

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	April 11, 2012	Meeting Date:	April 16, 2012
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
		Town of Whiteland	
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Consent of proposed annexations for the Town of Whiteland			
List Supporting Documentation Provided:			
1. Memorandum			
2. Map			
3. Request letter from Town of Whiteland			
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.



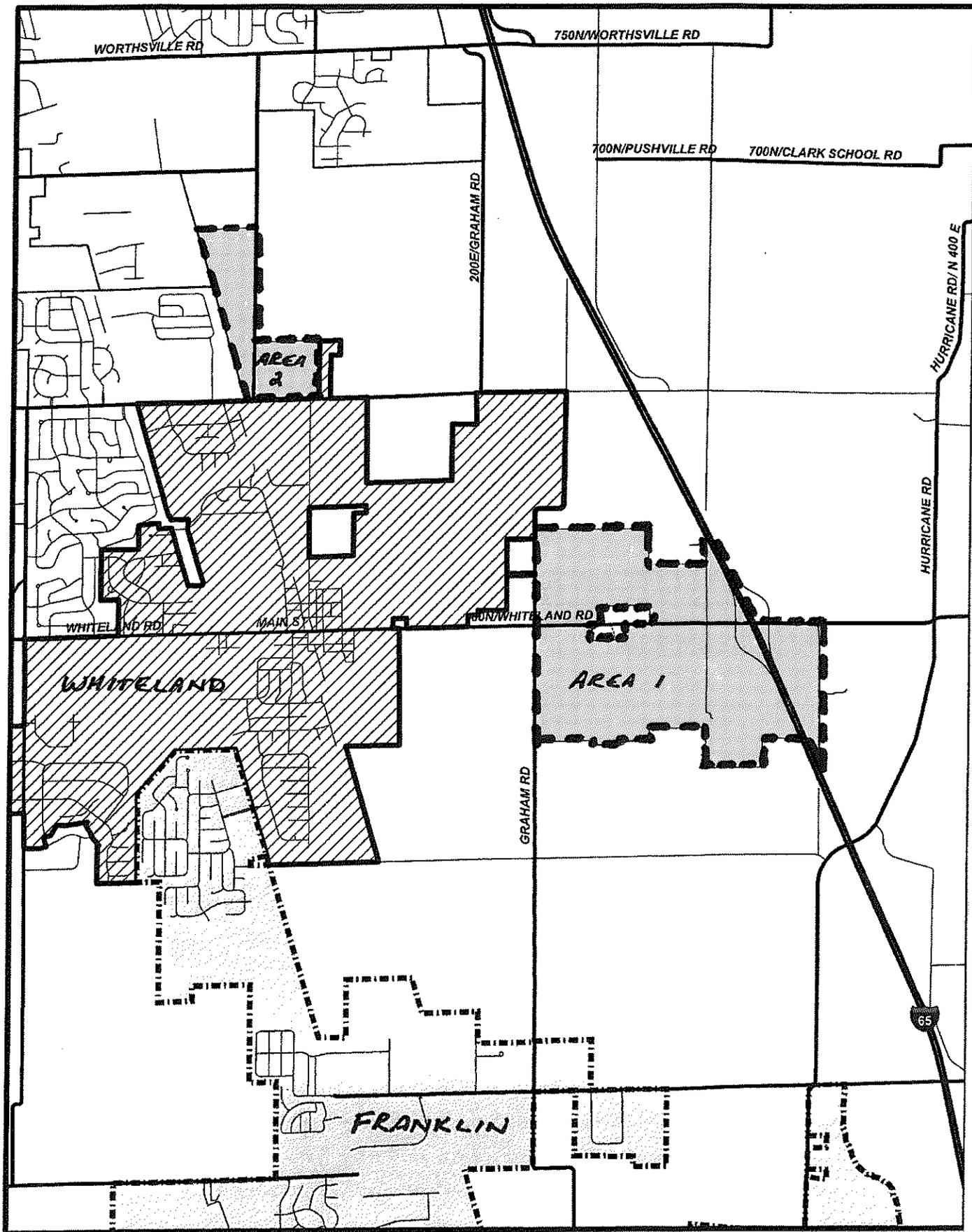
CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT › DEPARTMENT OF ENGINEERING
70 E. MONROE STREET › FRANKLIN, INDIANA 46181 › 877.736.3631 › FAX 317.736.5310 › www.franklin.in.gov/planning

MEMO

To: City Council Members
CC: Mayor, Clerk-Treasurer, City Attorney
From: Joanna Myers, Senior Planner
Date: April 11, 2012
Re: Town of Whiteland Annexations

The Town of Whiteland is proposing to annex two areas into their town limits. IC 36-4-3-9 requires a town to obtain consent from a city if the proposed annexation area is located within 3 miles of the city's corporate limits. Both areas are within 3 miles of the current city limits of Franklin. See the attached map and request letter from the Town of Whiteland.



WORTHVILLE RD

750N/WORTHVILLE RD

700N/PUSHVILLE RD

700N/CLARK SCHOOL RD

200E/GRAHAM RD

HURRICANE RD/N 400 E

HURRICANE RD

AREA 2

WHITELAND RD

MAIN ST

600N/WHITELAND RD

WHITELAND

AREA 1

GRAHAM RD

FRANKLIN

65

0 800 1,600 3,200 4,800 6,400 Feet



TOWN COUNCIL
ROBERT ZEHR
PRESIDENT
KENT BEESON
VICE PRESIDENT
ROGER FORD
MEMBER
CHRIS HADLEY
MEMBER
ED TICHENOR
MEMBER

TOWN OF WHITELAND
549 MAIN STREET
WHITELAND, INDIANA 46184

(317) 535-5531
FAX (317) 535-8724
WWW.TOWNOFWHITELAND.COM

WHITELAND WATER WORKS
WHITELAND SEWER WORKS
WHITELAND STORM WATER UTILITY

MICHELLE R. RICHARDS
CLERK-TREASURER

DENNIS CAPOZZI
TOWN MANAGER

March 7, 2012

Mayor Joe McGuinness
City of Franklin
70 E. Monroe Street
P. O. Box 280
Franklin, Indiana 46131

Re: Consent for Annexation

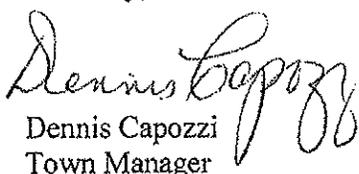
Dear Mayor McGuinness,

I am writing this letter because the Town of Whiteland ("Whiteland") is currently pursuing two annexations of territory contiguous to its corporate limits. Both of these territories are separate from the City of Franklin ("Franklin") by the existing town limits of Whiteland. Nevertheless, the territory in both cases lies within three miles of the present corporate limits of Franklin. We would like to have Franklin's consent to these annexations for our files. The two Annexation Ordinances are attached along with the maps and legal descriptions of both territories.

If you could pass these on to the appropriate boards or Council for their action I would appreciate it.

If there are any questions or if we need to meet or if I need to appear in front of any board of Council please let me know.

Sincerely,



Dennis Capozzi
Town Manager
Town of Whiteland

Enclosure

CONSENT

The City of Franklin Consents to the annexations by the Town of Whiteland as accomplished by Ordinance Nos. 2011-07 and 2011-08

CITY OF FRANKLIN

BY: _____

WHITELAND ANNEXATION - AREA 1



SCALE: 1" = 1,000'

SHADED AREA NOT
IN TOWN LIMITS
(17.8 AC.)

WHITELAND RD.
CO. RD. 500 N.

631.8 AC.
- 17.8 AC. (EXCEPTION)
614.0 AC.

CO. RD. 225 E.

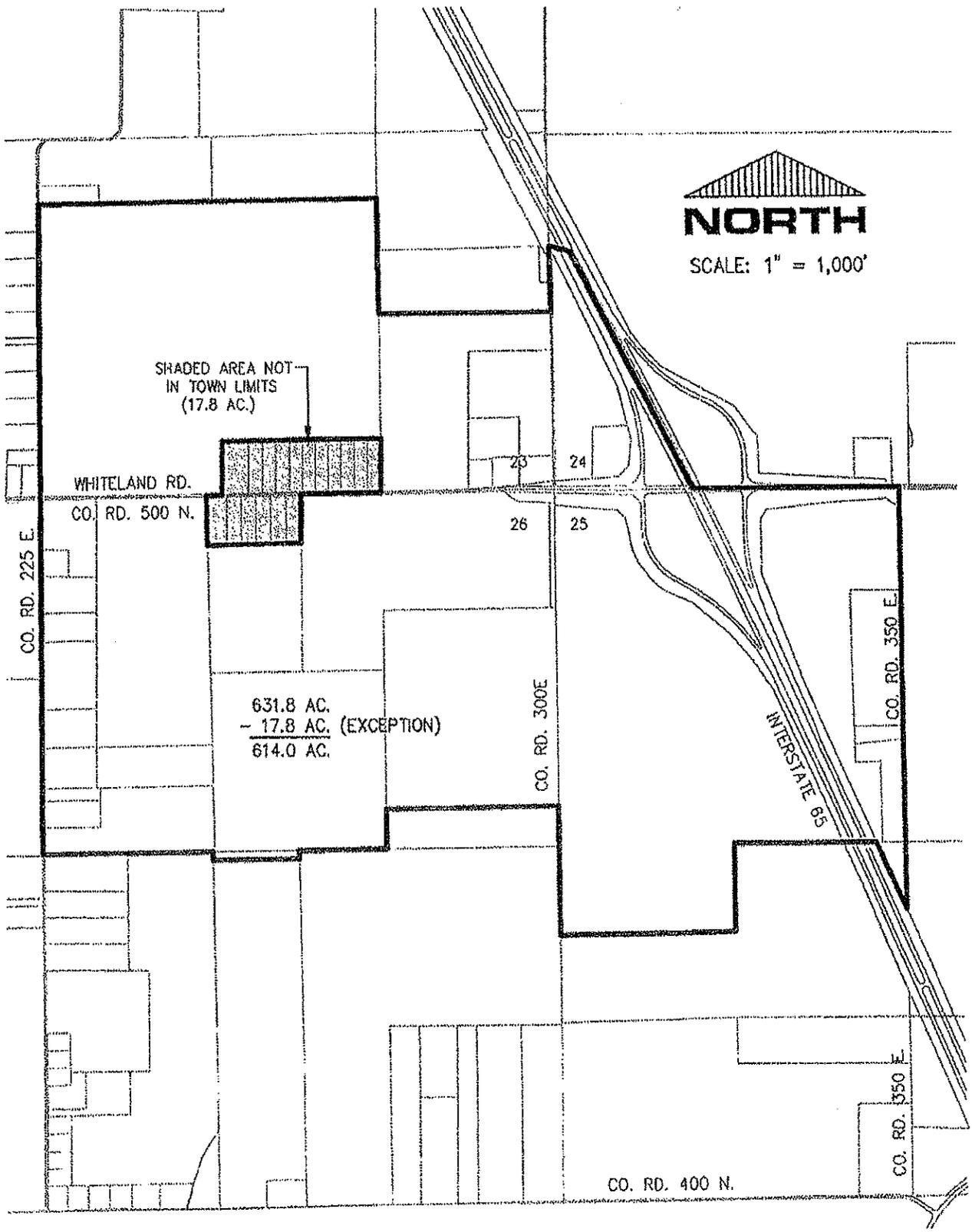
CO. RD. 300E

CO. RD. 350 E.

INTERSTATE 65

CO. RD. 400 N.

CO. RD. 350 E.



LAND DESCRIPTION
AREA 1

A part of the East Half of Section 23, a part of the Southwest Quarter of Section 24, a part of the West Half of Section 25 and a part of the East Half of Section 26, all in Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, described as follows:

Commencing at the Northwest corner of said Section 25; thence East on and along the North line thereof a distance of 1086.6 feet, more or less to the POINT OF BEGINNING of the described land description; thence continuing East on and along said North line a distance of 1607.3 feet, more or less to the intersection of County Road 500 North (Whiteland Road) and County Road 350 East; thence South along the centerline of said County Road 350 East a distance of 3196.7 feet, more or less to a point on the East right-of-way line of Interstate 65; thence Northwesterly on and along said East right-of-way line a distance of 561.0 feet, more or less; thence West a distance of 1107.1 feet, more or less; thence South a distance of 668.7 feet, more or less; thence West a distance of 1351.7 feet, more or less; thence North a distance of 977.4 feet, more or less; thence West a distance of 1331.8 feet, more or less; thence South a distance of 300.0 feet, more or less; thence West a distance of 669.6 feet, more or less; thence South a distance of 66.0 feet, more or less; thence West a distance of 660.0 feet, more or less; thence North a distance of 66.0 feet, more or less; thence West a distance of 1326.8 feet, more or less to a point in the centerline of County Road 225 East; thence North on and along said centerline a distance of 2701.6 feet, more or less to the intersection of said County Road 225 East and County Road 500 North (Whiteland Road); thence North on and along the centerline of said County Road 225 East a distance of 2230.2 feet, more or less; thence East a distance of 2655.4 feet, more or less; thence South a distance of 868.6 feet, more or less; thence East a distance of 1336.4 feet, more or less; thence North a distance of 491.9 feet, more or less; thence Easterly a distance of 173.5 feet, more or less to a point on the centerline of the Interstate 65 right-of-way; thence Southeasterly on and along said right-of-way centerline a distance of 2035.1 feet to the Point of Beginning containing 631.8 acres, more or less.

EXCEPTING THEREFROM:

A part of the East Half of Section 23 and a part of the East Half of Section 26, all in Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, described as follows:

Commencing at the Northeast corner of said Section 26; thence West on and along the North line thereof a distance of 1344.4 feet, more or less; thence continuing West on and along said North line a distance of 615.2 feet, more or less; thence South a distance of 371.7 feet, more or less; thence West a distance of 721.5 feet, more or less; thence North a distance of 376.7 feet, more or less to a point in the South line of the East Half of said Section 23; thence East on and along said South line a distance of 119.2 feet, more or less; thence North a distance of 411.2 feet, more or less; thence East a distance of 1224.1 feet, more or less; thence South a distance of 408.2 feet, more or less to the Point of Beginning containing 17.8 acres, more or less.

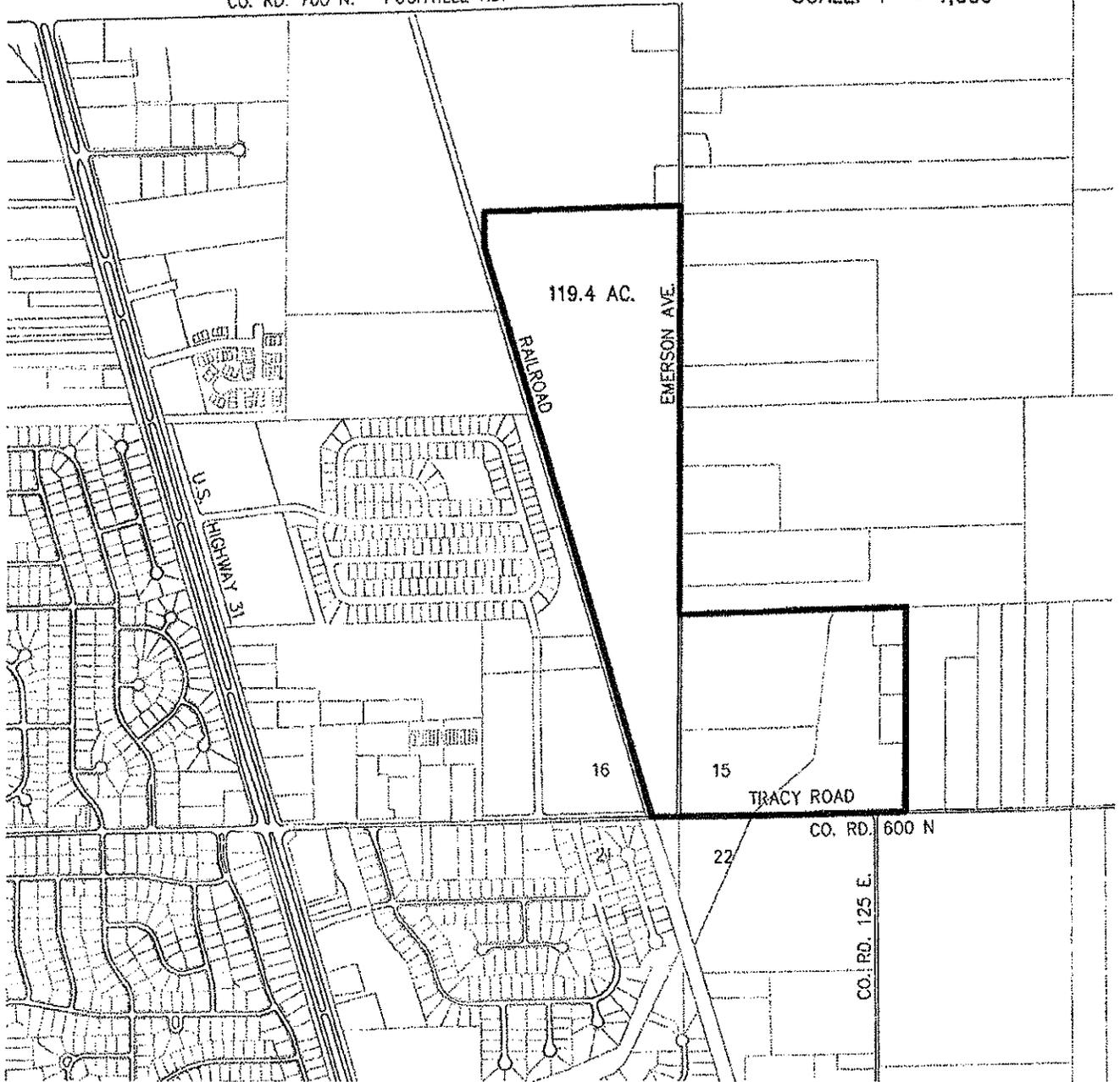
Containing in all 614 acres, more or less after said Exception.

WHITELAND ANNEXATION - AREA 2



SCALE: 1" = 1,000'

CO. RD. 700 N. PUSHVILLE RD.



LAND DESCRIPTION
AREA 2

A part of the East Half of Section 16 and part of the Southwest Quarter of Section 15, all in Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, described as follows:

BEGINNING at the Southeast corner of said Section 16; thence West on and along the South line thereof a distance of 177.3 feet, more or less to a point in the East right-of-way line of the Railroad; thence Northwesterly on and along said East right-of-way line a distance of 3941.3 feet, more or less; thence North a distance of 231.0 feet, more or less; thence East a distance of 1320.0 feet, more or less to a point on the centerline of Emerson Avenue; thence South on and along said centerline a distance of 2706.1 feet, more or less; thence East a distance of 1515.2 feet, more or less; thence South a distance of 1352.1 feet, more or less to a point in the centerline of County Road 600 North (Tracy Road); thence West on and along said centerline a distance of 1518.8 feet to the Point of Beginning containing 119.4 acres, more or less.

ORDINANCE NO. 2011-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, ANNEXING CERTAIN TERRITORY INTO THE TOWN OF WHITELAND, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF WHITELAND (THE EAST AREA ANNEXATION)

WHEREAS, the Town Council (the "Council") of the Town of Whiteland, Indiana (the "Town") has investigated annexation of property in the area east of the Town along Whiteland Road between Graham Road and Interstate 65 and east of Interstate 65 to North County Road 350E on the south side of Whiteland Road; and

WHEREAS, pursuant to I.C. 36-4-3, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations; and

WHEREAS, responsible planning and State law require adoption of a written fiscal plan and a definite policy for the provision of services of both a noncapital and capital nature to the annexed areas; and

WHEREAS, this Council has previously adopted by Resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 2011-10; and

WHEREAS, Exhibit A is a map and legal description of the territory to be annexed, which territory consists of approximately 614 acres ("Annexation Territory"); and

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the Town; and

WHEREAS, this Ordinance has been adopted following due notice and a public hearing.

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk-Treasurer for public inspection.
2. In accordance with I.C. 36-4-3, the Annexation Territory is hereby annexed to the Town of Whiteland and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

3. To the extent the Annexation Territory includes land contiguous to a public highway, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by I.C. 36-4-3-2.5.
4. The effective date of this annexation shall be as soon as allowed by law following its adoption and execution and publication as required by law.
5. The Annexation Territory is assigned to Whiteland Town Council District No. 1.
6. It is the intent of this Council to adopt for the Annexation Territory the current Town zoning classification that most closely corresponds to the current use of the property. Upon the effective date of this Ordinance, the Town zoning classification that will apply to the respective parcels in the Annexation Territory is listed on Exhibit B attached hereto and incorporated herein by reference. Two copies of Exhibits B shall be kept on file with the Clerk-Treasurer for public inspection.
7. Pursuant to I.C. § 36-4-3-4.1, all portions of the Annexation Territory that are classified for zoning purposes as agricultural shall be exempt from all property tax liability under I.C. 6.1.1 for municipal purposes and shall remain exempt from the property tax liability for so long as the property's zoning classification remains agricultural or for ten (10) years, whichever is shorter. There may not be a change in the zoning classification of the Annexation Territory without the consent of the owner of the annexed territory.
8. A tax abatement program is established for the Annexation Territory which shall apply to all classes of property in the Annexation Territory and which shall commence the first year that any property taxes for municipal purposes are due for any property in the Annexation Territory. Pursuant to the tax abatement program, the following portions of property taxes for municipal purposes shall be abated for all classes of property: (a) 75% of the municipal tax liability in Year 1; (b) 50% of the municipal tax liability in Year 2; and (c) 25% of the municipal tax liability in Year 3.
9. The Town recognizes and accepts its obligation pursuant to I.C. § 36-4-3-10 with respect to Township debt.
10. Severability. The paragraphs, sentences and words of this Ordinance are severable, and if any portion hereof is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance. Specifically, if any portion of the Annexation Territory cannot be lawfully annexed for any reason, it shall have no impact on the annexation of the remaining Annexation Territory.

If it is determined in any final order no longer subject to appeal in a judicial challenge to this Ordinance that any amendment to this Ordinance either prior to or after its adoption has rendered this Ordinance unenforceable, invalid, or otherwise ineffective, then this Ordinance shall be reformed so as to exclude such amendment and shall be considered

adopted as if the amendment had never been made.

- 11. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

PASSED by the Town Council of the Town of Whiteland, Indiana, this ____ day of _____, 2012, by a vote of _____ ayes and _____ nays.

TOWN COUNCIL FOR THE TOWN OF WHITELAND

Robert Zehr, President

Chris Hadley, Member

Kent Beeson, Vice-President

Ed Tichenor, Member

Roger Ford, Member

ATTEST:

Michelle Richards, Clerk-Treasurer

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. (Hillary J. Close)

This instrument was prepared by Hillary J. Close, attorney-at-law
Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, ANNEXING CERTAIN TERRITORY INTO THE TOWN OF WHITELAND, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE TOWN OF WHITELAND (THE NORTH AREA ANNEXATION)

WHEREAS, the Town Council (the "Council") of the Town of Whiteland, Indiana (the "Town") has investigated annexation of property in the area along Emerson Road north of Tracy Road; and

WHEREAS, pursuant to I.C. 36-4-3, the legislative body of a municipality may, by ordinance, annex territory that is contiguous to the municipality, subject to certain limitations; and

WHEREAS, responsible planning and State law require adoption of a written fiscal plan and a definite policy for the provision of services of both a noncapital and capital nature to the annexed areas; and

WHEREAS, this Council has previously adopted by Resolution a written fiscal plan and definite policy for the provision of municipal services pursuant to Resolution No. 2011-10; and

WHEREAS, Exhibit A is a map and legal description of the territory to be annexed, which territory consists of approximately 119 acres ("Annexation Territory"); and

WHEREAS, the Annexation Territory is at least one-eighth (1/8) contiguous to the existing corporate boundaries of the Town; and

WHEREAS, this Ordinance has been adopted following due notice and a public hearing.

WHEREAS, this Council has determined to annex the Annexation Territory pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by reference as though fully set forth herein below. Two copies of Exhibit A shall be kept on file with the Clerk-Treasurer for public inspection.
2. In accordance with I.C. 36-4-3, the Annexation Territory is hereby annexed to the Town of Whiteland and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

3. To the extent the Annexation Territory includes land contiguous to a public highway, the Annexation Territory shall include the contiguous areas of the public highway and public highway rights-of-way as required by I.C. 36-4-3-2.5.
4. The effective date of this annexation shall be as soon as allowed by law following its adoption and execution and publication as required by law.
5. The Annexation Territory is assigned to Whiteland Town Council District No. 1.
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7. Pursuant to I.C. § 36-4-3-4.1, all portions of the Annexation Territory that are classified for zoning purposes as agricultural shall be exempt from all property tax liability under I.C. 6.1.1 for municipal purposes and shall remain exempt from the property tax liability for so long as the property's zoning classification remains agricultural or for ten (10) years, whichever is shorter. There may not be a change in the zoning classification of the Annexation Territory without the consent of the owner of the annexed territory.
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11. All prior Ordinances or parts thereof which may be inconsistent with any provision of this Ordinance are hereby repealed.

PASSED by the Town Council of the Town of Whiteland, Indiana, this ____ day of _____, 2012, by a vote of _____ ayes and _____ nays.

TOWN COUNCIL FOR THE TOWN OF WHITELAND

Robert Zehr, President

Chris Hadley, Member

Kent Beeson, Vice-President

Ed Tichenor, Member

Roger Ford, Member

ATTEST:

Michelle Richards, Clerk-Treasurer

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. (Hillary J. Close)

This instrument was prepared by Hillary J. Close, attorney-at-law
Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204

