54 FEET TO AN IRON PIPE AT THE TRUE POINT

OF BEGINNING OF THE TRACT BEING HEREIN DESCRIBED;  
THENCE NORTH 20 DEG. 52' 06" WEST 84.98 FEET TO AN IRON  
PIPE; THENCE NORTH 77 DEG. 29' 30" EAST 102.05 FEET TO AN  
IRON PIPE; THENCE SOUTH 20 DEG. 07' 48" EAST 84.40 FEET TO  
AN IRON PIPE; THENCE SOUTH 77 DEG. 15' 12" WEST 100.89 FEET  
TO THE TRUE POINT OF BEGINNING, CONTAINING 0.19 ACRES,  
MORE OR LESS.

**ALSO:**

BEING A PART OF THE NORTHWEST QUARTER OF SECTION 2,  
TOWNSHIP 3 SOUTH, RANGE 5 EAST, IN FLOYD COUNTY,  
INDIANA, AND BEING PART OF THE PROPERTY CONVEYED TO  
TERRY H. CROWELL AND SUSAN M. CROWELL PER DEED NO.  
200611536, SAID PART BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS: COMMENCING AT A STONE (MONUMENTS  
REFERENCED HEREIN ARE FROM A CONDRA SURVEY) AT THE  
NORTHWEST CORNER OF LOT 10 OF FLOYD COUNTY PLAT NO.  
229, THENCE WITH THE NORTH LINE OF INDIANA INTERSTATE  
NO. I-64, NORTH 89 DEG. 59' 48" EAST, 989.00 FEET TO AN IRON  
PIPE; THENCE WITH THE EAST LINE OF PROPERTY OWNED BY  
FLOYD COUNTY, INDIANA PER DEED 201002780, NORTH 20 DEG.  
54' 48" WEST, 345.54 FEET TO AN IRON PIPE; THENCE NORTH 20  
DEG. 52' 06" WEST 84.98 FEET TO AN IRON PIPE; THENCE  
NORTH 14 DEG. 57' 06" WEST, 181.03 FEET TO AN IRON PIPE;  
THENCE NORTH 22 DEG. 07' 54" EAST 107.95 FEET TO AN IRON  
PIPE; THENCE NORTH 75 DEG. 44' 24" EAST 73.42 FEET TO AN  
IRON PIPE; THENCE NORTH 05 DEG. 32' 24" EAST, 59.63 FEET TO  
AN IRON PIPE; THENCE NORTH 10 DEG. 36' 24" EAST 50.46 FEET  
TO A POINT AT THE TRUE POINT OF BEGINNING OF THE TRACT  
BEING HEREIN DESCRIBED; THENCE NORTH 28 DEG. 10' WEST  
110.00 FEET TO A POINT IN THE SOUTH LINE OF OLD  
GEORGETOWN ROAD; THENCE WITH SAID SOUTH LINE OF OLD  
GEORGETOWN ROAD, SOUTH 67 DEG. 28' 39" EAST 110.00 FEET  
TO A POINT; THENCE DEPARTING THE SOUTH LINE OF THE  
ROAD, SOUTH 42 DEG. 10' 40" WEST 74.00 FEET TO THE TRUE  
POINT OF BEGINNING, CONTAINING 0.09 ACRE, MORE OR LESS,  
AND BEING SUBJECT TO EASEMENTS OF RECORD.

Subject to any and all easements and/or restrictions of public record which may apply to the above described real estate.

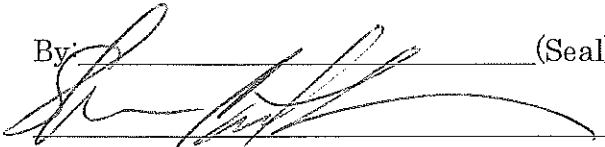
TO HAVE AND TO HOLD, the same unto said Grantee, its heirs and assigns, in fee simple forever.

The above described real estate is conveyed free and clear of all liens and encumbrances, except the real estate taxes, which having been prorated to the date of closing, the Grantee hereby assumes and agrees to pay all taxes hereafter.

IN WITNESS WHEREOF, the Grantor, Floyd County, Indiana by and through its Commissioner, **Shawn Carruthers**, has hereunto set its hand and seal, this 7 day of Sept., 2020.

Floyd County, Indiana

By: \_\_\_\_\_ (Seal)



Shawn Carruthers, Commissioner

STATE OF INDIANA )  
COUNTY OF Floyd ) SS:

Before me, a Notary Public, in and for said County and State, personally appeared Floyd County, Indiana, by and through its Commissioner, **Shawn Carruthers**, and acknowledges the execution of the foregoing Deed to be its free and voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal, this 7<sup>th</sup> day of September, 2020.

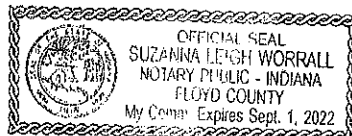
My Commission Expires:

Sept. 2022

Suzanna Worrall  
Notary Public

Suzanna Worrall  
Printed Name

Resident of Floyd County, IN



IN WITNESS WHEREOF, the Grantor, Floyd County, Indiana by and through its Commissioner, **John Schellenberger**, has hereunto set its hand and seal, this 1 day of Sept., 2020.

Floyd County, Indiana

By: \_\_\_\_\_ (Seal)

John Schellenberger  
John Schellenberger, Commissioner

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF Floyd )

Before me, a Notary Public, in and for said County and State, personally appeared Floyd County, Indiana, by and through its Commissioner, **John Schellenberger**, and acknowledges the execution of the foregoing Deed to be its free and voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal, this 1<sup>st</sup> day of September, 2020.

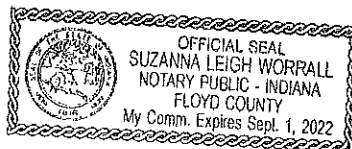
My Commission Expires:

Sept - 2022

Suzanna Worrall  
Notary Public

Suzanna Worrall  
Printed Name

Resident of Floyd County, IN



IN WITNESS WHEREOF, the Grantor, Floyd County, Indiana by and through its Commissioner, **Tim Kamer**, has hereunto set its hand and seal, this 2 day of Sept., 2020.

Floyd County, Indiana

By: \_\_\_\_\_ (Seal)

Tim Kamer  
Tim Kamer, Commissioner

STATE OF INDIANA )  
                                  ) SS:  
COUNTY OF Floyd )

Before me, a Notary Public, in and for said County and State, personally appeared Floyd County, Indiana, by and through its Commissioner, **Tim Kamer**, and acknowledges the execution of the foregoing Deed to be its free and voluntary act and deed for the uses and purposes expressed therein.

WITNESS my hand and seal, this 7<sup>th</sup> day of September, 2020.

My Commission Expires:

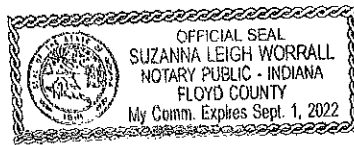
Sept. 2022

Suzanna Worrall  
Notary Public

Suzanna Worrall  
Printed Name

Resident of Floyd County, IN

THIS INSTRUMENT PREPARED BY:  
YOUNG, LIND, ENDRES & KRAFT  
JUSTIN E. ENDRES, ATTORNEY  
126 W. SPRING STREET  
NEW ALBANY, INDIANA 47150



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

By: \_\_\_\_\_