

FILED

SUBJECT TO FINAL ACCEPTANCE

SEP 20 2021


AUDITOR, JOHNSON COUNTY

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)

2021-028084
RECORDED ON
09/20/2021 01:13:07 PM
TERESA K. PETRO
JOHNSON COUNTY RECORDER
REC FEE: 25.00
PAGES: 6
RECORDED AS PRESENTED

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all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and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

Sale Disclosure NOT Required
Johnson County Assessor

0008547



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.

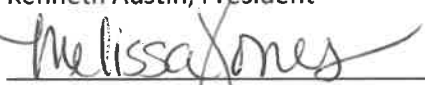
PUBLIC HEARING held on the 2 day of August, 2021.

DULY ADOPTED on this 16 day of August 2021, by the Common Council of the City of Franklin, Johnson County, Indiana having been passed by a vote of 6 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:


Kenneth Austin, President


Melissa Jones


Daniel J. Blankenship


Robert D. Heuchan

Absent
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 16 day of August, 2021 at 6:10 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 16 day of August, 2021 at 6:10 o'clock p.m.

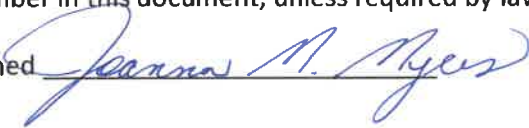

Steve Barnett, Mayor

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


Jim Martin, President

ATTEST


Suzanne Findley, Secretary

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