

**BOARD OF PUBLIC WORKS AND SAFETY
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Board of Works meets on the 1st and 3rd Monday of each month at 5:00 p.m. in City Hall located at 70 E. Monroe Street.

| | | | |
|--|---|----------------------|---------------|
| Date Submitted: | March 30, 2022 | Meeting Date: | April 4, 2022 |
| Contact Information: | | | |
| Requested by: | Joanna Tennell | | |
| On Behalf of Organization or Individual: The Links at Franklin, LLC | | | |
| Telephone: | 317-736-3631 | | |
| Email address: | jtennell@franklin.in.gov | | |
| Mailing Address: | 70 E. Monroe Street, Franklin, IN 46131 | | |
| Describe Request: | | | |
| Acceptance and execution of Variable Utility Easement and Right-of-Way related to The Links at Franklin. | | | |
| List Supporting Documentation Provided: | | | |
| 1. Variable Utility Easement and Right-of-Way | | | |
| Who will present the request? | | | |
| Name: | Joanna Tennell | Telephone: | 317-736-3631 |

In order for an individual and/or agency to be considered for new business on the Board of Works agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

VARIABLE UTILITY EASEMENT AND RIGHT-OF-WAY

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

In exchange for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and legal sufficiency of which the undersigned The Links at Franklin, LLC ("Grantor"), by its Authorized Representative, Jerry Michael Jarvis, acknowledges, grants, bargains, sells, transfers and conveys to the City of Franklin, Indiana ("Grantee"), its successors and assigns, an exclusive easement and right-of-way described as follows:

A perpetual permanent easement as shown on Exhibit "A"

Cross-referencing Instrument No. 2021-016277
Recorded on June 1, 2021

With the right to erect, construct, install, lay, use, operate, inspect, repair, maintain, replace, and remove Utility Improvements across and through the Grantor's land and use said land as a right-of-way.

This easement is being given in consideration of Grantor's site development plans and constitutes good and valuable consideration for this grant and constitutes full payment for any reasonable damage to Grantor's land, its successors and assigns. The Grantor covenants that it and its successors and assigns shall install and maintain, at their sole cost and expense, the easement, right-of-way, and any and all improvements therein, in good repair upon installation and after all improvements are complete.

Grantee shall have the right to inspect the improvements and in the event Grantor fails to maintain the easement and right-of-way in good operation and repair, Grantee may come upon the property described herein and make said repairs or maintain said property and Grantee's costs, including reasonable expenses in enforcing said agreement, shall become a lien against the property to be paid by Grantor.

In acquiring this easement and right-of-way, the Grantor, its successors and assigns, reserve the right to use and fully enjoy the easement and right-of-way for all purposes, consistent with the necessary and convenient use of the easement and right-of-way by the Grantee, its successors and assigns, **except that no underground gas or electric mains shall be installed within three feet (3') of the water main except for crossings.** Specifically, the Grantor reserves the right to cross small sections of the easement and right-of-way with driveways, sewers, utilities, drains, and the like, provided that the Grantee's facilities, operations, and/or maintenance of the easement and right-of-way are not disturbed. The Grantor will permit no structure to be erected or permitted on the easement and right-of-way, unless the Grantee consents in writing to such structure.

The grant of this easement and right-of-way, with its provisions, is a covenant running with the land for the Grantee's, its successors and assigns benefit.

The Grantor certifies that he/she/it is the owner of the real property described in this easement and right-of-way, and is fully authorized to grant this easement and right-of-way.

Executed this 29th day of March, 2022.

By: Jerry Michael Jarvis

Printed: Jerry Michael Jarvis

Title: Authorized Representative, The Links at Franklin, LLC

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared, Jerry Michael Jarvis, Authorized Representative of The Links at Franklin, LLC being first duly sworn upon his oath, and acknowledged the execution of the foregoing Variable Utility Easement and Right-of-Way and the facts therein set forth are true and correct.

WITNESS MY HAND AND NOTARIAL SEAL THIS 29th DAY OF March, 2022.

Beverly D. Matherly
Notary Public
Printed: Beverly D. Matherly
Resident of Johnson County, Indiana

My Commission Expires:
March 29, 2023



INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana this _____ day of _____, _____.

City of Franklin, Indiana, By its Board of Public Works and Safety:

Voting Affirmative:

Mayor Steve Barnett

Melissa L. Jones

Robert Swinehamer

Attest:

Jayne Rhoades, Clerk Treasurer

Voting Opposed:

Mayor Steve Barnett

Melissa L. Jones

Robert Swinehamer

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 /s/ James R. Admire

Prepared by:

James R. Admire, Esq.

SCHAFSTALL ADMIRE, LLP

98 N. Jackson Street

Franklin, IN 46131

Telephone: (317) 736-7146

Facsimile: (317) 736-8005

jim@schafstalladmire.com

www.schafstalladmire.com

VARIABLE UTILITY EASEMENT

CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA

Part of the Southwest Quarter of Section 18, Township 12 North, Range 5 East of the Second Principal Meridian, Johnson County, Indiana described as follows:

Commencing at the Southeast Corner of said Quarter Section; thence along the South line thereof South 89 degrees 17 minutes 10 seconds West (bearings based on State Plane Coordinates) 784.70 feet; thence North 00 degrees 42 minutes 50 seconds West 221.55 feet to the Point of Beginning of this described easement; thence South 89 degrees 28 minutes 04 seconds West 567.46 feet; thence North 00 degrees 48 minutes 53 seconds East 381.79 feet; thence North 89 degrees 04 minutes 39 seconds West 144.28 feet; thence North 00 degrees 47 minutes 49 seconds East 15.00 feet; thence South 89 degrees 04 minutes 39 seconds East 144.28 feet; thence North 00 degrees 48 minutes 53 seconds East 171.35 feet; thence North 00 degrees 03 minutes 17 seconds East 66.60 feet; thence North 00 degrees 48 minutes 52 seconds East 310.68 feet; thence North 89 degrees 49 minutes 34 seconds East 648.51 feet; thence South 00 degrees 10 minutes 04 seconds East 20.00 feet; thence South 89 degrees 49 minutes 34 seconds West 628.85 feet; thence South 00 degrees 48 minutes 52 seconds West 291.02 feet; thence South 00 degrees 03 minutes 12 seconds West 66.33 feet; thence South 00 degrees 48 minutes 52 seconds West 547.93 feet; thence North 89 degrees 28 minutes 04 seconds East 526.99 feet; thence North 00 degrees 31 minutes 56 seconds West 41.00 feet; thence North 89 degrees 28 minutes 04 seconds East; thence South 00 degrees 31 minutes 56 seconds East 61.00 feet to the Point of Beginning containing 2.01 acres, more or less, subject to all rights-of-way, easements and restrictions.

Prepared by: Jeffrey D. Knarr, P.S. Projects Plus, 1257 Airport Parkway, Suite "A", Greenwood, Indiana 46143 (317) 882-5003 ex 301



PROJECTS *plus*

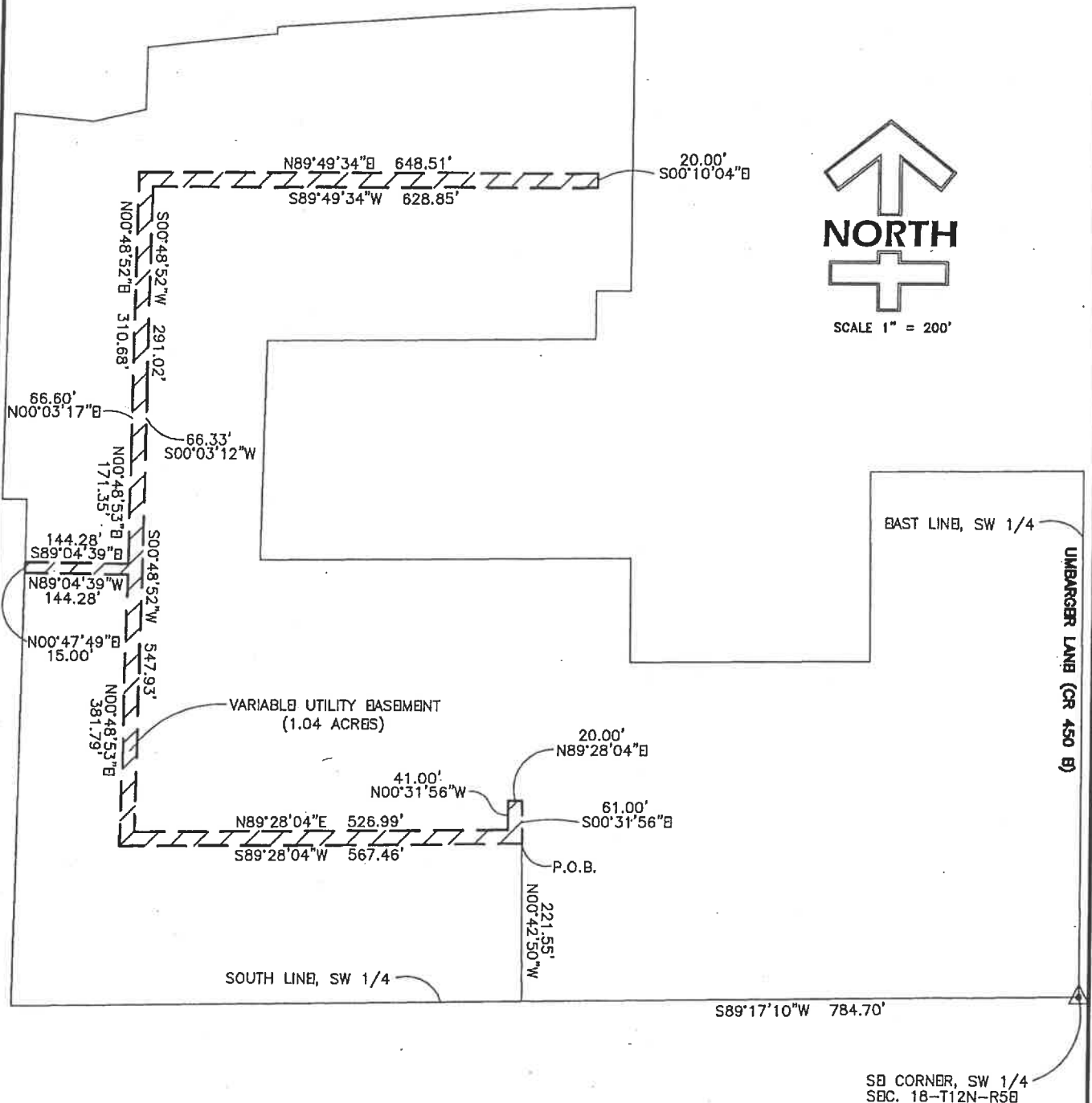
GREENWOOD SURVEYING COMPANY

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - CONSTRUCTION MANAGEMENT
1257 Airport Parkway Suite A - Greenwood, Indiana 46143
(317)-882-5003

STATE ROAD 44



SCALE 1" = 200'



PROJECTS *plus*

GREENWOOD SURVEYING COMPANY

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - CONSTRUCTION MANAGEMENT
1257 Airport Parkway Suite A - Greenwood, Indiana 46143
(317)-882-5003