

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	July 23, 2021	Meeting Date:	August 2, 2021
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
Sunbeam Development Corporation			
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval of Ordinance 2021-15: Annexation to be known as Nyberg Annexation – 59.239 ac. (Public Hearing) & Approval of Resolution 2021-25: Fiscal Plan			
List Supporting Documentation Provided:			
1. City Council memo			
2. Plan Commission Staff Report (PC 2021-15)			
3. Ordinance 2021-15			
4. Resolution 2021-25			
5. Fiscal Plan – Nyberg Annexation – 59.239 ac.			
6.			
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: July 9, 2021
Re: Nyberg Annexation (Ordinance 2021-15)

On June 15, 2021 the Franklin Plan Commission forwarded to the City Council a favorable recommendation on the above referenced annexation petition from Sunbeam Development Corporation (Plan Commission Resolution #2021-15). The Plan Commission voted 7-2 for a favorable recommendation to be forwarded.

The petitioner is requesting that approximately 59 acres located immediately south of Nyberg Addition, south of Upper Shelbyville Road and north of State Road 44 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:	July 19, 2021
Public Hearing:	August 2, 2021 (Fiscal Plan adopted after annexation public hearing.)
Action Taken:	August 16, 2021

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: June 10, 2021

Re: Case PC 2021-15 (A) & PC 2021-16 (R): Nyberg Annexation & Rezoning

REQUEST:

Case PC 2021-15 (A) & PC 2021-16 (R)...Nyberg Annexation and Rezoning. A request by Sunbeam Development Corporation to annex and rezone 56.261 acres from Agriculture (A) to Industrial: Light (IL). The property is located immediately south of Nyberg Addition, south of Upper Shelbyville Road.

ADJACENT PROPERTIES:

Surrounding Zoning:

North: RSN
South: IL
East: A-1 (Johnson County)
West: IL

Surrounding Land Use:

North: Single-family residential
South: Agriculture
East: Agriculture & Single-family residential
West: Agriculture

CURRENT ZONING:

The “A”, Agricultural zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural areas with the viability of agricultural operations, and limit development in areas with minimal infrastructure. This district should be used to protect agricultural operations from land uses that are incompatible with the available infrastructure.

PROPOSED 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. Sunbeam Development Corporation is requesting that 56.261 acres (2 parcels) be annexed and rezoned to IL (Industrial: Light), for the future development of an industrial subdivision. The subject property will be part of an overall industrial development that includes over 450 acres owned by the applicant.

2. The petitioner has offered the following commitments as part of the rezoning petition:
 - a. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
 - i. There will be a setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance.
 - ii. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 (rise:run).
 - iii. There will be a row of broad-leaf deciduous canopy trees planted parallel to the north property line, with (1) 2-1/2 inch caliper measured at 6 inches above the top of the root ball, placed every 20 feet.
 - iv. There will be a row of 5 feet high, measured from the root ball, evergreen trees planted every 10 feet along the top of the mound.
3. 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)
4. The proposed annexation area is 27.5% contiguous to the City of Franklin and 100% of the property owners are parties to the petition.
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 – January 1, 2023.

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.

The petitioner has requested that the property be removed from the Needham Fire Protection District and is coordinating this process with the Needham Fire Protection District and Johnson County Commissioners.

- a. The Needham Fire Protection District approved a Resolution on April 12, 2021 to exclude the subject property from the district.
 - b. The ordinance amending the Needham Fire Protection District is pending approval by the County Commissioners.
6. A sanitary sewer extension project is currently under design and permitting. It is anticipated the City will start construction of the sanitary sewer in 2021.
7. The Technical Review Committee reviewed the petitions at their April 22, 2021 meeting.
8. The property would need to go through the Primary Plat, Secondary Plat/Construction Plan and Site Development Plan review processes prior to development.
9. The 2013 Franklin Comprehensive Plan, Land Use Plan, identifies this area as Agricultural. "Agriculture areas are generally located outside the current city limits in Franklin's extended zoning jurisdiction. Existing agriculture areas within the city limits are prime locations for new

development, consistent with the future land use plan map. Agricultural areas are intended to include traditional farming uses, in addition to agricultural products storage and distribution facilities (such as commercial grain elevators), stables, natural preserves, agricultural research facilities, and other animal husbandry and food production related activities.”

10. 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.”
11. 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.”
12. 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 2020-15 (A): NYBERG 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 2020-16 (R): NYBERG 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 IL with commitments is consistent with the Comprehensive Plan as the IL zoning district allows for lot sizes to vary from 1 acre 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:

Property located immediately to the west of the subject property is currently zoned IL and was recently annexed and rezoned to IL for the future development of an industrial park and is owned by the same owner. Property located immediately to the south was approved to be annexed and rezoned to IL by the City Council at their May 17, 2021 meeting.

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 zoned property. In addition, the property's proximity to State Road 44 and 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 with commitments 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 proposed rezoning to IL allows the petitioner to provide sites that allow for large lots for the development of a variety of industrial uses and to plan for a cohesive project.

PLAN COMMISSION ACTION – REZONING :

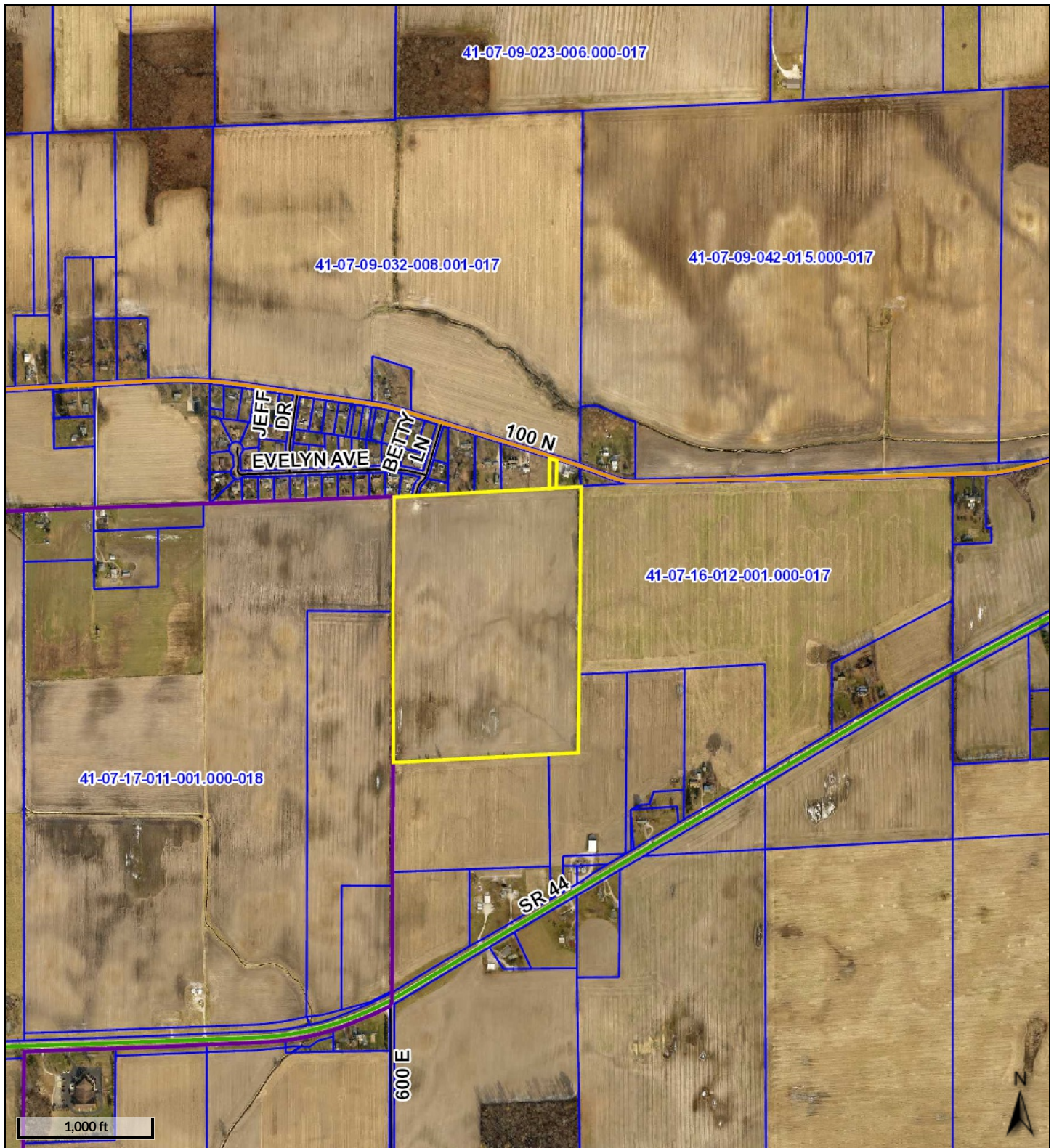
In the rezoning process, the Plan Commission has the authority to review the provisions of the Comprehensive Plan and the Zoning Ordinance. Plan Commission action (either *favorable*, *unfavorable*, or *no recommendation*) is a recommendation to the City Council, which takes action on the rezoning petition.

STAFF RECOMMENDATION – REZONING:

Based on the criteria for decisions above, staff recommends a *Favorable Recommendation* be forwarded to the Franklin City Council rezoning the 56.261 acres to IL (Industrial: Light) with the following commitments:

1. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
 - a. A setback of 25 feet in addition to the yard setback otherwise required by the City of Franklin Zoning Ordinance shall be provided to include the following landscaping requirements:
 - ii. There will be a minimum 5 foot tall undulating mound, with a maximum of 3:1 (rise:run).
 - iii. A row of broad-leaf deciduous canopy trees shall be planted parallel to the north property line with 1 tree placed every 20 feet. Each tree shall be a minimum of 2-1/2 inch caliper measured at 6 inches above the top of the root ball.
 - iv. A row of evergreen trees shall be planted every 10 feet along the top of the mound. Each evergreen shall be a minimum of 5 feet in height, measured from the root ball.

PC 2021-15 (A) & PC 2021-16 (R)



City of Franklin Common Council

ORDINANCE # 2021-15

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 Nyberg Annexation)

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 #2021-15 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 #2021-15"); and

WHEREAS, pursuant to IC 36-7-4-605, Resolution #2021-15 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 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 19th day of July, 2021.

PUBLIC HEARING held on the _____ day of _____, 2021.

DULY ADOPTED on this _____ day of _____ 2021, 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, President

Melissa Jones

Daniel J. Blankenship

Robert D. Heuchan

Anne McGuinness

Chris Rynerson

Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Melissa Jones

Daniel J. Blankenship

Robert D. Heuchan

Anne McGuinness

Chris Rynerson

Shawn Taylor

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 _____, 2021 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 _____, 2021 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"

The following land description was prepared as part of a Retracement Survey by Stephen M. Cooper, Professional Surveyor S0557, of Coor Consulting & Land Services Corporation, per Job Number 2021-006, dated April 17, 2021 and being a part of the West Half of the Northwest Quarter of Section 16 and a part of the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 12 North, Range 5 East, Needham Township, Johnson County, Indiana, being more particularly described as follows:

BEGINNING at a Stone marking the Northwest corner of said Northwest Quarter Section; thence on an assumed bearing of North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 1115.61 feet to the Southwest corner of Tract "B" as described in Deed Record 197, Page 803 in the Office of the Recorder of Johnson County, Indiana; (the next 3 courses being along the perimeter lines of said Tract "B") thence North 01 degrees 07 minutes 43 seconds East a distance of 233.39 feet to the physical centerline of County Road 100 North; thence South 72 degrees 30 minutes 00 seconds East along the physical centerline thereof a distance of 52.11 feet; thence South 01 degrees 07 minutes 43 seconds West a distance of 215.00 feet to the Southeast corner of said Tract "B", said point also being on the North line of the West Half of said Northwest Quarter; thence North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 174.90 feet to a Stone marking the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 27 minutes 46 seconds West along the East line thereof a distance of 1914.79 feet to the Southeast corner of Tract "A" as described in said Deed Record 197, Page 803; thence South 86 degrees 41 minutes 29 seconds West along the South line thereof a distance of 1344.99 feet to the Southwest corner of said Tract "B", said point also being on the West line of said Northwest Quarter; thence North 00 degrees 34 minutes 58 seconds East along the West line thereof a distance of 1919.94 feet to the POINT OF BEGINNING. Containing 59.239 acres, 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 # 2021-15
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:

Sunbeam Development Corporation

PLAN COMMISSION DOCKET NUMBER:

PC 2021-15

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 15th day of June, 2021 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 15th day of June, 2021.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

ATTEST


Suzanne Findley, Secretary


Jim Martin, President

EXHIBIT "A"

The following land description was prepared as part of a Retracement Survey by Stephen M. Cooper, Professional Surveyor S0557, of Coor Consulting & Land Services Corporation, per Job Number 2021-006, dated April 17, 2021 and being a part of the West Half of the Northwest Quarter of Section 16 and a part of the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 12 North, Range 5 East, Needham Township, Johnson County, Indiana, being more particularly described as follows:

BEGINNING at a Stone marking the Northwest corner of said Northwest Quarter Section; thence on an assumed bearing of North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 1115.61 feet to the Southwest corner of Tract "B" as described in Deed Record 197, Page 803 in the Office of the Recorder of Johnson County, Indiana; (the next 3 courses being along the perimeter lines of said Tract "B") thence North 01 degrees 07 minutes 43 seconds East a distance of 233.39 feet to the physical centerline of County Road 100 North; thence South 72 degrees 30 minutes 00 seconds East along the physical centerline thereof a distance of 52.11 feet; thence South 01 degrees 07 minutes 43 seconds West a distance of 215.00 feet to the Southeast corner of said Tract "B", said point also being on the North line of the West Half of said Northwest Quarter; thence North 86 degrees 53 minutes 58 seconds East along the North line thereof a distance of 174.90 feet to a Stone marking the Northeast corner of the West Half of said Northwest Quarter; thence South 00 degrees 27 minutes 46 seconds West along the East line thereof a distance of 1914.79 feet to the Southeast corner of Tract "A" as described in said Deed Record 197, Page 803; thence South 86 degrees 41 minutes 29 seconds West along the South line thereof a distance of 1344.99 feet to the Southwest corner of said Tract "B", said point also being on the West line of said Northwest Quarter; thence North 00 degrees 34 minutes 58 seconds East along the West line thereof a distance of 1919.94 feet to the POINT OF BEGINNING. Containing 59.239 acres, 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 Common Council

RESOLUTION # 2021-25

A RESOLUTION ADOPTING A FISCAL PLAN OF SERVICES FOR THE ANNEXATION OF CERTAIN TERRITORY
(to be known as Nyberg Annexation)

WHEREAS, the Common Council is considering the adoption of Ordinance 2021-15 annexing to the City of Franklin, Indiana, the real property described in Exhibit "A" attached hereto; and

WHEREAS, a fiscal plan of services for said annexed area shall be approved by resolution by the City of Franklin, Indiana prior to approving the annexation request; and

WHEREAS, a fiscal plan has been developed and presented to the Common Council, entitled "Fiscal Plan Nyberg Annexation" (the "Fiscal Plan"); and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that it provides an orderly and effective plan for the organization and extension of services to the area proposed to be annexed; and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that planned services of a non-capital nature will be provided to the area as soon as possible upon annexation, but in no event later than one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope of such services provided within the corporate boundaries regardless of similar topography, patterns of land use, and population density; and

WHEREAS, the Common Council has reviewed the Fiscal Plan and finds that planned services of a capital improvement nature will be provided to the area within three (3) years of the effective date of annexation in the same manner as services provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, THAT:

Section 1. The Franklin Common Council adopts and approves the written Fiscal Plan which is attached hereto and made a part hereof along with the following fiscal plan of services:

1. The cost of planned services to the City of Franklin shall be as follows:
 - a. Approximately \$0.00 per month (\$0.00 annually) to illuminate approximately zero (0) new street lights throughout the proposed development; and
2. The method of financing the planned services shall be as follows:
 - a. Funding for any proposed street lighting shall be provided through standard monthly municipal rental payments for the electricity used to illuminate said street lighting; and
3. The organization and extension of said planned services shall be in accordance with the established policies of the Franklin Board of Public Works and Safety and shall be provided as follows:

- a. Any necessary street lighting shall be provided to the annexed territory within three years of the effective date of the annexation or when the property is developed; and
4. The City shall provide non-capital services such as police protection, fire protection, street maintenance, etc. which are currently being provided within the existing corporate limits to the annexed territory within one year of the effective date of annexation.

Said non-capital services shall also be provided in a manner which is equivalent in both standard and scope to such non-capital services which are currently being provided to areas within the existing corporate limits which have similar topography, patterns of land use, and population density.

5. The proposed annexation will have no effect on any employees of any governmental unit at time of annexation.
6. The city shall evaluate personnel and capital expenditures for the non-capital services (police protection, fire protection, street maintenance, etc.) through the annual city budget process.

Section 2. This Resolution shall become effective upon the effective date of said annexation.

PASSED, by the Common Council of the City of Franklin, Johnson County, Indiana, this _____ day of _____ 2021.

Kenneth Austin, President
Franklin Common Council

ATTEST:

Jayne Rhoades, Clerk-Treasurer
City of Franklin, Indiana

Presented by me to the Mayor of the City of Franklin, Indiana, on the _____ day of _____, 2021, at the hour of _____ o'clock p.m.

Jayne Rhoades, Clerk-Treasurer
City of Franklin, Indiana

This resolution approved and signed by me on the ____ day of _____, 2021, at the hour of _____ o'clock p.m.

Steve Barnett, Mayor
City of Franklin, Indiana

*Prepared by the City of Franklin, Indiana
Department of Planning & Engineering
Joanna Myers, Senior Planner*

EXHIBIT "A"

The following land description was prepared as part of a Retracement Survey by Stephen M. Cooper, Professional Surveyor S0557, of Coor Consulting & Land Services Corporation, per Job Number 2021-006, dated April 17, 2021 and being a part of the West Half of the Northwest Quarter of Section 16 and a part of the Southwest Quarter of the Southwest Quarter of Section 9, all in Township 12 North, Range 5 East, Needham Township, Johnson County, Indiana, being more particularly described as follows:

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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

FISCAL PLAN Nyberg Annexation

Project Description:

Name:	Nyberg Annexation
Location:	Approximately 59 acres located immediately south of Nyberg Addition, south of Upper Shelbyville Road and north of State Road 44
Size:	59.239 acres
Number of Parcels:	2
Gross Density:	N/A
Existing Zoning:	Agriculture (A)
Proposed Zoning:	Industrial: Light (IL)

Introduction:

Indiana Statute (IC 36-4-3-3.1) authorizes the City of Franklin, the annexing municipality, to develop and adopt by resolution, a fiscal plan for extension of municipal services to the annexed area.

In the preparation of the annexation fiscal plan, which is required by Indiana Code, the City of Franklin has determined and compared the cost of providing non-capital and capital services to the proposed Nyberg Annexation property owned by Even J. Nyberg with the potential tax revenue generated by the developed parcels. The detailed fiscal plan will identify the following:

1. The cost estimates for planned services to be furnished to the property to be annexed;
2. The method or methods of financing the planned services; and
3. The organization and extension of services.

This report has been created for the purpose of estimating the potential fiscal impact of new development and annexations to the City of Franklin. It is not intended to serve a specific budgetary purpose, but rather express estimated costs and benefits based on a set of level-of-service related assumptions.

Present Tax Rate/Assessed Valuation:

The corporate tax rate, established by the Indiana State Tax Board, for the City of Franklin during the tax year 2020 pay 2021 is \$1.2905 per \$100 of assessed value.

The total assessed value for the City of Franklin for the tax year 2020 pay 2021 is \$1,664,788,000.00.

Cost of Services Provided by the City of Franklin to the Annexed Property:

The City of Franklin will provide services of a capital and non-capital nature, which may include police, fire, road maintenance, parks and government administration, to the annexed property within one year of the completion of the annexation. Extension of services of a capital nature, if any, will be provided within three years of the completion of the annexation.

NYBERG ANNEXATION	Current Level of Service			Additional with Annexation			Additional Expenditures	
	Per Person	Per Acre	Per Household	Persons	Acres	Household	Per Acre	Average Expenditure
Parks & Rec/Cemetery	\$ 86.50	\$226.70	\$ 220.61	N/A	59.239	N/A	\$ 226.70	\$ 13,429.67
Community Development	\$ 7.54	\$ 19.77	\$ 19.24	N/A	59.239	N/A	\$ 19.77	\$ 1,170.97
Planning & Engineering	\$ 24.28	\$ 63.64	\$ 61.93	N/A	59.239	N/A	\$ 63.64	\$ 3,770.08
General Administration	\$ 30.52	\$ 80.00	\$ 77.85	N/A	59.239	N/A	\$ 80.00	\$ 4,738.87
City Court	\$ 10.79	\$ 28.29	\$ 27.53	N/A	59.239	N/A	\$ 28.29	\$ 1,675.63
Board of Works	\$ 212.94	\$558.11	\$ 543.11	N/A	59.239	N/A	\$ 558.11	\$ 33,061.96
Police Department	\$ 202.89	\$531.76	\$ 517.46	N/A	59.239	N/A	\$ 531.76	\$ 31,500.85
Fire Department	\$ 174.73	\$457.95	\$ 445.64	N/A	59.239	N/A	\$ 457.95	\$ 27,128.36
Street Department	\$ 118.40	\$310.31	\$ 301.96	N/A	59.239	N/A	\$ 310.31	\$ 18,382.25
							Total	\$ 134,858.62

Method of Financing Services:

Cost of services is funded through the receipt of tax dollars. The City will receive additional property tax revenues annually from the proposed annexation. In addition, as the property is developed the tax revenue should increase as the assessed value increases.

The development of the property will also result in additional one time receipt of fees for petitions, land disturbance permit, building permits, and sanitary sewer tap-on permits.

Extension of Services:

The City of Franklin is committed to providing capital and non-capital services to the land proposed for annexation in the same manner as areas currently within the city limits, regardless of similarity. Any monetary figures presented here are merely estimates, subject to change. Many variables, including the rate and extent of future development, future property assessments, and fluctuations in the cost of providing various services are expected to have an influence.

The City of Franklin Departments of Planning & Engineering, Community Development, Public Works, Police, Fire, Parks, Clerk/Treasurer, and Street will assume and retain immediate responsibility.

Natural gas, electric, cable, telephone, and water services are provided by private utilities.

The intended use of the privately maintained property is for development purposes.

The City will be extending sanitary sewer service west of the subject property with the construction of the Eastside Interceptor project.

Annexation Considerations:

1. The petition was initiated with consent of the property owners and is therefore a voluntary annexation.
2. Contiguous to the City of Franklin, the subject property is necessary to help the City of Franklin manage growth and continue developing. For the purposes of determining “contiguity,” more than 1/8 or 12.5% of the aggregate external boundary of the subject property must be contiguous with the boundaries of the City of Franklin. The aggregate external boundary of the subject property is 6,970.73 feet. In this case, 1,919.94 feet or 27.5% of the property coincides with the boundaries of the City of Franklin, meeting the minimum requirement.
3. Non-capital services listed above and described in the fiscal plan become effective within one year and all other capital services, if any, for the area become effective within three years from the effective date of the annexation.
4. The annexed property shall be assigned to Council District 2.
5. The proposal submitted to incorporate the real estate meets the statutory requirements of IC 36-4-3 qualifying for annexation to the City of Franklin.
6. The fiscal plan is available for public review at the time the project is placed on the City Council agenda for public hearing. City Council must adopt the fiscal plan prior to approving the annexation request.
7. Plan Commission through Plan Commission Resolution Number 2021-15 forwarded a favorable recommendation to the City Council for annexation.