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ORIGINAL

RESOLUTION NO. 2021-028

A RESOLUTION OF THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS MAKING A FINAL DETERMINATION TO TRANSFER REAL PROPERTY TO A NONPROFIT ENTITY PURSUANT TO I.C. 36-1-11-1 *ET SEQ.*

WHEREAS, the Board of Commissioners of Delaware County, Indiana (the "Board of Commissioners") is the county executive of Delaware County, Indiana (the "County"); and

WHEREAS, Ind. Code § 36-1-11-1 *et seq.* sets forth the procedures by which a county executive may transfer property to a nonprofit entity; and

WHEREAS, the Board of Commissioners previously adopted Resolution No. 2021-026 identifying property for which it now desires to transfer to a nonprofit entity to be used for the public good, which said property is also identified on Exhibit A, attached thereto; and

WHEREAS, the Board of Commissioners received written applications from eligible nonprofit entities and, on July 19, 2021, conducted a public hearing to consider all submitted applications and hear any opposition to a proposed transfer of the identified property; and

WHEREAS, having considered the submitted applications and public comments presented at the public hearing, the Board of Commissioners now desires to make a final determination on the transfer of the identified property.

IT IS THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA THAT:

SECTION 1. Having received and considered the applications from nonprofit entities, copies of which are attached hereto, the Board of Commissioners issue the final determination described in Exhibit A, attached hereto, regarding proposed transfer to a nonprofit entity of the property identified in Resolution No. 2021-026.

SECTION 2. The transfer of the identified property shall be completed according to the specific terms and conditions described in the Commissioners' final determination for the identified property attached hereto.


SECTION 3. If the grantee nonprofit entity fails to comply with the terms and conditions of the Commissioners' final determination, title to the subject property shall revert to Delaware County to be retained or disposed of by the Board of Commissioners as permitted by law.


SECTION 4. The President of the Board of Commissioners is hereby authorized to executed all documents necessary to carry out the terms of this Resolution.

PASSED AND ADOPTED ON THIS, THE 19 DAY OF July, 2021
BY THE DELAWARE COUNTY, INDIANA BOARD OF COMMISSIONERS.

DELAWARE COUNTY
BOARD OF COMMISSIONERS


James King, President


Sherry Riggan, Commissioner


Shannon Henry, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

Exhibit A

Final Determination of the Delaware County, Indiana Board of Commissioners

Parcel No.: 18-11-27-376-001.000-003

Common Address: 4701 South Walnut Street
Muncie, Indiana 47302

Legal Description: *Legal description included on following page(s).*

Total Applications Submitted: 1

Application(s) Received From: **INDIANA VETERANS FOUNDATION, INC.**

The above-described property is hereby awarded to _____
and shall be transferred according to the following terms and conditions:

1. The property shall be used only for those purpose(s) described in the grantee's application, which is attached hereto and incorporated herein by reference.
2. The use must be implemented and maintained within _____ days/months/years from the date the grantee receives title to the property.
3. Other terms and conditions (optional): _____

4. Title to the property shall revert to Delaware County if the grantee fails to comply with any of these terms and conditions and the grantee shall execute any and all documents necessary to facilitate this reversion.

Legal Description: A part of the Southwest Quarter of Section 27, Township 20 North, Range 10 East, Delaware County, Indiana, being a part of that property as described in a deed to Duncan and recorded as Instrument Number 2002-4126 in the Office of the Recorder of Delaware County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 27; running thence East on the South line of said Southwest Quarter a distance of 1,538.5 feet; thence North (measured at right angles to the said South line of the Southwest Quarter) a distance of 179.3 feet to a point in the centerline of State Highway Numbered 3; thence Northwesterly on and along the centerline of said State Road Number 3, a distance of 64.15 feet to the Northeast corner of property as described in a deed to Duncan and recorded as Instrument Number 2010R17170, also being the Point of Beginning; thence continuing Northwesterly along said centerline a distance of 463.75 feet to the North line of said Instrument Number 2002-4126; thence West with an interior angle of 109 Degrees 11 minutes along the North line thereof a distance of 231.3 feet; thence South with an interior angle of 88 degrees 58 minutes along the West line thereof a distance of 489.1 feet; thence East with an interior angle of 92 Degrees 25 minutes along the South line thereof a distance of 199.20 feet to the West line of said Instrument Number 2010R17170; thence North along the West line thereof a distance of 100.98 feet; thence East along the North line thereof a distance of 44.63 feet; thence Southeasterly along the Northeasterly line thereof a distance of 135.39 feet to the Point of Beginning, containing 3.2 acres, more or less.

Delaware County Board of Commissioners
Nonprofit Application for County-Owned Real Property

Name of Nonprofit Entity: Indiana Veterans Foundation, Inc.

Description of the Nonprofit Entity's Nonprofit Purposes: See EXHIBIT A, Response 1

Parcel ID of Desired Property: 18-11-27-376-001.000-003

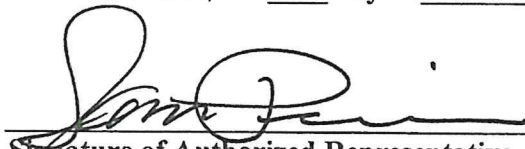
Common Address of Desired Property: 4701 S. Walnut St., Muncie, Indiana 47302

Proposed Use of Desired Property: See EXHIBIT A, Response 2

Time Period for Implementing Proposed Use: See EXHIBIT A, Response 3

By signing below, I hereby affirm that I am a duly authorized representative of the above-referenced Nonprofit Entity and that the foregoing representations are true.

Dated as of this, the 13th day of July, 2021



Signature of Authorized Representative

SAM PIERCE

Printed Name of Authorized Representative

PRESIDENT

Title of Authorized Representative

*** Documentation verifying the nonprofit status of the nonprofit entity must be included with each application. Applications that fail to include documentation verifying the nonprofit entity's nonprofit status will NOT be considered by the Board of Commissioners. ***

Completed applications may be submitted to the Board of Commissioners either in person, or by mail, and must be received on, or before the applicable deadline.

EXHIBIT A

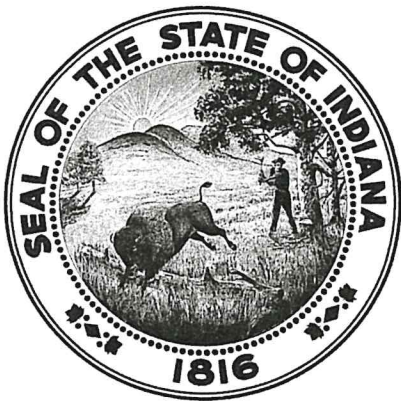
- Response 1: The Foundation operates for the purposes of ensuring that veterans throughout the region have access to residences that are safe, secure, adequate, affordable, comfortable, and commensurate to the sacrifice that all veterans have made to our Country. The Foundation seeks grants, financial pledges, and gifts for the purpose of obtaining, rehabilitating, and constructing adequate housing and living quarters for the benefit and assistance of veterans living in Indiana.
- Response 2: The proposed use of the property is to provide treatment for veterans struggling with PTSD, TBI, drug and alcohol abuse and for homeless veterans. This facility will help mentor veterans struggling with day to day living functions while combating military service-related issues.
- Response 3: The projected time period for implementing the proposed use of the property is approximately two years, with property rights acquisition and site prep beginning immediately, construction beginning by Spring, 2022, and completion of construction in Spring, 2023.

**State of Indiana
Office of the Secretary of State**

**Certificate of Incorporation
of
INDIANA VETERANS FOUNDATION, INC.**

I, CONNIE LAWSON, Secretary of State, hereby certify that Articles of Incorporation of the above Domestic Nonprofit Corporation have been presented to me at my office, accompanied by the fees prescribed by law and that the documentation presented conforms to law as prescribed by the provisions of the Indiana Code.

NOW, THEREFORE, with this document I certify that said transaction will become effective Tuesday, November 17, 2020.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, November 16, 2020.

Connie Lawson

CONNIE LAWSON
SECRETARY OF STATE

202011171436645 / 8788352

To ensure the certificate's validity, go to <https://bsd.sos.in.gov/PublicBusinessSearch>

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
11/16/2020 07:58 AM

ARTICLES OF INCORPORATION

Formed pursuant to the provisions of the Indiana Code.

ARTICLE I - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 202011171436645
BUSINESS TYPE Domestic Nonprofit Corporation
BUSINESS NAME INDIANA VETERANS FOUNDATION, INC.
PRINCIPAL OFFICE ADDRESS 100 W Main St, Muncie, IN, 47305, USA

ARTICLE II - REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE Individual
NAME Joe Rhetts
ADDRESS 112 E Gilbert St, Muncie, IN, 47305, USA
SERVICE OF PROCESS EMAIL

ARTICLE III - PERIOD OF DURATION AND EFFECTIVE DATE

PERIOD OF DURATION Perpetual
EFFECTIVE DATE 11/17/2020
EFFECTIVE TIME 12:01AM

ARTICLE IV - PRINCIPAL(S)

No Principal on record.

ARTICLE V - INCORPORATOR(S)

NAME Joseph Rhetts
ADDRESS 112 E Gilbert St, Muncie, IN, 47305, USA

ARTICLE VI - GENERAL INFORMATION

STATEMENT OF PURPOSE

The Corporation operates for the purposes of ensuring that veterans throughout the region have access to residences that are safe, secure, adequate, affordable, comfortable, and commensurate to the sacrifice that all veterans have made to our Country. The Corporation shall seek grants, financial pledges, and gifts for the purpose of obtaining, rehabilitating, and constructing adequate housing and living quarters for the benefit and assistance of veterans living in Indiana.

TYPE OF CORPORATION

Public benefit corporation, which is organized for a public or charitable purpose

WILL THE CORPORATION HAVE MEMBERS?

No

DISTRIBUTION OF ASSETS

Upon the dissolution of the Corporation, the Directors shall, after paying or making provision for the payment of all liabilities of the Corporation, distribute all of the assets to a corporation that is recognized by the Internal Revenue Service as a 501(c)(3) entity that is exempt from the payment of taxes or its successor, provided its successor is recognized as exempt from taxation. Any such assets not so disposed of shall, upon dissolution, escheat to the State of Indiana for exclusively public purposes.

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE UNDERSIGNED, DESIRING TO FORM A CORPORATION PURSUANT TO THE PROVISIONS OF THE INDIANA NONPROFIT CORPORATION ACT, EXECUTE THESE ARTICLES OF INCORPORATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **November 13, 2020**.

SIGNATURE

Joseph Rhettis

TITLE

Legal Representative

Business ID : 202011171436645

Filing No : 8788352