

RESOLUTION 2021-7

RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF MARKLE, INDIANA

COPY

Pursuant to Indiana Code Section 36-5-2-9, the following action was taken by the Town Council of the Town of Markle, Indiana (“**Markle**”), after meeting, discussion, and approval.

Markle has been in discussions with Novae Corp., an Indiana corporation (“**Novae**”) with its headquarters and principal place of business in Markle, regarding the continuation of a contractual relationship (the “**Lease**”) whereby Novae would replace or place a painted corporate logo on the new Markle water tower located North of SR 224 and West of Interstate 69 (the “**Tower**”) in exchange for lease payments to Markle.

Indiana Code provides for a specific manner in which a lease may be devised, and Markle desires to be in compliance with all applicable laws. For the following reasons, Markle determines that the use of the bidding procedure set forth in Indiana Code Section 36-1-11-10 is not feasible:

- (1) The economic opportunity for revenue presented by Novae’s proposed Lease;
- (2) The risk that Novae will withdraw its request if Markle used the more formal bidding procedure and, perhaps place its logo on another town’s water tower;
- (3) The cost and length of time required to comply with the bidding procedure set forth in Indiana Code Section 36-1-11-10; and
- (4) The fact that the rent proposed by Novae for the Lease is commercially reasonable.

After consideration, the Members have determined it to be in the best interest of Markle to adopt the alternative procedure under Indiana Code Section 36-1-11-12 for soliciting requests for proposal for other businesses to make proposals for advertising space on the Tower. Therefore, it is resolved as follows:

- That Markle may use the alternative method of disposal set forth in Indiana Code Section 36-1-11-12 to solicit requests for proposal for the lease of advertising space on the Tower.
- That the requests for proposal must include all of the following:
 - (1) The criteria that will be used in evaluating the proposals;
 - (2) The Tower may not be leased to a person who is ineligible under Indiana Code Section 36-1-11-16;

- (3) A proposal submitted by a trust must identify each beneficiary of the trust and each settlor empowered to revoke or modify the trust;
 - (4) A statement concerning the relative importance of price and other evaluation factors;
 - (5) A statement concerning whether the proposal must be accompanied by a certified check or other evidence of financial responsibility;
 - (6) A statement concerning whether discussions may be conducted with council members for the purposes of clarification to assure full understanding of, and responsiveness to, the solicitation requirements.
- That notice of the request for proposals shall be published two times, at least one week apart, with the second publication made at least three days before the deadline to submit proposals.
 - The Council President is hereby authorized to execute and deliver on behalf of Markle all such further documents, certificates, and instruments, to take on behalf of Markle all such further actions, and to pay on behalf of Markle all such expenses that the officers of Markle determine to be necessary or desirable in order to carry out the foregoing resolutions, the execution and delivery of any such documents, certificates, and instruments, the taking of any such actions, and the payment of any such expenses to be conclusive evidence of that determination.

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Resolution 2021-7 was duly adopted this 20th day of October 2021, by a vote of ___ in favor and ___ in opposition.

MARKLE, INDIANA by its TOWN COUNCIL

Voting in Favor:

_____ Matthew Doss
 _____ Blake Caley
 _____ Nicolas Lund

Voting in Opposition:

ATTEST:

By _____ as Clerk-
 (Stephenie Hensley) Treasurer