**RESOLUTION 20-251**

A RESOLUTION OF THE CITY OF WOODBURN, INDIANA

COMMON COUNCIL AUTHORIZING THE BOARD OF PUBLIC WORKS

TO NEGOTIATE THE PURCHASE OF REAL ESTATE AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

**WHEREAS**, certain real property located in Woodburn, Indiana, consisting of approximately 0.63 acres, and more particularly described on Exhibit “A” attached hereto and depicted on Exhibit "B" attached hetero, and taxed as Parcel No. 02-10-20-460-002.000-053, and more commonly known as 22121 Main Street, Woodburn, Indiana (the “Real Estate”), is being offered for sale by its owner; and

**WHEREAS,** the City of Woodburn (the "City"), through its administration, believes that the purchase of the Real Estate by the City is in the best interest of the City and its citizens and the Common Council of the City is interested in purchasing the Real Estate; and

**WHEREAS**, the requirements of Indiana Code §36-1-10.5 et. seq. (i.e. appraisal, limitation on purchase price, etc.), which generally sets forth the procedure for the purchase of real estate by all political subdivisions of the State of Indiana, do not apply to the purchase of real estate having a total price (including land and structures, if any) of Twenty-five Thousand Dollars ($25,000.00) or less; and

**WHEREAS**, the total price (including land and structures, if any) of the Real Estate is not expected to exceed Twenty-five Thousand Dollars ($25,000.00); and

**WHEREAS**, the Council desires to approve the purchase of the Real Estate and to give permission and approval to the purchasing agent for the City to negotiate for the purchase of the Real Estate, to enter into and execute on behalf of the City a purchase agreement upon terms favorable to the City, to acquire the Real Estate on behalf of the City, and take all other action associated therewith.

**NOW THEREFORE BE IT RESOLVED**, BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA, THAT:

SECTION I

The Common Council of the City hereby declares its interest in acquiring the Real Estate pursuant to the terms established and set forth in this Resolution and hereby authorizes and gives approval and general authorization to the Works Board, as the purchasing agent for the City, to negotiate for the purchase of the Real Estate, to enter into and execute on behalf of the City a purchase agreement upon terms favorable to the City, to acquire the Real Estate on behalf of the City, and take all other action associated therewith.

SECTION II

The Real Estate shall be purchased for a total price (including land and structures, if any) not in excess of Twenty-five Thousand Dollars ($25,000.00). If a purchase agreement is entered into for the purchase of the Real Estate, said purchase agreement shall be contingent upon sufficient funds of the City having been properly appropriated to pay the total price from the funds of the City, subject to the maximum authorized total price set forth herein.

SECTION III

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of the Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of the Resolution are hereby declared severable.

SECTION IV

This Resolution shall be effective upon promulgation according to law.

**ADOPTED** this 17th day of August, 2020, by the City Council of Woodburn, Indiana.

**<SIGNATURES ON NEXT PAGE>**

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Daniel Watts, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Mike Voirol, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Dean Gerig, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Tonya Thompson, Councilman

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ YEA\_\_\_\_\_ NAY\_\_\_\_\_ ABS\_\_\_\_\_

Michael Martin, Councilman

ATTEST:

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

Timothy Cummins, Clerk-Treasurer

The foregoing resolution passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

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

Joseph Kelsey, Mayor of the City of Woodburn

EXHIBIT “A”

REAL ESTATE DESCRIPTION

Beginning at a point on the South line of the Southeast quarter of Section 20, Township 31 North, Range 15 East, in Allen County, Indiana, said point being situate 70.5 feet East of the Southwest comer of the Southeast quarter of the said Section 20, Township 31 North, Range 15 East; thence North a distance of 156.0 feet to the South right-of-way line of the Wabash Railroad Company; thence in a Northeasterly direction along the said South right-of-way line of the Wabash Railroad Company, a distance of 188.0 feet; thence South a distance of245.0 feet to the aforesaid South line of the Southeast quarter of Section 20, Township 31 North, Range 15 East; thence West along the said South line of the Southeast quarter of Section 20, Township 31 North, Range 15 East, a distance of 165.5 feet to the place of beginning, containing 0.77 acres of land, more or less.

EXCEPTING THEREFROM, that part conveyed to K.P.B.B., Inc. by Corporate Deed recorded August 10, 1999 as Document Number 990057471, being more particularly described as follows:

Part of the Southeast Quarter of Section 20, Township 31 North, Range 15 East, of the Second Principal Meridian, in Allen County, Indiana, more particularly described as follows:

COMMENCING at a PK nail in Main Street (Indiana Highway 101) marking the Southwest comer of said Southeast Quarter; thence North 90 degrees 00 minutes 00 seconds East (assumed bearing and basis of bearings to follow), a distance of 236.00 feet along the South line of said Southeast Quarter; thence North 00 degrees 13 minutes 09 seconds West, a distance of 30.00 feet to the North right-of-way line of Main Street and the Point of Beginning of the herein described tract; thence South 90 degrees 00 minutes 00 seconds West, a distance of 30.00 feet along said North right-of-way line to a 5/8-inch steel rebar set; thence North 00 degrees 13 minutes 09 seconds West, a distance of 198.91 feet to a 5/8-inch steel rebar set on the Southerly right-of-way line of the Wabash Railroad; thence North 62 degrees 11 minutes 09 seconds East, a distance of 33.85 feet along said Southerly right-of-way line; thence South 00 degrees 13 minutes 09 seconds East, a distance of 214.70 feet along the East line of a 0.77 acre tract described in Transfer Book Y-210 in the Office of the Auditor of Allen County, Indiana, to said North right-of-way line of Main Street, being the Point of Beginning, containing 0.14 acres (6204.21 square feet), more or less.

EXHIBIT “B”

REAL ESTATE DEPICTION