

Tipton County Council Meeting

11-5-2020 Special Meeting

Present: Jim Ashley, Jim Purvis, Emily Wilson, Butch Harpel, Mike Terry, Jan Smith, Jeff Hoover
Other Present: Tracey Powell, Thomas Dolezal, Makenzey Harpel, Marcie Harpel, Bob Edinger, Vicky Boyd

The meeting was opened by Jim Ashley with roll call and the Pledge of Allegiance.

Ordinance CC2020-04

ORDINANCE NO. CC 2020-04 AN ORDINANCE OF THE TIPTON COUNTY COUNCIL AUTHORIZING JOINT ACQUISITION OF REAL PROPERTY BY TIPTON COUNTY AND THE CITY OF TIPTON

WHEREAS, Indiana Code Section (“IC”) 36-1-7 et seq. provides for governmental units and or political subdivisions within the State of Indiana to enter into interlocal agreements to acquire, hold, and develop real property pursuant to the terms set forth in such agreements; and,

WHEREAS, the Board of Commissioners of Tipton County, Indiana (hereafter the “County”) and the City of Tipton, Indiana (hereafter the “City”) desire to jointly purchase real property for economic development purposes (hereafter the “purchase”); and,

WHEREAS, pursuant to Ordinance BOC 2017-01, the Board of County Commissioners, as the county executive, may make orders concerning county property, including orders for the acquisition of land in the county, provided the county fiscal body approves such purchase pursuant to the provisions of IC 36-2-2-20; and,

WHEREAS, to effectuate the purchase, the City and County have or will adopt substantially similar resolutions, authorizing: (1) the joint purchase; (2) execution of an interlocal agreement detailing the terms of acquisition, and setting forth the relationship of the City and County in acquiring, holding, managing, and disposing of real property, including but not limited to the resale and or development of the real property to be jointly purchased; and,

WHEREAS, on the 15th day of September, 2020, the Tipton County Council approved an appropriation of EDIT funds in the amount of Three Hundred Thousand Dollars (\$300,000.00) for the County’s contribution to the joint purchase of the following described real estate located in Tipton County, Indiana, to-wit:

A part of the Southwest Quarter of Section 3, Township 21 North, Range 4 East of the Second Principal Meridian, Tipton County, Indiana, as shown on the exhibit certified by Jason R. Henderson, PS #LS20300025 on June 11th, 2020, being described as follows:

Commencing at the Northwest corner of said Southwest Quarter, thence South 89 degrees 32 minutes 19 seconds East (Indiana State Plane Coordinate System – East Zone) along the North line of said Southwest Quarter, a distance of 1286.30 feet to the centerline of the Leavell Masters Ditch; thence South 01 degree 21 minutes 00 seconds East along said centerline, a distance of 722.09 feet to the Point of Beginning; thence Southeasterly 69.51 feet along said centerline, on an arc to the left having a radius of 45.00 feet being subtended by a long chord bearing of South 45 degrees 36 minutes 00 seconds East and a length of 62.80 feet; thence South 89 degrees 51 minutes 00 seconds East along said centerline, a distance of 861.39 feet to the West line, or the extension thereof, of Section 4 of the Northgate Business Park, as shown in Miscellaneous Record 71 page 483, in the Office of the Recorder for Tipton County, Indiana; thence South 01 degree 22 minutes 55 seconds East along said West line, a distance of 1576.51 feet to the North Right of Way line for the Norfolk & Western Railroad; thence South 89 degrees 49

minutes 09 seconds West along said North line, a distance of 1698.42 feet; thence North 00 degrees 43 minutes 55 seconds West a distance of 1511.29 feet; thence South 89 degrees 51 minutes 00 seconds East a distance of 776.23 feet; thence North 01 degree 21 minutes 00 seconds West a distance of 118.50 feet to the Point of Beginning, containing 60.00 acres, more or less, (hereafter referred to as the "Real Estate"); and,

WHEREAS, the City has caused two (2) independent appraisals of the Real Estate to be completed, and the County Council should accept those appraisals; and,

WHEREAS, the gross purchase price for the Real Estate is Seven Hundred and Twenty Thousand Dollars (\$720,000.00), which is equal to or less than the average of the two (2) independent appraisals, and the City has or will accept those appraisals and contribute Four Hundred and Twenty Thousand Dollars (\$420,000.00) to the gross purchase price;

NOW, THEREFORE, BE IT ORDAINED BY THE TIPTON COUNTY COUNCIL, that:

Section 1. The recitals herein above are now incorporated verbatim.

Section 2. The two (2) independent appraisals obtained by the City of Tipton are now accepted by the County Council.

Section 3. The County Council now approves of the joint purchase of the following described Real Estate located in Tipton County, Indiana, and described as follows:

A part of the Southwest Quarter of Section 3, Township 21 North, Range 4 East of the Second Principal Meridian, Tipton County, Indiana, as shown on the exhibit certified by Jason R. Henderson, PS #LS20300025 on June 11th, 2020, being described as follows:

Commencing at the Northwest corner of said Southwest Quarter, thence South 89 degrees 32 minutes 19 seconds East (Indiana State Plane Coordinate System – East Zone) along the North line of said Southwest Quarter, a distance of 1286.30 feet to the centerline of the Leavell Masters Ditch; thence South 01 degree 21 minutes 00 seconds East along said centerline, a distance of 722.09 feet to the Point of Beginning; thence Southeasterly 69.51 feet along said centerline, on an arc to the left having a radius of 45.00 feet being subtended by a long chord bearing of South 45 degrees 36 minutes 00 seconds East and a length of 62.80 feet; thence South 89 degrees 51 minutes 00 seconds East along said centerline, a distance of 861.39 feet to the West line, or the extension thereof, of Section 4 of the Northgate Business Park, as shown in Miscellaneous Record 71 page 483, in the Office of the Recorder for Tipton County, Indiana; thence South 01 degree 22 minutes 55 seconds East along said West line, a distance of 1576.51 feet to the North Right of Way line for the Norfolk & Western Railroad; thence South 89 degrees 49 minutes 09 seconds West along said North line, a distance of 1698.42 feet; thence North 00 degrees 43 minutes 55 seconds West a distance of 1511.29 feet; thence South 89 degrees 51 minutes 00 seconds East a distance of 776.23 feet; thence North 01 degree 21 minutes 00 seconds West a distance of 118.50 feet to the Point of Beginning, containing 60.00 acres, more or less,

Section 4. The County Council now authorizes the Board of Commissioners to act as purchasing agent, and authorizes the Commissioners to: (1) contribute the sum of Three Hundred Thousand Dollars (\$300,000.00) to the joint purchase with the City of the above described Real Estate; (2) execute a written joint purchase agreement between the County, City, and Seller; (3) enter into an interlocal agreement with the City defining the relationship of the City and County in acquiring, holding, managing, and disposing of the Real Estate, including but not limited to the resale and or development of the Real Estate; and, (4) take any other action necessary to complete the purchase and the continued management of the Real Estate.

Section 5. This Ordinance shall be effective from and after passage.

BE IT SO ORDAINED THIS ____ DAY OF NOVEMBER, 2020.

COUNTY COUNCIL OF TIPTON COUNTY,
INDIANA BY:

James D. Ashley, President

Jim Purvis, Vice President

Emily Wilson, Member

Jeff Hoover, Member

Butch Harpel, Member

Michael Terry, Member

Janice L. Smith, Member

ATTEST:

Gregg A. Townsend
Tipton County Auditor
Prepared by:
Mark R. Regnier
Tipton County Attorney
120 S. West Street
Tipton, Indiana 46072
765-675-2211

markregnieratty@gmail.com

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. Mark R. Regnier County Attorney, Mark Regnier, read the ordinance. Discussion ensued concerning an inter-local agreement, an advisory board, provisions to terminate the agreement if the County and City were not able to agree on the management of the property. Mayor Thomas Dolezal indicated that he was uncertain about establishing a TIF area, but did indicate that he intended to pursue annexing the land. Jeff Hoover stated that he was concerned that if the process became too cumbersome, delays could make development impossible.

Motion by Jim Purvis to approve first reading of Ordinance CC2020-04. Second by Jeff Hoover. Motion carries, unanimously.

Resignation of Commissioner James N. Mullins, PhD.

Motion by Jeff Hoover to acknowledge the resignation of Dr. James N. Mullins. Second by Emily Wilson. Motion carries, unanimously.

New Member of the Tipton County Council

Jim Ashley recognized Jan Smith as the new member of the County Council, caucused in to replace Brian DellaRosa for the remainder of his term that will expire on December 31, 2022.

Motion by Jim Purvis to adjourn the meeting. Second by Jan Smith. Without objection, the meeting was adjourned

Approved on 17th day of November, 2020

TIPTON COUNTY COUNCIL

James D. Ashley

Jim Purvis

Janice L. Smith

Michael Terry

Butch Harpel

Jeff Hoover

Attest:

Emily Wilson

Gregg A. Townsend, Secretary and County Auditor