

RESOLUTION No. R-09- 18

AMENDED AND RESTATED RESOLUTION OF INTEREST FOR PURCHASE OF LAND AND/OR STRUCTURES PURSUANT TO INDIANA CODE 36-1-10.5-5

WHEREAS, the Georgetown Town Council ("Town Council") is interested in purchasing fee simple title and/or easement interests, as required for construction of a waste water treatment plant and appurtenances, in all or portions of certain real estate in Floyd County, Indiana, (the "Property"); and

WHEREAS, the Town Council has previously adopted Resolution R-09- 06 and R-09- 10 concerning its Interest for Purchase of Land and/or Structures Pursuant to Indiana code 36-1-10.5-5; and

WHEREAS, purpose of this amended and restated resolution is to designate the proper record owners of the Property, more particularly described as follows:

TRACT I:

Being a 16.651 acre parcel of land out of the northwest and southwest quarters of section 32, township 2 south, range 5 east, lying all in Georgetown Township, Floyd County, Indiana, more particularly described as follows:

Beginning at the most southern corner of lot 34 of Richland Hills Subdivision, Plat No. 810, being in the northern right of way of Daff Lane; thence with the eastern line of Richland Hills Subdivision the following courses and distances; N 45°35'50" E 38.51 feet; N 40°28'00" E 100.00 feet; N 32°52'18" E 75.66 feet; N 37°35'04" E 199.30 feet; N 44°00'10" E 271.52 feet; N 50°44'26" E 212.74 feet to a point in the southern right of way of State Road 64; thence with said right of way S 73°15'37" E a distance of 261.87 feet to an iron stake found this survey; thence S

11°55'00" W 618.97 feet to a 2 inch iron pipe found this survey;
thence S 81°53'43" W 47.81 feet to a point; thence N 19°51'27" E
180.46 feet to a point; thence N 14°17'00" E 200.00 feet to a point;
thence N 58°00'00" W with an existing fence 115.00 feet to a 2
inch pipe found this survey at the northwest corner of Robert L. &
Susan M. Foreman, Deed Book 188, Page 434; thence S 16°55'40"
W with an existing fence to a fence corner at Foreman's southwest
corner; thence S 23°31'47" W 196.00 feet to a spike in the center
of a gravel roadway; thence N 71°59'07" W with the centerline of
said roadway 172.60 feet to a spike; thence S 12°45'32" W 86.90
feet to an iron pin; thence S 70°59'32" E 67.27 feet to an iron pin;
thence S 05°48'55" W 150.16 feet to a point on the northern
curved right of way of the Southern Railway (66' r/w); thence with
said curved right of way on a long chord of which bears S

76°50'48" W a distance of 115.53 feet to a point; thence continuing with said curved right of way on a long chord of which bears S 65°58'18" W a distance of 855.81 feet to a point; thence continuing with said curved right of way on a long chord of which bears S 60°04'12" W a distance of 421.62 feet to a point; thence leaving said right of way N 00°23'00" E 230.14 feet to a point; thence S 89°54'00" E 64.50 feet to a point; thence N 00°24'00" W 10.00 feet to the southwest corner of Lot 8 of said Richland Hills Subdivision; thence with the eastern line of Richland Hills Subdivision the following courses and distances N 63°35'00" E 165.25 feet; N 63°11'24" E 79.85 feet; N 43°31'30" E 200.25 feet; N 57°34'30" E 101.74 feet; N 74°33'43" E 74.75 feet; N 33°50'30" E 137.40 feet; N 46°40'40" E 97.64 feet; N 51°37'15" E 156.21 feet; N 45°35'50" E 73.24 feet to the beginning, but subject to a 60 foot r/w with the centerline described as follows: beginning at the eastern end of Daff Lane, thence S 48°50" E 218.55 feet to the point of curvature of a circular curve to the right, said curve having a central angle of 36°12' and a radius of 306.00 feet; thence southeasterly along said curve the long chord of which bears S 30°44'03" E a distance of 190.11 feet to a point of tangency; thence S 12°38' E with said centerline 61.32 feet to the northern r/w of the Southern Railway. Also subject to a 20 foot roadway along the eastern line of this tract.

TRACT II:

Being a 1.942 acre parcel of land out of the northwest quarter of section 32, township 2 south, range 5 east, lying all in Georgetown Township, Floyd County, Indiana, more particularly described as follows:

Commencing at a spike at the southwest corner of said northwest quarter, thence S 89°46'23" E with the south line of said

northwest quarter 1876.13 feet to a corner post; thence N $11^{\circ}55'00''$ E 224.75 feet to a point on the curved right of way of the southern railway (66' r/w), said point being the true place of beginning; thence with said curved right of way on a long chord of which bears S $78^{\circ}00'23''$ W a distance of 309.09 feet to a point; thence leaving said right of way N $05^{\circ}48'55''$ E 150.16 feet to an iron pin; thence N $70^{\circ}59'32''$ W 67.27 feet to an iron pin; thence N $12^{\circ}45'32''$ E 86.90 feet to a spike in the center of a gravel roadway; thence S $71^{\circ}59'07''$ E with the centerline of said gravel roadway 172.60 feet to a spike; thence N $23^{\circ}31'47''$ E 196.00 feet to a fence corner; thence S $58^{\circ}00'00''$ E with an existing fence 115.00 feet to a point; thence N $81^{\circ}53'43''$ E 47.81 feet to a 2 inch iron pipe found this survey; thence S $11^{\circ}55'00''$ W 269.76 feet to the beginning.

Also subject to a 20 foot roadway easement along the existing roadway thru this tract as now traveled.

Also the right to use for purposes of ingress and egress to and from State Road 64 a 20 foot roadway easement, as now traveled to the northeastern portion of this tract.

TRACT III

Part of the Southwest Quarter of Section 32, Township 2 South, Range 5 East, beginning at the Northwest corner of the Southwest Quarter of said section; thence South 0 deg. 05 min. West 166.98 feet to a point; thence due East 343.2 feet to a point; thence South 0 deg. 15 min. West 1826.88 feet to a point; thence

North 89 deg. 35 min. East 240.9 feet to a point; thence North 2 deg. 10 min. East 66 feet to a point; thence North 69 deg. 45 min. East 891 feet; thence North 24 deg. 30 min. East 87.78 feet thence North 88 deg. 55 min. East 486.2 feet; thence North 45 deg. East 158.4 feet; thence North 77 deg. East 224.4 feet; thence North 0 deg. 10 min. West 41.25 feet, North 77 deg. East 9.9 feet; thence North 0 deg. 10 min. West 1308.78 feet to the quarter section line; thence North 89 deg. 55 min. West along the quarter section line 2265.78 feet, to the beginning, containing 75.4 acres.

EXCEPTING HOWEVER THEREFROM the following tracts:

(a) The right-of-way of the Southern Railroad running through both of the above-described tracts.

(b) The one acre tract conveyed by Edward C. Foreman and Lillian D. Foreman, husband and wife, to Robert L. Foreman and Susan M. Foreman, husband and wife, by Deed dated May 13, 1968 and recorded in Deed Record 188, Page 434 in the office of the Recorder of Floyd County, Indiana, together with the right to use a private road running from the Southeast corner of said one acre tract Northwardly to State Road No. 64.

(c) The 1.83 acre tract conveyed by Edward C. Foreman, Sr. and Lillian D. Foreman, husband and wife, to David Schadt and Judy Schadt, husband and wife, by Deed dated April 21, 1972 and recorded in Deed Record 205 Page 419 in the Office of the Recorder of Floyd County, Indiana.

(d) A six acre tract, described as follows: A part of the Northwest Quarter of Section 32, Township 2 South, Range 5 East, and being more particularly described as follows:

Commencing at the Southwest corner of said Northwest Quarter, running thence North 0 deg. 10 min. East with the section line 435.233 feet to a railroad spike, the

TRUE PLACE OF BEGINNING. Thence continuing North 0 deg. 10 min. East with said line and the County Line Road 502.65 feet to a railroad spike in said road; thence North 89 deg. 35 min. 56 sec. East 519.964 feet to an iron pin; thence South 0 deg. 10 min. East 502.65 feet to an iron pin; thence South 89 deg. 35 min. 56 sec. West 519.964 feet to the POINT OF BEGINNING, containing 6.00 acres. Subject to the right-of-way of said County Line Road.

(e) EXCEPTING HOWEVER THEREFROM the following lots in Richland Hills Subdivision, Plat No. 810 of the Floyd County, Indiana Records:

Lots 1, 2, 3, 4, 6, 8, 10, 14, 23, 25, 27, 28, 29, 30 and 31 of Richland Hills Subdivision, Plat No. 810.

EXCEPTING ALSO THEREFROM the roadway known as Richland Drive in Richland Hills Subdivision, Plat No. 810 heretofore conveyed to the town of Georgetown.

Tract IV:

Part of the northwest quarter of Section 32, Township 2 South, Range 5 East, in Georgetown Township, Floyd County, Indiana, being a triangular parcel situated south of the right of way of the railroad in the northwest quarter and north of the south line of said northwest quarter, as shown in the cross hatched area south of the railroad in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, such real estate is also collectively depicted in the diagram provided in Exhibit "A," attached hereto and made a part hereof, and the record owner of Tract I is Youtsey Property, LLC, and the owner of Tracts II, III and IV is Timothy Youtsey.

NOW THEREFORE, BE IT HEREBY RESOLVED, the Town Council is interested in acquiring fee interests and appurtenances in and to all or portions of Tracts I, II, III, and IV; and

NOW THEREFORE, BE IT HEREBY RESOLVED, the Town Council does appoint Mills, Biggs, Haire, and Reisert as primary appraiser and authorizes them to coordinate review appraisals as required by the Uniform Relocation Act; and

NOW THEREFORE, BE IT HEREBY FURTHER RESOLVED, the Town Council authorizes engagement of a secondary appraiser in the event that federal funds are not used for the acquisition of the property; and

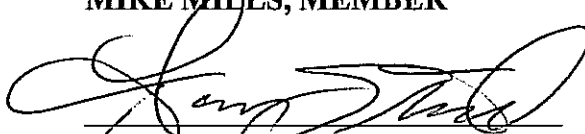
NOW THEREFORE, BE IT FURTHER RESOLVED, that the Town Council is interested in the above described real estate for purposes of acquiring fee simple title and/or easement interests, as required for construction of a waste water treatment plant and appurtenances.

Adopted by the Town Council of the Town of Georgetown, Indiana, this 23 day of SEPTEMBER 2009.



BILLY STEWART, PRESIDENT

MIKE MIDLS, MEMBER



AARON STRIEGEL, MEMBER



EVERETT PULLEN, MEMBER



KARLA PERKINS, MEMBER

ATTEST:



DOUGLAS COOK, CLERK/TREASURER

Exhibit "A"
Property Diagram

