

TOWN OF SELLERSBURG
REGULAR TOWN COUNCIL MEETING
316 E. UTICA STREET SELLERSBURG, INDIANA 47172

Agenda for
April 14, 2025 at 6:00 p.m.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

PRAYER:

PLEDGE OF ALLEGIANCE: All Present.

MOTION TO AMEND/ADOPT THE AGENDA AS PRESENTED:

APPROVAL OF MINUTES:

Approval of minutes as submitted by the Clerk-Treasurer.

APPROVAL OF ALLOWANCE CLAIMS:

APPROVAL OF PAYROLL ALLOWANCE DOCKET:

COMMENTS FROM PUBLIC ON AGENDA ITEMS (time limit of 5 minutes per person):

PUBLIC HEARING | PETITION TO VACATE PUBLIC DRAINAGE EASEMENT:

Close Regular Meeting, Open Public Hearing
Close Public Hearing, Reopen Regular Meeting

2025-1 COMMUNITY CROSSING MATCHING GRANT (CCMG) BID AWARD:

ORDINANCES AND RESOLUTIONS:

1. ORDINANCE 2025 – OR – 007: An Ordinance Creating the Sellersburg Redevelopment Authority |
Second Reading
2. RESOLUTION 2025 – R – 001: A Resolution Declaring the Official Intent of the Town Council of the
Town of Sellersburg to Reimburse Expenditures for a Sewage Project.

UNFINISHED BUSINESS:

NEW BUSINESS:

GENERAL COMMENTS FROM THE PUBLIC (limited to 15 minutes total):

RECEIPT OF STAFF REPORTS:

Charlie Smith, Town Manager
Chief Russ Whelan or Assistant Chief Matt Adams
Engineering Status Updates
Jacob “Jake” Elder, Town Attorney

COMMENTS FROM COUNCIL MEMBERSHIP (Good of the Order):

Randall Mobley, District 2
Terry Langford, District 4
Brad J. Amos, District 3
Scott McVoy, District 1
Matthew Czarnecki, At-Large
Michelle Miller, Clerk-Treasurer

ADJOURN:



InSite Real Estate, LLC
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854
Phone: 630-617-9100 | Fax: 630-617-9120 | www.insiterealestate.com

February 28, 2025

VIA OVERNIGHT DELIVERY AND EMAIL

Town of Sellersburg
316 E Utica St
Sellersburg, IN 47172
ATTN: Charlie Smith, Town Manager
Email: csmith@sellersburg.org

Re: Petition to Vacate Public Utility Easement at 8011 County Road 311, Sellersburg, IN 47172

Dear Mr. Smith,

This letter serves as formal petition requesting the vacation of a public drainage easement located at the common address of 8011 County Road 311, Sellersburg, IN 47172 (the "Property"), as legally described on Exhibit A. The property was created by a plat titled Division of Tract 3, Hardy Business Center, Phase 2, recorded with the office of the Clark County Recorder on January 28, 2022 in Plat Book 19, Page 29 as Instrument 202202143 and re-recorded with the office of the Clark County Recorder on March 4, 2022 in Plat Book 19, Page 36 as Instrument No. 202205073 (the "Plat").

The circumstances of the request to vacate the public drainage easement are as follows:

The easement in question was originally granted by the Sprigler Family Limited Partnership (the "Grantor") to the Town of Sellersburg (the "Grantee") via the Plat. The easement was granted as part of the subdivision of Tract 3, Hardy Business Center, Phase 2 into Parcel A and Parcel B, which included various "Easements" as shown on the Plat.

The Deed of Dedication statement on the Plat states:

"There may be strips of ground as shown on this plat and marked 'Easement', reserved for the use of public utilities for the installation of water or sewer mains, drainage, storm sewers, poles, ducts, lines, or wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the right of the public utilities."

During pre-acquisition due diligence, SELLERSBURG, IN (8009 County Road 311) LLC ("InSite") discovered that the "Proposed Drainage Easement" shown on the Plat (the "Public Drainage Easement") contained only a privately operated storm sewer and no other utilities. As part of InSite's development process, the storm sewer was upsized and relocated, and a new private easement was established between the beneficiaries of the private storm sewer.

InSite is now requesting vacation of the Public Drainage Easement, as there is no longer any drainage infrastructure within the Public Drainage Easement, and the Public Drainage Easement impacts InSite's constructed site improvements.

The Public Drainage Easement proposed to be vacated is legally described and depicted on Exhibit B.

The names and addresses of all owners of land that abut the Public Drainage Easement proposed to be vacated are included on Exhibit C.

Once this petition is received, please advise if the City will be sending notice of a City Council Meeting by certified mail to each owner of land that abuts the Property, or if InSite should prepare the notice. Should you have any questions, please do not hesitate to reach out at my contact information below.

Thank you,

Sean Graham
Project Manager
(630) 592 – 3203
sgraham@insiterealestate.com

EXHIBIT A:

Parcel B of the plat of the Division of Tract 3, Hardy Business Center, Phase 2 as set forth on the Plat thereof recorded January 28, 2022 in Plat Book 19, Page 29 as Instrument 202202143 and re-recorded March 4, 2022 in Plat Book 19, Page 36 and as Instrument No. 202205073.

More particularly described as:

Being Parcel B of the plat of the Division of Tract 3, Hardy Business Center, Phase 2 as set forth on the Plat thereof recorded January 28, 2022 in Plat Book 19, Page 29 as Instrument 202202143 and re-recorded March 4, 2022 in Plat Book 19, Page 36 and as Instrument 202205073, described as follows.

Beginning at the south corner of said Parcel B; thence N 60°43'18" W 229.35 feet along the southwest line of said parcel to a steel pin at the west corner of said parcel; thence N 14°08'53" E 64.55 feet along the northwest line of said parcel to a steel pin; thence S 60°23'15" E 20.00 feet along the northwest line of said parcel to a steel pin; thence N 14°08'53" E 144.62 feet along the northwest line of said parcel to a steel pin at the north corner of said parcel; thence S 75°51'07" E 202.12 feet along the northeast line of said parcel to a MAG nail at the east corner of said parcel; thence S 14°08'53" W 263.70 feet along the southeast line of said parcel to the point of beginning.

EXHIBIT B

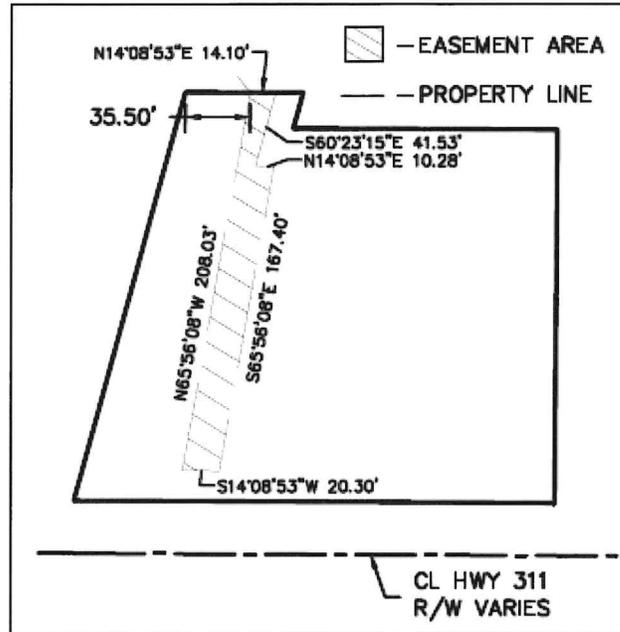


EXHIBIT OF EXISTING 20' DRAINAGE EASEMENT
AS SHOWN IN PLAT BOOK 19, PAGE 29
(TO BE VACATED)
N.T.S.

DESCRIPTION OF EXISTING 20' DRAINAGE EASEMENT

A part of Parcel B of the Division of Tract 3, Hardy Business Center, Phase 2 as shown in Plat Book 19, Page 36 of the Clark County, Indiana records, said easement depiction being prepared by Christopher Howell, R.S. #20600006, of Paul Primavera and Associates, Job #23-24729 and being described as follows:

Commencing on the southwest corner of said Parcel B; Thence N 14°08'53" E 35.50 feet along the southwest line to the place of beginning;

- thence N 14°08'53" E 14.10 feet along said southwest line;
- thence S 60°23'15" E 41.53 feet;
- thence N 14°08'53" E 10.28 feet;
- thence S 65°56'08" E 167.40 feet;
- thence S 14°08'53" W 20.30 feet;
- thence N 65°56'08" W 208.03 feet to the point of beginning

Containing 3,831 square feet.

EXHIBIT C

Parcel I.D. Number:	Owner Name	Owner Address
10-17-10-800-840.000-031	Old Mill Estates LLC	9001 CAMP RUN PKWY SELLERSBURG, IN 47172
10-17-10-800-831.000-031	Greenbrier Properties NW, LP	9007 CAMP RUN PKWY SELLERSBURG, IN 47172
10-17-10-800-830.000-031	Greenbrier Properties NW, LP	9001 HARDY WAY SELLERSBURG, IN 47172
10-17-10-800-005.000-031	4 Amigos LLC	8007 STATE ROAD 311 SELLERSBURG, IN 47172

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2025 – OR – 007

**AN ORDINANCE CREATING THE SELLERSBURG
REDEVELOPMENT AUTHORITY.**

WHEREAS, I.C. 36-7-14.5 (the “Act”) authorizes the legislative body of a unit to create a redevelopment authority as a separate body corporate and politic and as an instrumentality of the unit to exercise any power granted to the redevelopment authority under the Act; and

WHEREAS, the Town Council (“Council”) is the legislative body of the Town of Sellersburg, Indiana (“Town”); and

WHEREAS, the Council, having previously established a Department of Redevelopment, has determined that it is in the best interest of the Town to create a redevelopment authority, as allowed by the Act and other applicable statutes, for the purposes, of, among others, financing, constructing, and leasing local public improvements to the Town of Sellersburg Redevelopment Commission (“Commission”); and

WHEREAS, said redevelopment authority is intended to constitute a separate body corporate and politic, available for project financings in conjunction with the Commission as needed, and its creation will provide the Commission flexibility in financing the Town projects administered by it, both now and in the future; and

WHEREAS, said redevelopment authority shall be subject to the same laws, rules, and ordinances of a general nature that apply to all other authorities and departments of the Town; and

WHEREAS, the Council now desires to create said redevelopment authority through the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, AS FOLLOWS

Section 1. There is hereby created the “Sellersburg Redevelopment Authority” (the “RDA”) as a separate body corporate and politic and as an instrumentality of the Town to exercise any power granted to a redevelopment authority under the Act and other applicable laws. The RDA shall be under the control of a board (the “Board”) composed of three (3) members, each of whom must be residents of the Town and shall be appointed by the President of the Council (“President”). A Board member is entitled to serve a three (3) year term and may be reappointed to subsequent terms. If a vacancy occurs on the Board, the President shall fill the vacancy by appointing a new member for the remainder of the vacated term. A Board member may be removed for cause by the President. Each Board member, before assuming the duties of office, must take and subscribe an oath of office pursuant to I.C. 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Board. A Board member may not receive a salary, and no profit

or money of the RDA may inure to the benefit of a Board member, pursuant to the Act. The RDA may adopt such by-laws and rules as it deems necessary to carry out its purposes and functions.

Section 2. This Ordinance shall become effective immediately upon its adoption and approval.

Section 3. All resolutions and ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

[Remainder of Page Intentionally Left Blank]

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ DAY OF _____, 2025, BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA.

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy
Council 2nd Vice President

Scott McVoy
Council 2nd Vice President

Matthew Czarnecki
Council Member

Matthew Czarnecki
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

SECOND READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

RESOLUTION NO.

**A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE TOWN COUNCIL
OF THE TOWN OF SELLERSBURG TO REIMBURSE EXPENDITURES FOR A
SEWAGE PROJECT**

WHEREAS, the Town Council of the Town of Sellersburg, Indiana (the “Town”) is the fiscal and legislative body of the Town; and

WHEREAS, the Town reasonably expects the Town or an instrumentality of the Town to obtain financing in an amount not to exceed Eleven Million Dollars (\$11,000,000) for purposes of paying for and reimbursing costs in connection with the design, construction, and/or installation of certain upgrades to the Town’s sewage works (the “Project”); and

WHEREAS, the Town has made and will continue to make additional expenditures for the Project from current funds available to the Town prior to obtaining financing (the “Expenditures”); and

WHEREAS, the Town Council of the Town (“Council”) previously adopted an ordinance establishing the Sellersburg Redevelopment Authority (the “Authority”) pursuant to the provisions of I.C. 36-7-14.5; and

WHEREAS, the Authority is an instrumentality of the Town; and

WHEREAS, the Town reasonably expects to reimburse the Expenditures with proceeds of the obligations to be issued by the Town, Authority, or another instrumentality of the Town; and

WHEREAS, the Town intends that this Declaration of Official Intent to Reimburse Expenditures constitutes a declaration of official intent pursuant to Treas. Reg. §1.150-2.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA AS FOLLOWS:

Section 1. The Town declares its official intent pursuant to Treas. Reg. § 1.150-2 to have the Authority issue obligations on behalf of the Town to finance all or a portion of the Project and to reimburse any Expenditures related to the Project with proceeds of debt to be incurred by the Authority and to issue debt not exceeding Eleven Million Dollars (\$11,000,000) in the aggregate principal amount for the purposes set forth herein and for reimbursing costs of financing the Project, including the Expenditures.

Section 2. Each reimbursed Expenditure will be either: (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each

case as of the date of the Expenditure), or (b) a cost of issuance with respect to the obligations to be entered into.

Section 3. Upon the issuance of the obligations by the Town, Authority, or another instrumentality of the Town, the proper officers of the Council and the Town are hereby authorized to take all actions necessary to reimburse the Expenditures to the proper fund or proper parties.

Section 4. This Resolution shall become effective immediately upon its adoption and approval.

[Remainder of Page Intentionally Left Blank]

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ DAY OF APRIL, 2025, BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA.

TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA

Scott McVoy

Randall Mobley

Brad Amos

Terry Langford

Matthew Czarnecki

Attest:

Michelle D. Miller, Clerk-Treasurer

Signature Page to Resolution Declaring the Official Intent to Reimburse Expenditures for a Sewage Project