

RESOLUTION NO.: 13-30
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

**A RESOLUTION APPROVING ROAD TRANSFER AGREEMENT BETWEEN THE
INDIANA DEPARTMENT OF TRANSPORTATION (“INDOT”) and
THE CITY OF FRANKLIN**

WHEREAS, the State of Indiana through the Indiana Department of Transportation (hereinafter referred to as “INDOT”) currently exercises exclusive control, authority and jurisdiction over the roadway known as State Road 44 within the City of Franklin;

WHEREAS, the City of Franklin, by and through its representatives have requested that INDOT consider transferring jurisdiction of State Road 44 from State Road 144 to the west ramps of I-65 to the City of Franklin so that the City of Franklin may develop its own downtown pavement and streetscape improvement projects for the benefit of the City and the traveling public; and

WHEREAS, the City of Franklin by and through its Common Council is willing to accept transfer of this roadway in exchange for the funds INDOT allocated to the roadway and in accordance with the terms and conditions set forth in the Road Transfer Memorandum of Agreement between the Indiana Department of Transportation and the City of Franklin, Indiana, a copy of which is attached hereto and incorporated into this Resolution as Exhibit “A”; and

WHEREAS, INDOT desires to transfer the identified portions of the roadway in accordance with the terms of said Road Transfer Memorandum of agreement and the City of Franklin is willing to accept said transfer in accordance with those terms; and

WHEREAS, IC 8-23-4-10 and IC 8-23-4-12 authorize INDOT and the City of Franklin to enter into such agreement; and

WHEREAS the Mayor of the City of Franklin and as Chief Executive Officer of the City of Franklin is authorized to take such action on behalf of the City of Franklin; and

WHEREAS the City of Franklin by and through its Common Council and Board of Public Works and Safety conducted a joint public hearing to consider said transfer on December 2nd, 2013 at which time the Common Council and Board of Public Works and Safety received public comment and considered the terms of said transfer; and

WHEREAS, the City of Franklin by and through its Common Council of the City of Franklin, Indiana, after public notice and public hearing and after due consideration and deliberation believe that entering into the Road Transfer Memorandum of Agreement with the

Indiana Department of Transportation is in the best interest of the citizens of the City of Franklin and desire to authorize the Mayor of the City of Franklin to enter into said memorandum agreement and to take any and all action necessary to fulfill its terms .

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, DULY RESOLVES:

- 1) **Approval of the Road Transfer Memorandum of Agreement.** The Common Council of the City of Franklin, Indiana approves and supports the Road Transfer Memorandum of Agreement between the Indiana Department of Transportation ("INDOT") authorizing the City of Franklin to accept transfer of the roadway in exchange for the funds INDOT has allocated and other terms as set forth in the Road Transfer Memorandum of Agreement.
- 2) **Authorization.** The Common Council of the City of Franklin, Indiana authorizes the Mayor or his designee to take any and all steps necessary to effectuate the terms and conditions of the Road Transfer Memorandum of Agreement.
- 3) **Effective Date.** This Resolution shall be in full force and effect from and after its passage and as provided for by applicable law.

Introduced and Filed on the 16th day of December, 2013. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained] by a vote of ____ in Favor and ____ Opposed, pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this 16th day of December, 2013 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 5 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:



Steve Barnett, President



Joseph P. Abban, Vice President

Absent

Joseph R. Ault, Member



Kenneth Austin, Member

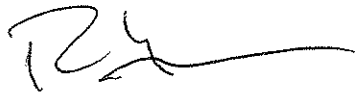
Voting Opposed:

Steve Barnett, President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

Kenneth Austin, Member



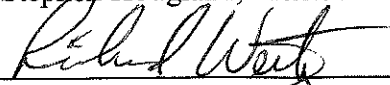
Robert Henderson, Member

Robert Henderson, Member

Absent

Stephen Hougland, Member

Stephen Hougland, Member



Richard Wertz, Member

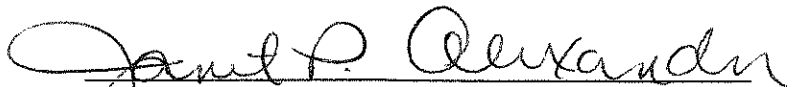
Richard Wertz, Member

Attest:



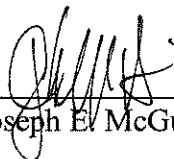
Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this 18 day of December, 2013 at 9 o'clock A.M.



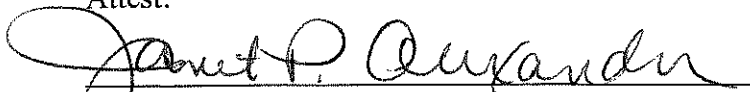
Janet P. Alexander
City Clerk Treasurer

This Resolution having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this 18 day of December, 2013 at 9:00 o'clock A.M.



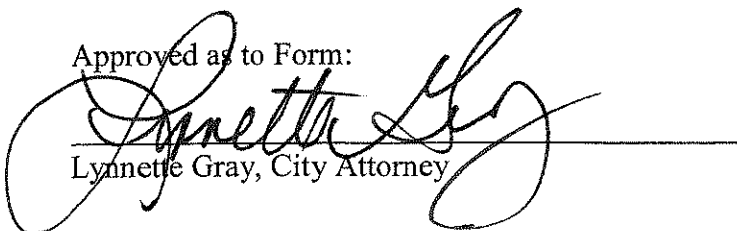
Joseph E. McGuinness, Mayor

Attest:



Janet P. Alexander,
City Clerk Treasurer

Approved as to Form:



Lynette Gray, City Attorney