

**WHITELAND TOWN COUNCIL  
RESOLUTION NO. 2024-06**

**DETERMINATION TO SELL DRAINAGE EASEMENT FOR BRIAR CREEK  
SUBDIVISION**

WHEREAS, the Town of Whiteland (“Town”) Town Council desires to promote the economic development of property in the Town and desires to facilitate compatible land use planning within the Town;

WHEREAS, the Town owns a certain 10.296 acre parcel within the Town identified as Parcel No. 41-05-28-042-011.001-028, consisting of mostly undeveloped property, most of which is located within the flood zone, (the “Town Property”), which is located adjacent to a proposed residential subdivision known as Briar Creek Section 6 (the “Project”), and the developer of the Project has proposed to provide \$65,000 in Town park improvements in exchange for an easement to use an approximately 1.22 acre portion (the “Easement Area”) of the Town’s Property for a drainage easement serving the Project;

WHEREAS, Ind. Code § 36-1-11-5 authorizes the sale of interests in Town property to an abutting landowner if the assessed value of the tract of real property to be sold is less than Fifteen Thousand Dollars (\$15,000) based on the most recent assessment of the tract before it was acquired, and in accordance with certain procedures;

WHEREAS, under Ind. Code § 36-1-11-5(f), if the assessed value of a tract is less than Ten Thousand dollars (\$10,000), based on the most recent assessment of the tract before it was acquired, the disposing agent is not required to have the tract appraised;

WHEREAS, the Town Property was acquired by the Town on April 18, 1988, and consisted of 10.296 acres; the records providing the assessed value of the property at the time the Town acquired the Town Property are no longer available, but the Town Property was most likely assessed as farm ground, and according to the Johnson County Assessor’s Office, farm ground was assessed at \$880/acre for the 2006 Pay 2007 assessment year, which is the oldest available per acre assessed value for farm ground, which would equate to an assessed value of \$9,060 for the 2006 Pay 2007 assessment year (18 years after the Town’s acquisition of the Town Property), which is well below the \$15,000 statutory threshold; and

WHEREAS, the Town Council desires to sell the drainage easement for the Project in accordance with Ind. Code § 36-1-11-5.

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

Section 1. The above recitals of this Resolution, and their findings and determinations, are incorporated herein by reference.

Section 2. In accordance with Ind. Code § 36-1-11-5, the Town Council hereby determines that the highest and best use of the Easement Area, which is more specifically identified on the attached Exhibit A, is the sale of a drainage easement interest in the Easement Area to an abutting landowner (the “Drainage Easement”).

Section 3. The offering price for the Drainage Easement shall be \$9,060, plus all costs associated with the sale, including any appraisal fees, title insurance, recording fees, and advertising costs (the “Offering Price”). The consideration to be paid for the Drainage Easement must equal or exceed the Offering Price, and may be paid by providing the Town with park improvements and or equipment having a current fair market value equal to or exceeding the Offering Price.

Section 4. The Whiteland Director of Administration, with the assistance of the Town Attorney, is hereby delegated authority to do all things necessary, reasonable, or convenient to accomplish the sale of the Drainage Easement in accordance with applicable law, including without limitation, determining the highest and best qualified offeror, establishing the terms of the Drainage Easement, adjusting the boundaries of the Easement Area, if needed, and preparing, issuing, negotiating, and executing all notices, agreements, and documents to facilitate and complete the sale of the Drainage Easement and to otherwise effectuate the intentions of this Resolution, without further action of the Town Council. To the extent necessary or appropriate, the Council President is also authorized to execute all documents to facilitate and complete the sale of the Drainage Easement and to otherwise effectuate the intentions of this Resolution.

Section 5. The notice required to be published under Ind. Code § 36-1-11-5 may be published electronically on the official website of the Town of Whiteland, which is found at [www.townofwhiteland.com](http://www.townofwhiteland.com). The Whiteland Town Manager, or the Whiteland Director of Administration, as the case may be, or their designee, is designated as the Town official responsible for electronic publications, and such official’s name and contact information shall be posted on the Town’s official website.


Section 6. The sections, paragraphs, sentences, clauses, and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this Resolution, and a suitable and equitable provision shall be substituted for such provision in order to carry out, so far as may be valid and enforceable, the intent and purpose of the provision and this Resolution.


Section 7. This Resolution shall be effective immediately upon its passage.

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Adopted this 13<sup>th</sup> day of August, 2024, by a vote of 5 in favor, 0 opposed.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

  
Richard Hill, President

  
Richard Hill


Voting Opposed  
Richard Hill

  
Matthew Tim Brown

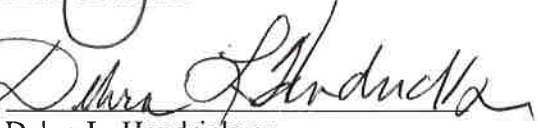
Matthew Tim Brown

  
Joseph Sayler

Joseph Sayler

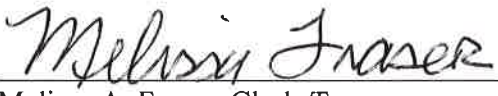
  
Brad Goedeker

Brad Goedeker

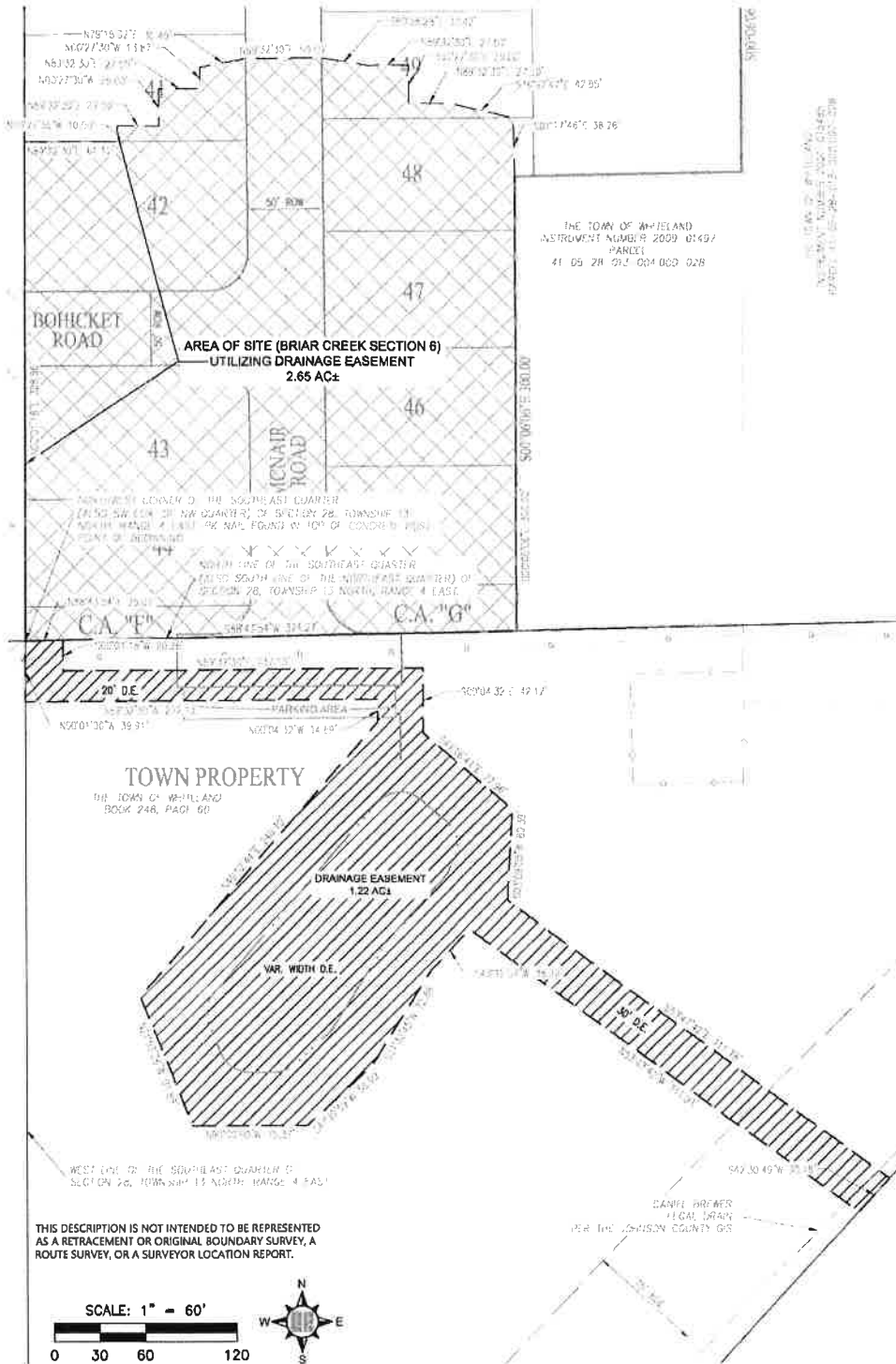
  
Debra L. Hendrickson

Debra L. Hendrickson

Attest:

  
Melissa A. Fraser, Clerk-Treasurer

**EXHIBIT A**  
**Depiction and Legal Description of Easement Area**  
**(Part of Parcel No. 41-05-28-042-011.001-028)**



### Legal Description of Easement Area

A PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN SITUATED IN PLEASANT TOWNSHIP, JOHNSON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER NORTH 88 DEGREES 43 MINUTES 54 SECONDS EAST 25.01 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 18 SECONDS WEST 20.26 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 30 SECONDS EAST 237.13 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 32 SECONDS EAST 42.12 FEET; THENCE SOUTH 49 DEGREES 16 MINUTES 41 SECONDS EAST 77.96 FEET; THENCE SOUTH 03 DEGREES 09 MINUTES 05 SECONDS WEST 60.39 FEET; THENCE SOUTH 53 DEGREES 47 MINUTES 42 SECONDS EAST 311.78 FEET; THENCE SOUTH 42 DEGREES 30 MINUTES 49 SECONDS WEST 30.18 FEET; THENCE NORTH 53 DEGREES 47 MINUTES 42 SECONDS WEST 317.93 FEET; THENCE SOUTH 43 DEGREES 12 MINUTES 54 SECONDS WEST 38.32 FEET; THENCE SOUTH 31 DEGREES 33 MINUTES 45 SECONDS WEST 72.88 FEET; THENCE SOUTH 47 DEGREES 32 MINUTES 59 SECONDS WEST 58.99 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 75.37 FEET; THENCE NORTH 21 DEGREES 53 MINUTES 26 SECONDS WEST 91.89 FEET; THENCE NORTH 40 DEGREES 52 MINUTES 44 SECONDS EAST 240.10 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 32 SECONDS WEST 14.69 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST 232.13 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE ALONG SAID WEST LINE NORTH 00 DEGREES 01 MINUTES 00 SECONDS WEST 39.91 FEET TO THE **POINT OF BEGINNING**, CONTAINING 1.22 ACRES, MORE OR LESS.