

**RESOLUTION 01-2020**

**A RESOLUTION OF THE  
AUBURN BOARD OF PUBLIC WORKS AND SAFETY  
REGARDING CONTRIBUTION TO THE CONTRUCTION OF LENORA LANE**

**WHEREAS**, Certain property located in the City of Auburn, Indiana south of State Road 8 and west of the 8 @ 69 Development in Auburn, Indiana and is bisected by the William Peckhart Ditch and is legally described within Exhibit "A", which is attached hereto and made a part hereof) (LAND); and

**WHEREAS**, Sterling Development, LLC or its affiliated assignee (Developer) intends to purchase and build a senior living facility on the northern 11.76 acres of the real estate, which is plated a Lot 1 on the Primary Plat 2019-04 of Astral Development (DEVELOPMENT).

**WHEREAS**, the Plat also dedicates approximately 1.34 acres as future right-of-way for the extension of Lenora Lane (public street) right-of way, which is depicted as the future Lenora Lane on the Plat approved by the City of Auburn, Indiana; and

**WHEREAS**, the City herein has committed to constructing a bridge over the Peckhart Ditch, which will be turned over to the County of DeKalb for future maintenance and further the City has agreed to construct a portion of Lenora Lane as further set forth herein; and

**WHEREAS**, the addition of Lenora Lane over the Peckhart Ditch and extending to the west is an important thoroughfare and alternative connectivity for State Road 8, which will open up ingress and egress to residential and commercial areas; and

**NOW, THEREFORE, BE IT RESOLVED** by the Auburn Board of Public Works and Safety that the CITY hereby shall contribute financial monies to DEVELOPER and be responsible for the extension of Lenora Lane from the dead end at the development known as the Ameri Lodge Place (Holiday Inn) to the bridge over Peckhart Ditch and then from the LAND at



the point where the DEVELOPMENT terminates its extension of Lenora Lane at back ingress/egress to the DEVELOPMENT all the way to the west property line. The City shall further be responsible for the extension of utilities in the same span and oversizing the same for future development. The extension of utilities may be deferred by the City of Auburn and assigned to a third (3<sup>rd</sup>) party to complete. The extension of Lenora Lane by the City of Auburn to the West shall be completed in 2021.

The "Watson" property is adjacent to the west to the DEVELOPMENT and the approximate 11.76 acres and the intention of this Resolution is to set forth the City of Auburn's commitment financially to the extension of the right-of-way from the Development access to Lenora Lane to the west property line and the Ameri Lodge termination point to the Bridge over the Peckhart Ditch.

The CITY shall have the right to approve the plans, bid, and any other costs associated with the construction of the IMPROVEMENTS that begin at the west end of the BRIDGE and end at the west end of the LAND. The CITY has 10 days to request an alternate bid if upon receiving the bid tabulation from STERLING the City is not satisfied with the amount of the bid. Further, no work on said IMPROVEMENTS shall take place, commence, nor shall any change order, modification, or additional costs be incurred without CITY approval upon the bid being accepted by the CITY.

**BE IT FURTHER RESOLVED** that STERLING shall cooperate and provide any and all documents and plans necessary for the CITY in STERLING's existing possession or control (but STERLING shall have no obligation to create any such documents) to evaluate the bid for the IMPROVEMENTS that begin at the west end of the Bridge and end at the west end of the Land.

The CITY shall also have the right to defer the installation of utilities and or assign the

installation of utilities to a third party at a future date. The parties agree that an easement for utilities shall allow a future developer to connect utilities to the termination point of the OWNER'S development if such termination points are not available in the Lenora Lane right-of-way.

**BE IT FURTHER RESOLVED** that the purpose and intent of this Resolution is to ensure the cost for the IMPROVEMENTS constructed by STERLING and the contribution by the CITY are fiscally satisfactory.

The Board of Works and Public Safety shall not be required to file any bonding requirements for the construction, because the City has guaranteed to provide payment for the platted right-of-way, which is anticipated to be constructed by Sterling Development during the construction cycle and reimbursed to the DEVELOPER by the City of Auburn, Indiana. The City may at its option chose to obtain the appropriate maintenance bond for the construction of the right-of-way and utilities. The City thereafter shall be responsible for the maintenance of said public street / right-of-way upon completion and both the right-of way and the utilities upon installation shall be dedicated to the City of Auburn, Indiana.

**PASSED AND ADOPTED** by the Auburn Board of Public Works and Safety, this 13 day of February, 2020.

**CITY OF AUBURN BOARD OF PUBLIC WORKS AND SAFETY**

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Prepared by: Amy Schweitzer  
AS

By: [Signature]  
Michael D. Ley, Mayor

By: [Signature]  
Herb Horrom, Member

By: [Signature]  
Danny D. McAfee, Member

ATTEST:

[Signature]  
Patricia Miller, Clerk-Treasurer

CITY ATTORNEY 2/13/2020

**RESOLUTION 01 -2020**

**A RESOLUTION OF THE  
AUBURN BOARD OF PUBLIC WORKS AND SAFETY  
REGARDING CONTRIBUTION TO THE CONSTRUCTION OF LENORA LANE**

**SUMMARY**

This Resolution commits the City of Auburn by and through the Board of Public Works and Safety to construct a certain portion of a public Street, commonly known as Lenora Lane, within the City of Auburn, Indiana.

\_\_\_\_\_ Records Office  
\_\_\_\_\_ Auditors Office  
\_\_\_\_\_ Clerk's Office  
\_\_\_\_\_ Other:

\_\_\_\_\_ Publish Public Hearing  
\_\_\_\_\_  
\_\_\_\_\_ Publish O/R after adoption  
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