#### AGENDA RESERVATION REQUEST

# CITY OF FRANKLIN COMMON COUNCIL

Please type or print

				1								
Date Subr	nitted:	October 8, 2018	Meeting Da	ate:	Oct. 15, 2018							
Contact Ir	Contact Information:											
Requeste	d by:	Joanna Myers, Senior	Planner									
On Behalf	On Behalf of Organization or Individual: Fred Linville											
Telephone	Telephone: 317-736-3631											
Email add	Email address: jmyers@franklin.in.gov											
Mailing Ad	ddress:	70 E. Monroe St., Frai	nklin, IN 46131									
Describe l	Describe Request:											
		ce 2018-13: Annexation aring) & Approval of Re										
List Supp	List Supporting Documentation Provided:											
1. City	Council m	nemo										
2. Plar	Commiss	sion Staff Report (PC 20	018-22)									
3. Ord	3. Ordinance 2018-13											
4. Res	4. Resolution 2018-14											
5. Fisc	al Plan – l	Linville Annexation – 8.	711 ac.									
Who will p	Who will present the request?											
Name:	loanna My	rers	Telephone:	(317)	736-3631							

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 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 Council - Memorandum**

**To:** City Council Members

CC: Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer

From: Joanna Myers, Senior Planner

Date: September 26, 2018

Re: Linville Annexation – 8.711 ac. (Ordinance 2018-13)

On September 18, 2018 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Fred Linville (Plan Commission Resolution #2018-22). The Plan Commission voted 10-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 8.711 acres north of 2160 N. Graham Road be annexed into the City of Franklin to plan for future development. The attached staff report prepared for the Plan Commission meeting further describes this request.

The petition was properly advertised for the Plan Commission meeting. A copy of the annexation ordinance is included. A copy of the fiscal plan and resolution adopting the fiscal plan accompany the ordinance. The proposed timeline for the petition is as follows:

Introduction: October 1, 2018

Public Hearing: October 15, 2018 (Fiscal Plan adopted after annexation public hearing.)

Action Taken: November 5, 2018

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.

### **Plan Commission Staff Report**

**To:** Plan Commission Members

From: Joanna Myers, Senior Planner

Date: September 12, 2018

Re: Case PC 2018-22 (A): Linville Annexation - 8.711 ac. Graham Road

#### **REQUEST:**

Case PC 2018-22 (A)...Linville Annexation – 8.711 ac. Graham Road. A request by Fred Linville to annex 8.711 acres located north of 2160 N. Graham Road. The subject property is currently zoned IL (Industrial: Light).

#### **ADJACENT PROPERTIES:**

West: IL (Industrial: Light)

# Surrounding Zoning:Surrounding Land Use:North:IL (Industrial: Light)North:AgricultureSouth:IL (Industrial: Light)South:Animal ShelterEast:IL (Industrial: Light)East:Industrial

### **CURRENT ZONING:**

The "IL", Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

West:

Agriculture

#### **CONSIDERATIONS:**

- 1. Fred Linville is requesting that 8.711 acres located north of 2160 N. Graham Road (Johnson County Animal Shelter) be annexed into the City of Franklin to plan for future development. See attached exhibit.
- 2. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)

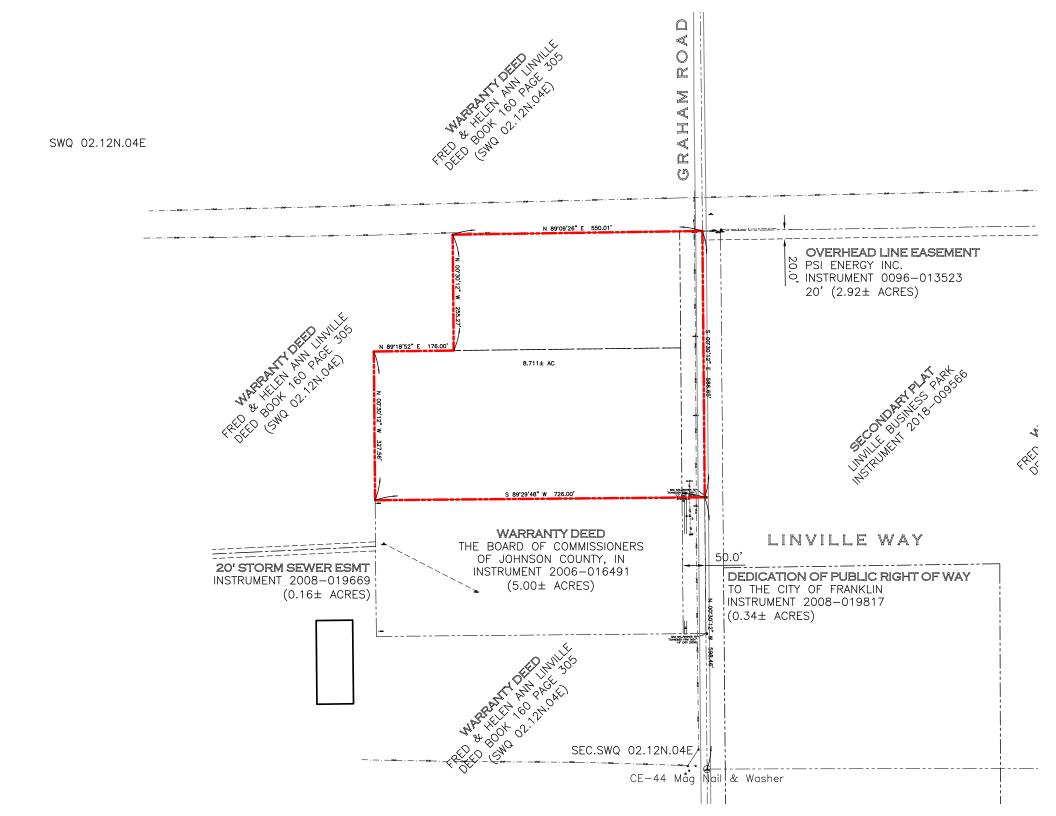
- 3. The proposed annexation area is 50%% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
- 4. Public utilities are currently available in close proximity to the property.
- 5. The proposed annexation is located within the Needham Fire Protection District (est. 3-19-90 by Ord. 1990-5). IC 36-4-3-7 outlines the effectiveness of an annexation within a fire protection district. Effective date of annexation would be the second January 1 that follows the date the ordinance is adopted.
- 6. The Technical Review Committee reviewed the petition at their August 23, 2018 meeting. All technical review comments have been addressed.
- 7. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. "Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area."

#### PLAN COMMISSION ACTION:

Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the annexation petition.

#### STAFF RECOMMENDATION:

Staff recommends a favorable recommendation be forwarded to the City Council.



#### City of Franklin Common Council

#### **ORDINANCE # 2018-13**

AN ORDINANCE APPROVING A RESOLUTION
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS
(to be known as Linville Annexation – 8.711 ac.)

**WHEREAS,** a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

WHEREAS, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2018-22 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked "Resolution #2018-22"); and

**WHEREAS,** pursuant to IC 36-7-4-605, Resolution #2018-22 has been certified to City's Common Council; and

**WHEREAS,** it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "A" be annexed to and become a part of the City of Franklin, Indiana.

# NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana.
- 2. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain; and
- 3. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
- 4. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance; and
- 5. The provisions set forth in this ordinance become and will remain in full force and effect on the second January 1 that follows the date the ordinance is adopted pursuant to Indiana Code; and
- 6. Said newly annexed territory shall become a part of Council District 2; and

**INTRODUCED AND FILED** on the 1<sup>st</sup> day of October, 2018. PUBLIC HEARING held on the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 2018. **DULY ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, 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:** Kenneth Austin, Council President Kenneth Austin, Council President Andrew Eggers, Vice President Andrew Eggers, Vice President Joseph P. Abban Joseph P. Abban Daniel J. Blankenship Daniel J. Blankenship Robert D. Heuchan Robert D. Heuchan Danny Richards Danny Richards Richard L. Wertz Richard L. Wertz Attest:

7. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to

make the filings as required by IC 36-4-3-22(a),

Jayne Rhoades, City Clerk-Treasurer

	ty of Franklin for his approval or veto pursuant too'clock p.m.
	Jayne Rhoades, City Clerk-Treasurer
<del>-</del> , , , , ,	he legislative body and presented to me was [ <b>Approved</b> ode § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code _ 2018 at o'clock p.m.
	Steve Barnett, Mayor
Attest:	
Jayne Rhoades, City Clerk-Treasurer	
I affirm, under the penalties for perjury, that I have number in this document, unless required by law	ave taken reasonable care to redact each social security w.
Signed	
Prepared by: Joanna Myers, Senior Planner Department of Planning & Engineering	

70 E. Monroe Street Franklin, IN 46131

#### **EXHIBIT "A"**

Part of the Southwest Quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter Section; thence North 00 degrees 30 minutes 12 seconds West (the basis of bearings are referenced to grid bearings based on NAD 83 Indiana State Plane Coordinate System, East Zone per Indiana Department of Transportation (INDOT) Continuously Operating Reference Stations (InCORS) real-time kinematic (RTK) correction service July 2018) along the east line thereof 598.46 feet to the northeast corner of the land described in a Warranty Deed to the Board f Commissioners of Johnson County, IN recorded as Instrument 2006-016491 in the Office of the Recorder of Johnson County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 29 minutes 48 seconds West along the north line thereof 726.00 feet to the northwest corner thereof; thence North 00 degrees 30 minutes 12 seconds West 327.56 feet; thence North 89 degrees 18 minutes 52 seconds East 176.00 feet; thence North 00 degrees 30 minutes 12 seconds West 255.27 feet; thence North 89 degrees 09 minutes 26 seconds East 550.01 feet to the east line of the Southwest Quarter; thence South 00 degrees 30 minutes 12 seconds East along said east line 586.65 feet to the POINT OF BEGINNING, containing 8.711 acres (379,460 SF), more or less.

AND INCLUDING ALL CONTIGUOUS AREAS OF PUBLIC HIGHWAYS AND RIGHTS-OF-WAY OF THE PUBLIC HIGHWAYS WHICH ARE NOT ALREADY CONTAINED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FRANKLIN.



# CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2018-22 TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION

NAME OF PETITIONER:

PLAN COMMISSION DOCKET NUMBER:

Fred Linville

PC 2018-22

#### RESOLUTION

WHEREAS, the City of Franklin, Indiana has received an annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

WHEREAS, the petitioner has submitted a statement of reasons for having said property annexed; and

WHEREAS, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

WHEREAS, the existing and proposed improvements have been submitted and reviewed by the Plan Commission; and

WHEREAS, the said improvements are consistent with the 2013 Comprehensive Plan; and

WHEREAS, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

WHEREAS, a public hearing was held on the 18<sup>th</sup> day of September, 2018 in the Franklin City Hall to give the public an opportunity to offer comments on said annexation petition; and

WHEREAS, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

WHEREAS, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

### NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:

- 1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
- 2. On behalf of the secretary, staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the City of Franklin Common Council.
- 3. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 18<sup>th</sup> day of September, 2018.

PLAN COMMISSON OF THE CITY OF FRANKLIN, INDIANA

lim Martin President

ATTEST:

Suzanne Findley , Secretary

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AND INCLUDING ALL CONTIGUOUS AREAS OF PUBLIC HIGHWAYS AND RIGHTS-OF-WAY OF THE PUBLIC HIGHWAYS WHICH ARE NOT ALREADY CONTAINED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FRANKLIN.

#### City of Franklin Common Council

#### **RESOLUTION # 2018-14**

A RESOLUTION ADOPTING A FISCAL PLAN OF SERVICES FOR THE ANNEXATION OF CERTAIN TERRITORY (to be known as Linville Annexation – 8.711 ac.)

WHEREAS, the Common Council is considering the adoption of Ordinance 2018-13 annexing to the City of Franklin, Indiana, the real property described in Exhibit "A" attached hereto; and

**WHEREAS,** a fiscal plan of services for said annexed area shall be approved by resolution by the City of Franklin, Indiana prior to approving the annexation request; and

**WHEREAS,** a fiscal plan has been developed and presented to the Common Council, entitled "Fiscal Plan Linville Annexation – 8.711 ac." (the "Fiscal Plan"); and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that it provides an orderly and effective plan for the organization and extension of services to the area proposed to be annexed; and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that planned services of a non-capital nature will be provided to the area as soon as possible upon annexation, but in no event later than one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope of such services provided within the corporate boundaries regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that planned services of a capital improvement nature will be provided to the area within three (3) years of the effective date of annexation in the same manner as services provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

### NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, THAT:

Section 1. The Franklin Common Council adopts and approves the written Fiscal Plan which is attached hereto and made a part hereof along with the following fiscal plan of services:

- 1. The cost of planned services to the City of Franklin shall be as follows:
  - a. Approximately \$0.00 per month (\$0.00 annually) to illuminate approximately zero (0) new street lights throughout the proposed development; and
- 2. The method of financing the planned services shall be as follows:
  - a. Funding for any proposed street lighting shall be provided through standard monthly municipal rental payments for the electricity used to illuminate said street lighting; and
- 3. The organization and extension of said planned services shall be in accordance with the established policies of the Franklin Board of Public Works and Safety and shall be provided as follows:

- a. Any necessary street lighting shall be provided to the annexed territory within three years of the effective date of the annexation or when the property is developed; and
- 4. The City shall provide non-capital services such as police protection, fire protection, street maintenance, etc. which are currently being provided within the existing corporate limits to the annexed territory within one year of the effective date of annexation.

Said non-capital services shall also be provided in a manner which is equivalent in both standard and scope to such non-capital services which are currently being provided to areas within the existing corporate limits which have similar topography, patterns of land use, and population density.

- 5. The proposed annexation will have no effect on any employees of any governmental unit at time of annexation.
- 6. The city shall evaluate personnel and capital expenditures for the non-capital services (police protection, fire protection, street maintenance, etc.) through the annual city budget process.

Section 2. This Resolution shall become effective upon the effective date of said annexation.

<b>PASSED,</b> by the Common Council of the City of Franklin, Johnson Council of 2018.	ınty, Indiana, this _	day
	Kannath A	ustin, President
		ommon Council
ATTEST:		
Jayne Rhoades, Clerk-Treasurer City of Franklin, Indiana		
Presented by me to the Mayor of the City of Franklin, Indiana, on the _the hour of o'clock p.m.	day of	, 2018, at
	Jayne Rhoades,	Clerk-Treasurer

City of Franklin, Indiana

This	resolution o'clo	approved ck p.m.	and	signed	by	me	on	the	 day	of _	 	2018,	at th	e ho	ur o	ŀ
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											С	Steve ity of F			•	

Prepared by the City of Franklin, Indiana Department of Planning & Engineering Joanna Myers, Senior Planner

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### CITY OF FRANKLIN

#### DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET > FRANKLIN, INDIANA 46131 > 877.736.3631 > FAX 317.736.5310 > www.franklin.in.gov/planning

# FISCAL PLAN Linville Annexation 8.711 ac.

#### **Project Description:**

Name: Linville Annexation – 8.711 ac.

Location: 8.711 ac. north of 2160 N. Graham Road

Size: 8.711 ac.

Number of Parcels: 1
Gross Density: N/A

Existing Zoning: Industrial: Light (IL)
Proposed Zoning: Industrial: Light (IL)

#### **Introduction:**

Indiana Statute (IC 36-4-3-3.1) authorizes the City of Franklin, the annexing municipality, to develop and adopt by resolution, a fiscal plan for extension of municipal services to the annexed area.

In the preparation of the annexation fiscal plan, which is required by Indiana Code, the City of Franklin has determined and compared the cost of providing non-capital and capital services to the proposed Linville Annexation 8.711 ac. property owned by Maurice Fred & Helen Ann Linville with the potential tax revenue generated by the developed parcels. The detailed fiscal plan will identify the following:

- 1. The cost estimates for planned services to be furnished to the property to be annexed;
- 2. The method or methods of financing the planned services; and
- 3. The organization and extension of services.

This report has been created for the purpose of estimating the potential fiscal impact of new development and annexations to the City of Franklin. It is not intended to serve a specific budgetary purpose, but rather express estimated costs and benefits based on a set of level-of-service related assumptions.

#### **Present Tax Rate/Assessed Valuation:**

The corporate tax rate, established by the Indiana State Tax Board, for the City of Franklin during the tax year 2017 pay 2018 is \$1.3847 per \$100 of assessed value.

The total assessed value for the City of Franklin for the tax year 2017 pay 2018 is \$915,532,284.

#### Cost of Services Provided by the City of Franklin to the Annexed Property:

The City of Franklin will provide services of a capital and non-capital nature, which may include police, fire, road maintenance, parks and government administration, to the annexed property within one year of the completion of the annexation. Extension of services of a capital nature, if any, will be provided within three years of the completion of the annexation.

LINVILLE		Curren	t Level of S	Serv	ice	Additiona	l with An	Additional Expenditures						
ANNEXATION - 8.711				Per				Per				Average		
AC.		r Person	Per Acre	Household		Per Person	Acres	Household	Per Acre		Expenditure			
Parks & Rec/Cemetery	\$	82.60	\$242.31	\$	210.67	N/A	8.711	N/A	\$	242.31	\$	2,110.73		
Community Development	\$	7.21	\$ 21.14	\$	18.38	N/A	8.711	N/A	\$	21.14	\$	184.14		
Planning & Engineering	\$	22.57	\$ 66.20	\$	57.56	N/A	8.711	N/A	\$	66.20	\$	576.65		
<b>General Administration</b>	\$	30.28	\$ 88.82	\$	77.22	N/A	8.711	N/A	\$	88.82	\$	773.70		
City Court	\$	10.75	\$ 31.54	\$	27.42	N/A	8.711	N/A	\$	31.54	\$	274.74		
Board of Works	\$	207.55	\$608.84	\$	529.35	N/A	8.711	N/A	\$	608.84	\$	5,303.60		
Police Department	\$	178.83	\$524.60	\$	456.11	N/A	8.711	N/A	\$	524.60	\$	4,569.79		
Fire Department	\$	163.15	\$478.60	\$	416.12	N/A	8.711	N/A	\$	478.60	\$	4,169.08		
Street Department	\$	108.49	\$318.25	\$	276.70	N/A	8.711	N/A	\$	318.25	\$	2,772.29		
										Total	\$	20,734.72		

#### **Method of Financing Services:**

Cost of services is funded through the receipt of tax dollars. The City will receive additional property tax revenues annually from the proposed annexation. In addition, as the property is developed the tax revenue should increase as the assessed value increases.

The development of the property will also result in additional one time receipt of fees for petitions, land disturbance permit, building permits, and sanitary sewer tap-on permits.

#### **Extension of Services:**

The City of Franklin is committed to providing capital and non-capital services to the land proposed for annexation in the same manner as areas currently within the city limits, regardless of similarity. Any monetary figures presented here are merely estimates, subject to change. Many variables, including the rate and extent of future development, future property assessments, and fluctuations in the cost of providing various services are expected to have an influence.

The City of Franklin Departments of Planning & Engineering, Community Development, Public Works, Police, Fire, Parks, Clerk/Treasurer, and Street will assume and retain immediate responsibility.

Natural gas, electric, cable, telephone, and water services are provided by private utilities.

The City has provided sanitary sewer access to the west of this location. The developer provides local streets and connection to the sanitary sewer at the time of construction.

The intended use of the privately maintained property is for development purposes.

#### **Annexation Considerations:**

- 1. The petition was initiated with consent of the property owners and is therefore a voluntary annexation.
- 2. Contiguous to the City of Franklin, the subject property is necessary to help the City of Franklin manage growth and continue developing. For the purposes of determining "contiguity," more than 1/8 or 12.5% of the aggregate external boundary of the subject property must be contiguous with the boundaries of the City of Franklin. The aggregate external boundary of the property is 2,621.49 feet. In this case, 1,312.65 feet or 50% of the property coincides with the boundaries of the City of Franklin, meeting the minimum requirement.
- 3. Non-capital services listed above and described in the fiscal plan become effective within one year and all other capital services, if any, for the area become effective within three years from the effective date of the annexation.
- 4. The annexed property shall be assigned to Council District 2.
- 5. The proposal submitted to incorporate the real estate meets the statutory requirements of IC 36-4-3 qualifying for annexation to the City of Franklin.
- 6. The fiscal plan is available for public review at the time the project is placed on the City Council agenda for public hearing. City Council must adopt the fiscal plan prior to approving the annexation request.
- 7. Linville Annexation 8.711 ac. is recommended for annexation by the Plan Commission through Plan Commission Resolution Number 2018-22.