

**RESOLUTION NUMBER 2016-11**

**A RESOLUTION APPROVING A DONATION AGREEMENT AND  
RELATED CONVEYANCE TO THE CITY OF FRANKLIN, INDIANA**

**WHEREAS**, the City of Franklin Redevelopment Commission (the "Commission"), as the governing body for the City of Franklin Redevelopment Department (the "Department"), pursuant to Indiana Code 36-7-14 *et seq.*, determines that it is in the best interest of the City of Franklin, Indiana, and the Redevelopment District to convey pursuant to a certain Donation Agreement with the City of Franklin, Indiana certain parcels of real property, all as more particularly shown in the attached Exhibit "A", to facilitate the planned reconstruction of Jefferson Street.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Franklin Redevelopment Commission, that:

1. Approval of Transfer and Related Matters: The President and other officers of the Commission are authorized to sign on behalf of the Commission the Donation Agreement, Confirmation of Receipt of Acquisition Packet, Warranty Deed, and Temporary Highest Easement Grant, all as shown in substantially final form in the attached Exhibit "A", as well as other documentation that may be required to give effect to the conveyance contemplated herein.
2. Effective Date. This resolution shall be in full force and effect from and after its adoption.

DULY ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Redevelopment Commission of the City of Franklin, Johnson County, Indiana.

\_\_\_\_\_  
Robert Heuchan, President

\_\_\_\_\_  
Richard Wertz, Vice President

\_\_\_\_\_  
Brian J. Deppe, Secretary

\_\_\_\_\_  
Keith Fox, Member

\_\_\_\_\_  
, Member

Attest:

\_\_\_\_\_  
Jayne W. Rhoades, Clerk Treasurer

STATE OF INDIANA :  
COUNTY OF JOHNSON :  
Revised May-14

Project: 1400567  
Code: N/A  
Parcel: 6

**DONATION AGREEMENT (WITHOUT OFFER)**

I / We, the undersigned property owner(s) hereby convey to the City of Franklin, Indiana the real estate interest as described on the attached Exhibit A as a donation without any undue coercive action of any nature, fully aware that I / We am/are entitled to just compensation based upon an appraisal pursuant to applicable state and federal laws. I / We waive the right to an appraisal and do hereby convey the real estate interest this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

IN WITNESS WHEREOF, the said Grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

City of Franklin Indiana Redevelopment Commission

X \_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

Robert Heuchan, President  
Printed Name Printed Name

\_\_\_\_\_ (Seal) \_\_\_\_\_ (Seal)  
Signature Signature

\_\_\_\_\_ Printed Name  
Printed Name

STATE OF INDIANA :  
COUNTY OF JOHNSON: SS:

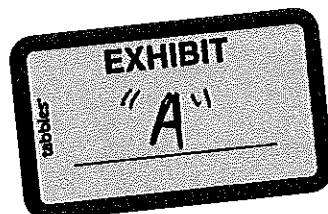
Before me, a Notary Public in and for said State and County, personally appeared \_\_\_\_\_,  
who acknowledged the truth of the statements in the foregoing agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

My Commission expires \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.



## Exhibit "A"

Sheet 1 of 2

Project: 1400567

Parcel: 6 Fee (WD1)

Tax Id. No. 41-08-14-034-108.000-009

A part of Lot 40 in the Original Plat of Franklin, Johnson County, Indiana, the plat of which is recorded in Book 1, page 1 (also known as P.C. "A", slide 8), in the Office of the Recorder of said County and being all that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the northeast corner of said lot; thence South 00 degrees 46 minutes 05 seconds East a distance of 10.61 feet, along the east line of said lot, to the point designated "712" on said Parcel Plat; thence South 86 degrees 45 minutes 35 seconds West a distance of 16.18 feet, to the point designated "709" on said Parcel Plat ; thence North 03 degrees 14 minutes 25 seconds West a distance of 8.00 feet to the point designated "708" on said Parcel Plat; thence South 86 degrees 45 minutes 35 seconds West a distance of 158.46 feet, to the point designated "615" on said Parcel Plat being a point on the west line of the grantor's land; thence North 00 degrees 46 minutes 05 seconds West a distance of 2.24 feet, along said grantor's west line, to the north line of said lot; thence North 86 degrees 38 minutes 25 seconds East a distance of 175.00 feet (174.50 feet by Instrument Number 2011-012236), along the north line of said lot, to the point of beginning and containing 554 square feet, more or less.

**Exhibit "A"**

Sheet 2 of 2

Project: 1400567

Parcel: 6 Fee (WD1)

Tax Id. No. 41-08-14-034-108.000-009

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



A handwritten signature in black ink, appearing to read "Trent E. Newport", written over a horizontal line.

Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

## Exhibit "A"

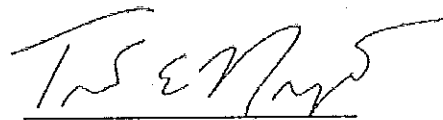
Sheet 1 of 1

Project: 1400567  
Parcel: 6A Fee (WD1)  
Tax Id. No. 41-08-14-034-107.004-009

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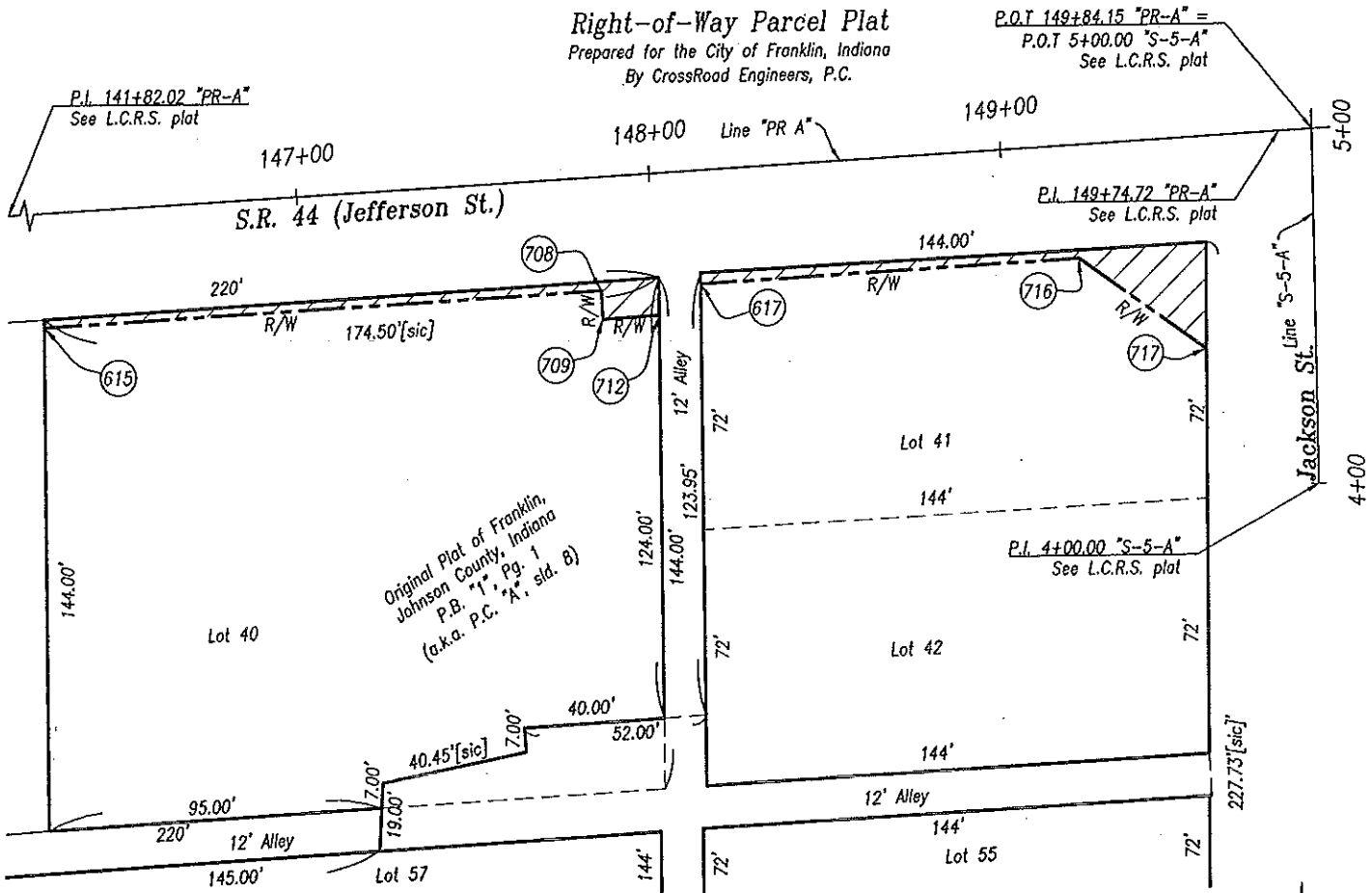
This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



  
Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

# Exhibit "B"

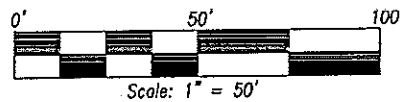
Right-of-Way Parcel Plat  
Prepared for the City of Franklin, Indiana  
By CrossRoad Engineers, P.C.



Parcel Coordinate Chart (Shown in Feet)

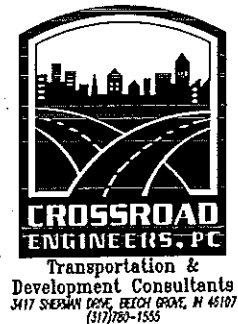
Point	Centerline	Station	Offset	Northing	Easting
615	"PR-A"	+PL(146+21.54)	32.00' R	41654.0459	17684.6384
617	"PR-A"	+PL(148+08.53)	32.00' R	41664.6155	17871.3345
708	"PR-A"	147+80.00	32.00' R	41663.0027	17842.8469
709	"PR-A"	147+80.00	40.00' R	41655.0155	17843.2991
712	"PR-A"	+PL(147+96.18)	40.00' R	41655.9299	17859.4499
716	"PR-A"	149+16.00	32.00' R	41670.6899	17978.6295
717	"S-5-A"	4+39.00	PL(30.79)L	41644.7603	18015.3046

Note: Stations & Offsets control over both North & East Coordinates and Bearings & Distances.




To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Instrument Number 2015-010850 in the Office of the Recorder of Johnson County, Indiana, (Incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Title 865 Indiana Administrative Code 1-12, ("Rule 12").

*Trent E. Newport*  
Trent E. Newport  
Reg. Land Surveyor No. 29600021  
State of Indiana  
Date: 12/07/2015



Parcel: 6  
Code:  
Project: 1400567  
Road: Jefferson St. (S.R. 44)  
County: Johnson  
Section: 14  
Township: 12N  
Range: 4E  
Owner: City of Franklin Indiana Redevelopment Commission

 Hatched Area is the Approximate Taking  
Note: L.C.R.S. denotes "Location Control Route Survey" plat  
Note: Centerline Stationing is English

Drawn By: J. Whiteside  
Checked By: R. Perry  
DES. No. 1400567  
Date: 12/03/2015  
Date: 12/05/2015  
Inst. 2011-012236  
Inst. 2011-026099  
Date: 06/20/2011  
Date: 12/21/2011

Dimensions Shown Are From The Above Listed Record Documents

## Exhibit "A"

Sheet 1 of 1

Project: 1400567

Parcel: 6B Temporary Right of Way for Drive Construction (T-3)

Tax Id. No. 41-08-14-034-108.000-009

A part of Lot 40 in the Original Plat of Franklin, Johnson County, Indiana, the plat of which is recorded in Book 1, page 1 (also known as P.C. "A", slide 8), in the Office of the Recorder of said County, described as follows: Commencing at the northeast corner of said lot; thence South 00 degrees 46 minutes 05 seconds East a distance of 10.61 feet, along the east line of said lot; thence South 86 degrees 45 minutes 35 seconds West a distance of 16.18 feet to the point of beginning of this description; thence South 03 degrees 14 minutes 25 seconds East a distance of 5.00 feet; thence South 86 degrees 45 minutes 35 seconds West a distance of 40.00 feet; thence North 03 degrees 14 minutes 25 seconds West a distance of 13.00 feet; thence North 86 degrees 45 minutes 35 seconds East a distance of 40.00 feet; thence South 03 degrees 14 minutes 25 seconds East a distance of 8.00 feet to the point of beginning and containing 520 square feet, more or less.

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



A handwritten signature in black ink, appearing to read "Trent E. Newport", written over a horizontal line.

Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

## Exhibit "A"

Sheet 1 of 1

Project: 1400567

Parcel: 6C Temporary Right of Way for Sidewalk Removal (T-3)

Tax Id. No. 41-08-14-034-107.004-009

A part of Lot 41 in the Original Plat of Franklin, Johnson County, Indiana, the plat of which is recorded in Book 1, page 1 (also known as P.C. "A", slide 8), in the Office of the Recorder of said County, described as follows: Commencing at the northwest corner of said lot; thence South 00 degrees 46 minutes 05 seconds East a distance of 3.16 feet, along the west line of said lot, to the point of beginning of this description; thence North 86 degrees 45 minutes 35 seconds East a distance of 107.47 feet; thence South 54 degrees 44 minutes 22 seconds East a distance of 17.67 feet; thence South 89 degrees 21 minutes 03 seconds West a distance of 121.66 feet, to the west line of said lot; thence North 00 degrees 46 minutes 05 seconds West a distance of 5.51 feet, along said west lot line, to the point of beginning and containing 926 square feet, more or less.

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



A handwritten signature in black ink, appearing to read "Trent E. Newport", written over a horizontal line.

Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021





## CITY OF FRANKLIN

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### CONFIRMATION OF RECEIPT OF ACQUISITION BOOKLET

Project: SR 44

Parcel: 6

Owner: City of Franklin Indiana Redevelopment Commission

I was given a copy of the booklet titled "Acquiring Real Property for Federal and Federal-aid Programs and Projects"

\_\_\_\_\_  
Date

✕

\_\_\_\_\_  
Robert Heuchan, President

\_\_\_\_\_  
Date

## WARRANTY DEED

Project: 1400567  
Code: N/A  
Parcel: 6 & 6A  
Page: 1 of 3

**THIS INDENTURE WITNESSETH,** That City of Franklin Indiana Redevelopment Commission

the Grantor, of Johnson County, State of Indiana Convey(s) and Warrant(s) to the CITY OF FRANKLIN, INDIANA, the Grantee, for and in consideration of the sum of One--00/100 Dollars (\$1.00) (of which said sum \$1.00 represents land and improvements acquired and \$00.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of Johnson, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right of Way Parcel Plat attached hereto as Exhibit "B," both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions and restrictions of record.

The Grantor(s) hereby specifically acknowledge(s) and agree(s) that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor(s), or any successors in title to the abutting lands of the Grantor(s), notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor(s) and all successors and assigns.

The undersigned represents and warrants that he is the President of the Grantor, that pursuant to resolution of the Redevelopment Commission he has full authority to manage the affairs of said Grantor and sign and execute documents on its behalf and that said authority has not been revoked, and that he is therefore, fully authorized and empowered to convey to the City of Franklin real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act.

Project: 1400567  
Code: N/A  
Parcel: 6 & 6A  
Page: 2 of 3

IN WITNESS WHEREOF, the said Grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

_____ Printed Name	_____ City of Franklin Indiana Redevelopment Commission Printed Name
_____ Signature	_____ Signature
_____ Printed Name	_____ Robert Heuchan, President Printed Name

STATE OF INDIANA :  
SS:  
COUNTY OF \_\_\_\_\_ :

Before me, a Notary Public in and for said State and County, personally appeared City of Franklin Indiana Redevelopment Commission, By Robert Heuchan, President, the Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.

Project: 1400567  
Code: N/A  
Parcel: 6 & 6A  
Page: 3 of 3

Interests in land acquired  
by the City of Franklin  
Grantee mailing address:  
70 East Monroe  
Franklin, IN 46131  
I.C. 8-23-7-31

This instrument prepared by: Legal Counsel to the City of Franklin, Indiana, Lynnette Gray, 63 East Court Street, Franklin, Indiana 46131,  
Attorney No. 11567-41 (317) 738-3365

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, Lynnette Gray.

## Exhibit "A"

Sheet 1 of 2

Project: 1400567

Parcel: 6 Fee (WD1)

Tax Id. No. 41-08-14-034-108.000-009

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**Exhibit "A"**

Sheet 2 of 2

Project: 1400567

Parcel: 6 Fee (WD1)

Tax Id. No. 41-08-14-034-108.000-009

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



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Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

## Exhibit "A"

Sheet 1 of 1

Project: 1400567

Parcel: 6A Fee (WD1)

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Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

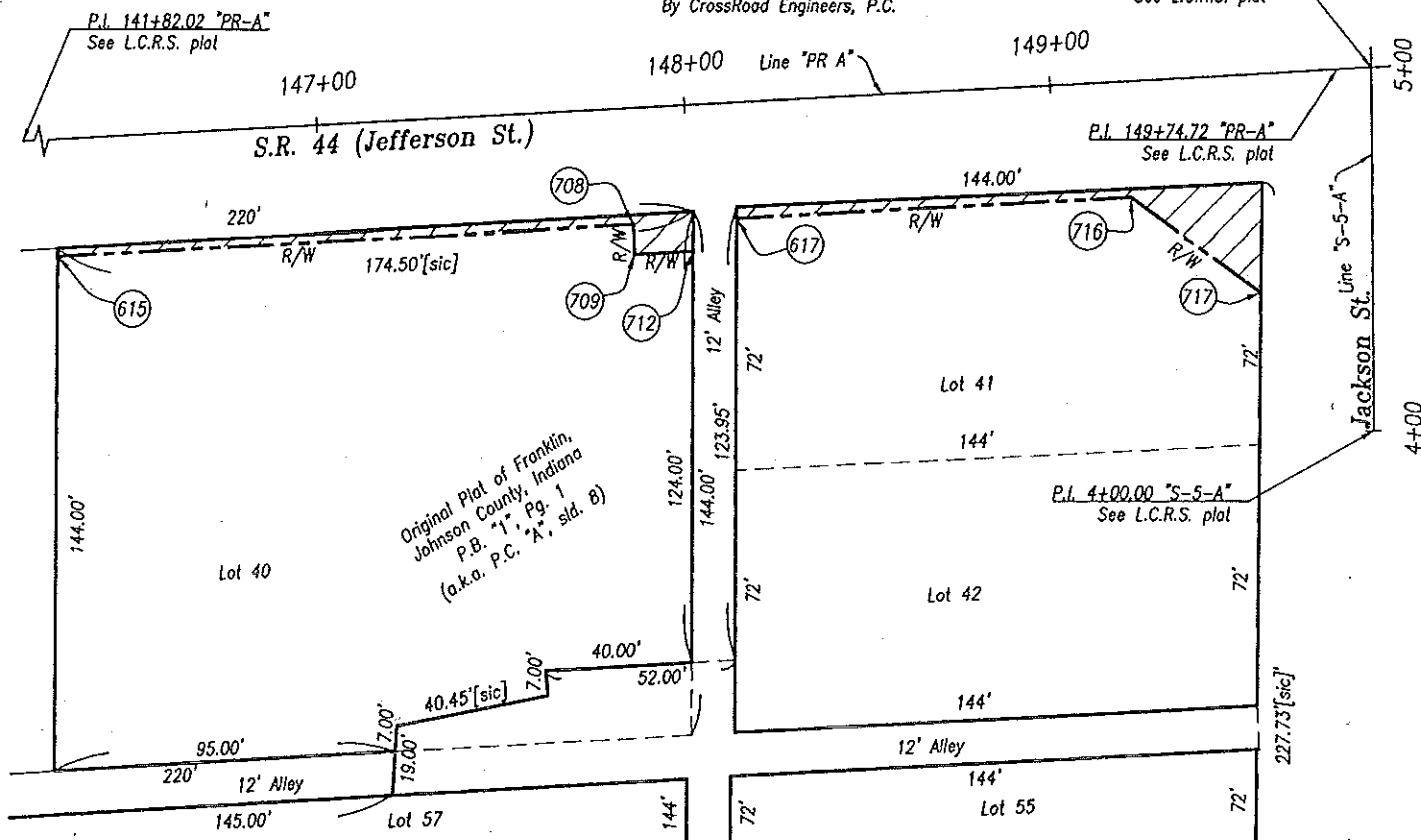
# Exhibit "B"

Sheet 1 of 1

## Right-of-Way Parcel Plat

Prepared for the City of Franklin, Indiana  
By CrossRoad Engineers, P.C.

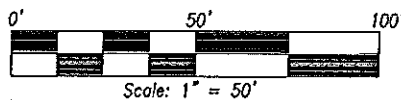
P.O.T 149+84.15 "PR-A" =  
P.O.T 5+00.00 "S-5-A"  
See L.C.R.S. plot



### Parcel Coordinate Chart (Shown in Feet)

Point	Centerline	Station	Offset	Northing	Easting
615	"PR-A"	+PL(146+21.54)	32.00' R	41654.0459	17684.6384
617	"PR-A"	+PL(148+08.53)	32.00' R	41664.6155	17871.3345
708	"PR-A"	147+80.00	32.00' R	41663.0027	17842.8469
709	"PR-A"	147+80.00	40.00' R	41655.0155	17843.2991
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717	"S-5-A"	4+39.00	PL(30.79)L	41644.7603	18015.3046

Note: Stations & Offsets control over both North & East Coordinates and Bearings & Distances.



To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Instrument Number 2015-010850 in the Office of the Recorder of Johnson County, Indiana, (Incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Title 865 Indiana Administrative Code 1-12, ("Rule 12").


*Trent E. Newport*  
12/07/2015

Trent E. Newport  
Reg. Land Surveyor No. 29600021  
State of Indiana



Parcel: 6  
Code: 1400567  
Project: 1400567  
Road: Jefferson St. (S.R. 44)  
County: Johnson  
Section: 14  
Township: 12N  
Range: 4E

Owner: City of Franklin Indiana Redevelopment Commission

 Hatched Area is the Approximate Taking

Note: L.C.R.S. denotes "Location Control Route Survey" plat

Note: Centerline Stationing is English

Drawn By: J. Whiteside  
Checked By: R. Perry  
DES. No. 1400567

Date: 12/03/2015  
Date: 12/05/2015

Inst. 2011-012236  
Inst. 2011-026099

Date: 06/20/2011  
Date: 12/21/2011

Dimensions Shown Are From The Above Listed Record Documents



Form T-1

Revised May-14

**TEMPORARY HIGHWAY EASEMENT GRANT  
(FOR CONSTRUCTION OF A DRIVEWAY)**

Project: 1400567

Code: N/A

Parcel: 6B & 6C

Page: 1 of 4

Cross Reference Warranty Deed 2011-012236 & 2011-026099

**THIS INDENTURE WITNESSETH, That** City of Franklin Indiana Redevelopment Commission

the Grantor, of Johnson County, State of Indiana Grant(s) to the CITY OF FRANKLIN, INDIANA, the Grantee, for and in consideration of the sum of One --- Dollars and NO/100 (\$1.00) (of which said sum \$00.00 represents land improvements acquired and \$ 1.00 represents land temporarily encumbered and damages) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of the Real Estate of the Grantor for the purpose of constructing thereupon a driveway servicing to the Grantor property to and from that highway facility known as SR 44 and as Project 1400297, which said Real Estate situated in the County of Johnson, State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibit "A" which is incorporated herein by reference, which said temporary easement shall be extinguished, become void and revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon completion of the said Project. Said extinguishment shall be evidenced by a release document, which shall be executed and recorded by the Grantee, at no cost to the Grantor.

The undersigned represents and warrants that he is the President of the Grantor, that pursuant to resolution of the Redevelopment Commission he has full authority to manage the affairs of said Grantor and sign and execute documents on its behalf and that said authority has not been revoked, and that he is therefore, fully authorized and empowered to convey to the City of Franklin real estate of the Grantor, and that on the date of execution of said conveyance instruments he had full authority to so act.

Project: 1400567

Code: N/A

Parcel: 6B & 6C

Page: 2 of 4

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the City of Franklin, Indiana except: None Listed

The said Grantors acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor, for the purpose of inducing the City of Franklin, Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantors are the owner in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens (except current real estate taxes and assessments) of any kind or character which would be inconsistent with the temporary rights granted herein.

Project: 1400567  
Code: N/A  
Parcel: 6B & 6C  
Page: 3 of 4

IN WITNESS WHEREOF, the said Grantor has executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

_____ Printed Name	_____ City of Franklin Indiana Redevelopment Commission Printed Name
_____ Signature	_____ Signature
_____ Printed Name	_____ Robert Heuchan, President Printed Name

STATE OF INDIANA :  
COUNTY OF \_\_\_\_\_ :  
SS:

Before me, a Notary Public in and for said State and County, personally appeared City of Franklin Indiana Redevelopment Commission, By Robert Heuchan, President, the Grantor in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be his voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Name

My Commission expires \_\_\_\_\_

I am a resident of \_\_\_\_\_ County.

Project: 1400567  
Code: N/A  
Parcel: 6B & 6C  
Page: 4 of 4

Interests in land acquired  
by the City of Franklin  
Grantee mailing address:  
70 East Monroe  
Franklin, IN 46131  
I.C. 8-23-7-31

This instrument prepared by: Legal Counsel to the City of Franklin, Indiana, Lynnette Gray, 63 East Court Street, Franklin, Indiana 46131,  
Attorney No. 11567-41 (317) 738-3365

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, Lynnette Gray.

## Exhibit "A"

Sheet 1 of 1

Project: 1400567

Parcel: 6B Temporary Right of Way for Drive Construction (T-3)

Tax Id. No. 41-08-14-034-108.000-009

A part of Lot 40 in the Original Plat of Franklin, Johnson County, Indiana, the plat of which is recorded in Book 1, page 1 (also known as P.C. "A", slide 8), in the Office of the Recorder of said County, described as follows: Commencing at the northeast corner of said lot; thence South 00 degrees 46 minutes 05 seconds East a distance of 10.61 feet, along the east line of said lot; thence South 86 degrees 45 minutes 35 seconds West a distance of 16.18 feet to the point of beginning of this description; thence South 03 degrees 14 minutes 25 seconds East a distance of 5.00 feet; thence South 86 degrees 45 minutes 35 seconds West a distance of 40.00 feet; thence North 03 degrees 14 minutes 25 seconds West a distance of 13.00 feet; thence North 86 degrees 45 minutes 35 seconds East a distance of 40.00 feet; thence South 03 degrees 14 minutes 25 seconds East a distance of 8.00 feet to the point of beginning and containing 520 square feet, more or less.

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



A handwritten signature in black ink, appearing to read "Trent E. Newport", written over a horizontal line.

Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021

**Exhibit "A"**

Sheet 1 of 1

Project: 1400567

Parcel: 6C Temporary Right of Way for Sidewalk Removal (T-3)

Tax Id. No. 41-08-14-034-107.004-009

A part of Lot 41 in the Original Plat of Franklin, Johnson County, Indiana, the plat of which is recorded in Book 1, page 1 (also known as P.C. "A", slide 8), in the Office of the Recorder of said County, described as follows: Commencing at the northwest corner of said lot; thence South 00 degrees 46 minutes 05 seconds East a distance of 3.16 feet, along the west line of said lot, to the point of beginning of this description; thence North 86 degrees 45 minutes 35 seconds East a distance of 107.47 feet; thence South 54 degrees 44 minutes 22 seconds East a distance of 17.67 feet; thence South 89 degrees 21 minutes 03 seconds West a distance of 121.66 feet, to the west line of said lot; thence North 00 degrees 46 minutes 05 seconds West a distance of 5.51 feet, along said west lot line, to the point of beginning and containing 926 square feet, more or less.

This description was prepared for the City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 7<sup>th</sup> day of December, 2015.



A handwritten signature in black ink, appearing to read "Trent E. Newport".

Trent E. Newport  
Indiana Land Surveyor  
No. LS 29600021