BOARD OF PUBLIC WORKS AND SAFETY (Form B-01-2012)
Agenda Request Form

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	7-12-16	**Meeting Date:**	7-18-16
Contact Information:			
Requested by:	Krista Linke		
On Behalf of Organization or Individual:	Redevelopment Commission		
Telephone:	317-736-3631		
Email address:	klinke@franklin.in.gov		
Mailing Address:	70 E. Monroe Street, Franklin, IN 46131		
Describe Request:			
Transfer of Wayne Street properties from RDC to Board of Works.			
45, 49, 51, and 55 E. Wayne Street			
List Supporting Documentation Provided:			
Board of Works Resolution			
Quitclaim Deeds			
Exhibits			
Who will present the request?			
Name:	Krista Linke	**Telephone:**	317-736-3631

In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

RESOLUTION NUMBER NO. 16-07
OF THE CITY OF FRANKLIN, INDIANA'S
BOARD OF PUBLIC WORKS AND SAFETY

APPROVING A REAL ESTATE TRANSFER
FROM THE FRANKLIN REDEVELOPMENT COMMISSION

Wayne Street Parcels

WHEREAS, the City of Franklin, Indiana Department of Redevelopment, by and through its Redevelopment Commission ("RDC"), owns the following real estate (the "Parcels") located in the City, and with respect to each, the RDC is the 'Transferring Party" and the City of Franklin, Indiana, by and through its Board of Public Works and Safety ("City") is the "Receiving Party":

> Wayne Street Properties. The RDC owns fee simple title to four (4) contiguous lots of real property located on Wayne Street, Franklin, Johnson County, Indiana and legally described on Exhibit "A" attached hereto and incorporated herein by reference.

WHEREAS, pursuant to Indiana Code Section 36-7-14-12.2, the RDC may do the following with respect to the Parcels:

A. Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants, and

B. Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

WHEREAS, the parties desire that the Parcels be transferred by deed from the RDC to the City.

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration, the receipt and legal sufficiency of which the parties acknowledge, the RDC agrees to transfer the Parcels to the City and the City agrees to accept the transfer pursuant to the terms and conditions of a Real Estate Transfer Agreement attached hereto and approved in substantially final form.

This resolution shall be in full force and effect from and after its adoption.

INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana, this ____ day of _____, 2016.

Voting Affirmative:	Voting Opposed:
_____	_____
Mayor	Mayor
_____	_____
Member	Member
_____	_____
Member	Member

Attest:

_____
Jayne W. Rhoades,
Clerk-Treasurer of the City of Franklin, Indiana

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment**, ("Grantor") of Johnson County in the State of Indiana, **QUITCLAIM(S) to City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety,** ("Grantee") of Johnson County in the State of Indiana for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Johnson County, Indiana:

See "Exhibit A" attached hereto and incorporated herein for legal description of real estate.

Commonly known as: 51 East Wayne Street, Franklin, Indiana, 46131

Subject to easements, restrictions and liens of record.

Grantees Mailing Address: City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety
Mail Tax Statements to: 70 E. Monroe Street
Franklin, Indiana 46131

IN WITNESS WHEREOF, the Grantor has executed this deed, this _____ day of_____, 2016.

City of Franklin, Indiana, Department of Redevelopment

Signature: _____

Printed: ROBERT D. HEUCHAN, PRESIDENT OF THE REDEVELOPMENT COMMISSION

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for said County and State personally appeared the City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment, by Robert D. Heuchan, President of the Redevelopment Commission, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 2016.

My Commission Expires:

_____

_____

_____, NOTARY PUBLIC,
A RESIDENT OF JOHNSON COUNTY,
STATE OF INDIANA.

This Quitclaim Deed was prepared by Schafstall & Admire, LLP, Robert H. Schafstall, Attorney.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert H. Schafstall

"EXHIBIT A"

A part of Lot Number 89 in the Original Plat of the Town, now City of Franklin, Johnson County, Indiana:

Beginning on the North line of said lot, one hundred eight (108) feet West of the Northeast corner thereof; thence West on the North line of said lot to the center of a vacated alley running North and South between Lots Number 88 and 89 in said Original Plat; thence South along the center of said vacated alley one hundred forty-four (144) feet thence East to a point one hundred eight (108) feet West of the East line of said Lot Number 89; thence North one hundred forty-four (144) feet to the North line of said Lot Number 89 and the place of beginning.

Commonly known as: 51 E. Wayne Street, Franklin, Indiana, 46131

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment**, ("Grantor") of Johnson County in the State of Indiana, **QUITCLAIM(S) to City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety,** ("Grantee") of Johnson County in the State of Indiana for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Johnson County, Indiana:

See "Exhibit A" attached hereto and incorporated herein for legal description of real estate.

Commonly known as: 45 & 49 East Wayne Street, Franklin, Indiana, 46131

Subject to easements, restrictions and liens of record.

Grantees Mailing Address: City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety
Mail Tax Statements to: 70 E. Monroe Street
Franklin, Indiana 46131

IN WITNESS WHEREOF, the Grantor has executed this deed, this _____ day of _____, 2016.

City of Franklin, Indiana, Department of Redevelopment

Signature: _____

Printed: ROBERT D. HEUCHAN, PRESIDENT OF THE REDEVELOPMENT COMMISSION

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for said County and State personally appeared the City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment, by Robert D. Heuchan, President of the Redevelopment Commission, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____,

2016.

My Commission Expires:

_____

_____

_____, NOTARY PUBLIC,
A RESIDENT OF JOHNSON COUNTY,
STATE OF INDIANA.

This Quitclaim Deed was prepared by Schafstall & Admire, LLP, Robert H. Schafstall, Attorney.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert H. Schafstall

"EXHIBIT A"

Part of Lot 88 and a vacated alley in the Original Plat of the City of Franklin, Indiana, recorded in Plat Book 1, Page 1, in the Office of the Recorder of Johnson County, Indiana, described as follows:

Beginning at the Northeast corner of said Lot 88; thence along the North Line of the said vacated alley (said alley vacation is shown on Record "O" Page 309) North 87 degrees 12 minutes 46 seconds East a distance of 6.00 feet to the center line of said vacated alley; thence along said center line south 00 degrees 40 minutes 50 seconds West a distance of 78.50 feet; thence parallel to the north line of said Lot 88 South 87 degrees 12 minutes 46 seconds West a distance of 78.00 feet; thence parallel to the Est Line of said Lot 88 North 00 degrees 40 minutes 50 seconds East a distance of 78.50 feet to the North Line of said Lot 88; thence along said North Line North 87 degrees 2 minutes 46 seconds East a distance of 72.00 feet to the Place of Beginning. Containing 0.140 acre, more or less.

Commonly known as: 45 & 49 E. Wayne Street, Franklin, Indiana, 46131

REAL ESTATE TRANSFER AGREEMENT
BETWEEN
CITY OF FRANKLIN, INDIANA
AND THE
FRANKLIN REDEVELOPMENT COMMISSION

Wayne Street Parcels

This Agreement is entered into as of the ___ day of _____, 2016 (the "Agreement Date") by and between the City of Franklin, Indiana, by and through its Board of Public Works and Safety ("City"), and the Franklin Redevelopment Commission, as the governing body for the City of Franklin Redevelopment Department ("RDC"), pursuant to Indiana Code 36-7-14 *et seq.*, as amended (the "Act").

WHEREAS, the RDC owns the following real estate (the "Parcels") located in the City, and with respect to each, the RDC is the 'Transferring Party" and the City is the "Receiving Party": see the attached Exhibit "A" attached hereto and incorporated herein by reference, commonly known as:

- 45 East Wayne Street, Franklin, Indiana;
- 49 East Wayne Street, Franklin, Indiana;
- 51 East Wayne Street, Franklin, Indiana; and
- 55 East Wayne Street, Franklin, Indiana.

WHEREAS, the parties desire that the Parcels be transferred by deed from the RDC to the City.

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration, the receipt and legal sufficiency of which the parties acknowledge, the RDC agrees to transfer the Parcels to the City and the City agrees to accept the transfer on the terms and conditions set forth below:

1. **Cooperation of Transferring Party**. Transferring Party will cooperate with Receiving Party and its representatives in obtaining information about the Parcels, and will furnish same to Receiving Party and its representatives, whenever reasonably requested by Receiving Party. Transferring Party will further cooperate with and furnish Receiving Party with all information necessary to obtain all approvals.

2. **Closing**. The closing of the transfer of the Parcels (the "Closing") will occur at a time and place that is mutually agreeable to the parties.

3. **Closing Documents**. At the Closing, Transferring Party will execute and deliver to Receiving Party a quitclaim deed conveying the Parcels to Receiving Party subject only to permitted exceptions and otherwise free and clear of all liens and encumbrances except such as have been approved in writing by Receiving Party.

4. Possession. Possession of the Parcels will be delivered to Receiving Party on the Closing Date, free and clear of the claims of any other party, except as provided otherwise in this agreement. Notwithstanding the foregoing, Receiving Party or its designee will be entitled to enter the property on and after the date hereof for the purpose of making all tests and inspections deemed necessary by Receiving Party to determine the condition of the Parcels.

5. Rights and Obligations. The rights and obligations of Transferring Party and Receiving Party herein contained will inure to the benefit of and be binding upon the parties hereto and their respective personal representatives, heirs, successors, and assigns.

6. Notices. All notices required or permitted to be given hereunder will be in writing and delivered either in person or by certified first-class prepaid mail, return receipt requested, or by a nationally-recognized overnight courier, to Transferring Party or Receiving Party at 70 East Monroe Street, Franklin, Indiana, 46131, or at such other address, notice of which may have been given to the other party in accordance with this paragraph. Any notice given in accordance with this paragraph will be deemed to have been given or delivered on the date the same is personally delivered to the recipient or received by the recipient as evidenced by the return receipt.

IN WITNESS WHEREOF, the parties have entered into this Agreement as the date set forth above.

Agreed:

CITY OF FRANKLIN, INDIANA by and through its Board of Public Works and Safety

By: _____
Joseph McGuiness, Mayor/Member

By: _____
Stephen Barnett, Member

By: _____
Robert Swinehamer, Member

Attest: _____
Jayne W. Rhoades, Franklin Clerk-Treasurer

FRANKLIN REDEVELOPMENT COMMISSION, Governing Body of the City of Franklin Department of Redevelopment

_____
Robert D. Heuchan, President

_____
Brian J. Deppe, Secretary

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That **City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment**, ("Grantor") of Johnson County in the State of Indiana, **QUITCLAIM(S) to City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety**, ("Grantee") of Johnson County in the State of Indiana for the sum of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Johnson County, Indiana:

See "Exhibit A" attached hereto and incorporated herein for legal description of real estate.

Commonly known as: 55 East Wayne Street, Franklin, Indiana, 46131

Subject to easements, restrictions and liens of record.

Grantees Mailing Address: City of Franklin, Indiana, for the use and benefit of its Board of Public Works and Safety
Mail Tax Statements to: 70 E. Monroe Street
Franklin, Indiana 46131

IN WITNESS WHEREOF, the Grantor has executed this deed, this _____ day of _____, 2016.

City of Franklin, Indiana, Department of Redevelopment

Signature: _____

Printed: ROBERT D. HEUCHAN, PRESIDENT OF THE REDEVELOPMENT COMMISSION

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for said County and State personally appeared the City of Franklin, Indiana, for the use and benefit of its Department of Redevelopment, by Robert D. Heuchan, President of the Redevelopment Commission, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 2016.

My Commission Expires:

_____

_____

_____, NOTARY PUBLIC,
A RESIDENT OF JOHNSON COUNTY,
STATE OF INDIANA.

This Quitclaim Deed was prepared by Schafstall & Admire, LLP, Robert H. Schafstall, Attorney.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Robert H. Schafstall

"EXHIBIT A"

A part of Lot Numbered 89 in the Original Plat of the Town, now City, of Franklin in Johnson County, Indiana, as per plat thereof, recorded in Plat Book 1, Page 1, in the Office of the Recorder of Johnson County, Indiana, more particularly described as follows:

Beginning on the north line of said lot 42 feet west of the northeast corner of said lot; thence west on said north line of said lot 66 feet; thence south and parallel to the est line of said lot 144 feet; thence east 66 feet to within 42 feet of the east line of said lot; thence north 144 feet to the north line of said lot and the place of beginning.

ALSO:

Part of vacated alley vacated by Ordinance 99-18 and recorded June 29, 1999.

Commonly known as: 55 East Wayne Street, Franklin, Indiana, 46131

"EXHIBIT A"

Parcel 1:

Part of Lot 88 and a vacated alley in the Original Plat of the City of Franklin, Indiana, recorded in Plat Book 1, Page 1, in the Office of the Recorder of Johnson County, Indiana, described as follows:

Beginning at the Northeast corner of said Lot 88; thence along the North Line of the said vacated alley (said alley vacation is shown on Record "O" Page 309) North 87 degrees 12 minutes 46 seconds East a distance of 6.00 feet to the center line of said vacated alley; thence along said center line south 00 degrees 40 minutes 50 seconds West a distance of 78.50 feet; thence parallel to the north line of said Lot 88 South 87 degrees 12 minutes 46 seconds West a distance of 78.00 feet; thence parallel to the Est Line of said Lot 88 North 00 degrees 40 minutes 50 seconds East a distance of 78.50 feet to the North Line of said Lot 88; thence along said North Line North 87 degrees 2 minutes 46 seconds East a distance of 72.00 feet to the Place of Beginning. Containing 0.140 acre, more or less.

Commonly known as: 45 & 49 E. Wayne Street, Franklin, Indiana, 46131

Parcel 2:

A part of Lot Numbered 89 in the Original Plat of the Town, now City, of Franklin in Johnson County, Indiana, as per plat thereof, recorded in Plat Book 1, Page 1, in the Office of the Recorder of Johnson County, Indiana, more particularly described as follows:

Beginning on the north line of said lot 42 feet west of the northeast corner of said lot; thence west on said north line of said lot 66 feet; thence south and parallel to the est line of said lot 144 feet; thence east 66 feet to within 42 feet of the east line of said lot; thence north 144 feet to the north line of said lot and the place of beginning.

ALSO:

Part of vacated alley vacated by Ordinance 99-18 and recorded June 29, 1999.

Commonly known as: 55 East Wayne Street, Franklin, Indiana, 46131

Parcel 3:

A part of Lot Number 89 in the Original Plat of the Town, now City of Franklin, Johnson County, Indiana:

Beginning on the North line of said lot, one hundred eight (108) feet West of the Northeast corner thereof; thence West on the North line of said lot to the center of a vacated alley running North and South between Lots Number 88 and 89 in said Original Plat; thence South along the center of said vacated alley one hundred forty-four (144) feet thence East to a point one hundred eight (108) feet West of the East line of said Lot Number 89; thence North one hundred forty-four (144) feet to the North line of said Lot Number 89 and the place of beginning.

Commonly known as: 51 E. Wayne Street, Franklin, Indiana, 46131