

**APPROVAL OF INDIANAPOLIS CAMPUS  
RECEIVING A GIFT FROM THE CITY OF LAWRENCE**

**RESOLUTION 2019-26**

**WHEREAS**, City of Lawrence Fire Department (“LFD”) owns a 2004 Pierce Fire Engine (“Fire Engine”) that is no longer in service nor being utilized by LFD, and,

**WHEREAS**, LFD desires to transfer said Fire Engine to Ivy Tech Community College for educational purposes, and,

**WHEREAS**, the Indianapolis Campus of Ivy Tech desires to acquire the Fire Engine to be utilized in the educational courses it provides to its students in the Homeland Security and Public Safety Program at the Ivy Tech Public Safety Building in Lawrence and,

**WHEREAS**, Indiana Code (I.C.) 36-1-11-8 provides that “a transfer or exchange of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of substantially identical Resolutions by each entity. Such a transfer may be made for any amount of real property, cash, or other personal property as agreed upon by the entities”, and,

**WHEREAS**, I.C. 5-22-22-10 also provides that “A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity”, and,

**WHEREAS**, the City of Lawrence Board of Public Works and Safety anticipates approving a Resolution for the Exchange of Property between the City of Lawrence and Ivy Tech a draft of which is attached hereto.

**NOW THEREFORE BE IT RESOLVED** that the State Trustees do hereby authorize the College President or the Chancellor of the Indianapolis Campus to execute all documents associated with the transfer of ownership of the Fire Engine after the same have been approved by the College General Counsel.

**STATE TRUSTEES  
IVY TECH COMMUNITY COLLEGE**

  
\_\_\_\_\_  
Paula Hughes-Schuh, Chairperson

  
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Terry W. Anker, Vice Chair

**Dated June 6, 2019**

**RESOLUTION NO. \_\_\_\_\_, 2019**

**A RESOLUTION FOR THE EXCHANGE OF PROPERTY  
BETWEEN THE CITY OF LAWRENCE INDIANA, ACTING BY AND  
THROUGH ITS BOARD OF PUBLIC WORKS AND SAFETY,  
AND  
IVY TECH COMMUNITY COLLEGE OF INDIANA**

WHEREAS, Indiana Code (I.C.) 36-1-11-8 provides that “a transfer or exchange of property may be made with a governmental entity upon terms and conditions agreed upon by the entities as evidenced by adoption of substantially identical Resolutions by each entity. Such a transfer may be made for any amount of real property, cash, or other personal property as agreed upon by the entities”; and,

WHEREAS, I.C. 5-22-22-10 also provides that “A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity”; and,

WHEREAS, the City of Lawrence, Indiana (“City”), located in Marion County Indiana is a municipal corporation established under Indiana law; and,

WHEREAS, the Lawrence Fire Department (“LFD”) is a department within the City; and,

WHEREAS, the City of Lawrence Board of Public Works and Safety (“Board”) is a board created pursuant to Indiana law and the City of Lawrence Municipal Code; and,

WHEREAS, the Board has control over the property of LFD; and,

WHEREAS, Ivy Tech Community College of Indiana (“Ivy Tech”) is a two (2) year state educational institution established pursuant to I.C. 21-22-2; and,

WHEREAS, LFD owns a 2004 Pierce Fire Engine (“Fire Engine”) that is no longer in service nor being utilized by LFD; and,

WHEREAS, LFD desires to transfer said Fire Engine to Ivy Tech for educational purposes; and,

WHEREAS, Ivy Tech desires to acquire the Fire Engine to be utilized in the educational courses it provides to its students; and,

WHEREAS, the City, LFD, or the Board makes no representations or warranties regarding the condition or safety of the Fire Engine; and,

WHEREAS, Ivy Tech is willing to assume all risk regarding the Fire Engine; and,

WHEREAS, the Board and Ivy Tech have determined that it is in their best interests to exchange property pursuant to I.C. 5-22-22-10 and I.C. 36-1-11-8.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works and Safety of the City of Lawrence that it will sell a 2004 Pierce Fire Engine, VIN #4P1CT02H04A003849, to Ivy Tech for and in consideration of the sum of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, subject to the following terms and conditions:

1. The recitals are incorporated herein by reference.
2. Ivy Tech hereby releases and discharges the City, LFD, the Board, and any past or present employees, members, agents, representatives, officers, attorneys, directors, heirs, beneficiaries, or assigns of the foregoing entities (collectively "Lawrence") from any and all claims, demands, debts, costs, lawsuits, expenses, or rights of action which Ivy Tech and its agents, employees, officers, directors, trustees, successors, administrators, representatives, and assigns may now or hereafter have or assert against Lawrence related to the Fire Engine regardless of when they arise.
3. Ivy Tech acknowledges that the City, LFD, the Board, or its agents, employees, officers, or representatives have made no representations regarding the quality, condition, or safety of the Fire Engine.
4. ***THE FIRE ENGINE IS TRANSFERRED "AS IS" AND "WITH ALL FAULTS". THE CITY, LFD, OR THE BOARD, ITS EMPLOYEES, OFFICERS, OFFICIALS, AGENTS AND REPRESENTATIVES (COLLECTIVELY "LAWRENCE") DO NOT WARRANT THE PROPERTY AS BEING MERCHANTABLE OR FIT FOR ANY PARTICULAR PURPOSE. LAWRENCE EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE WARRANTY OF MERCHANTABILITY. IVY TECH ACKNOWLEDGES, ACCEPTS, AND APPROVES THIS DISCLAIMER.***
5. Ivy Tech and the City, LFD, and the Board agree to execute all necessary documentation to effectuate the transfer of the property between the parties.

ADOPTED and PASSED this \_\_\_\_ day of June 2019.

BOARD OF PUBLIC WORKS AND SAFETY,  
CITY OF LAWRENCE, INDIANA

\_\_\_\_\_  
President Doug Reeser

\_\_\_\_\_  
Mark Clark

\_\_\_\_\_  
Tracy Ashcraft

ATTEST:

Prepared By / Approved as to Form:

\_\_\_\_\_  
Renea Rafala, Clerk

\_\_\_\_\_  
Ashley C. Hopper  
Interim Corporation Counsel, City of Lawrence

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by Ivy Tech Community College of  
Indiana.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

Approved as to Form:

\_\_\_\_\_

\_\_\_\_\_  
Attorney for Ivy Tech