


FILED
SUBJECT TO FINAL ACCEPTANCE

JUL 09 2015

Patrick A. Burton
AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

ORDINANCE NUMBER 2015-06


Doc ID: 007304130006 Type: MIS
Kind: ORDINANCE
Recorded: 07/09/2015 at 02:07:03 PM
Fee Amt: \$23.00 Page 1 of 6
Workflow# 0000107566-0001
Johnson County-Recorded as Presented
Jill L. Jackson County Recorder
File **2015-015231**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2015-12
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
MXR (MIXED USE: REGIONAL CENTER)
(To be known as Meijer Rezoning)

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 2015-12 recommended that the City's Common Council amend the Zoning Map and rezone the property described in "Exhibit A" attached hereto, to Mixed Use: Regional Center (MXR) with the Gateway Overlay (GW-OL) to remain unchanged.

WHEREAS, pursuant to Indiana Code § 36-7-4-602, Resolution 2015-12 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" 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 Mixed Use: Regional Center (MXR) with the Gateway Overlay (GW-OL) to remain unchanged.
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 1st day of June, 2015.


DULY PASSED on this 6 day of July, 2015, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of 7 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:


Voting Affirmative:


Stephen Barnett, Council President



Kenneth W. Austin, Vice President


Joseph P. Abban


Joseph R. Ault


Stephen D. Houglan


Dr. William T. Murphy


Richard L. Wertz

Voting Opposed:

Stephen Barnett, Council President

Kenneth W. Austin, Vice President

Joseph P. Abban


Joseph R. Ault

Stephen D. Houglan

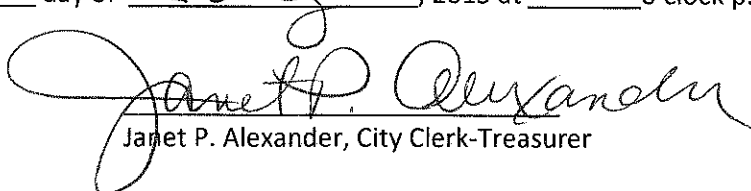
Dr. William T. Murphy

Richard L. Wertz

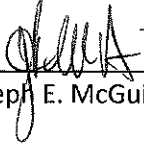
Attest:


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 Code § 36-4-6-15,16, this 7 day of July, 2015 at _____ o'clock p.m.


Janet P. Alexander, City 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 7 day of July at 2:30 o'clock p.m.



Joseph E. McGuinness, Mayor

Attest:



Janet P. Alexander, City Clerk-Treasurer

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

EXHIBIT "A"

PARCEL A:

A PART OF THE NORTHEAST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A STONE FOUND PER JOHNSON COUNTY SECTION CORNER RECORD CE-40; THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, BEING A LINE CONNECTING SAID STONE FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 AND A STONE FOUND AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 10 PER JOHNSON COUNTY SECTION CORNER RECORD CG-40, A DISTANCE OF 579.84 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945, RECORDED SEPTEMBER 14, 2006 IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING SIX (6) COURSES:

- 1) EASTERLY, 167.45 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 85 DEGREES 45 MINUTES 56 SECONDS EAST AND A LENGTH OF 167.40 FEET;
- 2) NORTH 83 DEGREES 25 MINUTES 32 SECONDS EAST, A DISTANCE OF 802.40 FEET;
- 3) SOUTH 37 DEGREES 32 MINUTES 17 SECONDS EAST, A DISTANCE OF 29.15 FEET;
- 4) NORTH 83 DEGREES 25 MINUTES 33 SECONDS EAST, A DISTANCE OF 30.00 FEET;
- 5) NORTH 21 DEGREES 56 MINUTES 56 SECONDS EAST, A DISTANCE OF 20.94 FEET;
- 6) SOUTH 89 DEGREES 43 MINUTES 54 SECONDS EAST, A DISTANCE OF 70.50 FEET TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN SAID EXHIBIT "A", BEING ALSO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN EXHIBIT "B" OF SAID INSTRUMENT NUMBER 2006-023945;

THENCE ALONG THE SOUTHERLY LINE OF THE PARCEL DESCRIBED IN SAID EXHIBIT "B", SOUTH 56 DEGREES 44 MINUTES 21 SECONDS EAST, A DISTANCE OF 66.27 FEET TO A POINT STATED IN SAID EXHIBIT "B" AS BEING ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 31; THENCE ALONG THE PURPORTED WEST RIGHT-OF-WAY LINE OF STATE ROAD 31 (U.S. HIGHWAY 31), SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 422.43 FEET TO THE NORTHEAST CORNER OF THE PARCEL PER THE WARRANTY DEED RECORDED AUGUST 26, 1993 IN BOOK 272, PAGE 516, SAID NORTHEAST CORNER STATED IN SAID WARRANTY DEED AS BEING ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 31; THENCE ALONG THE NORTH LINE OF THE PARCEL PER SAID WARRANTY DEED, SOUTH 83 DEGREES 07 MINUTES 18 SECONDS WEST, A DISTANCE OF 516.21 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE ALONG THE WEST LINE OF SAID PARCEL, SOUTH 16 DEGREES 12 MINUTES 17 SECONDS EAST, A DISTANCE OF 341.10 FEET TO A POINT IN THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 859.97 FEET TO AN APPARENT ANGLE POINT IN SAID CENTERLINE;

- 2) NORTH 89 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 4.71 FEET TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10;

THENCE ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, A DISTANCE OF 830.62 FEET TO THE POINT OF BEGINNING, CONTAINING 19.47 ACRES, MORE OR LESS.

PARCEL B:

A PART OF THE NORTHWEST QUARTER OF SECTION TEN (10), TOWNSHIP TWELVE (12) NORTH, RANGE FOUR (4), EAST OF THE 2ND PRINCIPAL MERIDIAN, JOHNSON COUNTY, STATE OF INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10, BEING A STONE FOUND PER JOHNSON COUNTY SECTION CORNER RECORD CE-40; THENCE SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, BEING A LINE CONNECTING SAID STONE FOUND AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10 AND A STONE FOUND AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 10 PER JOHNSON COUNTY SECTION CORNER RECORD CG-40, A DISTANCE OF 579.84 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945, RECORDED SEPTEMBER 14, 2006 IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE CONTINUING ALONG SAID EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, SOUTH 00 DEGREES 08 MINUTES 43 SECONDS WEST, A DISTANCE OF 830.62 FEET TO A POINT IN THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG SAID CENTERLINE, NORTH 89 DEGREES 40 MINUTES 25 SECONDS WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 43 SECONDS EAST, ALONG A LINE PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 10, A DISTANCE OF 831.30 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL DESCRIBED IN SAID EXHIBIT "A" OF INSTRUMENT NUMBER 2006-023945; THENCE ALONG THE SOUTH LINE OF SAID PARCEL, EASTERLY, 175.06 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 2050.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 89 DEGREES 26 MINUTES 53 SECONDS EAST AND A LENGTH OF 175.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.33 ACRES, MORE OR LESS AND MORE COMMONLY KNOWN AS 1615-1660 EAST 175 NORTH, FRANKLIN, INDIANA.

PARCEL C:

A PART OF THE WEST HALF OF LOT 1 IN SIMON COMMERCIAL SUBDIVISION, AN ADDITION TO THE CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED JULY 2, 2001 IN PLAT CABINET D, PAGES 367 A & B, AS INSTRUMENT NO. 2001-019139, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE NORTH 16 DEGREES 12 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 305.65 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH 83 DEGREES 07 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 239.71 FEET; THENCE 47.52 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS

OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 09 DEGREES 35 MINUTES 55 SECONDS WEST AND A LENGTH OF 45.76 FEET; THENCE SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 231.78 FEET; THENCE 34.60 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 37 DEGREES 27 MINUTES 11 SECONDS EAST AND A LENGTH OF 33.91 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD); THENCE ALONG THE SOUTH LINE OF SAID LOT 1, BEING A LINE 35.00 FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF SAID COUNTY ROAD 175 NORTH, SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 237.69 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).