BOARD OF PUBLIC WORKS AND SAFETY

Regular Meeting July 6, 2015

The regular meeting of the Board of Public Works and Safety of the City of Shelbyville, Indiana, was held in the Council Chambers of City Hall on Monday, July 6, 2015, at 5:30 P.M. All members were present, and Mayor DeBaun presided.

Mr. Williams moved to approve the minutes of the previous meeting held on June 30, 2015, and Mr. Finkel seconded. The motion was carried on a 3-0 voice vote.

Mr. Finkel moved to approve the claims as presented, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

There was no old business.

Under new business, Mayor DeBaun said there were two Resolutions to review tonight. The first was Resolution No. 2015-3, whereby Brazeway, Inc. asked if the City would quit-claim all rights, title, and interest to an abandoned railroad right-of-way, situated along property owned by Brazeway, Inc. There being no discussion or questions, Mr. Finkel moved to approve the Resolution, and Mr. Williams seconded. The motion was carried on a 3-0 voice vote.

On Resolution No. 2015-4, the City requests to transfer all rights, title, and interest that the City currently possesses on its parking lot for use in the North Harrison Senior Apartment Project. The City wishes to transfer the rights to Shelby County Development Corporation, which is assisting the City and the developer on this project. Mr. Williams moved to approve the Resolution, and Mayor DeBaun seconded. The motion was carried on a 2-0-1 voice vote, with Mr. Finkel abstaining.

Mr. Finkel wanted to give the Board's condolences to the family of former City employee Ron Eakins, who was tragically killed in a motorcycle accident late last week.

There being no further business, Mr. Williams moved to adjourn.

Thomas D. DeBaun
Mayor

ATTEST:

Frank M. Zerr
Clerk-Treasurer

RESOLUTION NO. 2015-3

RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF SHELBYVILLE, INDIANA APPROVING A QUIT-CLAIM OF PROPERTY

WHEREAS, Indiana Code 36-1-11-11 authorizes the execution of a deed or other instrument to resolve a not frivolous dispute concerning the City's interest in property or to facilitate the establishment of title to any property;

WHEREAS, a dispute exists as to the ownership of certain abandoned railroad right-of-way situated in or along property owned by Brazeway, Inc.;

WHEREAS, the Mayor and this Board consider the dispute to be not frivolous; and

WHEREAS, it would facilitate the establishment of title to the property, for the City to quit-claim its interest, if any, in the disputed property to Brazeway Inc.;

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED by the City of Shelbyville, Indiana, as follows:

1. The City of Shelbyville shall quit-claim all rights, title and interest that the City currently possesses in certain railroad right-of-way, to Brazeway Inc. Said right-of-way is more particularly described as follows:

A part of the Southeast and Southwest quarters of Section 7, Township 12 North, Range 7 East, Addison Township Shelby County Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the said Southeast quarter section, thence South 89 degrees 40 minutes 40 seconds West, (Bearings based on NAD 83, Indiana East, State plane Coordinates), along the South line of the said Southeast quarter section a distance of 2509.43 feet to a point of intersection with the Southerly projection of the West Right-of-way of Lincoln Street per the Plat of the Shelby Heights Addition to the City of Shelbyville, Indiana, Recorded in Plat Book 4, Pages 32 & 33; thence North 00 degrees 04 minutes 30 seconds East, along the said line a distance of 194.42 feet to the point of intersection with the centerline of the now abandoned 30 foot wide railroad right-of-way as described in deed record book 119, page 32-35 recorded in the Shelby County Recorder's Office, said point being the point of beginning of the tract herein described; thence with the center line of the said railroad along a curve turning to the right with an arc length of 456.57', with a radius of 573.60', with a chord bearing of North 22 degrees 42 minutes 58 seconds West, with a chord length of 444.61'; thence North 00 degrees 05 minutes 13 seconds East, along the centerline of the said railroad a distance of 245.92 feet to a point of intersection with the Easterly projection of the North right-of –way line of Virginia Street per the plat of the Bungalow Park Addition to the City of Shelbyville, Indiana, Recorded in Plat Book 4, Pages 52; thence North 51 degrees 31 minutes 52 seconds West, along the said line a distance of 19.13 feet to a point on the West right-of-way line of the said railroad, being the East line of the said Bungalow Park Addition to the City of Shelbyville; thence North 00 degrees 05 minutes 14 seconds East, along the West right-of-way line of the said railroad a distance of 403.36 feet to a point of intersection with the Easterly right-of-way line of State Road 44 as established per the ROW Plans for project #(STP-068-4(010)); thence North 36 degrees 41 minutes 41 seconds East, along the said State Road 44 right-of-way a distance of 0.73 feet to a Powell capped rebar; thence North 53 degrees 46 minutes 05 seconds East, along the said State Road 44 right-of-way a distance of 36.70 feet to a point of intersection with the East right-of-way line of the said railroad;

thence South 00 degrees 05 minutes 14 seconds West, along the East right-of-way line of the said railroad, being the West line of a un-dimensioned alley per the plat of the said Shelby Heights Addition to the City of Shelbyville a distance of 683.47 feet; thence along the said line with a curve turning to the left with an arc length of 429.74', with a radius of 558.60', with a chord bearing of South 21 degrees 57 minutes 09 seconds East , with a chord length of 419.22' to the point of intersection with the West line of the said Lincoln Street; thence South 00 degrees 04 minutes 30 seconds West, along the West line of the said Lincoln Street a distance of 21.27 feet to the point of beginning, containing 0.529 acres more or less and being subject to any and all easements, right of ways and restrictions.

2. The Mayor and/or his designee may execute any documents necessary to effectuate the terms of this Resolution.

Adopted this 6th day of July, 2015, by the City of Shelbyville, Indiana by and through its Board of Public Works and Safety.

Tom DeBaun, Mayor

Robert Williams, Member

David Pinkel, Member

Attest:

Frank Zerr, Clerk-Treasurer

RESOLUTION NO. 2015-4

RESOLUTION OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF SHELBYVILLE, INDIANA APPROVING A PROPERTY TRANSFER TO SCDC

WHEREAS, this Board has previously passed Resolution No. 2013-1 and 2014-5, expressing the City's desire to transfer ownership of a City parking lot for use in the North Harrison Senior Apartment Project;

WHEREAS, the Shelby County Development Corporation is assisting the City and the developer with this Project;

WHEREAS, the Shelby County Development Corporation is an Indiana nonprofit corporation organized for educational, literary, scientific, religious, or charitable purposes that is exempt from federal income taxation under Section 501 of the Internal Revenue Code; and

WHEREAS, IC 36-1-11 does not apply to this transfer of property, pursuant to IC 36-1-11-1(b)(7).;

NOW, THEREFORE, BE IT DETERMINED, ESTABLISHED, AND RESOLVED by the City of Shelbyville, Indiana, as follows:

1. The City of Shelbyville shall transfer all rights, title and interest that the City currently possesses in Parcel No.: 73-07-32-300-095.000-002 to Shelby County Development Corporation. Said parcel is more particularly described as follows:

Lot number five (5) on Harrison Street in the Original Town, now City of Shelbyville.

EXCEPT: Twenty-Two (22) feet off of the entire South end thereof.

2. The Mayor and/or his designee may execute any documents necessary to effectuate the terms of this Resolution.

Adopted this 6th day of July, 2015, by the City of Shelbyville, Indiana by and through its Board of Public Works and Safety.

Tom DeBaun, Mayor

Robert Williams, Member

David Finkel, Member

Attest:

Frank Zerr, Clerk-Treasurer