

RESOLUTION NUMBER 2017-42
CITY OF FRANKLIN, INDIANA REDEVELOPMENT COMMISSION

**AUTHORIZING AN OFFER TO ACQUIRE REAL PROPERTY, SUBJECT TO
CONDITIONS, TRANSFER SAME, AND
PAY FOR DESIGN, CONSTRUCTION, AND INSPECTION**

The Linville Way / Drainage Area Project

WHEREAS, the City of Franklin Redevelopment Commission (the “RDC”), as the governing body for the City of Franklin Redevelopment Department (the “Department”), pursuant to Indiana Code 36-7-14, as amended (the “Act”), desires to foster economic development and redevelopment within the City, and desires to authorize the acquisition and transfer of certain real property as part of the redevelopment project commonly known as “Linville Way / Drainage Area Project”.

WHEREAS, Maurice Fred Linville and Helen Ann Linville (the “Linvilles”) and the City have proposed to exchange certain real property owned by each of them in order to further development within the City; specifically, the Linvilles own a certain parcel of real property described in the attached Exhibit “A”, and more generally described as the future “Linville Way”, and the City owns a certain parcel of real property described in the attached Exhibit “B”, and more generally described as the “Drainage Area”.

WHEREAS, the City intends to construct, maintain, and operate a new public right-of-way on the real property known as Linville Way, and the Linvilles intend to own and farm the Drainage Area, which is adjacent to other real property they currently own and farm.

WHEREAS, the RDC intends to assist in the funding of Linville Way, including, as necessary, (1) paying for the transaction costs and incidental expenses associated with the real estate exchange, including the fees and expenses related to the preparation and execution of easements and deeds and related documentation, and (2) the design, construction, and inspection of Linville Way.

WHEREAS, the RDC and City have determined that the completion of Linville Way will promote the redevelopment and economic development of the unit, is of utility and benefit, and is in the best interests of the unit's residents.

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

- 1) Offer to Purchase Real Properties / Exchange of Same. Pursuant to Indiana Code Sec. 36-7-14-19, the RDC authorizes an offer to the Linvilles to acquire Linville Way and an offer to the City to acquire the Drainage Area, subject to appropriate conditions, with a corresponding transfer of Linville Way to the City and the Drainage Area to the Linvilles, plus the payment of costs related to the acquisition and exchange.
- 2) Substitution of Funding Resolutions to Use 2017 Bond Funds. By prior Resolution No. 2017-32 for \$196,500 for design, construction, inspection, staking and as-built plans, as well as civil engineering services, Resolution 2017-35 for \$1,750,500 for construction,

and Resolution No. 2017-41 for \$25,000 for transaction costs and miscellaneous expenses related to the transfer and exchange of the real properties, the RDC authorized the payment of same from the TIF Control Fund, and hereby instead authorizes the payment of same totaling \$1,972,000 from the remaining monies held in account from the 2015 TIF Bond.

- 3) Miscellaneous. Notices required by statute are authorized to be made, and the RDC's President is authorized to execute those documents and take those steps which are necessary to give effect to this resolution.
- 4) Effective Date. This resolution shall be in full force and effect from and after its adoption.

DULY ADOPTED on this 21st day of November, 2017 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

Paul Beuning, Member

Attest:

Jayne W. Rhoades,
Clerk-Treasurer of the City of Franklin, Indiana

EXHIBIT "A"

FEE SIMPLE

PART OF THE SOUTHEAST QUARTER OF SECTION 2 AND PART OF THE NORTHEAST QUARTER OF SECTION 11, ALL IN TOWNSHIP 12 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1401.56 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 203.62 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 396.79 FEET TO A NON-TANGENT CURVE ON THE NORTH LINE OF COMMERCE PARKWAY PER INSTRUMENT NUMBER 2016-001380, AS RECORDED IN THE JOHNSON COUNTY RECORDER'S OFFICE; THENCE ALONG SAID NORTH LINE NORTHWESTERLY 58.83 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 880.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 49 DEGREES 51 MINUTES 38 SECONDS WEST AND A LENGTH OF 58.82 FEET TO THE **PLACE OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTH LINE NORTHWESTERLY 84.27 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 880.00 FEET AND SUBTENDED BY LONG CHORD HAVING A BEARING OF NORTH 54 DEGREES 31 MINUTES 09 SECONDS WEST AND A LENGTH OF 84.24 FEET; THENCE NORTH 44 DEGREES 57 MINUTES 23 SECONDS EAST A DISTANCE OF 402.57 FEET TO A TANGENT CURVE; THENCE NORTHEASTERLY 133.39 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 22 DEGREES 28 MINUTES 41 SECONDS EAST AND A LENGTH OF 129.99 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 278.86 FEET TO A TANGENT CURVE; THENCE NORTHWESTERLY 269.03 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 45 DEGREES 20 MINUTES 11 SECONDS WEST AND A LENGTH OF 241.82 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 38 SECONDS WEST A DISTANCE OF 207.17 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 00 SECONDS WEST A DISTANCE OF 60.00 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 38 SECONDS EAST A DISTANCE OF 206.81 FEET; THENCE SOUTHEASTERLY 363.98 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 230.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 45 DEGREES 20 MINUTES 11 SECONDS EAST AND A LENGTH OF 327.17 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 278.86 FEET TO A TANGENT CURVE; THENCE SOUTHWESTERLY 180.47 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 230.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 22 DEGREES 28 MINUTES 41 SECONDS WEST AND A LENGTH OF 175.87 FEET; THENCE SOUTH 44 DEGREES 57 MINUTES 23 SECONDS WEST A DISTANCE OF 212.52 FEET; THENCE SOUTH 37 DEGREES 29 MINUTES 20 SECONDS WEST A DISTANCE OF 177.69 FEET TO THE **PLACE OF BEGINNING**.

CONTAINING 1.915 ACRES, MORE OR LESS.

I, TRENT E. NEWPORT, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THIS DESCRIPTION WAS BASED ON AN ALTA/ACSM LAND TITLE SURVEY PROJECT NO. 11191 PERFORMED BY BRIAN L. HAGGARD WITH BANNING ENGINEERING DATED 9/21/11. NO FIELDWORK WAS PERFORMED AND THEREFORE, THIS DESCRIPTION IS SUBJECT TO ANY OVERLAPS, GAPS OR INCONSISTENCIES THAT A FIELD SURVEY MIGHT REVEAL.



A handwritten signature of Trent E. Newport in black ink.

TRENT E. NEWPORT
INDIANA LAND SURVEYOR
NO. LS 29600021

PREPARED BY:



Transportation &
Development Consultants
3417 SHERMAN DR., BEECH GROVE, IN 46107 (317) 780-1555

COUNTY: JOHNSON
SECTION: 2, 11
TOWNSHIP: 12 NORTH
RANGE: 4 EAST

EXHIBIT "A"

FEE SIMPLE

OWNER: MAURICE FRED LINVILLE &
HELEN ANN LINVILLE

DRAWN BY : CJL 6-16-17
CHECKED BY : TEN
150' 0 150' 300'
SCALE: 1" = 300'



HATCHED AREA IS THE
APPROXIMATE FEE TAKE

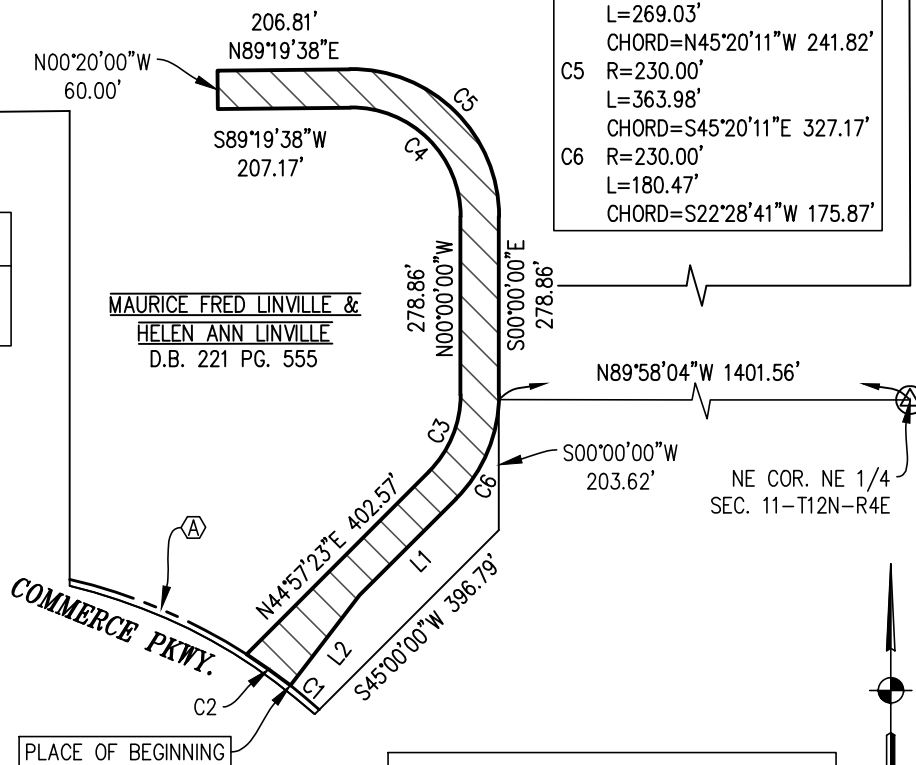
GRAHAM RD.

LINE TABLE	
L1	S44°57'23"W 212.52'
L2	S37°29'20"W 177.69'

MAURICE FRED LINVILLE &
HELEN ANN LINVILLE
D.B. 160 PG. 303

MAURICE FRED LINVILLE &
HELEN ANN LINVILLE
D.B. 221 PG. 555

CURVE TABLE	
C1	R=880.00' L=58.83' CHORD=N49°51'38"W 58.82'
C2	R=880.00' L=84.27' CHORD=N54°31'09"W 84.24'
C3	R=170.00' L=133.39' CHORD=N22°28'41"E 129.99'
C4	R=170.00' L=269.03' CHORD=N45°20'11"W 241.82'
C5	R=230.00' L=363.98' CHORD=S45°20'11"E 327.17'
C6	R=230.00' L=180.47' CHORD=S22°28'41"W 175.87'



Ⓐ CITY OF FRANKLIN INST. #2016-001380

NORTH



NO FIELDWORK WAS PERFORMED AND THEREFORE, THIS DESCRIPTION IS
SUBJECT TO ANY OVERLAPS, GAPS OR INCONSISTENCIES THAT A FIELD
SURVEY MIGHT REVEAL. THIS PLOT WAS BASED ON AN ALTA/ACSM
LAND TITLE SURVEY PROJECT NO. 11191 PERFORMED BY BRIAN L.
HAGGARD WITH BANNING ENGINEERING DATED 9/21/11.

Trent E. Newport
TRENT E. NEWPORT
REG. LAND SURVEYOR NO. 29600021
STATE OF INDIANA
6-13-17
DATE

PREPARED BY:



Transportation &
Development Consultants
3417 SHERMAN DR. BEECH GROVE, IN 46107 (317) 780-1555

EXHIBIT "B"

FEE SIMPLE

PART OF THE NORTHWEST QUARTER OF SECTION 11 AND PART OF THE SOUTHWEST QUARTER OF SECTION 2, ALL IN TOWNSHIP 12 NORTH, RANGE 4 EAST, FRANKLIN TOWNSHIP, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 36 MINUTES 19 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1392.25 FEET TO THE APPROXIMATE CENTER OF THE H.O. CANARY OPEN DITCH AND THE **PLACE OF BEGINNING**; THENCE SOUTH 04 DEGREES 37 MINUTES 16 SECONDS EAST, ALONG THE APPROXIMATE CENTER OF SAID DITCH, A DISTANCE OF 236.28 FEET; THENCE SOUTH 89 DEGREES 15 MINUTES 19 SECONDS WEST A DISTANCE OF 120.27 FEET; THENCE SOUTH 87 DEGREES 20 MINUTES 38 SECONDS WEST A DISTANCE OF 94.43 FEET; THENCE NORTH 16 DEGREES 34 MINUTES 47 SECONDS WEST A DISTANCE OF 1039.13 FEET TO THE SOUTH LINE OF A TRANSMISSION LINE EASEMENT IN FAVOR OF PSI ENERGY; THENCE NORTH 55 DEGREES 36 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 495.00 FEET TO THE APPROXIMATE CENTER OF SAID DITCH; THENCE SOUTH 04 DEGREES 37 MINUTES 16 SECONDS EAST, ALONG THE APPROXIMATE CENTER OF SAID DITCH, A DISTANCE OF 1037.42 FEET TO THE **PLACE OF BEGINNING**.

CONTAINING 8.751 ACRES, MORE OR LESS.

I, TRENT E. NEWPORT, A REGISTERED LAND SURVEYOR IN THE STATE OF INDIANA, DO HEREBY CERTIFY THAT THIS DESCRIPTION WAS BASED ON A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9800726 AND A LOCATION CONTROL ROUTE SURVEY INSTRUMENT NUMBER 2014-013521, ALL IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA. NO FIELDWORK WAS PERFORMED AND THEREFORE, THIS DESCRIPTION IS SUBJECT TO ANY OVERLAPS, GAPS OR INCONSISTENCIES THAT A FIELD SURVEY MIGHT REVEAL.



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

PREPARED BY:



Transportation &
Development Consultants

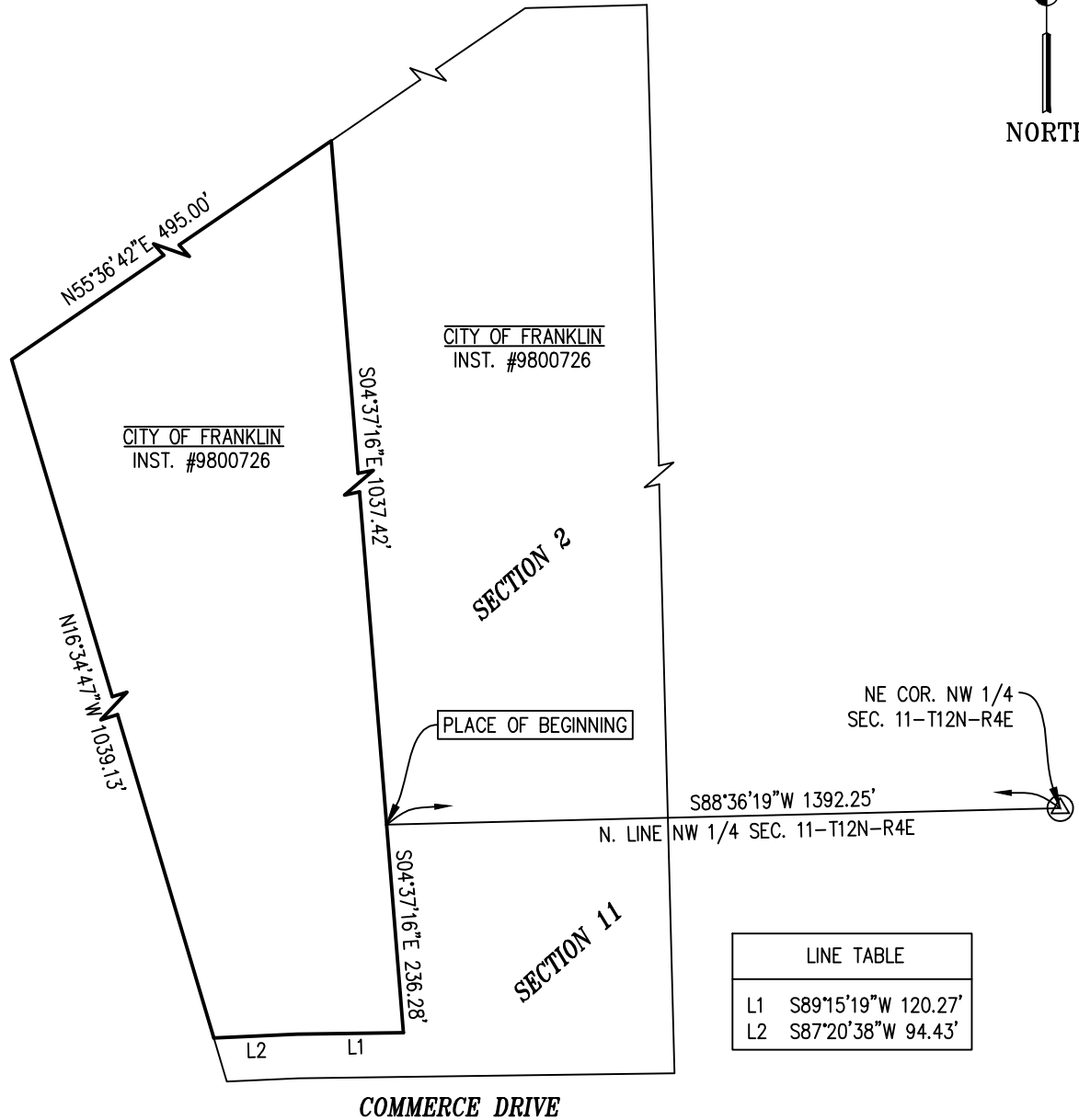
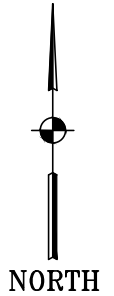
3417 SHERMAN DR., BEECH GROVE, IN 46107 (317) 780-1555

COUNTY: JOHNSON
SECTION: 2, 11
TOWNSHIP: 12 NORTH
RANGE: 4 EAST

EXHIBIT "B"

FEE SIMPLE

DRAWN BY : CJL 6-5-17
CHECKED BY : TEN
100' 0 100' 200'
SCALE: 1" = 200'



NO FIELDWORK WAS PERFORMED AND THEREFORE, THIS DESCRIPTION IS SUBJECT TO ANY OVERLAPS, GAPS OR INCONSISTENCIES THAT A FIELD SURVEY MIGHT REVEAL. THIS PLOT WAS BASED ON A WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 9800726 AND A LOCATION CONTROL ROUTE SURVEY INSTRUMENT NUMBER 2014-013521, ALL IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA.

Trent E. Newport

TRENT E. NEWPORT
REG. LAND SURVEYOR NO. 29600021
STATE OF INDIANA

6-5-17
DATE

PREPARED BY:



Transportation &
Development Consultants
3417 SHERMAN DR. BEECH GROVE, IN 46107 (317) 780-1555