

RESOLUTION NO. 8, 2025
A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WABASH,
INDIANA AUTHORIZING THE TRANSFER OF PROPERTY TO THE WABASH
COUNTY BUSINESS ALLIANCE FOUNDATION, INC., A 501c3 NOT FOR PROFIT
ENTITY

WHEREAS, the City of Wabash, Indiana (the "City") is a political subdivision of the State of Indiana (the "State") and is duly organized and existing under the Constitution and laws of the State; and

WHEREAS, pursuant to applicable law, to-wit Indiana Code 36-1-11-1(b)(7) the City is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the City, as the same may be authorized by the City Council (the "Council"), the legislative body for the City; and

WHEREAS, there is certain real property located in Wabash County, Indiana, and is more particularly described as follow, to-wit:

See Attached Legal Descriptions

Except therefrom that portion of Parcel # 85-14-201-021.000-009 on which the extension of the trail loop is located which exception is to be more completely determined by a survey at the time of the conveyance of the property as hereinafter provided, and

Which parcels are more commonly known as 537 S. Wabash Street and 129 E. Fulton Street Wabash, IN 46992, hereinafter the "Property;" and

WHEREAS, the City the property was originally donated to the City by the Wabash County Business Alliance Foundation, Inc. (the "Foundation"); and

WHEREAS, the Foundation was the recipient of a an anonymous donation in an amount sufficient for the acquisition of the Property which had been a car dealership, body shop, towing service and junk yard whose buildings were abandoned and unsafe, and whose premises contained numerous environmentally hazardous and dangerous materials; and

WHEREAS, the Property was donated to the Foundation for with the understanding that the Property would be further transferred to the City for the purpose of being cleared of the dilapidated and unsafe structures and abandoned vehicles, and cleaned of environmental hazards; and

WHEREAS, the City has cleared the Property of dilapidated and unsafe structures, and is in the process of having it cleaned of any environmental hazards, all of which was done either by the City's own personnel or through grants under established programs of the Indiana Department of Environmental Management ("IDEM"), without significant cost to the City; and

WHEREAS, Council has determined that most practical and economical way of developing the property consistent with the intent of the anonymous donor once the Property has been given a No Further Action letter from IDEM is to transfer the property back to the Foundation which is able and prepared to develop convey the property to a developer willing to develop the property in a manner that meets the needs of the City and the goals of the Foundation; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wabash, Indiana, as follows:

Section 1. The disposition, by deed, of the Property from the City to the Foundation for no consideration to occur only upon IDEM giving a letter of No Further Action or other similar approval of the cleanup of the site pursuant to the grants and agreements under which cleanup is now being conducted is hereby approved.

Section 2. The City Executive (hereby an "Authorized Representative"), acting on behalf of the City, is hereby authorized, individually, with the advice of counsel, to negotiate, enter into, execute, and deliver such documents relating to disposition of the Property as the Authorized Representative deems necessary and appropriate at the appropriate time as set forth herein. All other related contracts and agreements necessary and incidental to the disposition of the Property are hereby authorized.

Section 3. This Resolution shall be effective as of the date the passage.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WABASH, INDIANA THIS 23rd DAY OF JUNE 2025 by a vote of _____ in support and ____ against.

By: _____
John Burnsworth, President of the Common Council

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WABASH ON THE 23RD DAY OF JUNE 2025 AT THE HOUR OF _____ O'CLOCK ____ M.

Melanie Givens Penn, Clerk-Treasurer

THIS ORDINANCE WAS APPROVED AND SIGNED ON THE 23RD DAY OF JUNE 2025 AT THE HOUR OF ____ O'CLOCK ____ M.

Scott A. Long, Mayor

ATTEST:

Melanie Givens Penn, Clerk-Treasurer

