

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2022 – OR – 019

AN ORDINANCE AUTHORIZING AND APPROVING THE ENTRY INTO AN INTERLOCAL AGREEMENT FOR THE CREATION OF AN ADDITIONAL PUBLIC ACCESS POINT TO THE SILVER CREEK TOWNSHIP PARK.

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 for the town; and,

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

WHEREAS, this Council has determined that an additional public access point to the Silver Creek Township Park is necessary; and,

WHEREAS, this Council, desires to authorize the entry into an interlocal agreement for the creation of an additional public access to the Silver Creek Township Park.

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 the creation of an additional public access to the Silver Creek Township Park (*See Exhibit “A”*).
2. The Town Council President or Town Manager shall have the authority to execute the interlocal agreement attached hereto.

3. 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 25th day of July, 2022.

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Scott McVoy
Scott McVoy
Council Vice President

Scott McVoy
Council Vice President

Terry Langford
Terry Langford
Council 2nd Vice President

Terry Langford
Council 2nd Vice President

Matthew Czarniecki
Matthew Czarniecki
Council Member

Matthew Czarniecki
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 7/25/2022

MOTION: McVoy
VOTE: 5 AYE 0 NAY

SECOND: Czarniecki
0 ABSTAIN

SECOND READING

DATE: 7/25/2022

MOTION: McVoy
VOTE: 5 AYE 0 NAY

SECOND: Mobley
0 ABSTAIN

**INTERLOCAL AGREEMENT FOR CREATING ADDITIONAL PUBLIC
ACCESS POINT TO THE SILVER CREEK TOWNSHIP PARK**

THIS AGREEMENT is entered into by and between the Township Board of Silver Creek Township (hereinafter referred to as the "Township") and 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, it is the desire and intent of Sellersburg to enter into this Agreement constituting a contract with the Township for the creation of an additional access point to the Silver Creek Township Park; and,

WHEREAS, it is the desire and intent of the Township and Sellersburg to share in the costs of the project; and

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

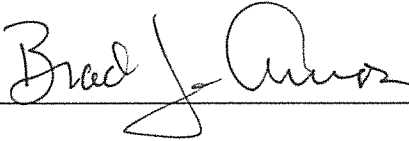
1. **PURPOSE OF AGREEMENT** Pursuant to I.C. 36-1-7-3(2), this Agreement is made between the Township and Sellersburg for purposes concerning the creation of an additional access point to the Silver Creek Township Park (the "Roadway Project") so that traffic in and through Atkins Court area will be reduced. The Roadway Project shall be defined as a standard two-lane roadway traversing from North Fern Street, Sellersburg, Indiana through parcel number 10-17-11-100-139.000-031 to the Silver Creek Township Park.
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. 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 Township will provide, or hire, the labor and equipment necessary to complete the Roadway Project.

- ii. Sellersburg shall contribute the sum of sixty-seven thousand dollars (\$67,000.00) to defray the Township's cost of acquiring land and building a roadway as an additional access point to the Silver Creek Township Park at or near 215 North Fern Street, Sellersburg, Indiana.
 - iii. The Township shall bear responsibility for all additional costs of the project.
 - iv. Sellersburg will pay the sums due to the Township hereunder within thirty (30) days of the time the project is fifty percent (50%) completed.
 - v. The township will make all reasonable efforts to complete the construction of the Roadway Project on or before December 31, 2022. However, the finish coat of blacktop may not be put on until spring, 2023.
 - b. Staffing and Supplying Joint Undertaking: The Township will furnish, or hire, all equipment and manpower necessary to complete this project.
 - c. Maintenance of Budget: That upon completion of the construction of the Roadway Project, the Township will be responsible for the maintenance of the roadway access point, absent any further agreement to the contrary.
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 by the Township.
 6. **ACQUIRING, HOLDING AND DISPOSING OF PROPERTY:** The Township will be responsible to acquire any real estate necessary to complete the Roadway Project. Sellersburg will take whatever steps are necessary to approve, zone, or permit the Roadway Project, if any.
 7. **PAYMENT SCHEDULE:** Sellersburg shall submit payment to the Township within thirty (30) days upon request by Township and 50% completion of the Roadway Project.
 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. **AUTHORIZED SIGNATORIES:** The Township authorizes the Trustee, Bill Ramser, to execute all documents necessary to implement this Agreement and the Sellersburg Town Council authorizes the Town President, Brad Amos, or Town Manager, Charlie Smith 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 of Sellersburg and the general public.

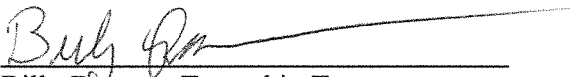
TOWN OF SELLERSBURG



7/25/2022
Date

By: Brad J. Amos

SILVER CREEK TOWNSHIP BOARD



Billy Ramser, Township Trustee

8-17-22
Date

