

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2016 – 0~~26~~

**AN ORDINANCE AUTHORIZING AND APPROVING THE ENTRY INTO AN
INTERLOCAL AGREEMENT TO INITIATE A PLANNING STUDY OF THE COUNTY
ROAD 311 CORRIDOR FROM COUNTY LINE ROAD TO COUNTY ROAD 403.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-1-7 *et seq.* the State of Indiana, political subdivisions and agencies may enter into interlocal cooperation agreements for the joint exercise of powers; and,

WHEREAS, the Town of Sellersburg Redevelopment Commission (the “Commission”) has previously adopted Resolution No. 16-002, which designated up \$15,000.00 towards a SR/CR 311 feasibility study.

WHEREAS, this Council has determined that a feasibility study for the County Road 311 Corridor is important to the smart growth of the Town of Sellersburg and it supports the Commissions efforts.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following:


1. This Council does hereby authorize and approve the entry into the interlocal agreement for a planning study of the County Road 311 Corridor from County Line Road to County Road 403, Clark County, Indiana (*See Exhibit “A”*).

2. This ordinance 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 Council.

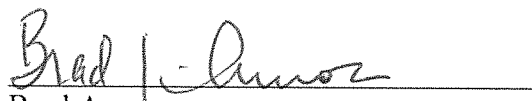
So Ordained this 28 day of November, 2016

“Aye”

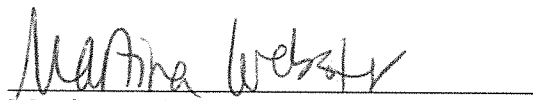
“Nay”


Paul J. Rhodes
Council President


Paul J. Rhodes
Council President


Brad Amos
Council Vice President

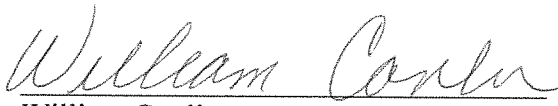
Brad Amos
Council Vice President


Martina Webster
Council Member

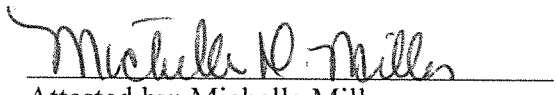
Martina Webster
Council Member


Jim LaMaster
Council Member

Jim LaMaster
Council Member


William Conlin
Council Member

William Conlin
Council Member


Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

**INTERLOCAL AGREEMENT FOR COUNTY RD 311
PLANNING STUDY**

THIS AGREEMENT is entered into by and between the Board of Commissioners of Clark County, Indiana (hereinafter referred to as “the County”), the Town of Clarksville, Indiana (hereinafter referred to as “Clarksville”), the Town of Sellersburg, Indiana (hereinafter referred to as “Sellersburg”).

WITNESSETH:

WHEREAS, Ind. Code 36-1-7, et seq. allows political subdivisions in the state of Indiana to enter into Interlocal Agreements; and,

WHEREAS, a need arises to conduct a Planning Study to assess existing conditions, requirements and opportunities for improved public mobility and safety along the County Road 311 corridor from County Line Road to County Road 403, Clark County, Indiana; and

WHEREAS, it is the desire and intent of Clarksville, Sellersburg and KIPDA to enter into this Agreement constituting a contract with the County to share in the cost of such Planning Study project, estimated to be approximately Ninety Thousand Dollars (\$90,000.00);

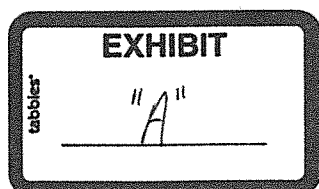
IT IS, THEREFORE, AGREED by the parties as follows:

1. **PURPOSE OF AGREEMENT** Pursuant to I.C. 36-1-7-3(2), this Agreement is made between the County, Clarksville, Sellersburg and KIPDA to initiate a Planning Study of the County Road 311 Corridor from County Line Road to County Road 403, Clark County, Indiana (hereinafter referred to as “the Study”) and related matters thereto.
2. **DURATION:** Pursuant to I.C. 36-1-7-3(1) This Agreement shall remain in full force and effect from the time it is executed by all parties until its provisions have been fulfilled, but not to exceed four (4) years. This Agreement may not be terminated except upon written agreement of both parties and upon compliance with the procedures set forth pursuant to I.C. 36-1-7, et seq.
3. **MANNER OF FINANCING, STAFFING AND SUPPLYING THE JOINT UNDERTAKING AND OF ESTABLISHING AND MAINTAINING A BUDGET THEREOF:**

a. Manner of Financing:

- i. The Study’s estimated cost is Ninety Thousand Dollars (\$90,000.00). It is the parties’ understanding that the Kentuckiana Regional Planning and Development Agency will contribute Fifty Thousand Dollars (\$50,000.00) to the Study. The remaining costs shall be shared by the parties as follows:

- a. Clarksville shall contribute up to Ten Thousand Dollars (\$10,000.00);



- b. Sellersburg shall contribute up to Fifteen Thousand Dollars (\$15,000.00);
 - c. County shall contribute up to Fifteen Thousand Dollars (\$15,000.00);
and
 - ii. The County will initiate the Planning Study and invoice Clarksville and Sellersburg for each parties' proportionate share of the invoice according to their total contribution. Clarksville and Sellersburg shall then remit payment under the invoice immediately;
 - iii. Each parties entire share due and payable shall be paid in full to the County by March 1, 2017;
 - b. Staffing and Supplying Joint Undertaking: The study will be undertaken in concert with the Kentuckiana Regional Planning and Development Agency (hereinafter referred to as "KIPDA"). Clark County shall enter into an agreement with KIPDA regarding the Study. In the Selection Process each party to this agreement shall have one (1) vote each in the Study engineer firm's selection. KIPDA shall have two (2) votes.
 - c. Maintenance of Budget: That the County shall monitor and maintain the budget.
4. **METHODS THAT MAY BE EMPLOYED IN ACCOMPLISHING THE PARTIAL OR COMPLETE TERMINATION OF THIS AGREEMENT:** This Agreement shall terminate upon the fulfillment of all terms and conditions outlined herein.
5. **ADMINISTRATION:** This Agreement shall be administered jointly by the County Clarksville and Sellersburg. These entities shall be authorized to perform all duties and carry out all functions as are necessary to effectuate the purpose of this Agreement.
6. **ACQUIRING, HOLDING AND DISPOSING OF PROPERTY:** No real estate shall be acquired, held or disposed of as part of this Agreement.
7. **PAYMENT SCHEDULE:** Each party to this agreement shall immediately submit payment to the County upon receipt of an invoice, with the total balance, if any, then due on or before March 1, 2017.
8. **APPROVALS:** This Agreement becomes in full force and effect upon approval by all parties as indicated by their signatures on this Agreement.
9. **EXTENSION:** No extension of this Agreement is anticipated without additional approval of the parties.

10. PURCHASE, SALE, OR EXCHANGE OF SERVICES, SUPPLIES OR EQUIPMENT: Whenever a contract provides for the purchase, sale, or exchange of services, supplies, or equipment between or among Indiana governmental entities only, no notice by publication or posting is required pursuant to IC 36-1-7-12.

11. UPON APPROVAL OF THIS AGREEMENT, the County authorizes the President of the Clark County Commissioners, Clarksville authorizes the Town Council President, and Sellersburg authorizes its Town Council President, to execute all documents necessary to implement this Agreement.

IN WITNESS WHEREOF, the parties have affixed their signatures hereto on the dates shown below indicating their respective approvals of this Interlocal Agreement which will be for the benefit the general public.

THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA

Jack Coffman, President

Date

Rick Stephenson, Vice President

Date

Bryan Glover, Member

Date

ATTEST:

Monty Snelling, Auditor

Date

Clark County, Indiana

THE CLARK COUNTY, INDIANA COUNTY COUNCIL

Barbara C. Hollis, President

Date

Brain Lenfert

Date

Danny Yost

Date

Steve Doherty

Date

Kelly Khuri

Date

Kevin Vissing

Date

Joe Hubbard

Date

ATTEST:

Auditor, Monty Snelling

Date

TOWN OF CLARKSVILLE

Paul Fetter,
President Clarksville Town Council

Date

ATTEST:

Robert Leuthart,
Clarksville Clerk-Treasurer

Date

TOWN OF SELLERSBURG

Date

ATTEST:

Date

Document prepared by:

N. Lisa Glickfield. #23584-27
General Counsel
Clark County Commissioners
Clark County Government Building
501 E. Court Avenue, Rm 404
Jeffersonville, IN 47130
(812 285-6275

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.

N. Lisa Glickfield

Resolution No: 16-002

RESOLUTION OF THE
REDEVELOPMENT COMMISSION
OF THE
TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Redevelopment Commission (the "Commission") as the governing body for the Town of Sellersburg Redevelopment Department, pursuant to Indiana Code § 36-7-14, as amended (the "Act") previously adopted a resolution designating an area as an economic development area.

WHEREAS, the Commission believes that State Road/County Road 311 is vital for the development of certain economic development areas.

WHEREAS, Clark County, Sellersburg and the Town of Clarksville are considering jointly obtaining a feasibility study for development of SR/CR 311 and splitting the costs of the study among the governmental units.

WHEREAS, the Commission believes that such study will benefit the public health, safety, morals, and welfare of the Town and will further increase the economic well-being of the redevelopment areas, the Town, and the state.

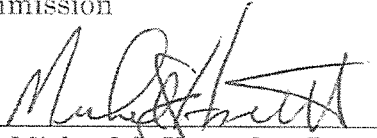
WHEREAS, the Commission has studied certain areas needing redevelopment and desires to cooperate with the Town in a manner that best serves the community in accordance with I.C. § 36-7-14.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT COMMISSION OF THE TOWN OF SELLERSBURG, INDIANA, THAT:


The Commission agrees to contribute \$15,000 towards a SR/CR 311 feasibility study. The Commission shall provide such funds contingent upon a completed inter-local agreement between Clark County, the Town of Sellersburg and the Town of Clarksville where they agree to contribute the remaining funds to obtain the feasibility study of SR/CR 311.

Dated this 7th day of November, 2016.

Town of Sellersburg Redevelopment
Commission

By: 
Michael J. Hostetler, President

ATTESTED BY:


Terry E. Langford
Printed Name/Secretary