

RESOLUTION NO.: 2019-09
Of the Common Council of the City of Franklin, Indiana

A RESOLUTION AUTHORIZING THE PURCHASE OF CEMETERY PLOTS

WHEREAS, the City of Franklin, by and through its Common Council is the fiscal body of the City of Franklin, Indiana; and

WHEREAS, a proposed offer to purchase certain cemetery plots currently owned by Indiana Masonic Home, Inc., Franklin, Indiana a/k/a Compass Park (hereinafter, Masonic Home) and located in Greenlawn Cemetery has been tendered to the City as set forth in the proposed Agreement to Sell Cemetery Lots, a copy of which is attached as Exhibit "A"; and

WHEREAS, the Masonic Home does not need the excess inventory of cemetery plots and the City of Franklin, in its use, ownership, management and operation of Greenlawn Cemetery has a specific need to secure the approximately 1,000 vacant cemetery lots for future use by the citizens of Franklin, their heirs and assigns; and

WHEREAS, the City of Franklin is the Owner of Greenlawn Cemetery; and

WHEREAS, the cemetery plots are considered, as a matter of law, to be a right of interment, entombment or inurnment granted by the owner of a cemetery and is an easement for the specific purpose of burial and is therefore not considered land pursuant to I.C. 36-1-10.5-5; and

WHEREAS, I.C. 36-1-10.5-5 generally requires the appointment of two appraisers to appraise the fair market value of land and/or a structure to be purchased however this provision is not applicable to this purchase since the City owns the land. Nonetheless, the Common Council believes it prudent to obtain opinions of value as to the proposed purchase from persons or entities familiar with the value of cemetery plots; and

WHEREAS, the Common Council, approves the Resolution No. 2019-09 passed by the Franklin Board of Public Works and Safety and does believe it in the best interest of the citizens of Franklin to authorize the purchase of the cemetery plots in accordance with Resolution 2019-09;

NOW, THEREFORE, THE FRANKLIN COMMON COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

- 1) The Common Council does authorize the Mayor to pursue the Agreement to Sell Cemetery Lots in accordance with the terms of the attached Exhibit "A" subject to the following:
 - a. Compliance with the provisions of the Board of Public Works and Safety Resolution 2019-09; and


- b. Receipt of an opinion of fair market value of the proposed cemetery plots to be purchased demonstrating that the purchase price as proposed is less than or equal to the opinion of value.

INTRODUCED & APPROVED by the Common Council of the City of Franklin, Johnson County, Indiana the 2 day of December, 2019.

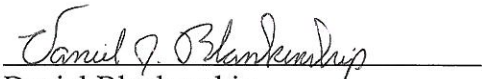
City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Kenneth Austin, Council President


Andrew Eggers, Vice-President



Joseph P. Abban


Daniel Blankenship

Abstain

Robert D. Heuchan


Danny Richards


Richard L. Wertz

Voting Opposed:

Kenneth Austin, Council President

Andrew Eggers, Vice-President

Joseph P. Abban

Daniel 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 pursuant to Indiana Code § 36-4-6-15, 16, this 2nd day of December, 2019 at 6:30 pm o'clock a.m./p.m.


Jayne Rhoades, Clerk Treasurer

This resolution having been passed by the legislative body and presented and approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-15, 16(a)(2), this 2nd day of December, 2019 at 6:30 pm o'clock a.m./p.m.



Steve Barnett, Mayor of City of Franklin

Prepared by: Lynnette Gray
Attorney No.: 11567-41