

RESOLUTION NO. 2022-11

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA TRANSFERRING CERTAIN REAL ESTATE TO THE
LEBANON COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, the Common Council ("Common Council") of the City of Lebanon, Indiana ("City") has accepted the transfer of real property described on Exhibit A attached hereto (the "Real Estate") from the Lebanon Redevelopment Commission ("Commission"); and

WHEREAS, it is anticipated that an economic development project consisting of an indoor sports complex (the "Project") will be constructed on the Real Estate; and

WHEREAS, in order to facilitate the construction of the Project and promote economic development within the City, the City desires to transfer the Real Estate to the Lebanon Community Development Corporation ("Community Development Corporation"), an Indiana nonprofit corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA AS FOLLOWS:

1. The City hereby agrees to transfer the Real Estate to the Community Development Corporation for nominal consideration to facilitate construction of the Project and promote economic development within the City.
2. Upon adoption of this Resolution and the acceptance of the conveyance of the Real Estate by the Community Development Corporation, the Mayor and Clerk-Treasurer are hereby authorized to execute and deliver any contract, agreement, certificate, instrument or other document, including the form of Quitclaim Deed attached hereto as Exhibit B, and to take any action as such person determines to be necessary or appropriate upon advice of counsel to accomplish the City's transfer of the Real Estate to the Community Development Corporation.
3. This Resolution shall be in full force and effect from and after its adoption.

* * * *

PASSED by the Common Council of the City of Lebanon, Indiana this 11th day of April, 2022.

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

John Copeland

Morris Jones

Morris Jones

Morris Jones

Morris Jones

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Sierra Messenger

Sierra Messenger

Sierra Messenger

Sierra Messenger

Dick Robertson

Dick Robertson

Dick Robertson

Dick Robertson

ABSENT

Brent Wheat

Brent Wheat

Brent Wheat

ATTEST:

Tonya Thayer

Tonya Thayer, Clerk-Treasurer

I hereby certify that Resolution No. 2022-__ was delivered to the Mayor of Lebanon on the 19 day of April, 2022, at 11:30 a.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE RESOLUTION 2022-10 this 19 day of April, 2022, at 1:45 p.m.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO RESOLUTION 2022-10 this ___ day of _____, 2022, at _____:_____.m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

EXHIBIT A

Description of Real Estate

(Attached)

Page 1 of 1

Case No. 12-12345

Date: 12/31/2012

Exhibit A
Legal Description

TRACT I: Being part of the Southeast Quarter of Section 1, Township 18 North, Range 1 West, Boone County, Indiana, more particularly described as follows, to-wit: Beginning at the Southeast corner of said Southeast Quarter; thence North 2647.58 feet along the section line which is also the Second Principal Meridian in Indiana to a point in the quarter section line; thence South 89°53'31" West 507.96 feet with said line to a point, the true point of beginning; thence South 0°40'23" West 579.84 feet to a point marked by a steel pipe; thence South 89°58'43" West 534.20 feet to a point marked by the roof of a concrete post; thence North 25°42'16" East 174.19 feet along the East right of way line of Indiana State Road 39 said line being the right of way chord of a curve to the left; thence North 19°24'20" East 150.64 feet along a right of way chord to the left of said State Highway No. 39 to a point on the East side of a right of way monument; thence North 18°48'14" East 93.42 feet to a point on the East side of a right of way monument; thence North 26°16'55" East 212.30 feet to a point on the Southeast corner of a right of way monument; thence North 89°53'31" East 294.68 feet along the quarter section line to a point, the true point, containing 5.5140 acres, more or less.

ALSO, part of the right of way of Indiana State Route 39 described as follows: Beginning at the Southeast corner of Route 39 Highway Monument in the Quarter Section Line of Section 1, Township 18 North, Range 1 West; thence South 25°18'55" West 212.30 feet to a point; thence South 18°48'14" West 93.42 feet; thence South 19°24'20" West 150.64 feet to a point; thence South 25°42'16" West 174.19 feet to a point; thence South 89°58'43" West 42.10 feet to a point in the centerline of said Indiana State Road 39; thence with said centerline North 24°10'16" East 192.48 feet on a chord of a curve to the left; thence North 20°23'40" East 150.66 feet along a chord of a curve to the left to a point; thence approximate P.T. of the curve; thence with the tangent and ramp up North 18°48'14" East 277.28 feet to a point; thence North 89°53'31" East 67.80 feet to a point being the true point of beginning, containing 0.6381 acre, more or less.

TRACT II: Beginning at the Southeast corner of the Southeast Quarter of Section 1, Township 18 North, Range 1 West; thence Northerly 2647.58 feet along the section line of said Section No. 1, said section line also being the Second Principal Meridian in Indiana, to a point in the East-West Quarter Section line; thence with said quarter section line South 89°53'31" West 507.96 feet to a point, the true point of beginning; thence South 0°40'23" West 579.84 feet to a point; thence North 89°58'43" East 375.51 feet to a point; thence North 00°40'23" East 580.37 feet to a point; thence South 89°53'31" West 375.52 feet to a point, the true point of beginning, containing 6.001 acres, more or less.

TRACT III: A part of the East Half of the Northeast Quarter of Section 1, Township 18 North, Range 1 West, Center Township, Boone County, Indiana, more fully described by: Commencing at the Southeast corner of the Northeast Quarter of said Section 1; thence South 89°21'25" West, along the quarter section line, a distance of 258.29 feet to the point of beginning; thence continuing South 89°21'25" West, along the Quarter Section line, also being the North described line of The United Inns, Inc. property, as recorded in Deed Record 245, pages 931, 932, 932A, a distance of 543.92 feet; thence North 21°52'14" East, along the Easterly right of way of State Road 39, a distance of 159.09 feet; thence North 65°16'29" East, along the limited access right of way of Interstate 65, a distance of 35.41 feet; thence South 51°45'00" East, along said limited access right of way, a distance of 29.00 feet; thence on a curve to the left with a radius of 474.28 feet, a central angle of 47°45'00" and an arc length of 395.24 feet, being along said limited access right of way; thence South 53°18'16" East, along the Westerly access road right of way, a distance of 72.09 feet to the point of beginning. (Contains 0.8799 acres, more or less)

EXHIBIT B

Form of Quitclaim Deed

THIS INDENTURE WITNESSETH, that the **City of Lebanon, Indiana**, an Indiana municipal corporation ("Grantor"), QUITCLAIMS to the **Lebanon Community Development Corporation**, an Indiana nonprofit corporation ("Grantee"), for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in the City of Lebanon, Boone County, Indiana ("Property"):

More commonly known as: 505 South State Road 39, Lebanon, Boone County, Indiana 46052

Parcel Nos. 015-31780-02; 1 015-31780-01; 015-31790-00; and 015-23680-01

Legal Description: [Insert]

The undersigned persons executing this Quitclaim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quitclaim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

IN WITNESS WHEREOF, Grantor has executed this deed this ___ day of ___, 2022.

City of Lebanon, Indiana

By: _____
_____, Mayor

ATTEST:

By: _____
_____, Clerk-Treasurer

STATE OF INDIANA)

COUNTY OF BOONE) SS:
)

Before me, a Notary Public in and for said County and State, personally appeared _____, known by me to be the _____ of the City of Lebanon, Indiana, the Grantor, who acknowledged the execution of the foregoing Quitclaim Deed and who, having been duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this _____ day of _____, 2022.

Signature Notary Public

Printed Name

My Commission Number/Expiration:

My County of Residence:

_____/_____

Return deed and send tax statements to Grantee at:

City of Lebanon, Indiana
401 S. Meridian St.
Lebanon Indiana 46052
Attn: _____

This instrument prepared by:

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

③
20.00.
Barnett
Shawburg
K

201200003309
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
04-03-2012 At 03:31 PM.
DEED 20.00

SHERIFF'S DEED

THIS INDENTURE WITNESSETH, that Ken P. Campbell, as Sheriff of Boone County, State of Indiana, conveys to the **CITY OF LEBANON, INDIANA, FOR THE USE AND BENEFIT OF ITS DEPARTMENT OF REDEVELOPMENT**, having an address of 401 South Meridian Street, Lebanon, Indiana 46052, in consideration of the sum of Three Million Six Hundred Ninety-Two Thousand Four Hundred Seven and 69/100 Dollars (\$3,692,407.69), the receipt of which is hereby acknowledged, on sale made by virtue of a decree judgment, issued from the Circuit Court of Boone County, in the State of Indiana, pursuant to the laws of said State on October 29, 2010, in Cause No. 06C01-0902-MF-161, wherein Hanmi Bank was Plaintiff (Hanmi Bank assigned the judgment to Global Asset Recovery, LLC, and Global Asset Recovery, LLC assigned the judgment to the City of Lebanon, Indiana, for the use and benefit of its Department of Redevelopment), and Shreya Pravin LLC, State of Indiana, State Bank of Texas, and Eagle Hotel Corporation were Defendants, in consideration of said sum aforesaid, the real estate in Boone County, Indiana described on Exhibit A attached hereto and made a part hereof for all purposes.

More commonly known as: 505 South State Road 39, Lebanon, Boone County, Indiana 46052

Parcel Nos. : 015-31780-02; 015-31780-01; 015-31790-00; and 015-23680-01

Subject to assessed but unpaid taxes, not yet delinquent, and subject also to easements and restrictions of record.

To have and to hold the premises aforesaid with the privileges and appurtenances to said purchaser, its grantees and assigns, forever, in full and ample manner with all rights, title and interest held or claimed by the aforesaid Defendants.

Subject to all liens, encumbrances and easements of record not otherwise extinguished in the proceedings known as Cause No. 06C01-0902-MF-161 in the Circuit Court of Boone County, in the State of Indiana.

IN WITNESS WHEREOF, I, THE UNDERSIGNED, Sheriff aforesaid have hereunto set my hand and seal, this 1 day of March, 2012.

[SIGNATURE PAGE FOLLOWS]

DULY ENTERED FOR TAXATION
4-03-2012
Melody Rice
SUBJECT TO FINAL ACCEPTANCE
AUDITOR, BOONE COUNTY

SIGNATURE PAGE OF SHERIFF'S DEED

SHERIFF OF BOONE COUNTY, INDIANA

By: Ken P. Campbell
Ken P. Campbell, Deputy

STATE OF INDIANA)
)SS:
COUNTY OF BOONE)

On the 1 day of March, 2012, personally appeared Ken P. Campbell, in the capacity of Sheriff of said County, and acknowledged the execution of the foregoing deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal

Montgomery
COUNTY OF RESIDENCE
July 13, 2017
COMMISSION EXPIRES

Cindy L. Edmiston
NOTARY PUBLIC
PRINTED NAME

Return deed to: Kyra R. Wagoner, Barnes & Thornburg, 11 S. Meridian Street, Indianapolis, Indiana 46204.

Send Tax Statement to: City of Lebanon Department of Redevelopment, Attention: Tonya Thayer, 401 South Meridian Street, Lebanon, Indiana 46052.

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. Kyra R. Wagoner

This instrument prepared by Kyra R. Wagoner, Attorney-at-Law, BARNES & THORNBURG LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.