

**BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form**

(Form B-01-2012)

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:	11.22.2019	Meeting Date:	12.02.2019
Contact Information:			
Requested by:	Lynnette Gray		
On Behalf of Organization or Individual:		City of Franklin	
Telephone:	317-738-3365		
Email address:	lynng@jgmlawfirm.com		
Mailing Address:	63 E. Court St., P.O. Box 160, Franklin, IN 46131		
Describe Request:			
A Resolution authorizing the purchase of cemetery plots from Indiana Masonic Home.			
List Supporting Documentation Provided:			
Resolution			
Exhibit "A" Agreement to Sell Cemetery Lots			
Code Section I.C. 36-1-10.5-1			
Photo			
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 NO.: 2019-09

Of the Board of Public Works and Safety of the City of Franklin, Indiana

A RESOLUTION AUTHORIZING THE PURCHASE OF CEMETERY PLOTS

WHEREAS, the City of Franklin, by and through its Board of Public Works and Safety is the purchasing agent for the City of Franklin, Indiana; and

WHEREAS, a proposed offer to purchase certain cemetery plots currently owned by Indiana Masonic Home, Inc., Franklin, Indiana a/k/a Compass Park (hereinafter, Masonic Home) and located in Greenlawn Cemetery has been tendered to the City as set forth in the proposed Agreement to Sell Cemetery Lots, a copy of which is attached as Exhibit "A"; and

WHEREAS, the Masonic Home does not need the excess inventory of cemetery plots and the City of Franklin, in its use, ownership, management and operation of Greenlawn Cemetery has a specific need to secure the approximately 1,000 vacant cemetery lots for future use by the citizens of Franklin, their heirs and assigns; and

WHEREAS, the City of Franklin is the Owner of Greenlawn Cemetery; and

WHEREAS, the cemetery plots are considered, as a matter of law, to be a right of internment, entombment or inurnment granted by the owner of a cemetery and is an easement for the specific purpose of burial and is therefore not considered land pursuant to I.C. 36-1-10.5-5; and

WHEREAS, I.C. 36-1-10.5-5 generally requires the appointment of two appraisers to appraise the fair market value of land and/or a structure to be purchased however this provision is not applicable to this purchase since the City owns the land. Nonetheless, the Board of Public Works and Safety believes it prudent to obtain opinions of value as to the proposed purchase from persons or entities familiar with the value of cemetery plots; and

WHEREAS, the Board of Public Works and Safety, subject to an approving Resolution by the Franklin City Council and receipt of an opinion setting forth the fair market value of the approximately 1,000 cemetery plots does authorize the Mayor, on behalf of the Board of Public Works and Safety, to pursue the purchase of the cemetery plots;

NOW, THEREFORE, THE FRANKLIN BOARD OF PUBLIC WORKS AND SAFETY DOES HEREBY RESOLVE AS FOLLOWS:

- 1) The Board of Public Works and Safety does authorize the Mayor to pursue the Agreement to Sell Cemetery Lots in accordance with the terms of the attached Exhibit "A" subject to the following:
 - a. A Resolution from the Common Council the City of Franklin authorizing the purchase of the cemetery plots and approving the expenditure of funds necessary to pay the purchase price; and

- b. Receipt of an opinion of fair market value of the proposed cemetery plots to be purchased demonstrating that the purchase price as proposed is less than or equal to the opinion of value.

INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana the _____ day of December, 2019.

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

Voting Affirmative:

Voting Opposed:

Mayor Steve Barnett

Mayor Steve Barnett

Melissa Jones, Member

Melissa Jones, Member

Robert Swinehamer, Member

Robert Swinehamer, Member

Attest:

Jayne Rhoades, Clerk Treasurer

Prepared by: Lynnette Gray
Attorney No.: 11567-41

AGREEMENT TO SELL CEMETERY LOTS

The Board of Directors of the Indiana Masonic Home, Inc., Franklin, Indiana, a/k/a Compass Park (the "IMH"), and the City of Franklin ("Franklin"), Indiana, which may act as such and/or acting by and through its Redevelopment Commission (the Redevelopment Commission"), hereby enter into the following this Agreement to Sell Cemetery Lots (the "Agreement").

RECITALS

A. The IMH owns two sections of cemetery lots at Greenlawn Cemetery in Franklin, Indiana with each section consisting of approximately 1,000 lots. In one section ("Section I"), all of the lots are believed to be empty. In another section ("Section II"), approximately 200 lots are believed to be empty and approximately 800 lots are believed to have been used as burial sites. (The cemetery lots in both sections are collectively referred to as the "cemetery lots".)

B. Franklin desires to purchase the Section I cemetery lots from the IMH.

C. Franklin wishes to pay IMH for the Section I cemetery lots over a period of five (5) years.

D. There is existing at the time of this Agreement a Masonic monument (the "Monument") in or near the cemetery lots.

NOW THEREFORE the IMH and Franklin, in consideration of the foregoing premises and of the following promises contained herein, agree as follows:

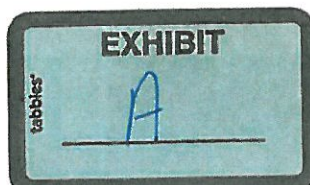
1. The IMH agrees to sell and by this Agreement does transfer to Franklin all of its right, title and interest in the Section I cemetery lots for the price of \$150,000.00 (the "purchase price"). To secure payment of the purchase price, IMH retains a lien on the Section I cemetery lots. At such time as the purchase price has been paid in full, IMH will execute and deliver to Franklin a release of its lien. Notwithstanding the lien, Franklin may sell lots in the ordinary course of business for purpose of burial in Greenlawn Cemetery, and the lien shall be deemed released as to each such lot sold for such purpose.

2. Franklin agrees to purchase the Section I cemetery lots from IMH and shall pay the sum of \$150,000.00 to IMH as follows:

- a. \$50,000.00 in 2019
- b. \$25,000.00 on or about January 1 each year for the next four (4) years, that is 2020, 2021, 2022 and 2023.

3. If desired by Franklin, the purchase may be made by Franklin acting by and through its Redevelopment Commission.

4. The Monument will not be removed, and the IMH shall be permitted to maintain the Monument.



5. From and after the execution of this Agreement, Franklin (acting by and through the Board of Greenlawn Cemetery, the Franklin Board of Parks and Recreation, or other entity designated by Franklin) shall at all times be responsible for the marking of graves, grading, sodding, mowing of grass, trimming, removing all debris (such as limbs, leaves, etc.), landscaping and any and all other work in connection with the general care and maintenance of all of the cemetery lots and of Greenlawn Cemetery, and IMH shall have no duties or responsibilities in that regard.

All of which is agreed to this _____ day of _____, 2019.

INDIANA MASONIC HOME, INC.

CITY OF FRANKLIN, INDIANA

By: Mike Spencer, Executive Director of
the Indiana Masonic Home, Inc.

By: Steve Barnett, Mayor of the City of
Franklin, Indiana

REDEVELOPMENT COMMISSION
OF THE CITY OF FRANKLIN

By:

§ 36-1-10.5-5. Purchase of land or structure; required procedures.

Indiana Statutes

Title 36. LOCAL GOVERNMENT

Article 1. GENERAL PROVISIONS

Chapter 10.5. PURCHASE OF LAND OR STRUCTURES

Current through P.L. 293-2019

§ 36-1-10.5-5. Purchase of land or structure; required procedures

A purchasing agent shall purchase land or a structure only after compliance with the following procedures:

- (1) The fiscal body of the political subdivision shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure.
- (2) The purchasing agent shall appoint two (2) appraisers to appraise the fair market value of the land or structure. The appraisers must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1.
- (3) The appraisers shall return their separate appraisals to the purchasing agent within thirty (30) days after the date of their appointment. The purchasing agent shall keep the appraisals on file in the purchasing agent's office for five (5) years after they are given to the purchasing agent.
- (4) The purchasing agent shall give a copy of both appraisals to the fiscal body.

Cite as IC 36-1-10.5-5

History. As added by P.L. 336-1987, SEC.1.

