



**RESOLUTION NO. 2018-12**

**RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA,  
APPROVING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY TO THE  
WHITESTOWN MUNICIPAL FACILITIES BUILDING CORPORATION AND THE  
APPOINTMENT OF APPRAISERS NECESSARY TO CONSUMMATE SUCH SALE**

WHEREAS, the Town of Whitestown, Indiana (the "Town") has thoroughly studied and considered the acquisition, construction, improvement, equipping, financing and leasing of a municipal park to be located off of Main Street in the Town that would include, among other amenities, parking, trails, shelters with restrooms, playground facilities, a splash pad, tennis and basketball courts, athletic fields and a sled hill (collectively, the "South Main Street Park Project"), as more particularly described in the rendering thereof attached hereto as Exhibit A; and

WHEREAS, a description of the real property upon which the South Main Street Park Project will be constructed is attached hereto as Exhibit B (such real property, the "Real Estate") which Real Estate is currently owned by the Town; and

WHEREAS, the Town anticipates the construction, financing and leasing of the South Main Street Park Project will be accomplished in accordance with Indiana Code 36-1-10 and 6-1.1-20, each as amended (collectively, the "Act"), and in coordination with the Whitestown Municipal Facilities Building Corporation (the "Building Corporation"); and

WHEREAS, pursuant to the Act, in order to accomplish the construction, financing and leasing of the South Main Street Park Project, the Town must, among other actions, authorize and approve the sale of the Real Estate to the Building Corporation; and

WHEREAS, the Town Council of the Town (the "Council") finds that, in accordance with the Act, it should authorize the President of the Council and Town Manager to take all actions necessary to transfer the Real Estate to the Building Corporation, including but not limited to securing and appointing appraisers and executing and delivering any related purchase contracts, deeds, instruments of conveyance or other similar or related documents, all as required by the Act and as otherwise necessary to consummate the sale and transfer of the Real Estate to the Building Corporation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. In accordance with Indiana Code 36-1-10-11, the President of the Council and Town Manager are each hereby authorized and directed to appoint two (2) appraisers to appraise the fair market value of the Real Estate. Upon receipt of the appraisals, the Council hereby authorizes the sale of the Real Estate to the Building Corporation for not less than the appraised value subject to (i) the execution of a lease agreement between the Town, as lessee, and the Building Corporation, as lessor, for the lease of the South Main Street Park Project and (ii) the issuance of bonds by the Building Corporation to finance costs of the South Main Street



Park Project, including the purchase of the Real Estate. Any proceeds received by the Town from the sale of the Real Estate shall be applied towards costs of the South Main Street Park Project.

Section 2. The President of the Council and the Town Manager are each hereby authorized and directed to execute and deliver any and all purchase contracts, deeds, instruments of conveyance or other similar or related documents necessary to evidence the sale and transfer of the Real Estate from to the Town to the Building Corporation, and to take any and all actions as may be necessary to complete such sale and transfer on behalf of the Town.

Section 3. The Council hereby authorizes the President of the Council, the Town Manager and the Clerk-Treasurer, together with the Town's municipal advisor, legal counsel, bond counsel, and such other staff members and consultants as they deem necessary, to take all steps necessary under the Act to carry out the intent of this resolution, including the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project and the transfer and sale of the Real Estate to the Building Corporation.

Section 4. This resolution shall be effective as of the date of its adoption.



Passed and adopted by the Town Council of the Town of Whitestown, Indiana on this 14<sup>th</sup> day of February, 2018.

TOWN OF WHITESTOWN, INDIANA  
TOWN COUNCIL

Eric Miller, President

Susan Austin, Council Member

Clinton Bohm, Council Member

Jeff Wishek, Council Member

Kevin Russell, Council Member

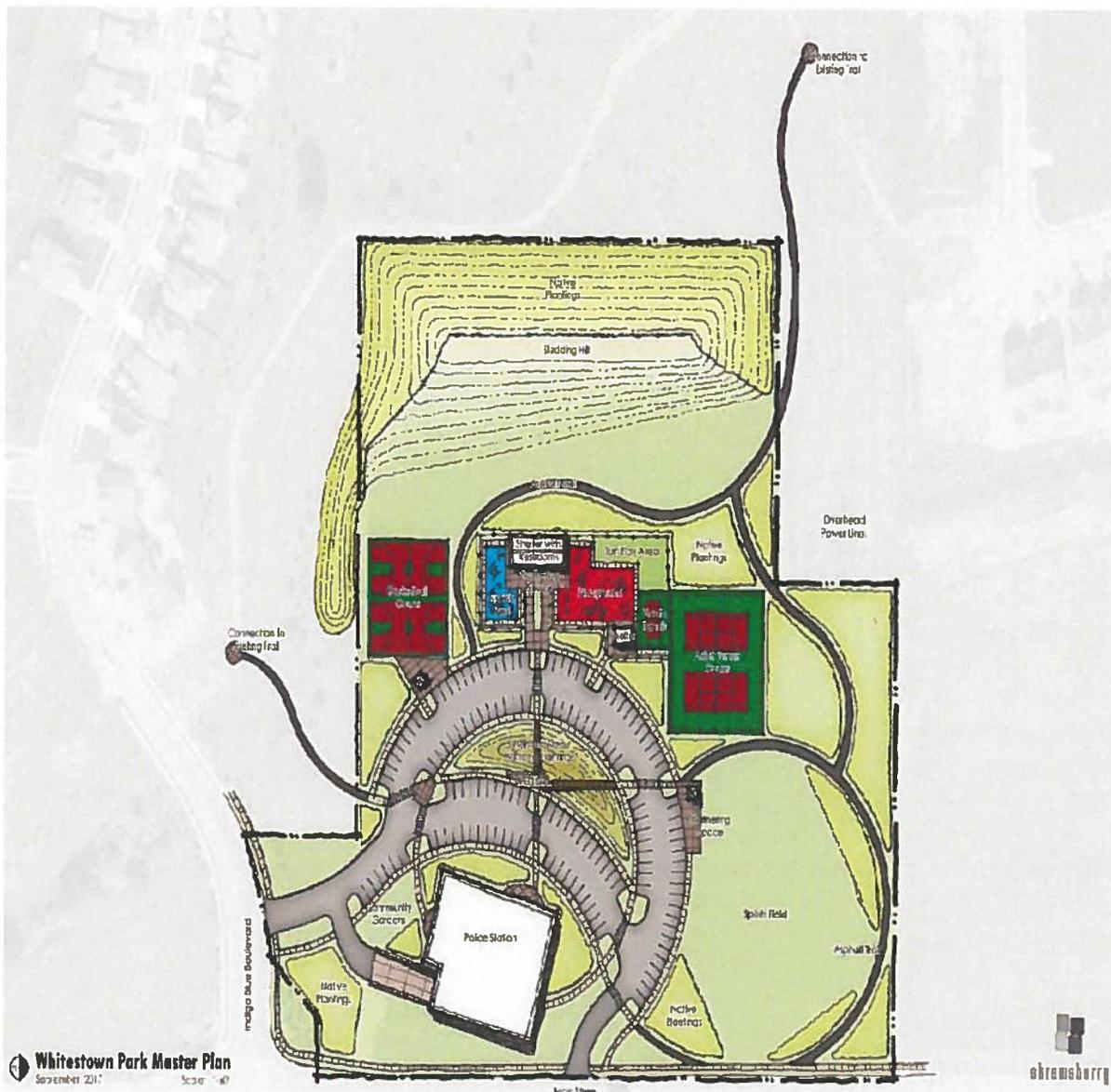
ATTEST:

Matt Sumner, Clerk-Treasurer

ORIGINAL

# EXHIBIT A

## Rendering of South Main Street Park Project



Whitestown Park Master Plan  
September 2017  
Scale: 1"=40'

ahrensberry



**EXHIBIT B**

*Description of the Real Estate*

Part of the Northwest Quarter of Section 30, Township 18 North, Range 2 East, Boone County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northwest Quarter of said Section 30 said corner being marked by a PK nail; thence South 00 degrees 18 minutes 01 seconds West along the East line of said Quarter Section a distance of 1099.39 feet; thence South 89 degrees 30 minutes 05 seconds West 50.00 feet to a 5/8" rebar with cap stamped "S & A Firm #0008" (hereafter referred to as a S & A rebar) and the POINT OF BEGINNING of this description; thence South 00 degrees 18 minutes 01 seconds West parallel with the East line of the Northwest Quarter of said Section 30 a distance of 726.71 feet to a S & A rebar; thence South 45 degrees 18 minutes 01 seconds West 95.40 feet to a S & A rebar and a point on a curve concave southerly, the radius point of said curve being South 00 degrees 31 minutes 32 seconds East 275.00 feet from said point; thence westerly along said curve 108.02 feet to a S & A rebar and the point of tangency of said curve, said point being North 23 degrees 01 minutes 51 seconds West 275.00 feet from the radius point of said curve; thence North 00 degrees 18 minutes 01 seconds East parallel with the East line of said Quarter Section a distance of 132.49 feet to a S & A rebar; thence North 89 degrees 41 minutes 59 seconds West 246.15 feet to a S & A rebar; thence North 00 degrees 29 minutes 55 seconds West 678.24 feet to a S & A rebar; thence North 89 degrees 30 minutes 05 seconds East 428.05 feet to the place of beginning, containing 7.021 acres, more or less, subject to all legal highways, rights-of-way, easements, and restrictions of record.