

**ORDINANCE NUMBER 07-10
OF THE CITY OF FRANKLIN, INDIANA**

**AN ORDINANCE APPROVING VACATING PUBLIC ALLEYS WITHIN THE CITY
OF FRANKLIN, INDIANA BETWEEN LOTS 1, 2, 12, AND PART OF LOT 11 OF
HOUGHAM'S ADDITION TO THE CITY OF FRANKLIN
(to be known as the Franklin College 2007 Alley Vacation)**

WHEREAS, there has been filed before the Common Council of the City of Franklin a petition by Franklin College of Indiana requesting that public ways, described as follows, be vacated for the reason that said public ways are not at this time used for any public purpose and are no foreseeable needs by the City of Franklin for any public purpose; and

WHEREAS, the subject public ways are the approximately 121.14 feet long located between Lots 1 and part of 12 of Hougham's Addition to Franklin and Lots ; and Lots pt 11, 12 and 2 of Hougham's Addition to the City of Franklin with common addresses and property identification numbers as follows:

- | | | |
|---------------------------|-----------------------------------|-------------------------------|
| • 64 South Henry Street | Lot 2; Hougham's Addition | PID: 41-08-14-044-112.000-009 |
| • 85 South Henry Street | PT Lot 12 & 11 Hougham's Addition | PID: 41-08-14-044-113.000-009 |
| • 700 East Monroe Street | PT Lot 12; Hougham's Addition | PID: 41-08-14-044-114.000-009 |
| • 84 South Edwards Street | ½ Lot 1; Hougham's Addition | PID: 41-08-14-044-115.000-009 |
| • 98 South Edwards Street | ½ Lot 1; Hougham's Addition | PID: 41-08-14-044-116.000-009 |

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held on the 24th day of September 2007.

WHEREAS, the recommendation of the Board should be adopted, and vacation of public alleyways described in Exhibit A should be approved.

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

1. **Property Vacated:** The public way described above is hereby, pursuant to IC 36-7-3-12, declared vacated; and
2. **Utilities:** Any utility easement shall remain for the length and width of the vacated portion of the public way described above.
3. **Distribution:** A copy of this Ordinance shall be transmitted to the Recorder of Johnson County, Indiana by the Office of the Clerk Treasurer of the City of Franklin, Indiana.
4. **Authorization:** The staff of the Office of the Clerk Treasurer of the City of Franklin is hereby authorized to execute all deeds necessary in accomplishment of the vacation.

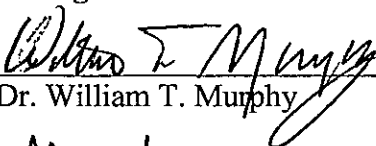
5. **Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
6. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
7. **Severability of Provisions.** 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.
8. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-16-4.

Introduced and Filed on the 10th Day of September, 2007

DULY PASSED on this 24th day of September, 2007, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 6 in Favor and 0 Opposed.

City of Franklin, Indiana, By its Common Council:

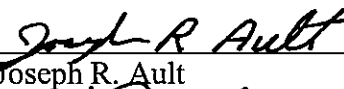
Voting Affirmative:



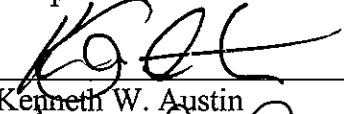
 Dr. William T. Murphy

Absent

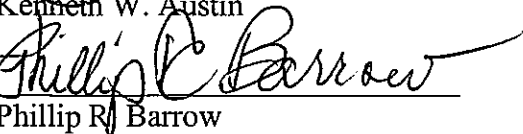
 Joseph P. Abban



 Joseph R. Ault



 Kenneth W. Austin



 Phillip R. Barrow

Voting Opposed:

 Dr. William T. Murphy

 Joseph P. Abban

 Joseph R. Ault

 Kenneth W. Austin

 Phillip R. Barrow



Jeffrey C. Eggers

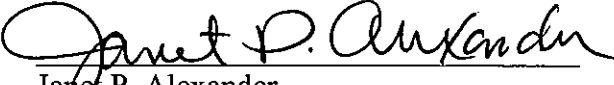
Jeffrey C. Eggers



Ann M. Gordon

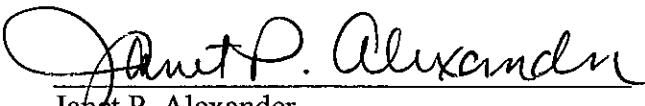
Ann M. Gordon

Attest:



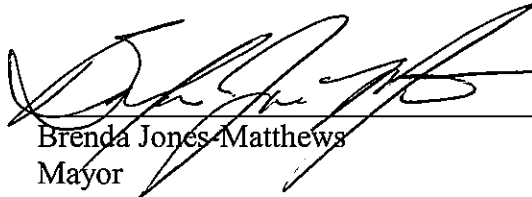
Janet P. Alexander
Clerk-Treasurer

Presented by me, to the Mayor of the City of Franklin, for her approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 24th day of September, 2007 at 7:12 o'clock ~~am~~ / 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 24th day of September, 2007 at 7:12 o'clock ~~am~~ / p.m.



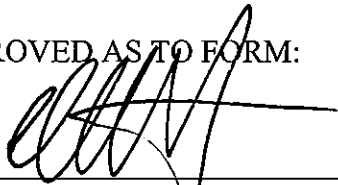
Brenda Jones-Matthews
Mayor

Attest:



Janet P. Alexander
Clerk-Treasurer

APPROVED AS TO FORM:



Robert H. Schafstall
City Attorney

*Prepared by:
The City of Franklin, Department of Planning & Economic Development
Joseph M. Csikos AICP, Director
(Certificate #017981)*

"I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each social security number in this document,
unless required by law."

Name Dee Day, Records Clerk

Franklin College, Lisa Fears
101 Brannigan Blvd
Franklin, IN 46131

Re: Vacation Alleys
11869715

TO: Daily Journal
2575 N. Morton Street
Franklin, IN 46131

PUBLISHER'S CLAIM

Data for computing costs:

Number of lines per column.....	19
Number of Columns.....	1
Number of Insertions.....	1

COMPUTATION OF CHARGES

Lines x Columns x Insertions x Rate of \$1.40 per line.....	\$26.60
Additional charge for notices containing rule or tabular work (50% of above amount)	
Charge for extra proofs of publication..... (\$5.00 for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	\$26.60

Pursuant to the provisions and penalties of Chapter 155, Acts 1953, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: September 14, 2007

Connie S. Butts
Legal Advertising Clerk

LEGAL ADVERTISEMENT
Notice is hereby given that the City Council of Franklin, Indiana, on the 24th day of September, 2007 at 7:00 P.M. in the City Building at 55 West Madison Street, Franklin, Indiana, will hold a public hearing and receive by (President) Lisa Fears of Franklin College, for consideration of a petition for the vacation of the public alley and easement located at the northeast corner of Morton and Henry Streets, property owned by the Northern Indiana Property Owners and Home Owners Association of Franklin, Indiana, and is hereby giving notice to all persons interested in such action to appear on said date to present their arguments or comments.
(1-26-14)

PUBLISHER'S AFFIDAVIT

State of Indiana)
Johnson County) ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Connie S. Butts, who being duly sworn, says that she is Legal Advertising Clerk of the Daily Journal newspaper of general circulation printed and published in the English language in the (city/town) of Franklin in state and county aforesaid, and that the printed matter attached hereto is a true copy, which dates of publication being as follows:

9/14/07

Connie S. Butts

Subscribed and sworn to before me this 14th day of September, 2007.

Linda Wirey

Linda Wirey, Notary Public
Commission expires: May 30, 2009

ck 9/14/07
10-6409-820