

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**RESOLUTION NO. 2017 – R – 002**

**A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY IN THE  
TOWN OF SELLERSBURG AND APPOINTING COUNCIL PRESIDENT RHODES AS  
AGENT FOR THE TOWN OF SELLERSBURG**

**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 § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS**, with respect to certain real property in which this Council may have an ownership interest in, which real property is located on North Fern Street in Sellersburg, Indiana (hereinafter referred to as the “*Real Estate*”), and states as follows:

**WHEREAS**, the Real Estate in question is adjacent to and used as part of a public park in or around the Town, in Silver Creek Township, overseen and managed by the Township Trustee of Silver Creek, Clark County, Indiana, which Real Estate is more particularly described as follows, to wit:

A part of Survey No. 111 of the Illinois Grant in Silver Creek Township, Clark County, Indiana, being a part of the same land conveyed to Clifton Smith, deceased, at Deed Record 109, page 48 and bounded as follows: Beginning at an iron pipe in the northeasterly line of Second Addition-Glen Helen Park (Plat Book No. 3, page 111) which marks the west corner of Lot No. 21 of Clifton Smith Heights Subdivision (Plat Book 6, page 206); thence the following courses of the boundary: North 35 deg. 25' 15" West, 199.72 feet with the northeasterly line of said Glen Helen Park to a concrete monument in the southeast line of a 30 foot wide street: North 35 deg. 25' 15" West, 170.06 feet continuing with said Glen Helen Park line to an iron pin; North 58 deg. 00' 45" East, 831.33 feet, severing the land of the Clifton Smith to an iron pin; South 35 deg. 01' 00" East. 546.87 feet severing the land of Clifton Smith to an iron pin in the northerly line of North Fern Street; South 54 deg. 59' 00" West, 410.00 feet with the north line of North Fern Street to an iron pin, the east corner of Lot No. 18 of said Clifton Smith Heights; North 34 deg. 31' 00" West, 228.0 feet with the easterly line of said Lot No. 18 to the north corner thereof; South 54 deg. 02' 00" West, 419.61 feet with the northerly lines of Lot Nos. 18, 19, 20, and 21 of said Clifton Smith Heights to the place of beginning, containing 8.659 acres. Subject to any and all easements and restrictions of record affecting this real estate.

and which Real Estate is depicted on “*Exhibit A*” attached hereto and incorporated by reference herein; and,

**WHEREAS**, since the Town does not currently use the Real Estate for any purpose and inasmuch, if this Council does in fact have ownership to the Real Estate, it is considered surplus property; and,

**WHEREAS**, the office of the Township Trustee of Silver Creek, Clark County, Indiana is a political subdivision to which real property owned by the Town may be transferred to pursuant to Ind. Code § 36-1-11-1 *et seq.*, without payment of any consideration; and,

**WHEREAS**, this Council is satisfied with the public purposes and uses to which the Real Estate is currently being put by the Township Trustee of Silver Creek Township (the “*Trustee*”) and desires that the Real Estate continue to be used for such purposes; and,

**WHEREAS**, this Council believes it is in the best interest of the Town, as well as the residents of the Town that whatever interest the Town may hold in the Real Estate be transferred to the Trustee so that the Trustee can have greater confidence in making investments in the Real Estate to improve the Real Estate for use as a public park.

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Town Council of Sellersburg, Indiana that the Real Estate located on North Fern Street, referred to as the “*Real Estate*” above, containing 8.659 acres, more or less, should be transferred by *Quitclaim Deed* to the *Township Trustee of Silver Creek Township of Clark County, Indiana*, pursuant to the requirements of Ind. Code §36-1-11 *et seq.* (See “*Exhibit B*”, attached hereto, which is the form of conveying instrument approved).

IT IS FURTHER RESOLVED that Paul J. Rhodes, President of the Town Council of Sellersburg, Indiana is hereby authorized to execute documents effectuating the transfer of the Real Estate described above.

and which Real Estate is depicted on “*Exhibit A*” attached hereto and incorporated by reference herein;  
and,

**WHEREAS**, since the Town does not currently use the Real Estate for any purpose and inasmuch, if this Council does in fact have ownership to the Real Estate, it is considered surplus property; and,

**WHEREAS**, the office of the Township Trustee of Silver Creek, Clark County, Indiana is a political subdivision to which real property owned by the Town may be transferred to pursuant to Ind. Code § 36-1-11-1 *et seq.*, without payment of any consideration; and,

**WHEREAS**, this Council is satisfied with the public purposes and uses to which the Real Estate is currently being put by the Township Trustee of Silver Creek Township (the “*Trustee*”) and desires that the Real Estate continue to be used for such purposes; and,

**WHEREAS**, this Council believes it is in the best interest of the Town, as well as the residents of the Town that whatever interest the Town may hold in the Real Estate be transferred to the Trustee so that the Trustee can have greater confidence in making investments in the Real Estate to improve the Real Estate for use as a public park.

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Town Council of Sellersburg, Indiana that the Real Estate located on North Fern Street, referred to as the “*Real Estate*” above, containing 8.659 acres, more or less, should be transferred by *Quitclaim Deed* to the *Township Trustee of Silver Creek Township of Clark County, Indiana*, pursuant to the requirements of Ind. Code §36-1-11 *et seq.* (See “*Exhibit B*”, attached hereto, which is the form of conveying instrument approved).

IT IS FURTHER RESOLVED that Paul J. Rhodes, President of the Town Council of Sellersburg, Indiana is hereby authorized to execute documents effectuating the transfer of the Real Estate described above.



SO RESOLVED by the Town Council of Sellersburg, Indiana on the

26 day of June, 2017.

“Aye”

“Nay”

Paul J. Rhodes  
Paul J. Rhodes  
Council President

\_\_\_\_\_  
Paul J. Rhodes  
Council President

Brad Amos  
Brad Amos  
Council Vice President

\_\_\_\_\_  
Brad Amos  
Council Vice President

Martina Webster  
Martina Webster  
Council Member

\_\_\_\_\_  
Martina Webster  
Council Member

Jim LaMaster  
Jim LaMaster  
Council Member

\_\_\_\_\_  
Jim LaMaster  
Council Member

William Conlin  
William Conlin  
Council Member

\_\_\_\_\_  
William Conlin  
Council Member

Michelle D. Miller  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

1<sup>st</sup> Reading:

Date: 6/26/17  
Motion: Amos

Vote: 5/0  
Second: Conlin

2nd Reading: None

Date: \_\_\_\_\_  
Motion: \_\_\_\_\_

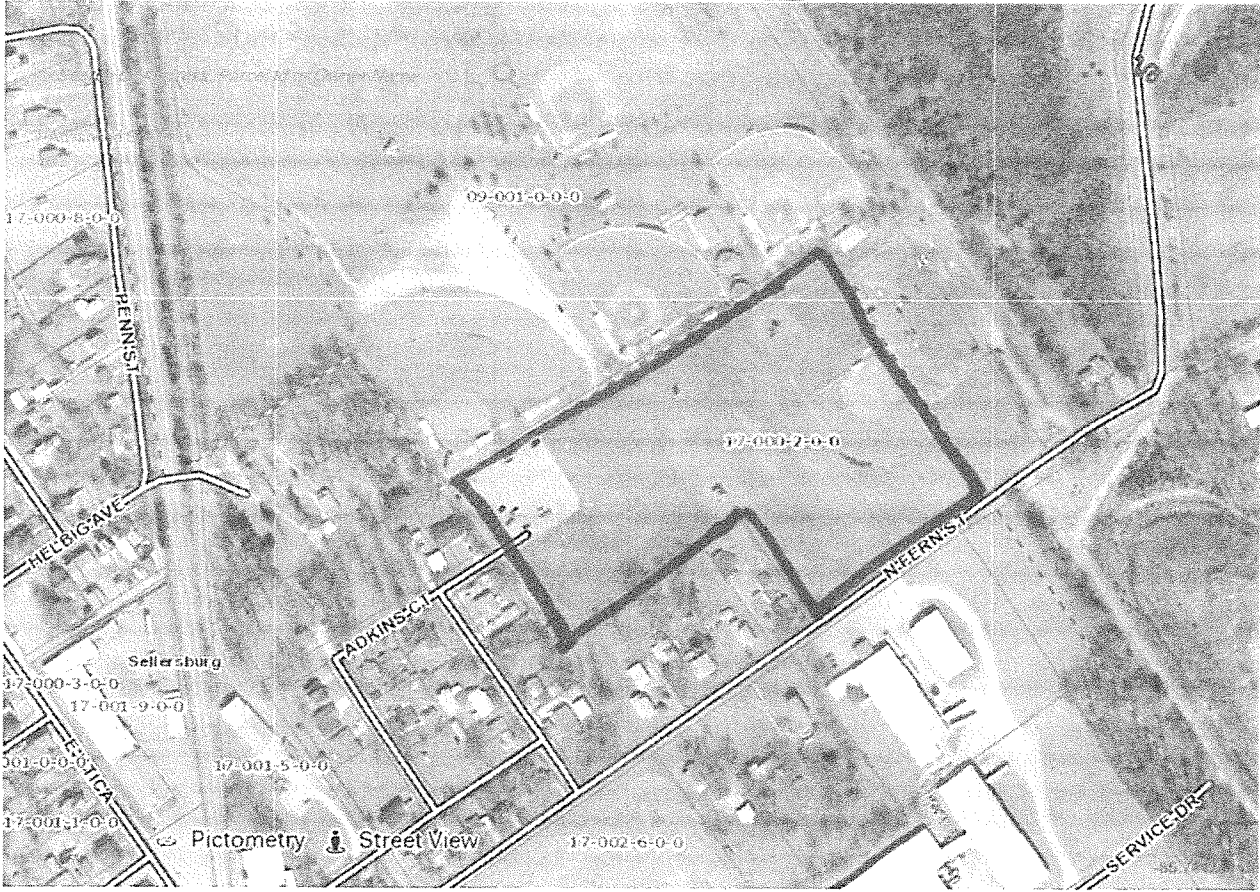
Vote: \_\_\_\_\_  
Second: \_\_\_\_\_



EXHIBIT  
tabbies  
A

Menu

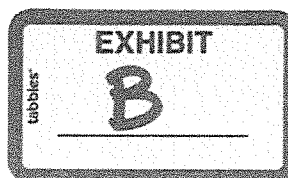
👤 michael ?







Parcel Number 10-17-11-100-731.000-031  
Tax Key Number 17-02-67-0  
Property Address Fern Street North,  
Tax mailing address: 1605 West St. Joe Road, Sellersburg, IN 47172



## QUITCLAIM DEED

THIS INDENTURE WITNESSETH that **Town of Sellersburg, Indiana** does hereby **RELEASE AND QUIT-CLAIM** unto the **Township Trustee of Silver Creek Township of Clark County, Indiana**, whose present mailing address and mailing address for tax purposes is 1605 West St. Joe Road, Sellersburg, IN 47172, all of its right, title and interest in and into the real estate situated in the County of Clark, state of Indiana, to wit:

A part of Survey No. 111 of the Illinois Grant in Silver Creek Township, Clark County, Indiana, being a part of the same land conveyed to Clifton Smith, deceased, at Deed Record 109, page 48 and bounded as follows: Beginning at an iron pipe in the northeasterly line of Second Addition-Glen Helen Park (Plat Book No. 3, page 111) which marks the west corner of Lot No. 21 of Clifton Smith Heights Subdivision (Plat Book 6, page 206); thence the following courses of the boundary: North 35 deg. 25' 15" West, 199.72 feet with the northeasterly line of said Glen Helen Park to a concrete monument in the southeast line of a 30 foot wide street: North 35 deg. 25' 15" West, 170.06 feet continuing with said Glen Helen Park line to an iron pin; North 58 deg. 00' 45" East, 831.33 feet, severing the land of the Clifton Smith to an iron pin; South 35 deg. 01' 00" East, 546.87 feet severing the land of Clifton Smith to an iron pin in the northerly line of North Fern Street; South 54 deg. 59' 00" West, 410.00 feet with the north line of North Fern Street to an iron pin, the east corner of Lot No. 18 of said Clifton Smith Heights; North 34 deg. 31' 00" West, 228.0 feet with the easterly line of said Lot No. 18 to the north corner thereof; South 54 deg. 02' 00" West, 419.61 feet with the northerly lines of Lot Nos. 18, 19, 20, and 21 of said Clifton Smith Heights to the place of beginning, containing 8.659 acres. Subject to any and all easements and restrictions of record affecting this real estate.

IN WITNESS WHEREOF, the Grantor, Town of Sellersburg, Indiana has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: Paul J. Rhodes, President  
Town of Sellersburg, Indiana Council

STATE OF INDIANA, COUNTY OF CLARK

SS:

On this \_\_\_\_\_ day of May 2017, before me personally appeared **Paul J. Rhodes**, Sellersburg, Indiana, Town Council President, who executed the foregoing instrument and who acknowledged that he voluntarily executed the same.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, Notary Public

Printed Name

Resident of Clark County

**Preparer's Affirmation.** 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.

Michael A. Gillenwater, Attorney at Law  
411 Watt St., Jeffersonville, IN 47130  
(812) 288-4442

