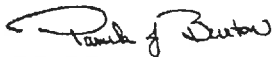


FILED

SUBJECT TO FINAL ACCEPTANCE

SEP 20 2021



AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

**ORDINANCE NUMBER 2021-16
(As Amended)**

2021-028085

RECORDED ON

09/20/2021 01:14:58 PM

TERESA K. PETRO

JOHNSON COUNTY RECORDER

REC FEE: 25.00

PAGES: 4

RECORDED AS PRESENTED

AN ORDINANCE APPROVING RESOLUTION NUMBER 2021-16
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION, REZONING CERTAIN PROPERTY TO
IL (Industrial: Light) with commitments
(To be known as Nyberg Rezoning)

WHEREAS, the City of Franklin, Indiana Plan Commission (referred to hereafter as the "Plan Commission") is an advisory Plan Commission to the City of Franklin, Indiana (referred to hereafter as the "City"), and has, by Resolution Number 2021-16 recommended that the City's Common Council amend the Zoning Map and rezone the property described in Exhibit "A", attached hereto, from Agriculture (A) to Industrial: Light (IL) subject to written commitments.

WHEREAS, the Common Council requested, and the Petitioner agreed to, the commitment related to the undulating mound be revised to require a minimum of a 10 foot tall undulating mound.

WHEREAS, pursuant to Indiana Code § 36-7-4-605, Resolution 2021-16 has been certified to the City's Common Council; and

WHEREAS, the recommendation of the Plan Commission should be adopted, and the rezoning of the property described in Exhibit "A" should be approved with commitments as revised.

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

1. **Zoning Map Amended:** The subject property described in Exhibit "A" is hereby rezoned Industrial: Light (IL) subject to the following commitments:
 - a. The following shall be provided along the north boundary line of parcel 41-07-16-022-009.000-017 (56 acre parcel):
 - i. 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:
 1. There will be a minimum 10 foot tall undulating mound, with a maximum of 3:1 slope.
 2. 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.
 3. 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.
 - b. No vehicular traffic shall be accessing Upper Shelbyville Road and a no access easement shall be provided with the primary plat and recording of secondary plats.
2. **Construction of Clause Headings.** 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.

**Sale Disclosure NOT Required
Johnson County Assessor**

TX:4450805



3. **Repeal of Conflicting Ordinances.** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
4. **Severability of Provisions.** 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.
5. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-16.

INTRODUCED on the 19th day of July, 2021.

DULY PASSED 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


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

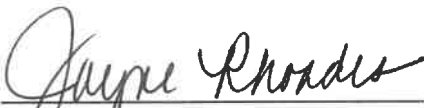
Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 16 day of August, 2021 at 6:15 o'clock p.m.


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 6:15 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.