

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:	June 15, 2022	Meeting Date:	June 20, 2022
Contact Information:			
Requested by:	Mark Richards		
On Behalf of Organization or Individual:		Department of Planning & Engineering	
Telephone:	317-736-3631		
Email address:	mrichards@franklin.in.gov		
Mailing Address:	70 E. Monroe Street, Franklin, IN 46131		
Describe Request:			
Approval of Agreement to Relocate Drainage Easement and Termination of Drainage Easement.			
List Supporting Documentation Provided:			
Agreement to Relocate Drainage Easement with Exhibits Termination of Drainage Easement with Exhibits			
Who will present the request?			
Name:	Mark Richards	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.

AGREEMENT TO RELOCATE DRAINAGE EASEMENT

This Agreement entered into this 22nd day of April, 2022 between the City of Franklin by and through its Board of Public Works and Safety, ("Franklin") and Hoosier Energy Rural Electric Cooperative, Inc. ("Hoosier Energy") wherein the parties agree as follows:

1. Franklin is the real party in interest to a certain drainage easement created for the purpose of permanent drainage and outfall in and over certain real estate and recorded as a matter of public record as Easement No. 96003313 and recorded in the public records of Johnson County, Indiana on February 20th, 1996.

2. Franklin and Hoosier Energy have been in negotiations wherein Hoosier Energy is conveying and transferring to Franklin a Right-of-Way Parcel as identified on the attached Exhibit "A".

3. On March 9th, 2022, an Amendment to Declaration of Drainage Easement and Relocation Agreement was recorded in the Office of the Recorder of Johnson County, Indiana as Instrument No. 8554789 that eliminates the need for the 1996 Drainage Easement and Hoosier Energy has requested the termination of the 1996 Easement.

4. The parties have agreed that in exchange for the granting of the right-of-way per Exhibit "A", and the relocation of the drainage easement per the March 9th, 2022 Amendment to Declaration of Drainage Easement and Relocation Agreement, the City of Franklin will release the drainage easement by signing and recording a Termination of Drainage Easement as reflected in Exhibit "B".

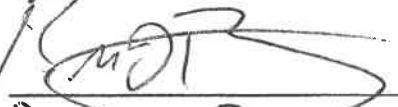
5. The City agrees that it shall execute and record the Termination of Drainage Easement and Hoosier Energy agrees that it will simultaneously execute and provide to Franklin the Warranty Deed identified as Exhibit "A". Each party shall take all steps reasonably necessary to effectuate the intent of this Agreement.

6. Each party represents that they have the authority to enter into this Agreement.

All of which is agreed to this 22nd day of April, 2022.

HOOSIER ENERGY RURAL ELECTRIC
COOPERATIVE, INC.

By:


Ryan J. Pankiewicz

CITY OF FRANKLIN

By:


Mayor Steve Barnett

(Printed Name and Title)

Melissa Jones, Member

Robert Swinehamer, Member
ATTEST:

Jayne Rhoades, Clerk Treasurer

Prepared by: Lynnette Gray
Attorney No.: 11567-41

Exhibit "A"

Sheet 1 of 2

Project: Jim Black Road

Parcel: 5 FEE

Tax Id. No.: 41-07-18-011-001.000-018

A strip of ground 35.00 feet in width lying West of and coincident with the East Line of the following described tract of land: Part of the East half of the Northeast quarter of Section 18, Township 12 North, Range 5 East, Needham Township, Johnson County, Indiana being part of a 10.000 acre parcel recorded in Deed Record 269, page 518, Office of the Recorder of Johnson County, Indiana, and more particularly described as follow: Beginning at a P.K. nail found at the Northeast corner of said half quarter section; thence South 00 degrees 00 minutes 00 seconds East along East line of said half quarter section 208.71 feet to a P.K. nail; thence North 89 degrees 31 minutes 53 seconds West 208.71 feet to a rebar cap; thence North 00 degrees 00 minutes 00 seconds East 208.71 feet to a rebar with cap set on the North line of said half quarter section; thence South 89 degrees 31 minutes 53 seconds East along said North line 208.71 feet to the point of beginning, containing 1.000 acres, more or less.

Said 35.00-foot strip being all that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", and containing in said strip 0.168 acres, inclusive of the presently existing right of way, which contains 0.055 acres, more or less.

All bearings in this description which are not quoted from previous instruments are based on the bearing system of the Location Control Route Survey recorded as Instrument Number 2021-012783 in the Office of the Recorder of Johnson County, Indiana.

Exhibit "A"

Sheet 2 of 2

Project: Jim Black Road

Parcel: 5 FEE

Tax Id. No.: 41-07-18-011-001.000-018

This description was prepared for The City of Franklin by Trent E. Newport, Indiana Registered Land Surveyor, License Number 29600021, on the 4th day of May, 2021.



A handwritten signature in black ink, appearing to read "Trent E. Newport", written over a horizontal line.

Trent E. Newport
Indiana Land Surveyor
No. LS 29600021

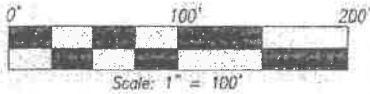
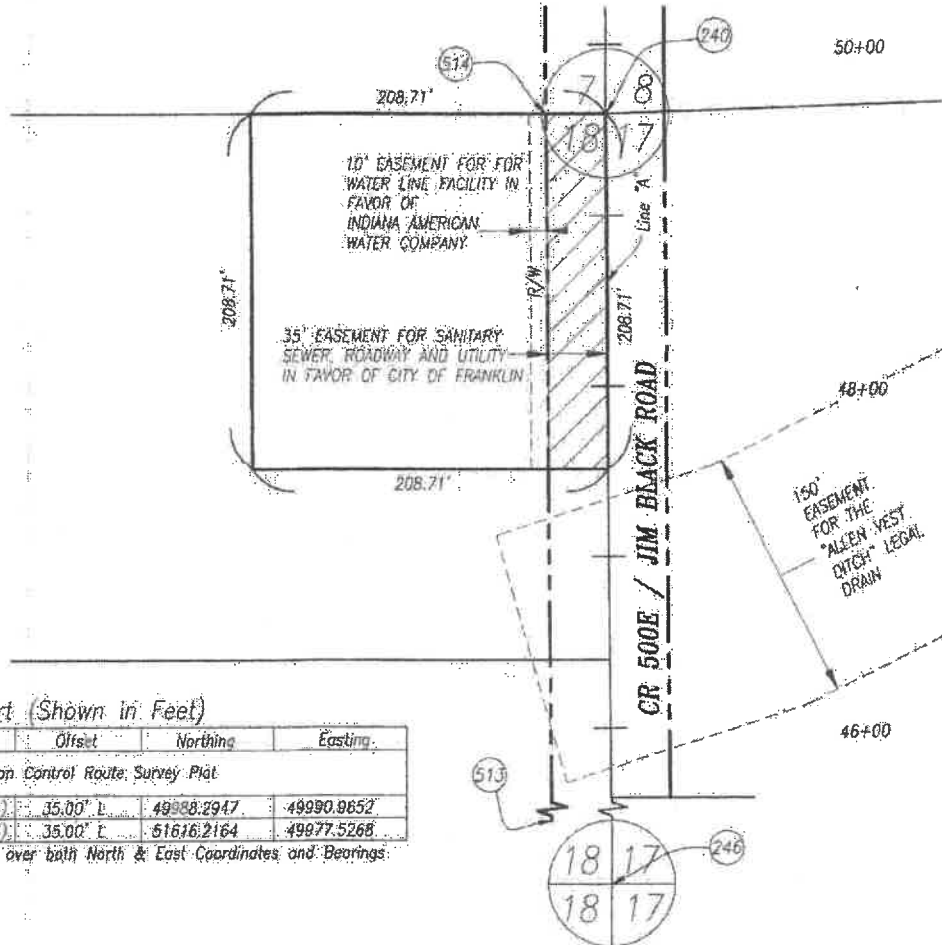


Exhibit "B" Right-of-Way Parcel Plat Prepared for the City of Franklin, Indiana By CrossRoad Engineers, P.C.



Parcel Coordinate Chart (Shown in Feet)

Point	Centerline	Station	Offset	Northing	Easting
240		See Location Control Route Survey Plat			
246					
513	"A"	+PL (33+32.04)	35.00' L	49988.2947	49990.9852
514	"A"	+PL (49+59.85)	35.00' L	51616.2164	49977.5268

Note: Stations & Offsets control over both North & East Coordinates and Bearings & Distances.

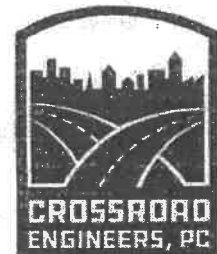
To the best of my knowledge and belief, this plat, together with the "Location Control Route Survey" recorded as Instrument Number 2021-012783 in the Office of the Recorder of Johnson County, Indiana, (Incorporated and made a part hereof by reference) comprise a Route Survey executed in accordance with Title 865 Indiana Administrative Code 1-12, ("Rule 12").

Trent E. Newport 05/04/2021

TRENT E. NEWPORT
REG. LAND SURVEYOR NO. 29600021
STATE OF INDIANA

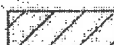
DATE

Revised by: J. Whiteside Date: 09/07/2021



Parcel: 5
Code:
Project:
Road: Jim Black Road
County: Johnson
Section: 18
Township: 12N
Range: 5E

Owner: Hoosier Energy Rural Electric Cooperative, Inc



Hatched Area is the
Approximate Taking

Note: Centerline Stationing is English

Drawn By: J. Whiteside
Checked By: T. Newport
DES: No.

Date: 03/18/2021
Date: 03/23/2021

Inst. 96022641

Date: 10/07/1998

Dimensions Shown Are From The Above Listed Record Documents

Exhibit B

TERMINATION OF DRAINAGE EASEMENT

The City of Franklin, Indiana, a political subdivision created and existing under the laws of the State of Indiana (the "City"), hereby makes and declares the following effective as of this ____ day of April, 2022.

RECITALS

WHEREAS, pursuant to a certain Declaration of Drainage Easement granted in favor of the City of Franklin, dated February 20th, 1996 and recorded as Instrument No. 96003313 in the Office of the Recorder of Johnson County, Indiana, the Declarant was granted an easement to the City of Franklin over certain property, more particularity described in the attached Exhibit previously identified as Exhibit "A" to the original Declaration of Drainage Easement.

WHEREAS, the 1996 Drainage Easement previously granted an easement for permanent drainage and outfall in, over, and through and across the easement property and this easement is no longer necessary for the reason that the drainage easement has been relocated through an Amendment to Declaration of Drainage Easement and Relocation Agreement recorded March 9th, 2022 as Instrument No. 8554789 in the Office of the Recorder of Johnson County, Indiana.

WHEREAS, the City desires to terminate the previous drainage easement as it is no longer necessary due to the relocation.

DECLARATION

NOW, THEREFORE, in consideration of the foregoing recitals, the Declarant hereby affirms, declares and states as follows:

1. The foregoing recitals are incorporated herewith as if fully stated herein.
2. The Declarant is the owner of the drainage easement created by the Declaration of Drainage Easement granted on the February 20th, 1996.
3. The City of Franklin does hereby release and terminate the drainage easement referenced in the Declaration of Drainage Easement and recorded as Instrument No. 96003313.
4. This Termination of Easement document is being recorded to eliminate the drainage easement referenced in the Declaration of Drainage Easement Instrument No. 96003313 recorded on the February 20th, 1996 only and the Easement recorded on March 9th, 2022 as Instrument No. 8554789 remains in full force and effect.

[Signature and Notary Page Follows]

IN WITNESS WHEREOF, the Declarant has caused this Termination of Drainage Easement to be effective as of the date signed.

DECLARANT:

CITY OF FRANKLIN, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY

By: _____
Printed Name: Steve Barnett
Title: Mayor of the City of Franklin

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me the undersigned, a Notary Public, in and for said County and State, this _____ day of _____, 2022, personally appeared Steve Barnett, the Mayor of the City of Franklin Indiana Board of Public Works and Safety and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2022.

My Commission Number/Expiration: _____

 Notary Public

County of Residence: _____ Name Printed _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless otherwise required by law. Lynnette Gray

This instrument was prepared by Lynnette Gray, Johnson Gray & Johnson, 63 E. Court St., Franklin, IN 46131.

EXHIBIT A

The East half of the Northeast Quarter of Section 18, Township 12 North, Range 5 East of the Second Principal Meridian, Needham Township, Johnson County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said East half quarter section as evidenced by a P-K nail set; thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) on and along the East line of said East half Quarter Section 2704.72 feet to a P-K nail found in place and marking the Southeast corner thereof; thence North 89 degrees 49 minutes 02 seconds West on and along the South line of said East half Quarter Section 1365.30 feet to an iron pin set and marking the Southwest corner thereof; thence North 00 degrees 02 minutes 39 seconds East on and along the West line of said East half Quarter Section 2711.51 feet to an iron pin set and marking the Northwest corner thereof; thence South 89 degrees 31 minutes 53 seconds East on and along the North line of said East half Quarter Section 1363.24 feet to the Place of Beginning, Containing 84.8152 Acres, more or less.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of Section 18, Township 12 North, Range 5 East, Johnson County, Indiana, more particularly described as follows: COMMENCING at the Northeast corner of said Northeast quarter; thence North 89 degrees 31 minutes 53 seconds West along the North line of the East half of the Northeast quarter, 1015.43 feet to the point of beginning; thence South 00 degrees 02 minutes 39 seconds West, 1629.34 feet; thence North 89 degrees 32 minutes 07 seconds West, 347.81 feet to the West line of the East half of the said Northeast quarter; thence along said West line North 00 degrees 02 minutes 39 seconds East, 1629.36 feet to the Northwest corner of said East half quarter section; thence South 89 degrees 31 minutes 53 seconds East along the North line of said East half quarter section 347.81 feet to the point of beginning.

TERMINATION OF DRAINAGE EASEMENT

The City of Franklin, Indiana, a political subdivision created and existing under the laws of the State of Indiana (the "City"), hereby makes and declares the following effective as of this ____ day of April, 2022.

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CITY OF FRANKLIN, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY

By: _____
Printed Name: Steve Barnett
Title: Mayor of the City of Franklin

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

Before me the undersigned, a Notary Public, in and for said County and State, this ____ day of _____, 2022, personally appeared Steve Barnett, the Mayor of the City of Franklin Indiana Board of Public Works and Safety and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal this _____ day of _____, 2022.

My Commission Number/Expiration:

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