

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	February 28, 2012	Meeting Date:	March 5, 2012
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual: Tippmann Realty Partners, LLP			
Telephone:	260-490-3000		
Email address:	jbransteter@tippmanngroup.com		
Mailing Address:	9009 Coldwater Road, Fort Wayne, IN 46825		
Describe Request:			
Approval to vacate platted D&UE's – 700 Bartram Parkway			
Previous request (Ord. 2012-05) has been voided.			
List Supporting Documentation Provided:			
1. Petition to vacate D&UE			
2. Ordinance 2012-08 w/ Exhibit A			
Who will present the request?			
Name:	Joanna Myers	Telephone:	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.

THE COMMON COUNCIL
OF THE CITY OF FRANKLIN, INDIANA

PETITION FOR VACATION OF PLATTED EASEMENT

Comes now Jason Bransteter in person, with a mailing address of 9009 Coldwater Road, Fort Wayne, IN 46825, to petition the Common Council of the City of Franklin, Indiana for the vacation of a platted easement relative to their property and in support thereof would show the Council as follows:

1. That Tippmann Realty Partners, LLC owns certain property commonly known as 700 Bartram Parkway, and is more particularly described on the document which is attached hereto, made apart hereof, and marked Exhibit "A" (attach copy of the property's legal description).
2. That the petitioner seeks to vacate a platted easement which is shown on the document which is attached hereto, made apart hereof, and marked Exhibit "B" (attach copy of exhibit & legal description of subject easement).
3. That the names and addresses of all owners of land that abuts the property proposed to be vacated is attached hereto, made apart hereof, and marked Exhibit "C".
4. Said easement should serve no governmental purpose and is not essential for the use of the City of Franklin for any of the municipal purposes of the City.

THEREFORE, the petitioner asks that the Council grant their petition and pass an ordinance vacation said platted easement.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

J. Bransteter
Petitioner
260-452-7970
Phone number

State of Indiana)

County of Johnson)

SS

Subscribed and sworn to me this 27th day of February, 2012.

My Commission expires: 3/10/2019

Zachary A. Land
Notary Public



EXHIBIT A

PARCEL 1 - LEGAL DESCRIPTION

A part of the East Half of Section 19 and a part of the West Half of Section 20, all in Township 12 North, Range 5 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 20; thence South 00 degrees 28 minutes 36 seconds West on and along the West line of the Northwest Quarter of said Section 20 a distance of 2295.55 feet to the POINT OF BEGINNING of this described tract of land; thence North 63 degrees 15 minutes 34 seconds East a distance of 262.06 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 52.55 feet to the point of curvature of a curve to the left having a radius of 185.00 feet; thence on and along the arc of said curve a distance of 86.35 feet, said arc being subtended by a chord having a bearing of South 13 degrees 22 minutes 10 seconds East and a chord distance of 85.57 feet to the point of tangency of said curve; thence South 26 degrees 44 minutes 26 seconds East a distance of 1915.67 feet; thence South 88 degrees 23 minutes 00 seconds West a distance of 278.00 feet; thence South 87 degrees 15 minutes 07 seconds West a distance of 263.34 feet; thence South 88 degrees 31 minutes 28 seconds West a distance of 141.78 feet; thence South 85 degrees 52 minutes 35 seconds West a distance of 96.96 feet to a point on the Easterly Limited Access Right-of-Way line of Interstate 65, Proj. I-65-3(92)85; thence North 26 degrees 41 minutes 45 seconds West on and along said Easterly Right-of-Way line a distance of 1722.93 feet; thence North 63 degrees 15 minutes 34 seconds East a distance of 490.05 feet to the POINT OF BEGINNING, containing 30.701 acres, more or less.

NOTE:

The above described property is now part of a plat known as Franklin Tech Park and is described as follows:

Lot numbered 2 in Franklin Tech Park a subdivision in Johnson County, Indiana as per plat thereof recorded October 28, 2004 in Plat Cabinet D, Slide 545 A,B and C in the Office of the Recorder of Johnson County, Indiana.

AND

PARCEL 2 - LEGAL DESCRIPTION

A part of the Northwest Quarter of Section 20, Township 12 North, Range 5 East and a part of the Southwest Quarter of Section 20, Township 12 North, Range 5 East located in Needham Township, Johnson County, Indiana being bounded as follows:

Commencing at the Southwest Corner of the Southwest Quarter of Section 17, Township 12 North, Range 5 East; thence North 00 degrees 00 minutes 06 seconds East (the bearing system of Franklin Tech Park, Lot 2 as per plat thereof recorded in Plat Cabinet "D," slide 545 A, B and C by the Recorder of Johnson County, Indiana is assumed) 180.22 feet along the West Line of said Southwest Quarter to the point of beginning of said subdivision; thence North 75 degrees 04 minutes 55 seconds East 55.93 feet along the northern boundary of said subdivision to the eastern right-of-way line of Bartram Parkway as platted in said subdivision, said point being on a non-tangent curve concave to the east and being South 75 degrees 04 minutes 55 seconds West 565.00 feet from the radius point of said curve, the following four (4) courses are along the eastern right-of-way line of Bartram Parkway: 1) thence southerly and southeasterly 123.63 feet along said curve to its point of tangency, said point of tangency being South 62 degrees 32 minutes 40 seconds West 565.00 feet from the radius point of said curve; 2) thence South 27 degrees 27 minutes 20 seconds East 249.04 feet to the point of curvature of a curve to the right, said point of curvature being North 62 degrees 32 minutes 40 seconds East 635.00 feet from the radius point of said curve; 3) thence southeasterly and southerly 304.30 feet along said curve to its point of tangency, said point of tangency being South 89 degrees 59 minutes 54 seconds East 635.00 feet from the radius point of said curve; 4) thence South 00 degrees 00 minutes 06 seconds West 882.33 feet to the southwestern corner of the 31.656 acre tract of land described in the WARRANTY DEED recorded as instrument #2009-014646 by said Recorder and to the POINT OF BEGINNING of this description; thence North 89 degrees 17 minutes 40 seconds East 1,000.68 feet along the southern boundary of said 31.656 acre tract of land to its southeastern corner; thence North 00 degrees 09 minutes 27 seconds East 1,364.80 feet along the eastern boundary of said 31.656 acre tract of land to its northeastern corner; thence North 87 degrees 43 minutes 02 seconds East 30.03 feet along the easterly extension of the northern boundary of said 31.656 acre tract of land to the East Line of the West Half of the Northwest Quarter of Section 20, Township 12 North, Range 5 East; thence South 00 degrees 09 minutes 27 seconds West 2,759.72 feet along the East Line of the West Half of said Northwest Quarter to the Southeast Corner of the West Half of said Northwest Quarter; thence South 00 degrees 15 minutes 24 seconds East 1,312.26 feet to the southeastern corner of the 212.233 acre tract of land described in the TRUSTEE'S DEED recorded as instrument #2002-001861 and in the TRUSTEE'S DEED recorded as instrument #2002-001863 by said Recorder; thence South 00 degrees 15 minutes 24 seconds East 7.73 feet to the southeastern corner of the 0.213 acre tract of land described in the TRUSTEE'S DEED recorded as instrument #2004-028657 and in the TRUSTEE'S DEED recorded as instrument #2004-028658 by said Recorder; thence South 88 degrees 23 minutes 00 seconds West 221.05 feet along the southern boundary of said 0.213 acre tract of land to the southeastern corner of said subdivision; thence North 26 degrees 44 minutes 26 seconds West 1,699.45 feet along a northeastern boundary of Lot 2 in said subdivision to southwestern corner of said Bartram Parkway; thence North 63 degrees 15 minutes 34 seconds East 70.00 feet along the southern right-of-way line of said Bartram Parkway its southeastern corner, the following three (3) courses are along the eastern right-of-way line of Bartram Parkway: 1) thence North 26 degrees 44 minutes 26 seconds West 216.23 feet to the point of curvature of a curve to the right, said point of curvature being South 63 degrees 15 minutes 34 seconds West 115.00 feet from the radius point of said curve; 2) thence northwesterly and northerly 53.68 feet along said curve to its point of tangency, said point of tangency being North 89 degrees 59 minutes 54 seconds West 115.00 feet from the radius point of said curve; 3) thence North 00 degrees 00 minutes 06 seconds East 913.56 feet to the POINT OF BEGINNING containing 49.756 acres, more or less.

Said real estate having been platted as:

Block "E" in Franklin Tech Park - Blocks D and E, an Addition to the City of Franklin, Johnson County, Indiana, the plat of which was recorded on November 23, 2009, as Instrument No. ~~2009-00022050~~ 2009-026716 in Plat Cabinet E 8, Slides A, B & C, in the Office of Recorder of Johnson County, Indiana.



EXHIBIT "B"

LAND DESCRIPTION

(Portion of Drainage and Utility Easements to be released)

A portion of a 15.00 foot wide Drainage and Utility Easement as depicted on the plat of Franklin Tech Park - Blocks D and E, as per plat thereof recorded as Instrument No. 2009-026716 in the Office of the Recorder of Johnson County, Indiana, said portion of easement to be released being more particularly described as follows:

COMMENCING at the intersection of the southernmost corner of the platted right-of-way of Bartram Parkway with the westerly line of Block E of said plat; thence North 63 degrees 15 minutes 34 seconds East (basis of bearing = plat) along said right-of-way line a distance of 70.00 feet to the POINT OF BEGINNING; thence continuing North 63 degrees 15 minutes 34 seconds East a distance of 5.00 feet to a point of tangency of a curve to the left having a radius of 40.00 feet, the radius point of which bears North 26 degrees 44 minutes 26 seconds West; thence northeasterly along said curve and right-of-way an arc distance of 10.11 feet to a point which bears South 41 degrees 13 minutes 05 seconds East from said radius point; thence South 26 degrees 44 minutes 26 seconds East a distance of 292.62 feet; thence South 63 degrees 15 minutes 34 seconds West a distance of 15.00 feet; thence North 26 degrees 44 minutes 26 seconds West a distance of 291.36 feet to the Point of Beginning, containing 4,375 square feet, more or less.

ALSO:

A portion of a 25.00 foot, a 30.00 foot varying to 20.00 foot, and a 20 foot varying to a 10.00 foot wide Drainage and Utility Easement as depicted on the plat of Amended Franklin Tech Park, Lot 2, as per plat thereof recorded as Instrument No. 2005-019745 in the Office of the Recorder of Johnson County, Indiana, said portion of easements to be released being more particularly described as follows:

BEGINNING at a point 7.00 feet North 26 degrees 44 minutes 26 seconds West (basis of bearing = plat) of the intersection of the southernmost corner of the platted right-of-way of Bartram Parkway with the easterly line of Lot 2 of said plat; thence South 26 degrees 44 minutes 26 seconds East along said easterly line a distance of 1272.12 feet; thence South 41 degrees 35 minutes 51 seconds West a distance of 26.91 feet; thence North 26 degrees 44 minutes 26 seconds West a distance of 580.40 feet; thence North 63 degrees 15 minutes 34 seconds East a distance of 5.00 feet; thence North 26 degrees 44 minutes 26 seconds West a distance of 482.86 feet; thence South 63 degrees 15 minutes 34 seconds West a distance of 20.00 feet; thence North 26 degrees 44 minutes 26 seconds West a distance of 218.75 feet; thence North 63 degrees 15 minutes 34 seconds East a distance of 40.00 feet to the Point of Beginning, containing 32,798 square feet, more or less.

Steven W. Reeves
Indiana registered Land Surveyor #20400005
January 6, 2012



Exhibit C

Names and addresses of all owners of land that abuts to property proposed to be vacated:

1. Tippmann Realty Partners, LLC
9009 Coldwater Road
Fort Wayne, IN 46825

**ORDINANCE NUMBER 2012-08
OF THE CITY OF FRANKLIN, INDIANA**

AN ORDINANCE APPROVING VACATING DRAINAGE & UTILITY EASEMENTS WITHIN THE CITY OF
FRANKLIN, INDIANA

(To be known as Bartram Parkway D&UE Vacation)

WHEREAS, Tippmann Realty Partners have filed before the Common Council of the City of Franklin a petition requesting that said drainage & utility easements as described herein be vacated for the reason that said easements are not at this time used for any public purpose and are not foreseeably needed by the City of Franklin for any public purpose; and

WHEREAS, the subject drainage & utility easements are shown and described on Exhibit A;

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held upon said petition on the ____ day of _____, 2012.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS THAT:

- 1) The platted easement described above is hereby, pursuant to IC 36-7-3-16, declared vacated;
- 2) A copy of this Ordinance shall be transmitted to the Recorder of Johnson County, Indiana;
- 3) This Ordinance shall become effective at the time of recording;
- 4) City Staff is authorized to execute all deeds necessary in accomplishment of the herein above.

INTRODUCED and Filed on the 5th day of March, 2012.

PASSED on this ____ day of _____, 2012, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of ____ in Favor and ____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Steve Barnett, President

Steve Barnett, President

Joseph P. Abban

Joseph P. Abban

Joseph R. Ault

Joseph R. Ault

Kenneth Austin

Kenneth Austin

Robert Henderson

Robert Henderson

Stephen Hougland

Stephen Hougland

Richard Wertz

Richard Wertz

Attest:

Janet P. Alexander, Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this ____ day of _____, 2012, at _____ o'clock p.m.

Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this ____ day of _____, 2012 at _____ o'clock p.m.

Joe McGuinness, Mayor

Attest:

Janet P. Alexander, Clerk-Treasurer

APPROVED AS TO FORM:

Lynette Gray, City Attorney

*Prepared by:
Joanna M. Myers, Senior Planner
City of Franklin
Department of Planning & Economic Development
70 E. Monroe Street
Franklin, IN 46131*



EXHIBIT "A"

LAND DESCRIPTION

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