

## AGENDA RESERVATION REQUEST

### CITY OF FRANKLIN COMMON COUNCIL

Please type or print

<b>Date Submitted:</b>	October 4, 2017	<b>Meeting Date:</b>	Oct. 16, 2017
<b>Contact Information:</b>			
<b>Requested by:</b>	Joanna Myers, Senior Planner		
<b>On Behalf of Organization or Individual:</b> KYKA Properties, LLC			
<b>Telephone:</b>	317-736-3631		
<b>Email address:</b>	jmyers@franklin.in.gov		
<b>Mailing Address:</b>	70 E. Monroe St., Franklin, IN 46131		
<b>Describe Request:</b>			
Approval of Ordinance 2017-08: Rezoning to be known as KYKA Rezoning (Public Hearing)			
<b>List Supporting Documentation Provided:</b>			
1. City Council memo			
2. Plan Commission Staff Report (PC 2017-32)			
3. Ordinance 2017-08			
<b>Who will present the request?</b>			
<b>Name:</b>	Huddleston & Huddleston	<b>Telephone:</b>	(317) 736-5121

*The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.*



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

70 E. MONROE STREET › FRANKLIN, INDIANA 46131 › 877.736.3631 › FAX 317.736.5310 › [www.franklin.in.gov/planning](http://www.franklin.in.gov/planning)

### City Council - Memorandum

**To:** City Council Members  
**CC:** Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer  
**From:** Joanna Myers, Senior Planner  
**Date:** September 26, 2017  
**Re:** **KYKA Rezoning (Ordinance 2017-08)**

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On September 19, 2017 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced rezoning petition from KYKA Properties, LLC (Plan Commission Resolution #2017-32). The Plan Commission voted 8-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 32.919 acres located at the northwest corner of Eastview Drive and Upper Shelbyville Road be annexed into the City of Franklin and that 25.213 acres be rezoned to IG (Industrial: General), for the future development of an industrial subdivision. The attached staff report prepared for the Plan Commission meeting further describes this request.

The petition was properly advertised for the Plan Commission meeting. A copy of the rezoning ordinance is included. The proposed timeline for the petition is as follows:

Introduction:	October 2, 2017
Public Hearing:	October 16, 2017

If you have any questions regarding this petition please feel free to contact me directly at 736-3631.



## CITY OF FRANKLIN

DEPARTMENT OF PLANNING & ENGINEERING

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# Plan Commission Staff Report

**To:** Plan Commission Members

**From:** Joanna Myers, Senior Planner

**Date:** September 13, 2017

**Re:** Case PC 2017-31 (A) & PC 2017-32 (R): KYKA Annexation & Rezoning

### REQUEST:

**Case PC 2017-31 (A) & PC 2017-32 (R)...KYKA Annexation & Rezoning.** A request by KYKA Properties, LLC. to annex 32.919 acres and rezone 25.213 acres from Industrial: Business Development (IBD) to Industrial: General (IG). The property is located at the northwest corner of Eastview Drive and Upper Shelbyville Road.

### ADJACENT PROPERTIES:

#### Surrounding Zoning:

North: IBD  
South: IN, RM, RSN  
  
East: IBD & PUD  
West: IG

#### Surrounding Land Use:

North: Industrial  
South: Needham Elementary, Agriculture, and Single-Family Residential  
East: Agriculture & Future Residential  
West: Industrial & Agriculture

### CURRENT ZONING:

The “IBD”, Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

### PROPOSED ZONING:

The “IG”, Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.

### CONSIDERATIONS:

1. KYKA Properties, LLC is requesting that 32.919 acres located at the northwest corner of Eastview Drive and Upper Shelbyville Road be annexed into the City of Franklin and that 25.213 acres be rezoned to IG (Industrial: General), for the future development of an industrial subdivision.

2. The City of Franklin owns two parcels within the subject area and has consented to the requests. The 0.105 acre parcel was obtained for the trail project and is intended to become dedicated right-of-way of Eastview Drive. Hurricane Creek (legal drain) runs through the City's 1.017 acre parcel. The floodway and special flood hazard area of Hurricane Creek is shown on the attached aerial.
3. The parcels outlined in red and blue on Exhibit A identify the area requested to be annexed.
4. Indiana Code requirements (IC 36-4-3-5) for voluntary annexation are:
  - a. Consent of 51% of the property owners or owners of 75% of the total assessed value of the land for property tax purposes.
  - b. At least one-eighth (1/8 or 12.5%) of the aggregate external boundary of the proposed annexation area must be contiguous with the existing city limits. A strip of land less than one hundred fifty (150) feet wide is not considered contiguous. (IC 36-4-3-1.5)
5. The proposed annexation area is 41.12% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
6. The proposed annexation is located within the Needham Fire Protection District (est. 3-19-90 by Ord. 1990-5). IC 36-4-3-7 outlines the effectiveness of an annexation within a fire protection district. Effective date of annexation would be the second January 1 that follows the date the ordinance is adopted – January 1, 2019.  
  
 However, IC 36-4-3-7 also outlines that an annexation may not take effect during the year preceding a year in which a federal decennial census is conducted and takes effect January 1 of the year in which the census is conducted. Therefore, if the property remains within a Fire Protection District, the annexation would take effect on January 1, 2020.  
  
 If the property is not located within a Fire Protection District, the annexation can take effect 30 days following the adoption of the ordinance by the City Council – Late 2017/Early 2018.
7. Utilities are readily available at this location and Eastview Drive is designated as a portion of the City's truck route.
8. The parcels outlined in blue on Exhibit A are proposed to be rezoned from IBD to IG. The parcels outlined in red are currently zoned IBD which is proposed to remain unchanged. A copy of the lot standards outlining the permitted uses for both the IBD and IG zoning district are attached.

**Lot Standards – Industrial: Business Development (IBD)**

Min. lot area: 22,000 sq.ft.	Min. front yard setback: 25 ft (local) 50 ft (collector)
Maximum lot area: 5 acres	Min. side yard setback: 25 feet
Min. lot width (at front setback): 100 feet	Min. rear yard setback: 25 feet
Maximum lot coverage: 75%	

**Lot Standards – Industrial: General (IG)**

Min. lot area: 2 acres	Min. front yard setback: 50 feet
Maximum lot area: N/A	Min. side yard setback: 50 feet
Min. lot width (at front setback): 100 feet	Min. rear yard setback: 50 feet
Maximum lot coverage: 85%	

9. The Technical Review Committee reviewed the petitions at their August 31, 2017 meeting.
10. The property would need to go through the Primary Plat, Secondary Plat/Construction Plan and Site Development Plan review processes prior to development.
11. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Business Development Area. "Business development areas are intended to serve as both the permanent home of small scale businesses and incubators of new local companies. Land uses in business development areas include manufacturing, light industrial operations, contractor's offices, and products suppliers. In many instances the types of businesses in these areas are those that have both commercial and industrial qualities. The business development areas provide these uses the ability to serve customers in a setting that allows outdoor storage and the operation of heavy equipment and machinery that often are involved."
12. The 2013 Comprehensive Plan, Land Use Plan indicates the current inventory of industrial land may not be adequate, and goes on to state that "more (industrial) land is needed to accommodate a variety of employer sites."
13. The 2013 Comprehensive Plan, Land Use Plan also discusses the importance of maintaining an adequate inventory of available industrial land. "The land does not have to be completely developed, but should at least be zoned appropriately to protect it from competing uses."
14. The 2013 Comprehensive Plan set five Land Use Goals; Land Use Goal 4 is as follows: "Ensure that Franklin has an adequate supply of appropriately located industrial land ready for development."

#### **PC 2017-31 (A): KYKA ANNEXATION**

##### **PLAN COMMISSION ACTION – ANNEXATION :**

Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the annexation petition.

##### **STAFF RECOMMENDATION – ANNEXATION:**

Staff recommends a *favorable recommendation* be forwarded to the City Council.

#### **PC 2017-32 (R): KYKA REZONING**

##### **CRITERIA FOR DECISIONS – REZONING:**

In taking action on rezoning requests, the Plan Commission shall pay reasonable regard to the decision criteria outlined in Article 11.6 (I) of the City of Franklin Zoning Ordinance.

1. *Comprehensive Plan: The City of Franklin Comprehensive Plan and any other applicable, adopted planning studies or reports.*

##### **Staff Finding:**

Staff finds that the request to rezone the property to IG is consistent with the Comprehensive Plan as the IG zoning district allows for lot sizes to vary from 2 acres in size to greater, which allows for the development of a more diverse nature of industrial uses and to allow lot sizes to exceed 5 acres.

**2. *Current Conditions: The current conditions and the character of current structures and uses in each district.***

**Staff Finding:**

The property located immediately to the north and west of the subject property is currently zoned IBD and IG and are currently developed in an industrial nature. In addition, it is important to note that the subject site and property to the east are currently zoned IBD and allow for industrial uses to be developed.

**3. *Desired Use: The most desirable use for which the land in each district is adapted.***

**Staff Finding:**

The property is immediately adjacent to other industrial properties and the majority of the adjacent properties are currently zoned industrial (IBD & IG) which allows the majority of the same permitted land uses. In addition, the property's immediate access to the truck route and proximity to I-65 provides excellent access to a regional transportation route.

**4. *Property Values: The conservation of property values throughout the City of Franklin's planning jurisdiction.***

**Staff Finding:**

The rezoning request should not negatively affect the property values in the area; however, the development of the property could increase the property values as additional industrial services are provided.

**5. *Responsible Growth: Responsible growth and development.***

**Staff Finding:**

The subject property is currently zoned IBD, which is an industrial zoning district. The proposed rezoning to IG allows the petitioner to provide sites that allow a larger lot size than permitted in the IBD zoning district. In addition, the property is immediately adjacent to the designated truck route. Therefore, the proposed development of the property would be compliant with the lot size requirements and allow for a more diverse nature of industrial uses to be developed with ease of truck access.

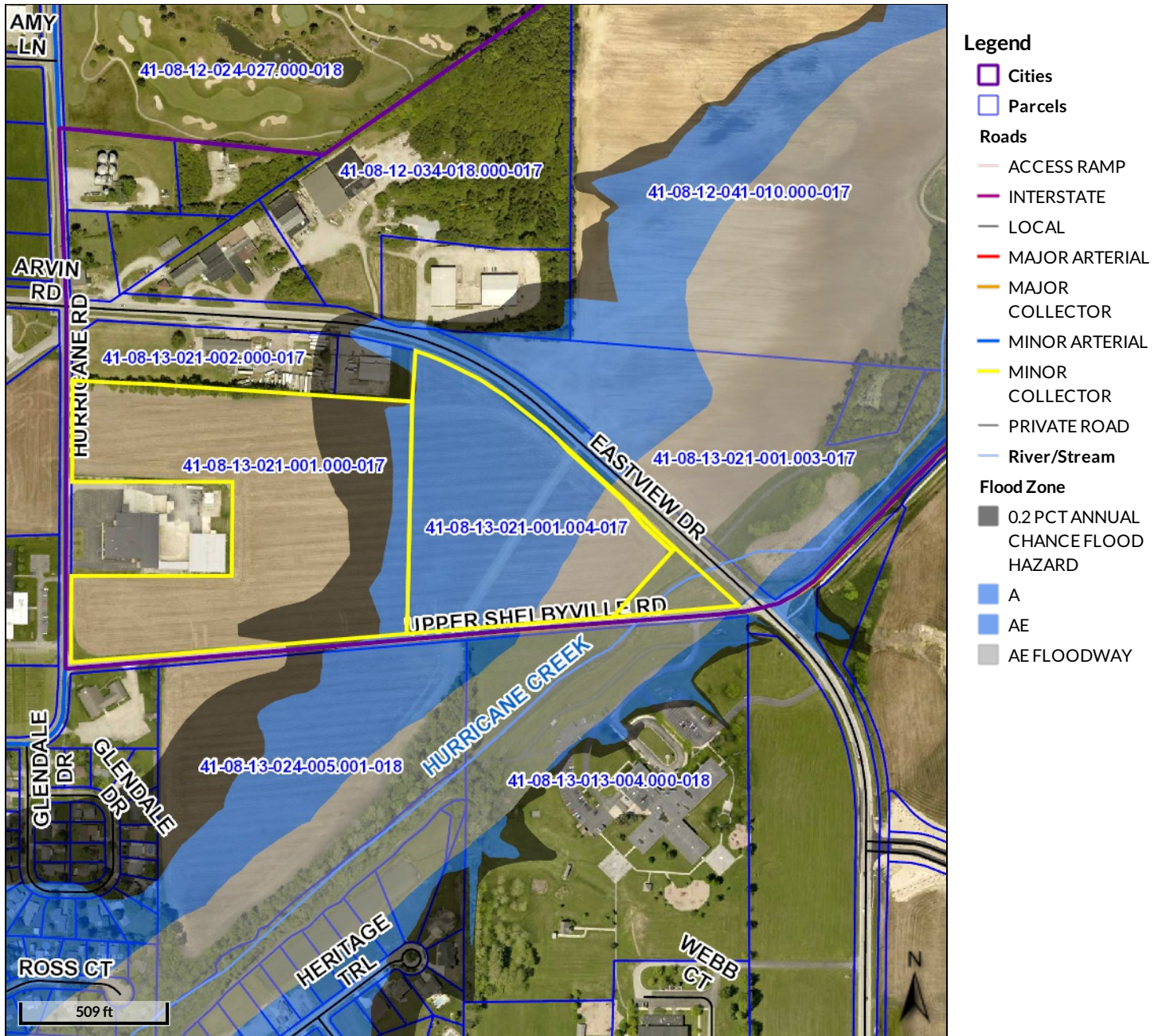
**PLAN COMMISSION ACTION – REZONING :**

In the rezoning process, the Plan Commission has the authority to review the provisions of the Comprehensive Plan and the Zoning Ordinance. Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the rezoning petition.

**STAFF RECOMMENDATION – REZONING:**

Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council rezoning the 25.213 acres to IG (Industrial: General).





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**DISCLAIMER:** An official flood plain determination must be made by the Floodplain Administrator for your local jurisdiction.

Date created: 9/13/2017

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The Schneider Corporation



## 3.21 Industrial: Business Development (IBD)

### District Intent:

The "IBD", Industrial: Business Development zoning district is intended to provide locations for small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.



### A. Permitted Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- farm (general)

#### Communications/Utilities Uses

- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

#### Institutional/Public Uses

- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station

#### Park Uses

- nature preserve/center

#### Commercial Uses

- conference center
- data processing / call center
- personal service uses

#### Industrial Uses

- boat/RV storage facility (outdoor)
- contractor's warehouse/storage facility
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing and distribution
- mini-warehouse self-storage facility
- research and development facility
- warehouse & distribution facility
- wholesale facility



### B. Special Exception Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- farm equipment sales and service

#### Institutional/Public Uses

- animal shelter
- day-care center
- government facility (non-office)
- penal or correctional institution

#### Commercial Uses

- auto-oriented uses (medium scale)
- kennel
- recreation uses (small scale)
- restaurant





## 3.21 Industrial: Business Development (IBD)

### C. Lot Standards

#### Minimum Lot Area

- 22,000 square feet

#### Maximum Lot Area

- 5 acres

#### Minimum Lot Width

(measured at front setback/build-to line)

- 100 feet

#### Maximum Lot Depth

- not applicable

#### Maximum Lot Coverage

(including all hard surfaces)

- 75%

#### Min. Front Yard Primary Struct. Setback

(measured from street right-of-way)

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 25 feet when adjacent to a Local Street

#### Min. Side Yard Primary Struct. Setback

(measured from adjacent property line)

- 25 feet

#### Min. Rear Yard Primary Struct. Setback

(measured from rear property line)

- 25 feet

#### Minimum Living Area per Dwelling (for primary structures)

- not applicable

#### Minimum Ground Floor Living Area (for primary structures)

- not applicable

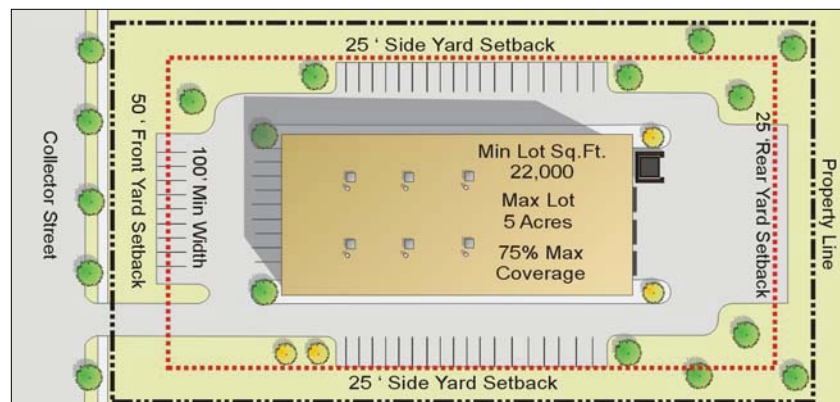
#### Maximum Primary Structures per Lot

- 1

#### Maximum Height

(for primary structures)

- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements



Illustrative Layout (Does not reflect all requirements contained within this Ordinance).

#### Title Art./Page #

#### Overlay Districts ..... Art. 5

#### Development Standards ... Art. 7

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7.4 Temp. Use & Struct.

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7.10 Parking

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7.13 Sight Visibility ..... 7-47

7.14 Telecommunications ..... 7-48

7.15 Fence, Hedge, & Wall

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7.16 Landscaping ..... 7-56

7.17 Buffering & Screening

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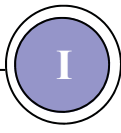
#### Sign Standards ..... Art. 8

8.1 General ..... 8-2

8.3 Non-Residential

Part 2 ..... 8-11

#### Site Development Plans .. Art. 9



### 3.23 Industrial: General (IG)

#### District Intent:

*The "IG", Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Franklin.*



#### A. Permitted Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- farm (general)

#### Communications/Utilities Uses

- communication service exchange
- telecommunications facility/tower
- utility substation
- water tower

#### Institutional/Public Uses

- heliport
- medical clinic
- parking lot or garage (as a primary use)
- police, fire, or rescue station
- trade or business school

#### Park Uses

- nature preserve/center

#### Commercial Uses

- adult uses
- conference center
- data processing center

#### Industrial Uses

- agricultural products terminal
- dry cleaners (commercial)
- food & beverage production
- general industrial production
- light industrial assembly & distribution
- light industrial processing and distribution
- power generation facility (commercial)
- research and development facility
- truck freight terminal
- warehouse & distribution facility



#### B. Special Exception Primary Uses:

*Use Matrix: The Use Matrix (p 3-3 through 3-7) provides detailed use lists for all zoning districts.*

#### Agriculture Uses

- agricultural product sales, distribution, & storage facility
- farm equipment sales and service
- greenhouse (commercial)
- livestock auction/sales facility

#### Institutional/Public Uses

- airport
- day-care center
- government facility (non-office)
- penal or correctional institution

#### Commercial Uses

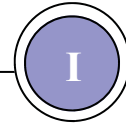
- truck stop / travel center

#### Industrial Uses

- animal & animal products processing
- concrete/asphalt production facility
- hazardous materials production
- truck sales & service center
- waste disposal facility



## 3.23 Industrial: General (IG)



Zoning Districts

### C. Lot Standards

**Minimum Lot Area**

- 2 acres (87,120 square feet)

**Maximum Lot Area**

- not applicable

**Minimum Lot Width**

(measured at front setback/build-to line)

- 100 feet

**Maximum Lot Depth**

- not applicable

**Maximum Lot Coverage**

(including all hard surfaces)

- 85%

**Min. Front Yard Primary Struct. Setback**

(measured from street right-of-way)

- 50 feet when adjacent to an Arterial Street
- 50 feet when adjacent to a Collector Street
- 50 feet when adjacent to a Local Street

**Min. Side Yard Primary Struct. Setback**

(measured from adjacent property line)

- 50 feet

**Min. Rear Yard Primary Struct. Setback**

(measured from rear property line)

- 50 feet

**Minimum Living Area per Dwelling (for primary structures)**

- not applicable

**Minimum Ground Floor Living Area (for primary structures)**

- not applicable

**Maximum Primary Structures per Lot**

- not applicable

**Maximum Height**

(for primary structures)

- 50 feet
- See Chapter 7.14, for telecommunications facility height requirements

**Title**

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**Development Standards .... Art. 7**

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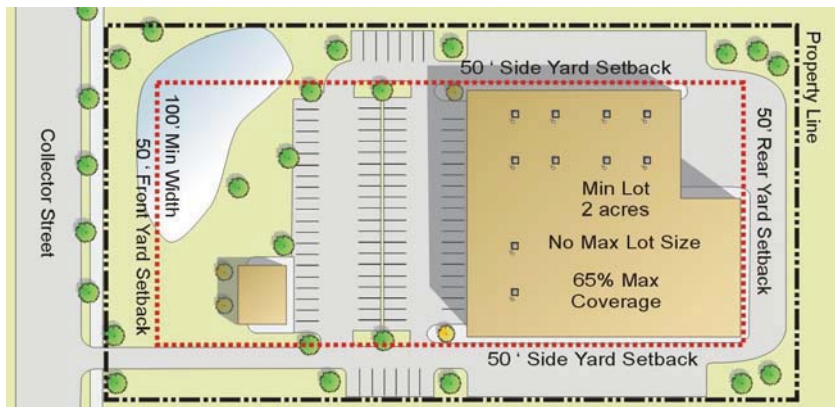
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8.1 General ..... 8-2

8.3 Non-Residential

Part 2 ..... 8-11

**Site Development Plans ..... Art. 9**



*Illustrative Layout (Does not reflect all requirements contained within this Ordinance.*

The 25.213 acres to be rezoned from IBD to IG is outlined in blue.

Know what's below.  
Call before you dig.



City of Franklin Common Council

**ORDINANCE NUMBER 2017-08**

AN ORDINANCE APPROVING RESOLUTION NUMBER 2017-32  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO  
IG (Industrial: General)  
(To be known as KYKA Rezoning)

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**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 2017-32 recommended that the City’s Common Council amend the Zoning Map and rezone the property described in “Exhibit A” attached hereto, to Industrial: General (IG).

**WHEREAS**, pursuant to Indiana Code § 36-7-4-605, Resolution 2017-32 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 Industrial: General (IG).
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 § 36-4-6-16.

**INTRODUCED** on the 2<sup>nd</sup> day of October, 2017.

**DULY PASSED** on this \_\_\_\_ day of \_\_\_\_\_, 2017, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of \_\_\_\_ in Favor and \_\_\_\_ Opposed.

City of Franklin, Indiana, by its Common Council:

**Voting Affirmative:**

**Voting Opposed:**

\_\_\_\_\_  
Keith Fox, Council President

\_\_\_\_\_  
Keith Fox, Council President

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

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

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

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Joseph R. Ault

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Kenneth Austin

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Kenneth Austin

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Andrew Eggers

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Andrew Eggers

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Bob Heuchan

\_\_\_\_\_  
Bob Heuchan

\_\_\_\_\_  
Richard L. Wertz

\_\_\_\_\_  
Richard L. Wertz

Attest:

\_\_\_\_\_  
Jayne Rhoades, 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 and 16, this \_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_ o'clock p.m.

\_\_\_\_\_  
Jayne Rhoades, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_ o'clock p.m.

---

Steve Barnett, Mayor

Attest:

---

Jayne Rhoades, City Clerk-Treasurer

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

## **EXHIBIT "A"**

Part of the Northwest Quarter and the Northeast Quarter of Section 13, Township 12 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana, described as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence along the North line thereof North 87 degrees 15 minutes 18 seconds West (assumed bearing) 1686.22 feet; thence South 00 degrees 11 minutes 42 seconds West 231.00 feet; thence South 87 degrees 30 minutes 19 seconds East 555.45 feet to the Point of Beginning ; thence continuing South 87 degrees 30 minutes 19 seconds East 599.55 feet; thence North 00 degrees 04 minutes 15 seconds West 167.12 feet to the cusp of a curve concave southwesterly the radius point of said curve bears South 17 degrees 27 minutes 07 seconds West 1208.04 feet; thence southeasterly along said curve through a central angle of 12 degrees 15 minutes 29 seconds 258.45 feet; thence South 51 degrees 55 minutes 59 seconds East 257.83 feet; thence South 47 degrees 59 minutes 46 seconds East 432.21 feet; thence South 45 degrees 08 minutes 01 second East 100.12 feet; thence South 47 degrees 59 minutes 46 seconds East 373.86 feet; thence South 84 degrees 56 minutes 23 seconds West 1713.55 feet; thence North 00 degrees 04 minutes 52 seconds West 882.32 feet to the Point of Beginning containing 25.213 acres, more or less, subject to all rights-of-way, easements and restrictions.