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Kind: ORDINANCE
Recorded: 09/21/2012 at 08:56:32 AM
Fee Amt: \$19.00 Page 1 of 4
Workflow# 0000054815-0003
Johnson County-Recorded as Presented
Jill L. Jackson County Recorder

File **2012-021022**

**ORDINANCE NUMBER 2012-23
OF THE CITY OF FRANKLIN, INDIANA**

AN ORDINANCE APPROVING VACATING RIGHT-OF-WAY WITHIN THE CITY OF FRANKLIN, INDIANA
BETWEEN LOTS 66 & 67 OF ORIGINAL PLAT OF FRANKLIN
(To be known as Original Plat of Franklin Lots 66 & 67 Alley Vacation)

WHEREAS, Johnson County Board of Commissioners and City of Franklin Redevelopment Commission have filed before the Common Council of the City of Franklin a petition requesting that said public right-of-way as described herein be vacated for the reason that said public ways 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 public way is an alley 12 feet in width and runs north and south being a part of the Original Plat of Franklin, Johnson County, Indiana, described as follows:

Beginning at the Northwest corner of Lot 67 in said Original Plat of Franklin; thence West 12 feet to the Northeast corner of Lot 66 in said Original Plat of Franklin; thence South 144 feet along the East line of said Lot 66 to the Southeast corner of Lot 66; thence East 12 feet to the Southwest corner of Lot 67; thence North 144 feet along the West line of said Lot 67 to the Place of Beginning.

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 17 day of Sept., 2012.

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

- 1) The public way described above is hereby, pursuant to IC 36-7-3-12, declared vacated;
- 2) A utility easement shall remain for the length and width of the vacated right-of-way with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more utility lines above or below ground, whether the facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of the utility, upon, over, under and across said strip of land together with the right of ingress and egress over the land to and from said facilities in the exercise of the rights herein granted. The Utility also reserves the right to trim or remove, at the Utility's sole discretion and expenses, any and all trees located within said strip of land, and the right to remove brush or other obstructions from said strip of land;
- 3) A copy of this Ordinance shall be transmitted to the Recorder of Johnson County, Indiana;
- 4) This Ordinance shall become effective at the time of recording;
- 5) City Staff is authorized to execute all deeds and/or easements necessary in accomplishment of the herein above.

FILED
SUBJECT TO FINAL ACCEPTANCE

SEP 21 2012

Sales Disclosure NOT Required
Johnson County Assessor

John D. Richhart
AUDITOR, JOHNSON COUNTY


INTRODUCED and Filed on the 20th day of August, 2012.

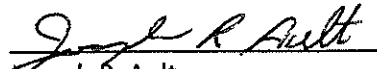
PASSED on this 17 day of Sept., 2012, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 6 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

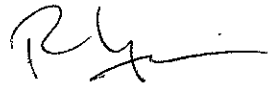
Voting Affirmative:

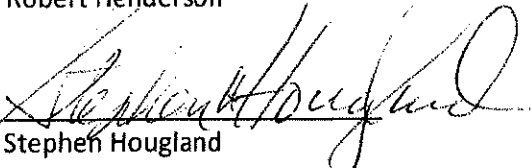

Steve Barnett, President


Joseph P. Abban


Joseph R. Ault

Absent
Kenneth Austin


Robert Henderson


Stephen Hougland


Richard Wertz

Voting Opposed:

Steve Barnett, President

Joseph P. Abban

Joseph R. Ault

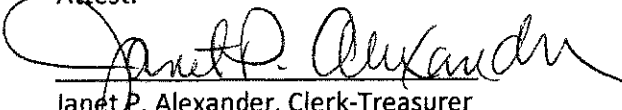
Kenneth Austin

Robert Henderson

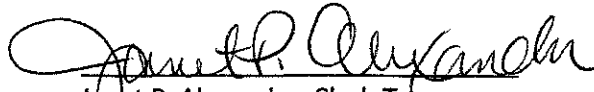
Stephen Hougland

Richard Wertz

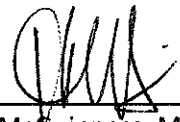
Attest:


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 17 day of Sept, 2012, at 7:10 o'clock p.m.


Janet P. Alexander, Clerk-Treasurer

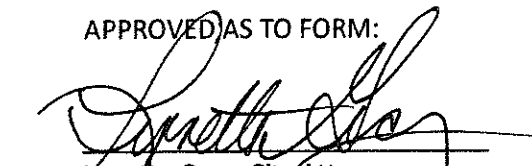
This Ordinance having been passed by the legislative body and presented to me [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 17 day of Sept, 2012 at 7:10 o'clock p.m.


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

DAILY JOURNAL

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2006A)

Attn: Accounts Payable
Name: City of Franklin
Address: P.O. Box 280
City State Franklin, IN 46131
(Governmental Unit)
Acct. # Ord 2012-23
Order # 31583549
County: Johnson

Daily Journal
2575 N Morton Street
Franklin, IN 46131
FED I.D. #35-0917579

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head - number of lines

Body - number of lines

Tail - number of lines

Total number of lines in notice

85

COMPUTATION OF CHARGES

...85... lines,1... columns wide equals ...85... equivalent lines at .0.4231.....

cents per line

\$ 19.56

Additional charges for notices containing rule or tabular work (50 per cent

of above amount)

\$

Charge for extra proofs of publication (\$5.00 for each proof in excess

of two)

\$

TOTAL AMOUNT OF CLAIM

\$ 19.56

DATA FOR COMPUTING COST

Width of single column in picas.....7p3.....

Size of type....7....point.

Number of insertions.....1.....

1

Pursuant to the provisions and penalties of IC 5-11-10-1, 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.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper1..... times. The dates of publication being as follows:

08/29/12

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

x..... Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Natalie C. Patrick

Title...Legal Advertising Representative...

Date..... Aug 29 2012

Legal Advertisement
ORDINARY COUNCIL
CITY OF FRANKLIN
INDIANA
NOTICE OF PUBLIC
HEARING
To be completed by
City Treasurer

The Common Council of the City of Franklin, Indiana, hereby received the petition of the Johnson County Board of Commissioners and City of Franklin Redevelopment Commission for the location of that portion of a public way in the City of Franklin which runs North and South along the west line of Lot 67 in Original Plat of Franklin and east line of AS-E Monroe Street (Ord. 2012-23).

The subject public way is an alley 12 feet in width and 14 feet in length and is a part of the Original Plat of Franklin, Johnson County, Indiana, described as follows:

Beginning at the North-west corner of Lot 67 in said Original Plat of Franklin, thence West 15 feet to the North-South corner of Lot 66; thence South 44 feet along the East line of said Lot 66 to the South-east corner of Lot 66; thence East 12 feet to the South-west corner of Lot 67; thence North 14 feet along the West line of said Lot 67 to the Place of Beginning.

has set this matter for public hearing on this 27th day of September, 2012, at 8:30 a.m. at the City Hall, 70 East Monroe Street, Franklin, Indiana. All persons aggrieved by or interested in such action may appear on said date to present their remonstrance or comments. Johnson County Board of Commissioners & City of Franklin, IDG Petitioner. (J) 08-29-12