

RESOLUTION TO ALLOW TRANSFER OF CERTAIN  
PROPERTY ACQUIRED FOR FLOOD CONTROL

RESOLUTION NO. 2010-019

**A Resolution to provide for the transfer to the City of Muncie, Indiana and the Muncie Sanitary District of Certain Property Acquired by those Units of Government for use in flood control on and along East Jackson Street in the City of Muncie as such street crosses the White River.**

**WHEREAS**, the Delaware County Commissioners of Delaware County, Indiana (the "Commissioners") are for all purposes the designated county executive under the Indiana Property Tax Act, Indiana Code 6-1.1-1 et. seq., and

**WHEREAS**, The City of Muncie, Indiana and the Muncie Sanitary District are units of government of the State of Indiana located in Delaware County, Indiana, and

**WHEREAS**, The City of Muncie, Indiana acquired by Quitclaim Deed dated April 20, 2004 certain real estate located on and adjacent to the south side of East Jackson Street and the White River for the purpose of flood control, a copy of which deed has been attached to this Resolution as Exhibit A, and

**WHEREAS**, The Muncie Sanitary District acquired by Quitclaim Deed dated April 20, 2004 certain real estate located on and adjacent to the north side of East Jackson Street and the White River for the purpose of flood control, a copy of which deed has been attached to this Resolution as Exhibit B, and

**WHEREAS**, Following the simultaneous closing of both property purchases the deeds to the properties were inadvertently misplaced and not recorded, and

**WHEREAS**, From and following the purchase of the properties no property taxes should have been assessed against the properties, and

**WHEREAS**, Both properties are vacant lots and do not contain improvements of any kind, and

**WHEREAS**, Following the purchase by the City and Sanitary District of the properties, taxes continued to be assessed and went unpaid and the properties were exposed in 2007 to a sale for property upon which delinquent property taxes were owed, and

**WHEREAS,** The properties were not sold at such sale and remain unsold and the City and District have asked that the property be transferred to them as owners without payment of the delinquent property taxes, and

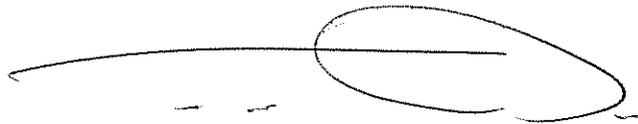
**WHEREAS,** The Commissioners have the authority under Indiana Code 6-1.1-24 et. seq. to otherwise transfer vacant ground unsold at tax sales to other units of government for public uses and purposes including providing ground for flood control.

**NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF DELAWARE COUNTY INDIANA THAT:**

The property described in Exhibit A to this Resolution be transferred to the City of Muncie Indiana by the recording of the Quitclaim Deed which is a part of Exhibit A and that the assessed and unpaid property taxes and other assessments from the date of the Deed up to and including the date of this Resolution be removed from the property and that the property described in Exhibit B to this Resolution be transferred to the Muncie Sanitary District by the recording of the Quitclaim Deed which is a part of Exhibit B and that the assessed and unpaid property taxes and other assessments from date of the Deed up to and including the date of this Resolution be removed from the property.

This Resolution shall be in full force and affect as of the date shown below.

DATED this 7 day of September, 2010.



Todd Donati, President, County Commissioners

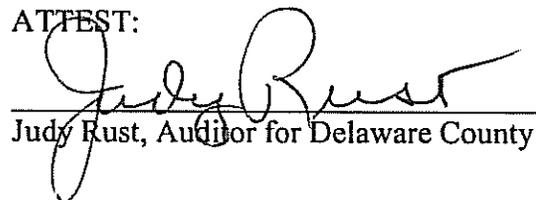


Don Dunnuck, Vice-President, County Commissioners



Larry Bledsoe, Member, County Commissioners

ATTEST:



Judy Rust, Auditor for Delaware County

Fax:

Oct 13 2008 11:12am P003/004

# Exhibit A

## Quitclaim Deed

For and in consideration of the sum of twenty thousand dollars (\$20,000.00) receipt of which is hereby acknowledged, the undersigned, Merial M. Keever of Delaware County, State of Indiana, hereby conveys to the City of Muncie, the following described real property in Delaware County, in the State of Indiana:

Sec, legal description attached hereto and marked Exhibit A.

By agreement of the parties, the property is sold and conveyed as is, where is, with no warranty or representation as to the condition of the property and any environmental condition of the property.

Dated this 20<sup>th</sup> day of April, 2004.

John F. Keever and Merial M. Keever acquired title to said real estate as husband and wife and they remained continuously husband and wife until the death of John F. Keever on April 22, 2003.

*Matthew L. Keever POA for Merial M. Keever*  
Matthew L. Keever, POA for 4/20/04  
Merial M. Keever

Power of Attorney recorded in Misc. Rec. 2004 pages 2106-2108.

State of Indiana )  
                          ) SS:  
County of Hamilton )

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for said County

and State, this 20<sup>th</sup> day of April, 2004.

March 29, 2007  
Commission expiration

*James A. Smith*  
James A. Smith, Notary Public

Hamilton  
County of residence

Document Prepared by: James A. Smith, SMITH & ASSOCIATES, 17767 Sun Park Drive, Westfield, IN 46074

Send Tax statements to:

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 (James W. Smith, Attorney-at-Law)

File No: 240717

**EXHIBIT A - LEGAL DESCRIPTION**

**Parcel A**

A part of the Southwest Quarter (SW ¼) of Section Eleven (11), Township Twenty (20) North, Range Ten (10) East in the City of Muncie, Delaware County, Indiana, described as follows: Commencing at the Southwest corner of the Southwest Quarter (SW ¼) of Section Eleven (11), Township Twenty (20) North, Range Ten (10) East; thence North Ninety degrees, Zero minutes, Zero seconds East (N 90°-00'-00" E) Eight hundred thirty-five and seventy-eight hundredths (835.78) feet, (assumed bearing) along the South line of said Quarter Section; thence North Zero degrees, Zero minutes, Zero seconds (00°-00'-00") Twenty-five (25.00) feet to the point of beginning said point being the point of intersection of the Easterly right-of-way line of the Chesapeake and Ohio Railroad with the Northerly right-of-way line of Jackson Street; thence North Ninety degrees, Zero minutes, Zero seconds East (N 90°-00'-00" E) One hundred sixty-nine and eighty-eight hundredths (169.88) feet along the Northerly line of said Jackson Street; thence North Zero degrees, Zero minutes, Zero seconds East (N 00°-00'-00" E) Five (5.00) feet along said right-of-way line; thence North Ninety degrees, Zero minutes, Zero seconds East (N 90°-00'-00" E) One hundred sixty-three and thirty hundredths (163.30) feet along said right-of-way line; thence North Zero degrees, Zero minutes, Zero seconds Ten (10) feet along said right-of-way line; thence North Ninety degrees, Zero minutes, Zero seconds East (N 90°-00'-00" E) Eighty and seventy-six hundredths (80.76) feet along said right-of-way line to the center of White River; thence North Eight degrees, Thirty minutes, Zero seconds West (N 08°-30'-00" W) One hundred ninety and eighty-five hundredths (190.85) feet along said river; thence North Thirty-one degrees, Twenty minutes, Fifty-five seconds West (N 31°-20'-55" W) Two hundred twenty-two and eight hundredths (222.08) feet along said river to the Southerly right-of-way line of the Norfolk and Southern Railroad; thence South Forty-seven degrees, Fifty-three minutes, Zero seconds West (S 47°-53'-00" W) Four hundred forty and forty-nine hundredths (440.49) feet along said Southerly line to the point of beginning of a curve said curve having a radius of Two thousand nine hundred fourteen and seventy-nine hundredths (2914.79) feet; thence South Forty-eight degrees, Twenty minutes, Thirty-three seconds West (S 48°-20'-33" W) Forty-six and seventy-two hundredths (46.72) feet along the chord of said curve to the Easterly line of the Chesapeake and Ohio Railroad; thence South Fifty-three degrees, Forty-seven minutes, Fifty seconds East (S 53°-47'-50" E) One hundred thirteen and thirty-five hundredths (113.35) feet to the point of beginning containing Two and sixty-five hundredths (2.65) acre, more or less, except the railroad switches described in Deed Record 195, pages 182-183, Deed Record 201, pages 112-114, Deed Record 252, pages 177-180 and Deed Record 443, pages 331-333, records of Delaware County, Indiana, which contain 0 12 acres, more or less and leaving after said exception Two and fifty-three (2.53) acres, more or less.

*MD*



Oct. 14. 2008 3:30AM

No. 1766 P. 7/10

File No: 240895

**EXHIBIT A - LEGAL DESCRIPTION****Parcel B**

A part of the Northwest Quarter (NW ¼) of Section Fourteen (14), Township Twenty (20) North, Range Ten (10) East in the City of Muncie, Delaware County, Indiana described as follows: Commencing at the Northwest corner of the Northwest Quarter (NW ¼) of Section Fourteen (14), Township Twenty (20) North, Range Ten (10) East; thence North Ninety degrees, Zero minutes, Zero seconds East (N 90°-00'-00" E) Nine hundred four and eight hundredths (904.08) feet; thence South Zero degrees, Zero minutes, Zero seconds (00°-00'-00") Twenty-five (25.00) feet to the point of beginning, said point being the point of intersection of the Easterly right-of-way line of the Chesapeake and Ohio Railroad with the Southerly right-of-way line of Jackson Street; thence South Fifty-three degrees, Forty-seven minutes, Fifty seconds East (S 53°-47'-50" E) One hundred twenty-seven and thirty-five hundredths (127.35) feet along the Easterly line of said railroad to the point of beginning of a curve, said point being North Thirty-six degrees, Twelve minutes, Ten seconds East (N 36°-12'-10" E) Eight hundred sixty-eight and fifty-one hundredths (868.51) feet from the radius of said curve; thence Southeasterly One hundred forty-five and eighty hundredths (145.80) feet along said curve to a point that is North Forty-five degrees, Forty-nine minutes, Eighteen seconds East (N 45°-49'-18" E) Eight hundred sixty-eight and fifty-one hundredths (868.51) feet from the radius of said curve; thence North Forty-five degrees, Forty-nine minutes, Eighteen seconds East (N 45°-49'-18" E) Twenty (20.00) feet to a point on a second curve; thence Southeasterly One hundred eighty and seventy-three hundredths (180.73) feet along said second curve to a point that is North Fifty-seven degrees, Twenty-eight minutes, Thirty-four seconds East (N 57°-28'-34" E) Eight hundred eighty-eight and fifty-one hundredths (888.51) feet from the radius of said second curve and on the Northerly right-of-way line of the Penn Central Railroad; thence North Eighty-seven degrees, Twenty-nine minutes, Forty-four seconds East (N 87°-29'-44" E) Seventy-eight and sixty-five hundredths (78.65) feet along said Northerly right-of-way line to the center of White River; thence North Eleven degrees, Fifty minutes, Zero seconds West (N 11°-50'-00" W) Two hundred fourteen and ninety-two hundredths (214.92) feet along said river to the Southerly right-of-way line of Jackson Street; thence South Ninety degrees, Zero minutes, Zero seconds West (S 90°-00'-00" W) Eighty-two and seventy-eight hundredths (82.78) feet along said right-of-way line; thence North Twelve degrees, Fifty-one minutes, Thirty-three seconds West (N 12°-51'-33" W) Eighty-six and seventy-two hundredths (86.72) feet along said right-of-way line; thence South Ninety degrees, Zero minutes, Zero seconds West (S 90°-00'-00" W) Two hundred seventy-one and thirty-seven hundredths (271.37) feet to the point of beginning, containing One and twenty-two hundredths (1.22) acres, more or less, except railroad switches described in Deed Record 195, pages 182-183, Deed Record 201, pages 112-114, Deed Record 252, pages 177-180 and Deed Record 443, pages 331-333, Records of Delaware County, Indiana, which contain Three hundredths (0.03) of an acre, more or less, and leaving One and nineteen hundredths (1.19) acres, more or less.

**Parcel No. 1**

Beginning at a corner in the right of way line Seventy (70) feet Northeasterly and radially from the center line of the main tract at station Five thousand three hundred ninety-eight and forty-eight hundredths (5398.48), more or less; thence Southeasterly along right of way line One hundred ten (110) feet; thence Southwesterly Forty-five (45) feet; thence Northwesterly parallel with and Twenty-five (25) feet from the center line of main tract Ninety (90) feet, more or less, to a point Six and five tenths (6.5) feet from the center line of Tract No. 97; thence Northwesterly parallel with and Six and five tenths (6.5) feet from the center line of Tract No. 97, Seventy (70) feet to a point in the right of way line; thence Southeasterly along the right of way line Fifty-five (55) feet, more or less, to a corner; thence Northeasterly Twenty (20) feet to the point of beginning and containing Eleven hundredths (0.11) of an acre, more or less.

**Parcel No. 2**

Beginning at the intersection of the Northeast right of way line and the South line of Jackson Street; thence Southeasterly along the right of way line Two hundred six (206) feet, more or less, to a point Six and five tenths (6.5) feet from the center line of Tract No. 97; thence Southeasterly parallel with and Six and five tenths (6.5) feet from the center line of tract No. 97, Fifty-five (55) feet, more or less, to a point Twenty-five (25) feet from the center line of the main tract; thence Northwesterly parallel with and Twenty-five (25) feet from the center line of the main tract Two hundred forty-eight (248) feet, more or less; thence Northerly Twenty (20) feet to a point in the South line of Jackson Street; thence Easterly along the street line Fifteen (15) feet, more or less, to the point of beginning and containing 0.13 of an acre, more or less.