

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	October 22, 2018	Meeting Date:	Nov. 5, 2018
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
		Fred Linville	
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2018-13: Annexation to be known as Linville Annexation – 8.711 ac. (Adoption)			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC 2018-22)			
3. Ordinance 2018-13			
4.			
5.			
Who will present the request?			
Name:	Joanna Myers	Telephone:	(317) 736-3631

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

City Council - Memorandum

To: City Council Members
CC: Steve Barnett, Mayor and Jayne Rhoades, Clerk-Treasurer
From: Joanna Myers, Senior Planner
Date: September 26, 2018
Re: **Linville Annexation – 8.711 ac. (Ordinance 2018-13)**

On September 18, 2018 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Fred Linville (Plan Commission Resolution #2018-22). The Plan Commission voted 10-0 for a favorable recommendation to be forwarded.

The petitioner is requesting that 8.711 acres north of 2160 N. Graham Road be annexed into the City of Franklin to plan for future development. 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 annexation ordinance is included. A copy of the fiscal plan and resolution adopting the fiscal plan accompany the ordinance. The proposed timeline for the petition is as follows:

Introduction:	October 1, 2018
Public Hearing:	October 15, 2018 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	November 5, 2018

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



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Plan Commission Staff Report

To: Plan Commission Members

From: Joanna Myers, Senior Planner

Date: September 12, 2018

Re: Case PC 2018-22 (A): Linville Annexation - 8.711 ac. Graham Road

REQUEST:

Case PC 2018-22 (A)...Linville Annexation – 8.711 ac. Graham Road. A request by Fred Linville to annex 8.711 acres located north of 2160 N. Graham Road. The subject property is currently zoned IL (Industrial: Light).

ADJACENT PROPERTIES:

Surrounding Zoning:

North: IL (Industrial: Light)
South: IL (Industrial: Light)
East: IL (Industrial: Light)
West: IL (Industrial: Light)

Surrounding Land Use:

North: Agriculture
South: Animal Shelter
East: Industrial
West: Agriculture

CURRENT ZONING:

The “IL”, Industrial: Light zoning district is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Franklin.

CONSIDERATIONS:

1. Fred Linville is requesting that 8.711 acres located north of 2160 N. Graham Road (Johnson County Animal Shelter) be annexed into the City of Franklin to plan for future development. See attached exhibit.
2. 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)

3. The proposed annexation area is 50%% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
4. Public utilities are currently available in close proximity to the property.
5. 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.
6. The Technical Review Committee reviewed the petition at their August 23, 2018 meeting. All technical review comments have been addressed.
7. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Light Industrial. “Light industrial areas include a variety of employment and production facilities. Uses in this area may include warehouses, distribution centers, assembly facilities, technology centers, research and manufacturing facilities, professional offices. Light industrial areas are distinguished from manufacturing areas in that manufacturing areas focus on the manipulation of unfinished products and raw materials. Light industrial facilities generally do not produce emissions of light, heat, sound, vibration, or odor and are completely contained within buildings. Some limited outdoor storage of finished products may occur. Light industrial areas may also include facilities which are complimentary to their role as employment centers. Such uses would include day care centers, parks and recreation facilities, banks, dry-cleaners, and other facilities designed to provide goods and services to the employees in the area.”

PLAN COMMISSION ACTION:

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:

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

SWQ 02.12N.04E

WARRANTY DEED
FRED & HELEN ANN LINVILLE
DEED BOOK 160 PAGE 305
(SWQ 02.12N.04E)

GRAHAM ROAD

OVERHEAD LINE EASEMENT
PSI ENERGY INC.
INSTRUMENT 0096-013523
20' (2.92± ACRES)

WARRANTY DEED
FRED & HELEN ANN LINVILLE
DEED BOOK 160 PAGE 305
(SWQ 02.12N.04E)

SECONDARY PLAT
LINVILLE BUSINESS PARK
INSTRUMENT 2018-009566

FRED & HELEN ANN LINVILLE

20' STORM SEWER ESMT
INSTRUMENT 2008-019669
(0.16± ACRES)

WARRANTY DEED
THE BOARD OF COMMISSIONERS
OF JOHNSON COUNTY, IN
INSTRUMENT 2006-016491
(5.00± ACRES)

LINVILLE WAY

DEDICATION OF PUBLIC RIGHT OF WAY
TO THE CITY OF FRANKLIN
INSTRUMENT 2008-019817
(0.34± ACRES)

WARRANTY DEED
FRED & HELEN ANN LINVILLE
DEED BOOK 160 PAGE 305
(SWQ 02.12N.04E)

SEC. SWQ 02.12N.04E

CE-44 Mag Nail & Washer

City of Franklin Common Council

ORDINANCE # 2018-13

AN ORDINANCE APPROVING A RESOLUTION
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS
(to be known as Linville Annexation – 8.711 ac.)

WHEREAS, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit “A”; and

WHEREAS, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2018-22 recommended that the City’s Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked “Resolution #2018-22”); and

WHEREAS, pursuant to IC 36-7-4-605, Resolution #2018-22 has been certified to City’s Common Council; and

WHEREAS, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit “A” be annexed to and become a part of the City of Franklin, Indiana.

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

1. The real estate described in Exhibit “A” is hereby declared annexed to the City of Franklin, Indiana.
2. 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; and
3. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
4. 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; and
5. The provisions set forth in this ordinance become and will remain in full force and effect on the second January 1 that follows the date the ordinance is adopted pursuant to Indiana Code; and
6. Said newly annexed territory shall become a part of Council District 2; and

7. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 36-4-3-22(a),

INTRODUCED AND FILED on the 1st day of October, 2018.

PUBLIC HEARING held on the _____ day of _____, 2018.

DULY ADOPTED on this _____ day of _____ 2018, 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:

Kenneth Austin, Council President

Andrew Eggers, Vice President

Joseph P. Abban

Daniel J. Blankenship

Robert D. Heuchan

Danny Richards

Richard L. Wertz

Voting Opposed:

Kenneth Austin, Council President

Andrew Eggers, Vice President

Joseph P. Abban

Daniel J. Blankenship

Robert D. Heuchan

Danny Richards

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 _____, 2018 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 _____ 2018 at _____ o'clock p.m.

Steve Barnett, Mayor

Attest:

Jayne Rhoades, City Clerk-Treasurer

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.

Signed _____

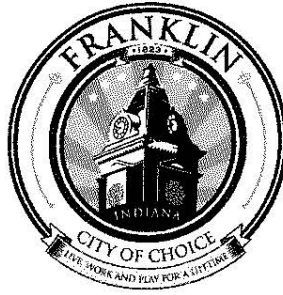
*Prepared by:
Joanna Myers, Senior Planner
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131*

EXHIBIT "A"

Part of the Southwest Quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter Section; thence North 00 degrees 30 minutes 12 seconds West (the basis of bearings are referenced to grid bearings based on NAD 83 Indiana State Plane Coordinate System, East Zone per Indiana Department of Transportation (INDOT) Continuously Operating Reference Stations (InCORS) real-time kinematic (RTK) correction service July 2018) along the east line thereof 598.46 feet to the northeast corner of the land described in a Warranty Deed to the Board of Commissioners of Johnson County, IN recorded as Instrument 2006-016491 in the Office of the Recorder of Johnson County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 29 minutes 48 seconds West along the north line thereof 726.00 feet to the northwest corner thereof; thence North 00 degrees 30 minutes 12 seconds West 327.56 feet; thence North 89 degrees 18 minutes 52 seconds East 176.00 feet; thence North 00 degrees 30 minutes 12 seconds West 255.27 feet; thence North 89 degrees 09 minutes 26 seconds East 550.01 feet to the east line of the Southwest Quarter; thence South 00 degrees 30 minutes 12 seconds East along said east line 586.65 feet to the POINT OF BEGINNING, containing 8.711 acres (379,460 SF), more or less.

AND INCLUDING ALL CONTIGUOUS AREAS OF PUBLIC HIGHWAYS AND RIGHTS-OF-WAY OF THE PUBLIC HIGHWAYS WHICH ARE NOT ALREADY CONTAINED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF FRANKLIN.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2018-22
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

Fred Linville

PLAN COMMISSION DOCKET NUMBER:

PC 2018-22

RESOLUTION

WHEREAS, the City of Franklin, Indiana has received an annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

WHEREAS, the petitioner has submitted a statement of reasons for having said property annexed; and

WHEREAS, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

WHEREAS, the existing and proposed improvements have been submitted and reviewed by the Plan Commission; and

WHEREAS, the said improvements are consistent with the 2013 Comprehensive Plan; and

WHEREAS, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

WHEREAS, a public hearing was held on the 18th day of September, 2018 in the Franklin City Hall to give the public an opportunity to offer comments on said annexation petition; and

WHEREAS, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

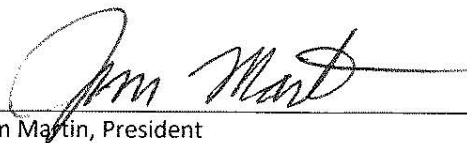
WHEREAS, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:

1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
2. On behalf of the secretary, staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the City of Franklin Common Council.
3. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 18th day of September, 2018.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA



Jim Martin, President

ATTEST:



Suzanne Findley, Secretary

EXHIBIT "A"

Part of the Southwest Quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian, Franklin Township, Johnson County, Indiana, described as follows:

Commencing at the Southeast corner of said Quarter Section; thence North 00 degrees 30 minutes 12 seconds West (the basis of bearings are referenced to grid bearings based on NAD 83 Indiana State Plane Coordinate System, East Zone per Indiana Department of Transportation (INDOT) Continuously Operating Reference Stations (InCORS) real-time kinematic (RTK) correction service July 2018) along the east line thereof 598.46 feet to the northeast corner of the land described in a Warranty Deed to the Board of Commissioners of Johnson County, IN recorded as Instrument 2006-016491 in the Office of the Recorder of Johnson County, Indiana, and the POINT OF BEGINNING; thence South 89 degrees 29 minutes 48 seconds West along the north line thereof 726.00 feet to the northwest corner thereof; thence North 00 degrees 30 minutes 12 seconds West 327.56 feet; thence North 89 degrees 18 minutes 52 seconds East 176.00 feet; thence North 00 degrees 30 minutes 12 seconds West 255.27 feet; thence North 89 degrees 09 minutes 26 seconds East 550.01 feet to the east line of the Southwest Quarter; thence South 00 degrees 30 minutes 12 seconds East along said east line 586.65 feet to the POINT OF BEGINNING, containing 8.711 acres (379,460 SF), more or less.

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