

R E S O L U T I O N

WHEREAS, Floyd County, Indiana, is the owner of the eighty-two (82) acres, more or less, of land hereinafter described, the same being a portion of the "County Infirmary property" in the Southeast Quarter of Section 22 and in the Southwest Quarter of Section 23, Township 2 South, Range 6 East, and,

WHEREAS, such tract is within the city limits of the City of New Albany, Floyd County, Indiana, and therefore, within one and one-half miles of the limits of said City, and,

WHEREAS, the City of New Albany, Indiana, through Mr. Sam Peden, Superintendent of the Parks and Recreation Department of said City, has requested The Board of Commissioners of the County of Floyd to authorize the use of the eighty-two (82) acres, more or less, hereinafter described, by said City for park purposes as provided by statute, and,

WHEREAS, The Board of Commissioners of the County of Floyd has been considering such request for many months and have discussed the plans of the City of New Albany concerning the building of a park on such real estate by the City with Mr. Peden, and,

WHEREAS, after due consideration, The Board of Commissioners of the County of Floyd has decided that it would be to the best interest of the people of Floyd County, Indiana, and the City of New Albany, Indiana, that the request of the City for such use of said real estate be authorized.

NOW THEREFORE, BE IT RESOLVED, that The Board of Commissioners of the County of Floyd does hereby authorize the use of the real estate owned by Floyd County, to-wit:

Being a part of the southeast quarter of Section No. 22 and a part of the southwest quarter of Section No. 23, Township 2 South, Range 6 East, situated in the City of New Albany, Indiana and more fully described as follows to-wit:

Commencing at the southeast corner of the southeast quarter of Section No. 22, Township 2 South, Range 6 East, thence North along the line dividing Sections No. 22 and 23 a distance of 192 feet to the northeast corner of a one acre parcel of land of the Indiana Gas and Water Company Inc., and which is the true place of beginning of land to be herein described:

Thence West along the North line of said Indiana Gas and Water Company Inc., land 225 feet to the northwest corner thereof, thence South along the West line of said Indiana Gas and Water Company Inc., land 192 feet to the southwest corner thereof and on the South line of Section No. 22, thence West along the South line of said Section No. 22, a distance of 1240 feet more or less to the Southeast corner of the land leased to the Floyd County 4-H Club Corporation as recorded in Lease Record No. 7, Page 5 of the Floyd County Records, thence North along the East line of said Floyd County 4-H Club Corporation land 660 feet more or less to the Southwest corner of the land conveyed to the Floyd County Board of Commissioners by deed recorded in Deed Record 27, Page 570 and by Deed Record 40, Page 276, and at the southeast corner of a 33.1 acre parcel of land conveyed by said Board of Commissioners to Hugh Hamilton as recorded in Deed Record 40, Page 275 of said County Records, thence North along the line dividing the land of the Floyd County Commissioners from the land of Hugh Hamilton 1163.5 feet to the North line of a 30 acre parcel of land heretofore conveyed to said Board of Commissioners by Deed Record 12, Page 166 of said Floyd County Records. Thence East along the North line of said 30 acre more or less acre tract of land 1400 feet more or less to the northeast corner thereof and on the line dividing said Sections No. 22 and 23, said northeast corner being South 845.46 feet from the east quarter corner of said Section No. 22, thence south along the line dividing Section No. 22 and 23 a distance of 375 feet to a point, thence east severing a 60 acre tract of land heretofore conveyed to said Board of Commissioners by Deed Record "Y", Page 256, a distance of 1050 feet more or less to a point which is West 60 feet of the northward extension of the west line of the County Infirmary barn, thence south, running 60 feet west of the west line of said County Infirmary barn, 620 feet more or less to a point on the north line of the land conveyed by the Floyd County Board of Commissioners to the Indiana National Guard, State of Indiana by Deed Record 146, Page 163. Thence west along the north line of said Indiana National Guard land 200 feet to the northwest corner thereof, thence south along the west line of said Indiana National Guard land 360 feet to the southwest corner thereof and on the south line of a 7 acre parcel of land heretofore conveyed to the Floyd County Board of Commissioners by Deed Record "B", Page 473, thence west along the south line of said 7 acre parcel of land 884 feet more or less to the line dividing Section No. 22 and 23, thence south along said dividing line of said Sections 300 feet more or less to the place of beginning and containing 82 acres, more or less of land.

Also subject to a 200 foot right of way of the Louisville Gas and Electric Company which crosses the hereinabove described 82 acres more or less.

Also subject to all the land as occupied by the old burying ground which is located in Section No. 22, Township 2 South, Range 6 East and lying 1300 feet more or less north of the south line of Section No. 22 and west 800 feet more or less from the east line of said Section No. 22.

Also subject to any and all other easements or rights of way which may have been heretofore conveyed or granted by the Floyd County Board of Commissioners.

by the City of New Albany, Indiana, the same to be used by said City for park purposes only, pursuant to authority of the Acts of 1911 of the General Assembly of Indiana Chapter 232 Paragraph 2 Page 589, being Burns Indiana Statute 26-1526-26-1531, subject however, to the following conditions, restrictions and limitations within which such City shall take and use such land for park purposes only, to-wit:

1. Title to such land shall remain in Floyd County, Indiana, and the use of such land by the City of New Albany, Indiana, shall continue so long as said City continues to maintain such land as a public park.

2. If at any time after such land has been accepted for park purposes by the City of New Albany, such City shall abandon the use of such land for park purposes, it shall be lawful for The Board of Commissioners of the County of Floyd to sell and convey such land, or any part thereof, as other lands of the County are conveyed, and turn the proceeds over to the County Treasury for the use of such County, or to use them in any manner as other lands of the County are used.

3. Such land shall be used by the City of New Albany, Indiana, for a public park for the benefit of all citizens and residents of Floyd County, Indiana, and the City of New Albany, Indiana, on an equal basis and the same shall be opened to the public for its use, free of charge, except for any special fees that the City of New Albany and its Park Board might be allowed to charge for the use of specific facilities within such park under State of Indiana regulations.

4. Such park shall be developed, operated and maintained by the City of New Albany, Indiana, at its sole expense and at no expense whatever to Floyd County, Indiana, pursuant to the statutes of the State of Indiana and any other state regulations pertaining to the use, operation and maintenance of public parks.

5. The present cemetery located on the above described land, and any additions thereto, shall be maintained and kept in good and neat order by the City of New Albany at the City's expense and Floyd County, Indiana, expressly reserves the right to use an additional one (1) acre parcel adjoining the present cemetery on the East side thereof as additional burying ground for the use of Floyd County, Indiana.

6. The City of New Albany shall have the right to re-locate the county roadway leading from the Grant Line Road to the present county graveyard above referred to, provided however, that such re-located county roadway shall run parallel with Jacques Lane and provided that such relocated roadway shall connect with the present graveyard, such re-located county roadway to be a right-of-way 40 feet wide with the improved portion 22 feet wide, all of such re-location to be done at the option of the City of New Albany, Indiana, and at the expense of the City of New Albany and at no expense to Floyd County, Indiana.

7. In the event that the present county roadway referred to in Item No. 6 hereof is re-located by the City of New Albany as set out in Item No. 6, then, and in that event, Floyd County, Indiana, will close its present roadway and right-of-way leading from Grant Line Road to the present cemetery.

8. Such park and the area above described shall at all times hereafter be legally known and designated as "The New Albany-Floyd County Community Park" and all entrances thereto and exits therefrom shall be marked and designated as such. Any and all facilities located within such park may be named in honor of the donor providing funds for such facilities.

9. The park area above described shall be developed by the City of New Albany in accordance with the attached Preliminary Study of General Arrangement and Preliminary Study prepared by Hilbert E. Dahl of Royal Oak, Michigan, dated July 6, 1964, as hereinafter modified, and the same is hereby made a part of this resolution and marked Exhibit "A", and such development shall include the facilities shown on such study but shall not be construed to imply the restriction of additional facilities nor exact locations of those shown, such modifications being as follows, to-wit:

- A. The relocation of roadways on the North section of the park so as to conform with the boundaries of the park as herein stated.
- B. The area in the South West section now identified for baseball and tennis shall be developed as an athletic field, which will provide for two baseball fields, and or as four softball fields, two soccer, hockey, and football fields.
- C. The relocation of the area for the twelve tennis courts to point East of the proposed shelter house on the North side of the park. The construction of six to eight tennis courts in the first stage of development with the remaining courts being constructed when the need is determined by the New Albany Park and Recreation Board.
- D. The elimination of the Pitch'n Putt Golf facility as the majority of this facility is located outside the boundaries of the area herein described as the park land.
- E. The relocation of the horse shoe and croquet courts which are now shown on an area that is set aside for additional burying ground. The relocation of the shuffle board courts and the tot-lot as they are in the area to be used for the relocated tennis courts.
- F. Any other modifications of this plan deemed necessary by the land architect and or the New Albany Park and Recreation Board for the health, welfare and safety of the citizens of Floyd County, Indiana, shall be filed with the Board of Commissioners of the County of Floyd, Indiana.

The development of such park according to the aforesaid Preliminary Study attached hereto, shall be completed and such park opened for the use of the public and in operation on or before June 1, 1967, and in the event such park is not so completed and opened to the public by the City of New Albany and in operation on or before such date, the use of the above described land granted by this resolution shall be deemed cancelled and terminated and the City of New Albany shall have no further right to the use of such land for any purpose whatever.

10. The City of New Albany, Indiana, through its City Park and Recreation Board, shall file with The Board of Commissioners of the County of Floyd a copy of the final plans for the development of such park and any modifications thereto, all of which shall not basically deviate from the attached plans and study as our above modified.

11. The use of the aforesaid land hereby granted to the City of New Albany is contingent upon and predicated upon the passage of an ordinance of the Common Council of the City of New Albany, Indiana, accepting from The Board of Commissioners of the County of Floyd the use of such land for park purposes as provided by the Acts of the Indiana General Assembly aforesaid and specifically pursuant to Burns Indiana Statute 26-1528, and the City of New Albany shall certify such ordinance to The Board of Commissioners of the County of Floyd within ten (10) days after its final passage by such Common Council, and in the event that such ordinance is not passed by the Common Council of the City of New Albany, Indiana, on or before the 1st day of June, 1965, then, and in that event, the use of the above described land granted by this resolution shall be deemed can-

celled and terminated and the City of New Albany shall have no further right to the use of such land for any purpose whatever.

Dated this 4th day of January, 1965.

THE BOARD OF COMMISSIONERS OF THE  
COUNTY OF FLOYD

BY Edward H. Neek

BY Harry T. Neely

BY Richard E. Neek

ATTEST.

Ralph Bates  
Ralph Bates, Auditor of Floyd County