

RESOLUTION NO. 2019- 005

**RESOLUTION/INTERGOVERNMENTAL AGREEMENT ACCEPTING TRANSFER
OF 17C ROAD FROM MARSHALL COUNTY THEREBY EXTENDING WEST
JEFFERSON STREET IN THE TOWN OF CULVER, INDIANA**

WHEREAS, I.C. 36-1-11-8 permits and establishes a procedure for the transfer or exchange of property between governmental entities; and

WHEREAS, the Town of Culver has annexed land that lies west of the town limits on 17C Road and wishes to extend West Jefferson Street to the annexed parcels as well as to Highway 17 so as to serve as a gateway to the Town; and

WHEREAS, Marshall County, Indiana, desires to transfer a portion of 17C Road to the Town of Culver, Indiana; and

WHEREAS, the Town of Culver is willing to enter into an Intergovernmental Agreement between Marshall County and the Town of Culver so as to provide that the Town of Culver shall hereafter be responsible for the maintenance, repaving and repair of the former 17C Road from Highway 17 to the town limits.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF CULVER that all of 17C Road lying between Indiana Highway 17 and the town limits, including that portion of 17C road described with the description below that is accepted by the Town of Culver, Indiana, shall become right-of-way for which the Town of Culver shall have total control and be responsible for the maintenance, repaving, and repair under the following terms and conditions:

1. The Marshall County Board of Commissioners is transferring a portion of 17C Road but makes no warranty or guarantee as to the condition, and the Town of Culver agrees to accept the road in "as is" condition.

2. The transfer of the road is for \$1 consideration but the Town of Culver agrees to pay any and all other fees and costs to effect and complete the transfer of such roadway.

See Exhibit A for designation of road transferred herein.

3. The portion of the county road currently connects with the Town's street known as West Jefferson Street. The Town agrees to maintain said transferred roadway and extend West Jefferson Street over said transferred roadway.

4. In exchange for the transfer of portions of 17C Road to the Town of Culver and as part of this Resolution and as part of this Intergovernmental Agreement, the Town of Culver shall be wholly responsible for the maintenance, repaving and repair of the entire stretch of 17C Road to become West Jefferson Street from Indiana Highway 17 to the town limits.

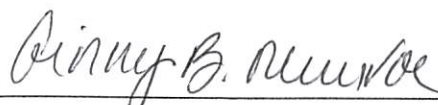
5. Marshall County is adopting a similar resolution and is entering into the same Interlocal Cooperative Agreement as set out herein. This Agreement in part is an interlocal cooperative agreement for services, under I.C. § 36-1-7-2 and I.C. § 36-1-7-12, which does not require administration of the Agreement by a separate legal entity or joint board, nor does it require the approval of the Indiana Attorney General.

6. Both Marshall County and the Town of Culver will record this Resolution and Interlocal Cooperative Agreement.

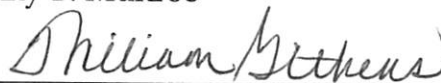
BE IT FURTHER RESOLVED, that the Town Board of Culver accepts the described portion of 17C Road transferred from the Marshall County Commissioner to the Town of Culver, Indiana, for its use under the terms and conditions set forth herein.

ADOPTED this ____ day of _____, 2019

**TOWN COUNCIL
TOWN OF CULVER, INDIANA**



Ginny B. Munroe



William Githens

Joel Samuelson



Rich West



William Cleavenger

STATE OF INDIANA)
) SS:
COUNTY OF MARSHALL)

BEFORE ME, the undersigned Notary Public in and for said County and State, personally appeared the above named Town Council of the Town of Culver, namely, Ginny Bess Munroe, William Githens, Joe Samuelson, Rich West and William Cleavenger, and acknowledged the execution of the above and foregoing to be their voluntary act and deed for the uses and purposes herein set forth.

WITNESS my hand and notarial seal this 13th day of August, 2019.

My Commission Expires:

07/13/2022

Signature

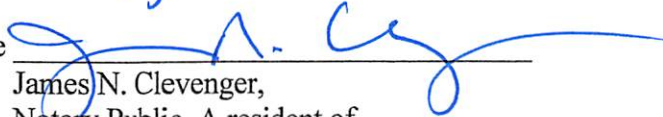

James N. Cleavenger,
Notary Public, A resident of
Marshall County, Indiana

EXHIBIT "A"

All of that portion of 17C Road/West Jefferson Street west of the Culver Town limits to the Northwest corner of the JD One JD Two Inc. parcel except Parcel 50-21-17-000-056.000-013.

And the north half of 17C Road/West Jefferson Street from the Northeast corner of the JD One JD Two Inc. parcel to the west line of Sand Hill Blvd.

