

**WHITELAND TOWN COUNCIL**

**RESOLUTION NO. 2019-04**

**A RESOLUTION TO AUTHORIZE THE USE OF THE REQUEST FOR PROPOSALS  
PROCEDURE UNDER IND. CODE § 36-1-11-12 FOR THE SALE OF THE LEASE AND  
GRANT OF A 50 YEAR EASEMENT FOR THE CELL TOWER AT 500 U.S. 31 IN  
WHITELAND**

WHEREAS, the Town of Whiteland (the “Town”) has previously approved the sale and assignment of the cell tower Lease (the “Lease”) for the property located at 500 U.S. 31, Whiteland, Indiana (the “Premises”) along with the granting of a 50 year easement, which is in the nature of a lease, (together the “Lease Rights”), by a majority vote on December 11, 2018; and

WHEREAS, in order to utilize the procedure for requesting proposals provided under Ind. Code § 36-1-11-12, the disposing agent of the Premises must issue a written determination that the procedure for seeking bids provided under Ind. Code § 36-1-11-10 is not feasible; and

WHEREAS, SBA TOWERS V, LLC (“SBA”) has provided the Town a substantial offer for the purchase of the Town’s Lease Rights, and the Town desires to issue a request for proposals as provided under Ind. Code § 36-1-11-12; and

WHEREAS, pursuant to Ind. Code § 36-1-11-3, the Town Council has given notice and held a public hearing on the proposed sale of the Lease Rights.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. Selling the Lease Rights is in the best interests of the Town of Whiteland.

Section 2. The bidding procedure provided under Ind. Code § 36-1-11-10 is not feasible because of the following:

- A) The Town’s existing Lease rights and the proposed 50 year easement are unusual property interests and are not well suited for valuing through appraisals;
- B) Over the last several years several companies have expressed interest in buying the Town’s interest in the Lease rights and revenues, which companies are likely to respond to a request for proposals and provide a competitive bidding environment that should provide a more accurate indication of the fair market value of the property interests to be sold, than would appraisals;
- C) Because of the market that exists for the sale of cell tower lease rights and revenues, the request for proposals process should provide the Town with the best terms for selling the Lease Rights;
- D) The request for proposals process will verify whether there are other potential buyers willing to offer terms more favorable to the Town than the terms offered by SBA.

Section 3. The sale of the Lease Rights is approved and Whiteland is authorized to utilize the procedure for requesting proposals provided under Ind. Code § 36-1-11-12 to secure the sale of the Lease Rights.

Section 4. The Council hereby designates Norm Gabehart, Town Manager for Whiteland, as its representative in the fulfillment of the requirements of Ind. Code § 36-1-11-12 and the sale of the Lease Rights, and delegates to him all powers, duties, rights, and responsibilities as the disposing agent of the Lease Rights as contemplated under this Resolution.

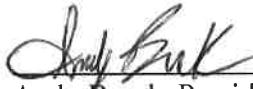
Section 5. This Resolution shall be in full force and effect retroactive to December 11, 2018.

ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 14 day of May, 2019.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor

Voting Opposed

  
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Andy Brock, President

\_\_\_\_\_  
Andy Brock, President

  
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David Hawkins

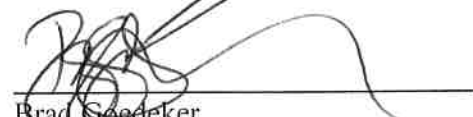
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David Hawkins

  
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Scot Ford

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Joseph Sayler

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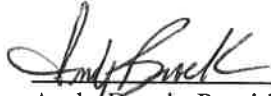
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Brad Goedeker

Attest:

  
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Debra L. Hendrickson, Clerk-Treasurer

**Executive Approval**

I, Andy Brock, President of the Whiteland Town Council, and Executive of the Town of Whiteland, hereby approve of the sale of the Lease Rights and authorize the sale of the Lease Rights under Ind. Code § 36-1-11-12.



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Andy Brock, President and Executive