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:	September 9, 2016	**Meeting Date:**	September 19, 2016

Contact Information:

Requested by:	Lynnette Gray, City Attorney
On Behalf of Organization or Individual:	Board of Works
Telephone:	317-738-3365
Email address:	lynng@jgmlawfirm.com
Mailing Address:	63 E. Court Street, Franklin, IN 46131

Describe Request:

Request Approval Tax Sale Assignments

List Supporting Documentation Provided:

A Resolution Accepting Assignment of Three (3) 2015 Tax Sale Certificates from Johnson County, Indiana Pursuant to Indiana Code § 6-1.1-24-9 and § 36-1-11-8

Who will present the request?

Name:	Lynnette Gray	**Telephone:**	317-738-3365

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 of the City of Franklin Board of Works

Resolution No.: 2016-10

A RESOLUTION ACCEPTING ASSIGNMENT OF THREE (3) 2015 TAX SALE CERTIFICATES FROM JOHNSON COUNTY, INDIANA PURSUANT TO INDIANA CODE § 6-1.1-24-9 AND § 36-1-11-8

WHEREAS, the City of Franklin by and through its Board of Works (hereinafter referred to as "City") is a government organization providing services to the citizens of Franklin, Indiana; and

WHEREAS, the Johnson County Treasurer conducted and completed its 2015 tax sale pursuant to Indiana Code 6-1.1-24 on October 1, 2015;

WHEREAS, the following real estate in Johnson County, Indiana was offered for sale in the 2015 tax sale, and an amount was not received equal to or in excess of the minimum sale price prescribed by I.C. 6-1.1-24-5 (e) and (f):

Key Number / Property ID #:	41-08-14-013-043.000-009
Brief Legal Description:	HAMILTON & OYLER ADD LOT 44
Street Address or other common description:	0 Cincinnati Street, Franklin, IN
Tax Sale Certificate No:	411500062

(hereinafter referred to as "Parcel One")

Key Number / Property ID #:	41-08-14-033-031.000-009
Brief Legal Description:	KINGS ADD #4 E ½ PT LOT 2
Street Address or other common description:	551 West Madison Street, Franklin, IN
Tax Sale Certificate No:	411500078

(hereinafter referred to as "Parcel Two")

Key Number / Property ID #:	41-08-14-041-043.000-009
Brief Legal Description:	HICKS & HAMILTON ADD #10 LOT 2
Street Address or other common description:	551 West Madison Street, Franklin, IN
Tax Sale Certificate No:	411500085

(hereinafter referred to as "Parcel Three")

All the above properties shall be referred to hereafter collectively as "the Parcels."

WHEREAS, pursuant to Indiana Code 6-1.1-24-6 (a), the Johnson County Board of Commissioners ("County") acquired a lien in the amount of the minimum sale price with respect to the Parcels;

WHEREAS, the Johnson County Auditor has issued tax sale certificates to the County for the Parcels pursuant to Indiana Code 6-1.1-24-6 (b) and 6-1.1-24-9;

WHEREAS, pursuant to Indiana Code 6-1.1-24-6(b), when the County acquires a certificate under Indiana Code 6-1.1-24-6 (b), the County has the same rights as a purchaser;

WHEREAS, pursuant to Indiana Code 6-1.1-24-6(b), when the County acquired its lien on the Parcels, no money was paid by the County;

WHEREAS, Indiana Code 6-1.1-24-9(d) authorizes the County to assign a certificate of sale held in the name of the County to any political subdivision during the life of the tax sale certificate;

WHEREAS, the County and the City had previously agreed through substantially similar resolutions, (County Resolution 2016-02 and City Resolution 2016-02), to assign the above identified tax sale certificates to the City, however the City did not take all steps necessary to obtain tax deeds to the Parcels from the Auditor of Johnson County; and accordingly the certificates transferred back to the County; [1]

WHEREAS, the County and the City of Franklin, Indiana by and through its Board of Public Works and Safety ("City") have determined that it would be in the best interests of Johnson County and the City if the tax sale certificates for the parcels were assigned from the County to the City, pursuant to Indiana Code 6-1.1-24-9(d);

WHEREAS, the County and the City agree that no money shall be paid by the City for the assignment of the tax sale certificates for the parcels to the City;

WHEREAS, the City desires to accept assignment of the tax sale certificates held by the County for the Parcels;

WHEREAS, the City has agreed that after the tax sale certificates are assigned to the City pursuant to the terms of this resolution, the City, through its lawfully authorized representatives, will give statutory notices, and, if not redeemed, perform all steps required by Indiana statutes to obtain title in the name of the City to the Parcels through the issuance of a tax deed from the Auditor of Johnson County;

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[1]The above-referenced resolutions contemplated assignment of two additional parcels; however due to property owners filing bankruptcy, the City was unable to pursue transfer of title to those Parcels.

WHEREAS, I.C. 36-1-11-8 authorizes the transfer of property between governmental entities upon terms and conditions agreed upon by the entities as evidenced by the adoption of a substantially identical resolution by each entity;

WHEREAS, the County adopted its substantially identical resolution to authorize the assignment of the tax sale certificates for the Parcels held in the name of the County to the City;

WHEREAS, the City by adopting this substantially identical resolution is authorized to accept the assignment of the tax sale certificates for the Parcels;

BE IT THEREFORE RESOLVED, the City of Franklin does hereby adopt the above aforementioned as findings of fact;

IT IS FURTHER RESOLVED, that following the County and City's adoption of substantially identical resolutions to authorize the assignment of the tax sale certificates for the Parcels held in the name of the County to the City of Franklin, Indiana, the County will assign the tax sale certificates for the Parcels to the City pursuant to I.C. 6-1.1-24-9 (c) and (d).

IT IS FURTHER RESOLVED, that no money shall be paid by the City for the assignment of the tax sale certificates for the Parcels;

IT IS FURTHER RESOLVED, that following the assignment of the tax sale certificates, the City will give notices and take all steps necessary to obtain title to the Parcels. If the Parcels are not redeemed, the City, through its authorized representatives will follow and comply with the required statutory procedures for the issuance of a tax title deed for the Parcels from the Johnson County Auditor to the City, a City incorporated within the State of Indiana, pursuant to I.C. 6-1.1-25-1 et seq.

IT IS FURTHER RESOLVED, this Resolution shall be in full force and effect from and after its passage and as provided for by applicable law.

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

City of Franklin, Indiana, By its Board of Public Works and Safety

Voting Affirmative:	Voting Opposed:
_____	_____
Mayor Joseph E. McGuinness	Mayor Joseph E. McGuinness
_____	_____
Steve Barnett	Steve Barnett
_____	_____
Robert Swinehamer	Robert Swinehamer

Attest:

_____

Jayne Rhoades, Clerk Treasurer

Prepared by Lynnette Gray
Attorney No.: 11567-41