

RESOLUTION NO. \_\_\_\_ 2021-R-14

***A RESOLUTION OF THE COMMISSIONERS OF DEKALB COUNTY  
APPROVING THE TRANSFER  
OF REAL ESTATE FROM THE COUNTY OF DEKALB  
TO THE CITY OF AUBURN, INDIANA***

***Under Indiana Code Section 36-1-11-8***

***Summary***

This resolution calls for the transfer of certain real estate known as the “County Highway Department” located in Union Township, City of Auburn, County of DeKalb and State of Indiana further described in the attached **Exhibit “A”** to the City of Auburn, Indiana.

The transfer of real estate from DeKalb County, Indiana, to the City of Auburn, Indiana, is made pursuant to Indiana Code Section 36-1-11-8 and both the City of Auburn, Indiana, and the County of DeKalb make this transfer effective by passing substantially identical Resolutions.

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***Under Indiana Code Section 36-1-11-8***

**WHEREAS**, Indiana Code Section 36-1-11-8 states, a transfer or exchange of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of substantially identical Resolutions by each entity. Such a transfer may be made for any amount of real property, cash, or other personal property, as agreed upon by the entities;

**WHEREAS**, the City of Auburn desires to acquire the County Highway Department real estate which is directly adjacent to Eckhart Park for the purpose of expanding access, greenway and to provide connectivity with recreational activities within the County of DeKalb and the City of Auburn, Indiana; and

**WHEREAS**, the County desires to transfer the real estate and has obtained two (2) appraisals establishing value for said real estate; and

**WHEREAS**, it is mutually beneficial for the County and City to collaborate to transfer said real estate; and

**WHEREAS**, DeKalb County agrees to make the transfer of the described real estate in accordance with *Indiana Code 36-1-11-8*, and;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF DEKALB COUNTY, INDIANA, AS FOLLOWS:**

1. The City of Auburn hereby accepts the transfer of real estate described in **Exhibit "A"** from DeKalb County, Indiana, in accordance with Indiana Code Section 36-1-11-8.
2. The City of Auburn, Indiana, shall incur the costs associated with recording the transfer of said real estate.
3. The City of Auburn, Indiana, shall pay the County of DeKalb \$305,000.00 for the transfer of said real estate.
4. The City of Auburn shall pay all costs of closing, recording, and title insurance for said transfer
5. The City of Auburn shall allow the County Highway Department to remain at the property rent free for twenty-four (24) months from the date of closing.
6. The County Highway Department shall be responsible for the costs of insuring said real estate and the cost of utilities until vacating the real estate.
7. The City of Auburn may use the property, if mutually agreed upon by both city and county, prior to the twenty-four (24) month expiration date.
8. Both the City of Auburn and the County of DeKalb make this transfer effective by passing substantially identical Resolutions and shall execute other necessary documents to transfer said real estate and to complete the conditions set forth in the Resolutions.

**NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE  
COUNTY OF DEKALB, INDIANA, PURSUANT TO INDIANA CODE 36-1-11-8 THAT:**


Transfer is made to the City of Auburn, Indiana, of the real estate set forth in Exhibit "A". Said transfer is made for consideration as set out in this Resolution and shall be in full force and effect from and after its passage in an open meeting of the DeKalb County Commissioners in accordance with Indiana Code 36-1-11-8.

**PASSED AND ADOPTED** by the Commissioners of DeKalb County, Indiana, this 24<sup>th</sup> day of May, 2021.

**PASSED AND ADOPTED** by the DeKalb County Commissioners this 24<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
PRESIDENT  
DEKALB COUNTY COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
DEKALB COUNTY AUDITOR

VOTING:

AYE

NAY

William Hartman, *President*

✓


Michael Watson

✓

Todd Sanderson

*ABSENT*

APPROVED AND SIGNED by me this 24<sup>th</sup> day of May, 2021.



PRESIDENT

DEKALB COUNTY COMMISSIONERS

### **Exhibit "A"**

Starting at a point on the East line of Lots #26 and #27 of Spangler's Out Lots to the City of Auburn 173.1 feet South of the intersection of the East line of Lots #26 and #27 of Spanglers Out Lots to the City of Auburn, DeKalb County, Indiana and the South right of way line of the Penn. Central Railroad and from thence as follows: North 82 degrees 50 minutes East 369.15 feet thence South 5 degrees 32 minutes West 319.0 feet to the North bank of Cedar Creek thence Southwesterly along the North bank of Cedar Creek 400 feet thence North 505.0 feet to the place of beginning. Containing 3.1 acres.

Presently and commonly known as 303 E. Ensley Ave., Auburn, IN 46706

And

Beginning at the intersection of the East line of Lot #27 of Spangler's Out Lots to the City of Auburn, DeKalb County, Indiana and the South right of way line of the Penn. Central Railroad and from thence as follows: N 63 degrees 30 minutes East 189.2 feet, thence South 26 degrees 30 minutes East 118.0 feet, thence North 54 degrees 50 minutes East 121.28 feet, thence North 63 degrees 30 minutes East parallel with said right of way of Penn. Central Railroad 308.12 feet to the center line of County Road thence S 59 degrees 50 minutes East on center line of said County Road 45.2 feet thence South 63 degrees 30 minutes West 266.0 feet thence South 28 degrees 15 minute West 31 feet thence South 5 degrees 32 minutes West 162 feet thence South 82 degrees 50 minutes West 369.15 feet thence North 173.1 feet to the place of beginning. Containing 1.7 acres.

Presently and commonly known as 306 E. Ensley Ave., Auburn, IN 46706