

FILED

SUBJECT TO FINAL ACCEPTANCE

NOV 22 2021

Randy J. Burton
AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

ORDINANCE # 2021-19

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 Yarnell Annexation)

2021-034525
RECORDED ON
11/22/2021 01:19:43 PM
TERESA K. PETRO
JOHNSON COUNTY RECORDER
REC FEE: 25.00
PAGES: 6
CORPORATE LIMITS

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 #2021-27 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 #2021-27"); and

WHEREAS, pursuant to IC 36-7-4-605, Resolution #2021-27 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all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and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 5; 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).

Sale Disclosure NOT Required
Johnson County Assessor

5Z59941X1

0638798181000



INTRODUCED AND FILED on the 16th day of August, 2021.

PUBLIC HEARING held on the 7 day of September, 2021.

DULY ADOPTED on this 18 day of October 2021, by the Common Council of the City of Franklin, Johnson County, Indiana having been passed by a vote of 7 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 18 day of October, 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 4 day of October, 2021 at 6:20 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 Tennell, Senior Planner
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131

EXHIBIT "A"

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

BEGINNING at a railroad spike found per ties at the northeast corner thereof; thence South 00 degrees 23 minutes 05 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 September 2018) along the east line thereof 1781.98 feet to the southeast corner of the northwest quarter (rebar found leaning at the side of a ditch 0.6 feet south); thence South 89 degrees 23 minutes 44 seconds West along the south line thereof 960.03 feet to a rebar found 9 inches deep at the southeast corner of the 4.4-acres' land described in a Quitclaim Deed to Franklin Christian Fellowship recorded as Instrument 2007-010755; thence North 00 degrees 11 minutes 04 seconds East along the east line thereof and the east line of the 7-acres' plat of Miller Flex Space Section 2 recorded as Instrument 2008-017707 and the re-plat thereof recorded as Instrument 2008-025819 and the east line of the 5-acres' plat of Miller Flex Space Park recorded as Instrument 2004-014451 a distance of 822.11 feet to a mag spike set 2.55 feet east of the physical centerline of Graham Road and 1.46 feet west of the southwest corner of the 1.057-acres' land described in a Warranty Deed to Bradley M & Amanda K Denton recorded as Instrument 2011-025685; thence North 88 degrees 58 minutes 18 seconds East along the south line of said Denton land 159.98 feet to the southeast corner thereof (rebar found 6 inches deep 1.3 feet east); thence North 00 degrees 11 minutes 04 seconds East along the east line of said Denton land 290.55 feet to a rebar with orange plastic cap marked MAIN STREET FIRM 0034 set at the northeast corner thereof; thence South 88 degrees 58 minutes 18 seconds West 7.53 feet to a rebar with orange plastic cap marked MAIN STREET FIRM 0034 set at the southeast corner of the 0.35+0.49-acres' land described in a Warranty Deed to Paul R & Daphne J Mowery recorded in Deed Book 191 Page 409; thence North 00 degrees 11 minutes 04 seconds East along the east line thereof and the east line of the 0.49-acres' land described in a Warranty Deed to Ryan Goins recorded as Instrument 2017-024635 and the east line of the 0.49-acres' land described in a Warranty Deed to Sandra H and Patrick L Gray recorded in Deed Book 253 Page 057 and the east line of the 0.49-acres' land described in a Warranty Deed to Samuel W & Pamela K Phelps recorded in Deed Book 258 Page 648 a distance of 662.08 feet to a mag spike set at the northeast corner thereof on the north line of the northwest quarter of Section 02; thence North 88 degrees 58 minutes 18 seconds East along said north line 813.93 feet to the POINT OF BEGINNING, containing 35.932 acres (1,565,213 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 # 2021-27
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

NAME OF PETITIONER:
Gerald Yarnell, II

PLAN COMMISSION DOCKET NUMBER:
PC 2021-27

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 20th day of July, 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 20th day of July, 2021.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA


Jim Martin, President

ATTEST:


Suzanne Findley, Secretary

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