

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

RESOLUTION NO. 10-2011

**A RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN
REAL PROPERTY TO THE CITY OF JEFFERSONVILLE SANITARY BOARD**

WHEREAS, this Board of Commissioners of Clark County, Indiana (hereinafter this "Board"), is the executive body of Clark County government pursuant to the provisions of IND. CODE § 36-2-2-2, and also the legislative body pursuant to the provisions of IND. CODE § 36-1-2-9; and,

WHEREAS, by Tax Deed dated October 13, 2011, and recorded as Instrument 201117601, this Board acquired title to certain real property located at the commonly known address of 801 Main Street, Jeffersonville, Clark County, Indiana (the "Real Estate"), a true and correct copy of which deed is attached hereto as Exhibit "A"; and,

WHEREAS, subsequent to obtaining title to the Real Estate this Board has obtained appraisals by Indiana licensed appraisers establishing the fair market value of the Real Estate to be \$260,000.00 and \$155,000.00, respectively, for an average appraised value of \$207,500.00; and,

WHEREAS, the City of Jeffersonville, Indiana, by its Sanitary Board (the "City"), has offered this Board the sum of \$210,000.00 for the transfer of the Real Estate to the City; and,

WHEREAS, IND. CODE § 36-1-11-8 authorizes this Board to transfer property to another governmental entity upon terms and conditions agreed upon by the entities (including, without limitation, the payment of any amount of cash as agreed upon) as evidenced by adoption of a substantially identical resolution by each entity; and,

WHEREAS, this Board now adopts this Resolution for the purpose of authorizing the transfer of the Real Estate to the City in accordance with the City's offer and the requirements of such statute.

NOW, THEREFORE, BE IT RESOLVED by this Board as follows:

1. Acceptance of City's Offer. This Board hereby accepts the City's offer of Two Hundred and Ten Thousand and No/100 Dollars (\$210,000.00) for the transfer of the Real Estate.
2. Additional Terms and Closing of Sale. This Board acknowledges that the City intends to exchange the Real Estate with the American Legion, Post No. 35 (the "American Legion") in partial consideration for other real estate that the City is condemning for use in its proposed west-end storm water relief project, and this Board agrees that its conveyance of the Real Estate to the City by special warranty deed, and the City's payment of the purchase price, shall not occur until the City closes its exchange of properties with the American Legion, provided that such exchange must occur within six (6) months following the date of adoption of this Resolution. This Board further acknowledges that its attorney's fees related to the sale of the Real Estate pursuant to retainer agreement with Applegate Fifer Pulliam LLC shall be deducted and paid from its proceeds at such closing, with the remainder being deposited into a County fund at this Board's subsequent direction. The City shall bear all other costs of closing.
3. Effective Date of Resolution. This Resolution shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

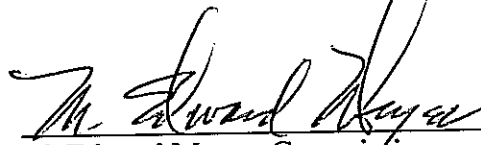
[The remainder of this page intentionally left blank. Signature page follows.]

So Resolved this 21 day of December, 2011.

Members voting "NO":

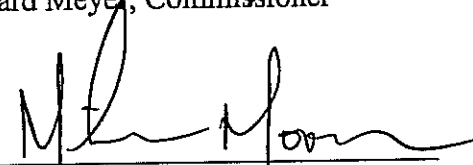
Members voting "YES":

M. Edward Meyer, Commissioner



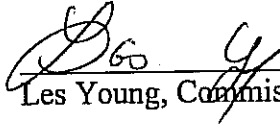
M. Edward Meyer, Commissioner

Mike Moore, Commissioner



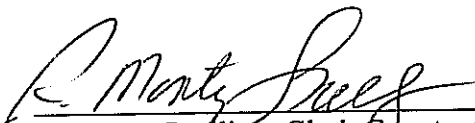
Mike Moore, Commissioner

Les Young, Commissioner



Les Young, Commissioner

Attested by:



R. Monty Spelling, Clark County Auditor

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

OCT 14 2011

Key No: 10-20-00-201-529.000-010
(020-78-0160)

R. Monty Snelling
Auditor, Clark County

Richard P. Jones 4P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201117601 Page 1 of 4
C2 Date 10/14/2011 Time 14:35:39

TAX DEED

Whereas the Clark County Commissioners did, on the 13th day of October, 2011, produce to the undersigned, R. Monty Snelling, Auditor of the County of Clark in the State of Indiana, a certificate of sale dated the 5th day of October, 2010, signed by Keith Groth who, at the date of the sale, was Auditor of the County, from which it appears that the Clark County Commissioners on the 4th day of October, 2010, purchased at public auction, held pursuant to law, the real property described in this indenture for the sum of Sixty Thousand Five Hundred Twenty-three and 27/100 Dollars (\$60,523.27), being the amount due on the real property for taxes, special assessments, penalties and costs for the year 2009 and prior years, namely:

See Exhibit A attached hereto.

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

BEING the same property conveyed to Harold W. Cox, Jr. by Warranty Deed dated April 15, 2004, and of record as Instrument No. 200409478, in the Clark County Recorder's Office.

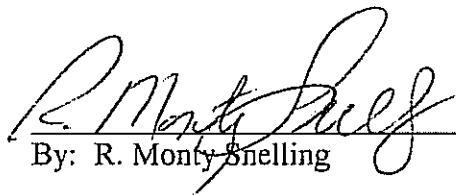
Such real property has been recorded in the office of the Clark County Auditor as delinquent for the nonpayment of taxes, and proper notice of the sale has been given. It appearing that Clark County Commissioners is the owner of the certificate of sale, that the time for redeeming such real property has expired, that the property has not been redeemed, that the undersigned has received a court order for the issuance of a deed for the real property described in the certificate of sale, that the records of the Clark County Auditor's office state that the real

property was legally liable for taxation, and that the real property has been duly assessed and properly charged on the duplicate with the taxes and special assessments for the year 2009 and prior years;

Therefore, this indenture, made this 13th day of October, 2011, between the State of Indiana, by R. Monty Snelling, Auditor of Clark County, of the first part, and Clark County Commissioners, of the second part, witnesseth: That the party of the first part, for and in consideration of the premises, has granted and bargained and sold to the party of the second part, the real property described in the certificate of sale, situated in the County of Clark, and State of Indiana, namely and more particularly described above to have and to hold such real property, with the appurtenances belonging thereto, in as full and ample a manner as the Auditor of said County is empowered by law to convey the same.

In testimony whereof, R. Monty Snelling, Auditor of Clark County, has hereunto set his hand, and affixed the seal of the Board of County Commissioners, the day and year last above mentioned.

AUDITOR OF CLARK COUNTY


By: R. Monty Snelling

STATE OF INDIANA
COUNTY OF CLARK

Before me, the undersigned, a Notary Public, in and for said County, this day, personally came the above named **R. Monty Snelling**, Auditor of said County, and acknowledged the execution of the foregoing deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and seal this 13th day of October, 2011.

My Commission expires:

1-5-2016

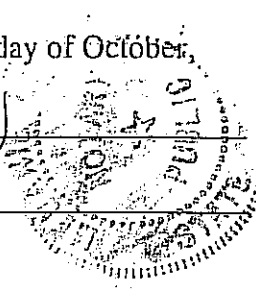
Melanie L Day

Notary Public

Melanie L Day

Printed Name

Resident of Harrison County



I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, and that this instrument was prepared by:

Alan M. Applegate
APPLEGATE FIFER PULLIAM LLC
428 Meigs Avenue
Post Office Box 1418
Jeffersonville, Indiana 47131-1418
(812) 284-9499

Send Tax Statements To:

501 E. Court Avenue
Jeffersonville, IN 47130

Grantee's Mailing Address:

501 E. Court Avenue
Jeffersonville, IN 47130

X:\100580\Asset 37 Tax Deed .docx

EXHIBIT A

TRACT I

Being Lot #43 of the Latimer & Sabitz Subdivision of Letter "B" of Survey # 2 of the Illinois Grant, Jeffersonville, Clark County, Indiana, bounded thus:

Beginning at the Southeast Corner of Lot #43, the same being in the Center of Western Avenue; Thence, Southwestwardly along the Southern line of Lot #43, 194 feet to the true place of beginning; Thence, Continuing Southweswardly along the Southern line of said Lot #43; Thence Northwestwardly along the Western line of Lot #43; 157 feet to a point 8 feet from the Northwest Corner of Lot #43; Thence, Eastwardly and parallel to the Northern line of Lot #43, 29.27 feet; Thence, Southwardly across Lot #43 and parallel to the Western line of said Lot #43, 157 feet to the True Place of Beginning.

TRACT II

Being a part of lot Number Forty-three (43) of Latimer and Savitz Subdivision of Letter "B" of Survey Number Two (2) of the Illinois Grant, Clark, County, Indiana, bounded thus: Beginning at the Southeast corner of Lot Number Forty-three (43), the same being the center of Western Avenue; thence Southwestwardly along the Southern line of Lot Number Forty-three (43) One Hundred Ninety-four (194) feet; thence northwardly across lot number forty-three (43), one hundred Fifty-seven (157) feet to a point eight feet (8) from the northern line of said lot number Forty-three (43); thence eastwardly and parallel to the feet to a point in the center line of Western Avenue; thence southwardly along the center line of Western Avenue, the same being the eastern line of lot number forty-three (43), one hundred fifty-seven (157) feet to the true place of beginning.