

Resolution No. 5, 2012

**Resolution of the Beech Grove Public Library and City of Beech Grove
Regarding Transfer of an Interest in Real Property**

WHEREAS; the Beech Grove Public Library (the "Library") owns certain real property located on the north side of Main Street across from 11th Avenue, and

WHEREAS; The City of Beech Grove (the City") desires to improve Main Street, which will require the transfer of an interest in a portion of the above-mentioned real property by the Library to the City for the purpose of constructing such improvements; and

WHEREAS; the interest in the property required by the City is a temporary construction easement (the "Interest in Real Estate") and

WHEREAS; Indiana Code 36-12-3-5 (b) provides that the library board may (1) sell (2) exchange; or (3) otherwise dispose of real property no longer needed for library purposes in accordance with IC 36-1-11: and

WHEREAS; Indiana Code 36-1-11-8 authorizes the transfer of real property between governmental entities "upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity", and

WHEREAS; the City desires that the library board authorize the transfer of the Interest in Real Estate to the City of Beech Grove; and

WHEREAS; the Library desires that the library board authorizes the transfer of the Interest in Real Estate to the City of Beech Grove as a donation and without compensation.

WHEREAS; the library board approves the transfer of the Interest in Real Estate to the City of Beech Grove as a donation and without compensation; and

BE IT FURTHER RESOLVED THAT the President of the library board of the Beech Grove Public Library has authorized, empowered and directed the execution of any and all documents and to take all action necessary to effect the transfer of the Interest in Real Estate from the Library to the City.

BE IT FURTHER RESOLVED THAT the Common Council of the City of Beech Grove has authorized, empowered and directed the City Attorney to execute any and all documents and to take all action necessary to effect the transfer of the Interest in Real Estate from the Library to the City.

BE IT FURTHER RESOLVED THAT this resolution shall take effect immediately upon approval by the Common Council, and attested by the Clerk Treasurer, and signed by the Mayor.