



HENDRICKS COUNTY BUILDING FACILITIES CORPORATION

MINUTES OF THE AUGUST 19, 2024 MEETING

Hendricks County Government Center
Commissioners' Meeting Room, Suite 140
355 S. Washington Street
Danville, IN 46122

CALL TO ORDER

The Hendricks County Building Facilities Corporation met at 9:00 AM on Monday, August 19, 2024 in the Commissioners' Meeting Room at the Hendricks County Government Center, with the following Hendricks County personnel in attendance:

Brent Shay	Hendricks County Building Facilities Corporation, President
Jeffrey Smallwood	Hendricks County Building Facilities Corporation, Secretary/Treasurer
Mila M. Shaffer	Hendricks County Administration and Public Affairs
Jack Swalley	Hendricks County Facilities Manager

IN THE MATTER OF DETERMINATION OF A QUORUM

Brent Shay opened the Meeting at 9:00 AM with a quorum of two (2) members in attendance. Dan Keers was not in attendance.

IN THE MATTER OF ELECTION OF OFFICERS

Jeffrey Smallwood moved for the 2024 Officers to remain the same as the 2022 Officers: Brent Shay as President, Dan Keers as Vice President, and Jeffrey Smallwood as Secretary/Treasurer. Brent Shay seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF APPROVAL OF MINUTES FROM THE MARCH 1, 2022 MEETING

Jeffrey Smallwood moved to approve the minutes of the March 1, 2022 Hendricks County Building Facilities Corporation Meeting as presented. Brent Shay seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF TOWN OF DANVILLE SANITARY SEWER EASEMENTS

Jack Swalley and Kent Elliott (Banning Engineering) presented the plans for phase 1 of the Town of Danville's sewer upgrades and requested approval of two easement areas on the Hendricks County 4-H Fairgrounds and Conference Center (Exhibit A). Jack Swalley advised he inspected the area and did not see any conflicts.

There was discussion amongst the Building Facilities Corporation, Jack Swalley, and Kent Elliott regarding the matter and if the easements would impact the Fairgrounds sign. Jack Swalley and Kent Elliott confirmed the easements would not impact the sign or any other areas of the property.

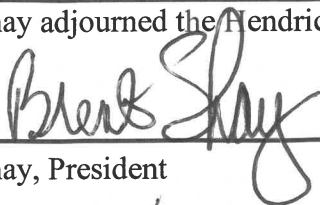
Jeffrey Smallwood moved to approve the request for the easements as presented. Brent Shay seconded the motion and the motion was approved unanimously 2-0-0.

IN THE MATTER OF OTHER BUSINESS

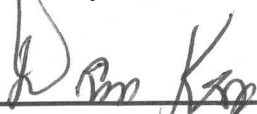
No matters presented.

IN THE MATTER OF ADJOURNMENT

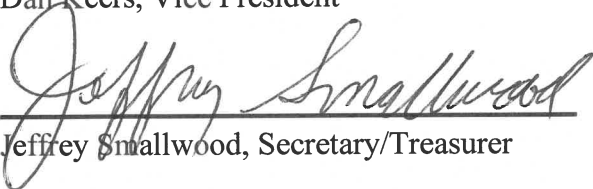
Brent Shay adjourned the Hendricks County Building Facilities Corporation Meeting at 9:10 AM.

A handwritten signature in cursive script, appearing to read "Brent Shay", written over a horizontal line.

Brent Shay, President

A handwritten signature in cursive script, appearing to read "Dan Keers", written over a horizontal line.

Dan Keers, Vice President

A handwritten signature in cursive script, appearing to read "Jeffrey Smallwood", written over a horizontal line.

Jeffrey Smallwood, Secretary/Treasurer

EXHIBIT A

202414651 EASE \$0.00
08/19/2024 10:30:06A 8 PGS
LAURA HERZOG
Hendricks County Recorder IN
Recorded as Presented



SANITARY SEWER EASEMENT

Cross-Reference

This easement encumbers real estate known as parcel number 32-11-02-400-013.000-003 most recently transferred by Commissioner's Deed recorded July 16, 2004 as Instrument Number 200400022471, in the Office of the Recorder of Hendricks County, Indiana.

Grant of Easement

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, Hendricks County Building Facilities Corporation (hereinafter "Grantor") owns certain real estate located in Hendricks County, Indiana, being more particularly described in attached Exhibit "A"; and

WHEREAS, Grantor is willing and desirous of granting to the Town of Danville, Indiana, and its successors and assigns ("Grantee"), a Sanitary Sewer Easement over, upon, across, under and through the real estate more particularly described in attached Exhibit "B" and depicted in attached Exhibit "C" (the "Easement Area") subject to certain terms and conditions contained herein, and Grantee is willing and desirous of accepting such easement on the terms and conditions set forth herein.

NOW THEREFORE, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant unto Grantee a non-exclusive Sanitary Sewer Easement over, upon, across, under and through the Easement Area for the purpose of constructing, installing and maintaining sanitary sewer facilities (the "Sanitary Sewer Facilities"), subject to the following terms and conditions:

1. That this easement shall include the right to enter upon and along the Easement Area and to install, construct, reconstruct, replace, repair, relocate, service, patrol, operate, alter and maintain (collectively referred to as "Operation") the Sanitary Sewer Facilities in the Grantee's discretion.
2. That the Operation of the Sanitary Sewer Facilities within the Easement Area shall be the sole expense of the Grantee.
3. That Grantee shall have the right to cut, trim, control, and remove the growth of trees, shrubbery and other vegetation, so that such growth does not interfere with or threaten or endanger the operation and maintenance of the Sanitary

Sewer Facilities, and Grantee shall have the right of ingress and egress over adjoining premises and lands only when necessary and without doing damage to such adjoining lands, and only for temporary periods as necessary.

4. That the Easement Area shall be returned to a condition as existed prior to any Operation of the Sanitary Sewer Facilities.
5. That Grantor shall not cause or permit any building, structure or other obstruction to be constructed, placed or maintained upon any portion of the Easement Area and shall not alter the contour of the Easement Area nor use or allow the use of the Easement Area in any way that will interfere with or threaten or endanger the operation and maintenance of the Sanitary Sewer Facilities.
6. That any use of or access to all or any portion of the Easement Area by any party other than Grantee shall not hinder or interfere with the rights of Grantee under this Agreement. The Easement Area shall be returned to a condition as existed prior to the use of or access to any portion of the Easement Area by Grantor or a third party. Grantor shall provide Grantee with a minimum of sixty (60) day written notice prior to granting any third-party rights or access to or use of any portion of the Easement Area.
7. That any action to enforce the terms of this Sanitary Sewer Easement shall include attorney's fees and any costs thereof to the successful party.
8. That the easement granted herein shall run with the land and shall be binding on the respective heirs, successors and assigns of Grantor and Grantee.

So granted this 19th day of August, 2024.

Hendricks County Building Facilities Corporation

By:

Title:

Brent Spaul Brent Spaul
President Hendricks County Building Facilities Corp.

STATE OF INDIANA

)

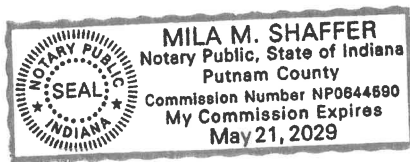
) SS:

COUNTY OF HENDRICKS

)

Before me, a Notary Public in and for said County and State, personally appeared Brent Shay (name), the duly authorized President (title) of Hendricks County Building Facilities Corporation, who acknowledged the execution of the foregoing Temporary Easement for Construction of Sanitary Sewer, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 19th day of August, 2024.



Mila M. Shaffer
SIGNATURE OF NOTARY PUBLIC

Mila M. Shaffer
PRINTED NAME OF NOTARY PUBLIC

COUNTY OF RESIDENCE: Putnam

MY COMMISSION EXPIRES: May 21, 2029

TOWN OF DANVILLE, INDIANA

By:

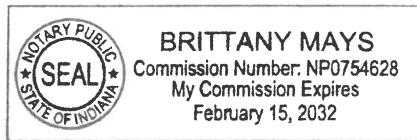
Printed: Mark R. Morgan

Title: Town Manager

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared Mark R. Morgan, Town Manager for the Town of Danville, Indiana, Grantee, who acknowledged the execution of the foregoing Sanitary Sewer Easement, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this day of 19th day of August, 2024.



Brittany Mays
SIGNATURE OF NOTARY PUBLIC
Brittany Mays
PRINTED NAME OF NOTARY PUBLIC
COUNTY OF RESIDENCE: Hendricks
MY COMMISSION EXPIRES: February 15, 2032

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Maile M. Sheffer.

This instrument was prepared by Amy Comer Elliott, Attorney-at-Law, Comer Law Office, LLC, P.O. Box 207, Danville, IN 46122, (317-745-4300).

EXHIBIT "A"

Hendricks County Building Facilities Corporation

A part of the lands described in a certain Trustee's Deed recorded in Instrument Number 200100001936 in the office of the Recorder of Hendricks County, Indiana situated in the East Half of Section 2, Township 15 North of Range 1 West of the Second Principal Meridian in Center Township, Hendricks County, Indiana, described as follows:

All that part of the East half of the southeast quarter of said Section 2 that lies North of the Centerline of United States Highway 36, containing 70.76 acres, more or less. Subject to all highways, rights of way and easements.

EXHIBIT "B"
EASEMENT AREA

Permanent Easement #1

A strip of land in the Southeast Quarter of Section 2, Township 15 North, Range 1 West of the Second Principal Meridian in the Town of Danville, Indiana, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence North 00 degrees 50 minutes 04 seconds West along the east line thereof 337.86 feet to the southeast corner of the land of Hendricks County Building Facilities Corporation described in Instrument Number 200422471 in the Office of the Recorder of Hendricks County; thence South 88 degrees 46 minutes 04 seconds West along the south line thereof 706.68 feet to the southerly extension of the east line of a 20-foot Sanitary Sewer Easement described in Instrument Number 199810667 in said recorder's office; thence North 04 degrees 31 minutes 39 seconds East along said extension and east line 70.36 feet to the north line of a 15-foot Non-Exclusive Utility Easement described in Instrument Number 201927412 in said recorder's office and the POINT OF BEGINNING; thence continue North 04 degrees 31 minutes 39 seconds East along said east line 43.55 feet; thence South 65 degrees 59 minutes 00 seconds East 101.58 feet to the north line of said 15-foot Non-Exclusive Utility Easement; thence South 88 degrees 46 minutes 04 seconds West along said north line 96.24 feet to the POINT OF BEGINNING, containing 0.048 acres, more or less.

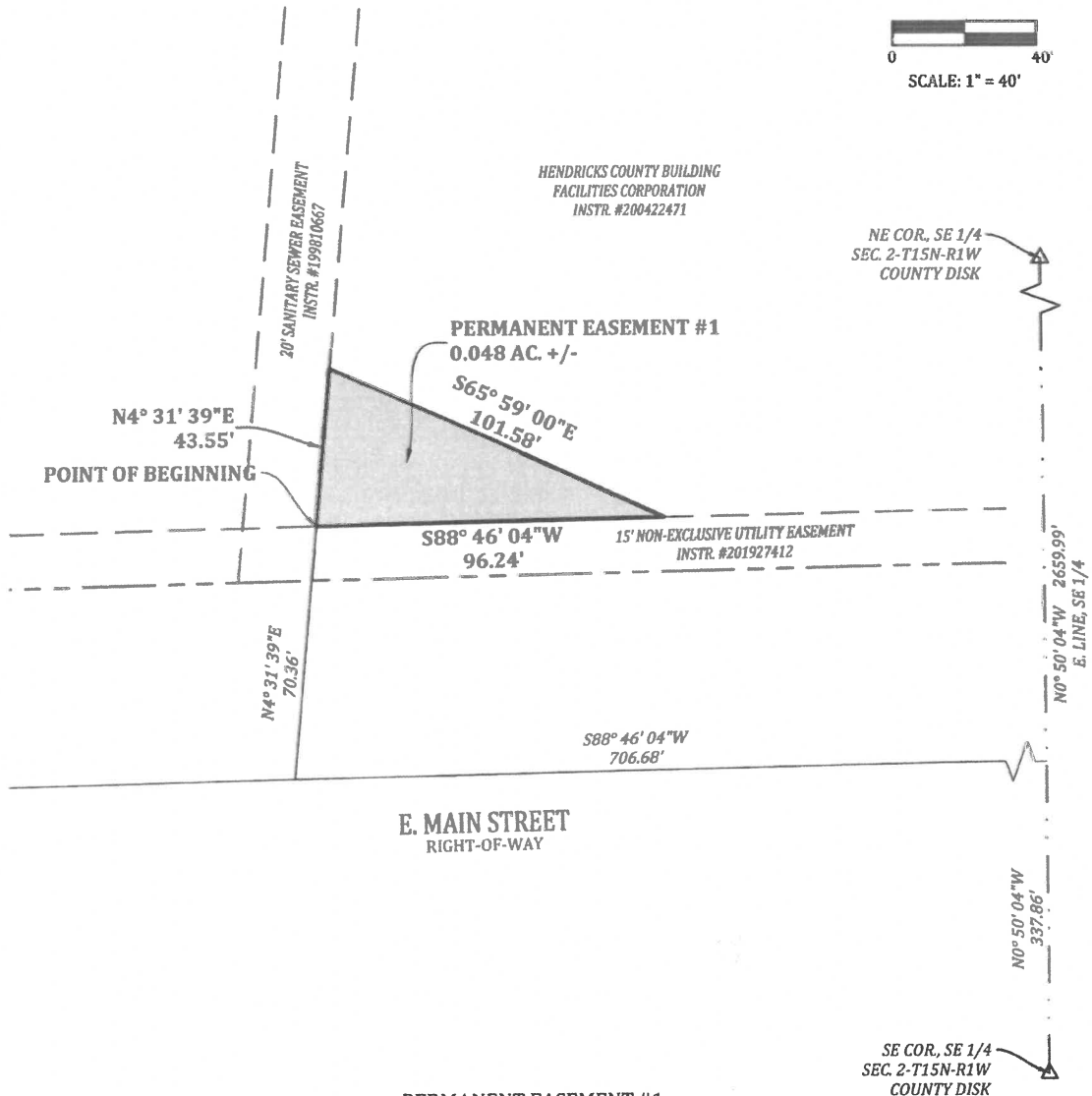
Permanent Easement #2

A strip of land in the Southeast Quarter of Section 2, Township 15 North, Range 1 West of the Second Principal Meridian in the Town of Danville, Indiana, described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence North 00 degrees 50 minutes 04 seconds West along the east line thereof 337.86 feet to the southeast corner of the land of Hendricks County Building Facilities Corporation described in Instrument Number 200422471 in the Office of the Recorder of Hendricks County; thence South 88 degrees 46 minutes 04 seconds West along the south line thereof 71.53 feet to the southerly extension of the west line of a 15-foot Non-Exclusive Utility Easement described in Instrument Number 201927412 in said recorder's office; thence North 00 degrees 41 minutes 41 seconds West along said southerly extension 114.84 feet to the northerly line of said 15-foot Non-Exclusive Utility Easement and the POINT OF BEGINNING (the following three (3) calls are along said northerly line); 1) thence South 50 degrees 18 minutes 25 seconds West 44.80 feet; 2) thence South 77 degrees 03 minutes 12 seconds West 44.54 feet; 3) thence South 82 degrees 58 minutes 21 seconds West 37.64 feet; thence North 49 degrees 09 minutes 02 seconds East 151.45 feet to the west line of said 15-foot Non-Exclusive Utility Easement; thence South 00 degrees 41 minutes 41 seconds East along said west line 55.86 feet to the POINT OF BEGINNING, containing 0.097 acres, more or less.

EXHIBIT "C"

Easement Area #1



0 40'
SCALE: 1" = 40'

JOB # 23053
DATE: 6/12/24
DRAFTED: DM
CHECKED: BR
FAIRGROUNDS PARCEL

PERMANENT EASEMENT #1
PREPARED FOR: TOWN OF DANVILLE
PART OF SEC. 2-T15N-R1W
DANVILLE, HENDRICKS COUNTY, INDIANA

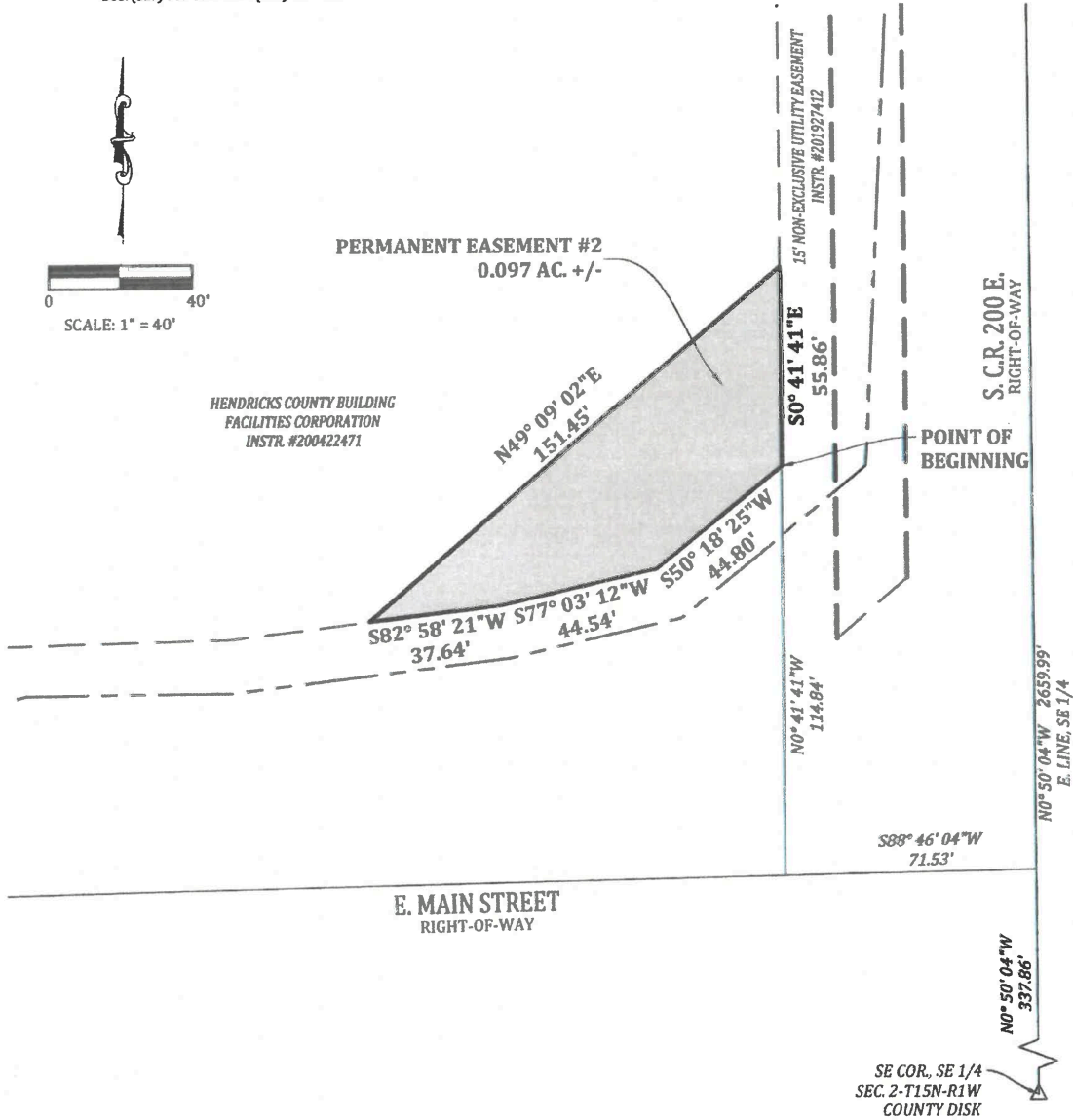
E-MAIL: Banning@BanningEngineering.com WEB: www.BanningEngineering.com

This drawing is not intended to be represented as a retracement or original boundary survey, a route survey or a surveyor location report.

PAGE 1 OF 2

EXHIBIT "C"

Easement Area #2



JOB # 23053
DATE: 6/12/24
DRAFTED: DM
CHECKED: BR
FAIRGROUNDS PARCEL

PERMANENT EASEMENT #2
PREPARED FOR: TOWN OF DANVILLE
PART OF SEC. 2-T15N-R1W
DANVILLE, HENDRICKS COUNTY, INDIANA

E-MAIL: Banning@BanningEngineering.com WEB: www.BanningEngineering.com

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