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**FILED**

SUBJECT TO FINAL ACCEPTANCE

JAN 09 2014

City of Franklin Common Council

ORDINANCE NUMBER 2013-16

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 Fee Amt: \$27.00 Page 1 of 9  
 Workflow# 0000080529-0002  
 Johnson County-Recorded as Presented  
 Jill L. Jackson County Recorder

File **2014-000466**

*Janis D. Risholt*  
 AUDITOR, JOHNSON COUNTY

AN ORDINANCE APPROVING RESOLUTION NUMBER 2013-29  
 OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
 IL (INDUSTRIAL: LIGHT) and DELETION OF GW-OL (GATEWAY OVERLAY)  
 (To be known as Franklin Tech Park Rezoning 2013)

**WHEREAS**, the City of Franklin, Indiana Plan Commission (referred to hereafter as the "Plan Commission") is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the "City"), and has, by Resolution Number 2013-29 recommended that the City's Common Council amend the Zoning Map and rezone the property described in Exhibit "A", attached hereto, to Industrial: Light (IL) and delete the Gateway Overlay (GW-OL) from the property described in Exhibit "B", attached hereto, subject to the conditions and written commitments as stated below; and

**WHEREAS**, pursuant to Indiana Code § 36-7-4-602, Resolution 2013-29 has been certified to the City's Common Council; and

**WHEREAS**, the recommendation of the Plan Commission should be adopted, and the rezoning of the property described in "Exhibit A" and "Exhibit B" should be approved.

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

1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby rezoned to Industrial: Light (IL) and the Gateway Overlay (GW-OL) is deleted from the subject property described in Exhibit "B" subject to the Zoning Commitments described in Exhibit "C".
2. **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.
3. **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.
4. **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.
5. **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.

**Sales Disclosure NOT Required**  
**Johnson County Assessor**

INTRODUCED on the 2<sup>nd</sup> day of December, 2013.

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 of 5 in Favor and 0 Opposed.

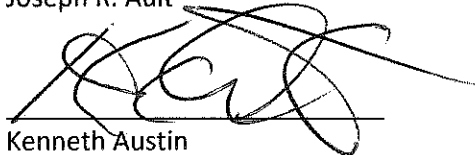
City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

  
Steve Barnett, President

  
Joseph P. Abban

Absent  
Joseph R. Ault

  
Kenneth Austin

  
Robert Henderson

  
Richard Wertz

Absent  
Stephen Hougland

Voting Opposed:

\_\_\_\_\_  
Steve Barnett, President

\_\_\_\_\_  
Joseph P. Abban

\_\_\_\_\_  
Joseph R. Ault

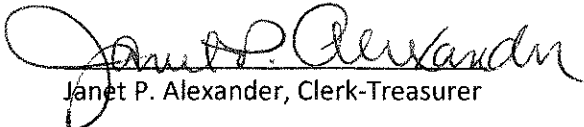
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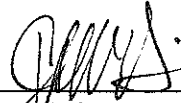
Attest:

  
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 18 day of December at 9 o'clock pm.

  
Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was [Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2), this 18 day of December at 9<sup>00</sup> o'clock pm].

  
Joe McGuinness, Mayor

Attest:

  
Janet P. Alexander, Clerk-Treasurer

*Prepared by:*  
*Joanna Myers, Senior Planner*  
*Department of Planning & Engineering*  
*70 E. Monroe Street*  
*Franklin, IN 46131*

## EXHIBIT "A"

Commencing at the Southeast corner of the Southeast Quarter of Said Section 18; thence North 00 degrees 00 minutes 06 seconds East on and along the East line of said Quarter Section a distance of 781.35 feet to a point that is 650 feet South of the South right-of-way line of State Road 44, said point also being the POINT OF BEGINNING of this described tract; thence South 87 degrees 33 minutes 37 seconds West a distance of 266.29 feet; thence South 88 degrees 14 minutes 56 seconds West a distance of 534.29 feet; thence South 88 degrees 56 minutes 15 seconds West a distance of 556.49 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, the next six (6) courses being on and along said Eastern right-of-way line; (1) thence North 00 degrees 01 minute 32 seconds West a distance of 78.30 feet to a point on a curve to the right having a radius of 1367.39 feet; (2) thence on and along the arc of said curve a distance of 73.89 feet, said arc being subtended by a chord having a bearing of North 10 degrees 36 minutes 15 seconds East and a chord distance of 73.88 feet; (3) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (4) thence on and along the arc of said curve a distance of 237.83 feet, said arc being subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (5) thence North 01 degree; 03 minutes 45 seconds West a distance of 59.01 feet; (6) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 15 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet to a point on the East line of said Southeast Quarter Section; thence South 00 degrees 00 minutes 06 seconds West on and along said East line a distance of 650.59 feet to the Point of Beginning containing 19.571 acres more or less. Such parcel being generally located at the southwest corner of SR 44 and Bartram Parkway.

## EXHIBIT "B"

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.

EXHIBIT "C"

ZONING COMMITMENTS

Re: Case # PC 2013-29 (R)

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE  
MADE IN CONNECTION WITH A PETITION TO AMEND THE ZONING ORDINANCE  
(MAP CHANGE).

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the City of Franklin, Johnson County, Indiana, as described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

See Legal Description attached as Exhibit A (the "Real Estate")

STATEMENT OF COMMITMENTS:

The development of the Real Estate shall comply with the following development standards in addition to those specified by the governing zoning district:

1. The front entry to the primary building located on a parcel having frontage along SR 44 shall be oriented either to SR 44 or to I-65; the front entry to a primary building not having frontage along SR 44 may be oriented either to Bartram Parkway or to I-65.
2. A primary building located on the Real Estate shall include the construction of a parapet wall screening rooftop mechanicals and HVAC units from grade level view. Grade level shall mean the grade at the adjoining driveways and parking areas serving such primary building.
3. A primary building shall include a pedestrian walkway being at least five feet (5') in width along the entire frontage of such building, so as to connect the visitor/employee parking areas with the entry to the building. This pedestrian walkway shall include a minimum of a four foot (4') wide landscape strip between the walkway and the front façade of the building with at least twenty-five percent (25%) of the length of such strip being composed of shrubs, trees or flowers and the balance in turf or ground cover plantings.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the City of Franklin Plan Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of Case # PC 2013-29 (R) pursuant to the City of Franklin Zoning Ordinance, and shall continue in effect until modified or terminated by the City of Franklin Plan Commission.

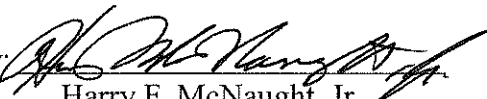
These COMMITMENTS may be enforced jointly or severally by:

1. The City of Franklin Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding five hundred (500) feet from the perimeter of the real estate; or the Franklin Tech Park Owners Association, Inc.

The undersigned hereby authorizes the Secretary of the City of Franklin Plan Commission to record this Commitment in the Office of the Recorder of Johnson County, Indiana, upon final approval of Case # PC 2013-29 (R).

IN WITNESS WHEREOF, Owner has executed this instrument this 18<sup>th</sup> day of December, 2013.

FRANKLIN TECH PARK ASSOCIATES, LLC

By:   
Harry F. McNaught, Jr.  
President

STATE OF INDIANA     )  
                                      ) SS:  
COUNTY OF JOHNSON )

Before me, a Notary Public in and for the State of Indiana, personally appeared Harry F. McNaught, Jr., the President of Franklin Tech Park Associates, LLC, Owner of the real estate described above, who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 8<sup>th</sup> day of December, 2013.



Signature Jo D. Cross  
Notary Public

Printed: Jo D. Cross

County of Residence Madison

My Commission expires 6/20/20

I affirm under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Harry F. McNaught, Jr.

This instrument was prepared by Harry F. McNaught, Jr., 36 S. Pennsylvania St., Suite 200, Indianapolis, IN 46204

## EXHIBIT A

BEGINNING at the Southeast Quarter of said Southeast Quarter Section; thence South 89 degrees 18 minutes 04 seconds West on and along the South line of said Southeast Quarter Section a distance of 1277.07 feet to a point on the Eastern Limited Access right-of-way line of Interstate 65, Proj. I-65-3(92)85, the next eight (8) courses being on and along said Eastern right-of-way line; (1) thence North 09 degrees 59 minutes 19 seconds West a distance of 29.07 feet; (2) thence North 09 degrees 41 minutes 22 seconds West a distance of 442.64 feet; (3) thence North 00 degrees 01 minute 32 seconds West a distance of 371.43 feet to a point on a curve to the right having a radius of 1367.39 feet; (4) thence on and along the arc of said curve a distance of 73.93 feet, said arc being subtended by a chord having a bearing of North 10 degrees 45 minutes 04 seconds East and a chord distance of 73.92 feet; (5) thence North 12 degrees 17 minutes 54 seconds East a distance of 160.00 feet to a point on a curve to the left having a radius of 1019.93 feet; (6) thence on and along the arc of said curve a distance of 237.83 feet, said arc having been subtended by a chord having a bearing of North 05 degrees 37 minutes 05 seconds East and a chord distance of 237.29 feet; (7) thence North 01 degree 03 minutes 45 seconds West a distance of 59.01 feet; (8) thence North 43 degrees 38 minutes 58 seconds East a distance of 68.95 feet to a point on the South right-of-way line of State Road 44, the next three (3) courses being on and along said South right-of-way line; (1) thence North 88 degrees 56 minutes 13 seconds East a distance of 427.05 feet to the point of curvature of a curve to the left having a radius of 21,577.92 feet; (2) thence on and along the arc of said curve a distance of 518.66 feet, said arc being subtended by a chord having a bearing of North 88 degrees 14 minutes 56 seconds East and a chord distance of 518.65 feet to the point of tangency of said curve; (3) thence North 87 degrees 33 minutes 37 seconds East a distance of 294.01 feet; thence South 00 degrees 00 minutes 06 seconds West a distance of 1431.08 feet to the Point of Beginning containing 43.018 acres more or less. Such parcel being generally located at the southeast quadrant of I-65 and SR 44.