

**RESOLUTION OF THE CITY OF FRANKLIN COMMON COUNCIL
Authorizing Acquisition of Real Property**

RESOLUTION No.: 2024-06

WHEREAS, the City of Franklin, Indiana ("City") has the authority to acquire land or structures when it believes it is in the best interest of the City to do so; and

WHEREAS, pursuant to IC 36-1-10.5-5, the City of Franklin may purchase said property by obtaining two (2) professional appraisals determining the fair market value of said property; and

WHEREAS, IC 36-1-10.5-6 does permit the City to acquire the land and real estate and any structures thereon for a purchase price not to exceed the average of the two (2) appraisals; and

WHEREAS, the City of Franklin has been presented an opportunity to purchase certain real estate immediately adjacent to the Adult Active Center; and

WHEREAS, said property is commonly known as 350 Richey Street, Franklin, IN and is more specifically described on the legal description attached hereto as Exhibit "A" and as depicted on the diagram attached as Exhibit "B"; and

Whereas, the City has been in discussions with the property owner of the real estate located at 350 Richey Street, Franklin, IN; and

WHEREAS, pursuant to IC 36-1-10.5-6 the owner of said real estate desires to sell and the Council believes it is in the best interest of the City to purchase the real estate commonly known as 350 Richey Street, Franklin, IN; and

WHEREAS, the City of Franklin Common Council believes that it is in the best interest of the City, the Parks Department and the citizens of the City of Franklin, IN to acquire the above identified property for the price which is the average of two (2) appraisals and in accordance with an agreement for the sale of the property as identified on the attached proposed purchase agreement identified as Exhibit "C".

NOW, THEREFORE, IN CONSIDERATION OF THE FORGOING, the City of Franklin Common Council does hereby authorize as follows:


1. The City, through the Mayor and/or his designee, Chip Orner is authorized to purchase the property adjacent to the Active Adult Center as more particularly described on the legal description identified as Exhibit "A".
2. The City of Franklin is authorized to purchase said property for the sum of One hundred and three thousand dollars (\$ 103,000.00).

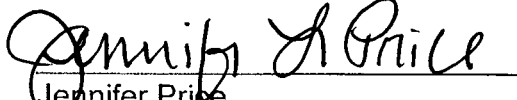
3. The City of Franklin, through the Mayor and/or his designee, Chip Orner is authorized to execute the Purchase Agreement in a form substantially similar to that identified as Exhibit "C" and to take all steps necessary to complete the transaction and close the sale of said property.
4. Upon closing of said real estate transaction, the City of Franklin shall take title to the property.


INTRODUCED & APPROVED by the Common Council of the City of Franklin, Johnson County, Indiana this 5th day of August, 2024.

City of Franklin, Indiana, by its Common Council:

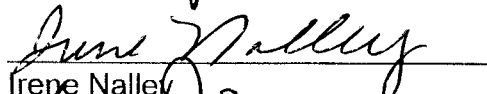
Voting Affirmative:

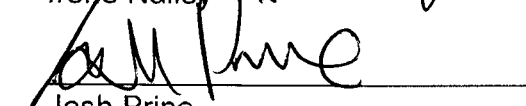

Kenneth Austin, President



Jennifer Price


Todd Shuck


Anne McGuinness


Irene Nalley


Josh Prine


Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Jennifer Price

Todd Shuck

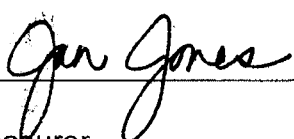
Anne McGuinness

Irene Nalley


Josh Prine

Shawn Taylor

Attest:

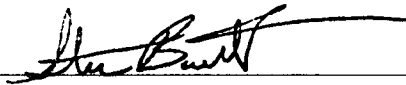

Jan Jones,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana §36-4-6-15, 16 this 5th day of August, 2024 at 6 o'clock P.M.



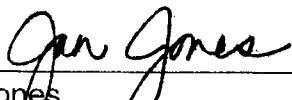
Jan Jones,
City Clerk Treasurer

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 5th day of August, 2024 at 6 o'clock P.M.



Steve Barnett, Mayor

Attest:



Jan Jones,
City Clerk Treasurer

Prepared by:
Lynnette Gray, City Attorney

REAL ESTATE PURCHASE AGREEMENT

**Between
City of Franklin
and
Michelle Murdoch**

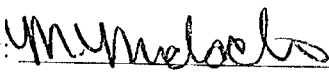
This Agreement is entered into this 19th day of July, 2024 by and between, the City of Franklin (hereinafter "City") and Michelle Murdoch, (hereinafter "Murdoch") as follows:

1. Murdoch is the owner of certain real estate immediately adjacent to property owned by the City of Franklin as legally described on the attached Exhibit "A" and as generally identified on the diagram identified as Exhibit "B".
2. Murdoch does desire to sell and the City wishes to purchase said real estate from Murdoch for the sum of One hundred and three thousand dollars (\$103,000.00). The purchase price is the average of two (2) appraisals obtained by the City of Franklin as required by law.
3. The City makes this offer to purchase subject to approval by Resolution of the City of Franklin, Board of Public Works and Safety.
4. The parties agree that the property will be transferred from Murdoch to the City by general Warranty Deed in an "as is" condition.
5. Within ten (10) days of execution of this agreement, the parties shall request title work through Franklin Title Insurance Company. The cost of said title work shall be paid by the City. Ordinary and customary closing costs shall be split equally between the parties.
6. Real estate taxes and assessments shall be divided by the parties with Murdoch paying all real estate taxes and assessments due or which accrue prior to transfer of title to the City and the City will be responsible for all tax liabilities and assessment, if any, which accrue after transfer of title. This obligation to pay shall survive the said closing.
7. Murdoch shall transfer title to the City by general Warranty Deed free and clear of any liens or incumbrances.
8. The parties acknowledge that said real estate is being transferred in an "as is" condition.
9. Each party shall be under a continuing and good faith duty to execute any and all documents necessary to comply with the terms of this agreement.

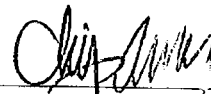
10. The undersigned parties both acknowledge and verify that they have legal authority to enter into this agreement and are authorized to transfer and/or accept the property as agreed to herein subject to approval by the Board of Public Works and Safety of the City of Franklin.

All of which is AGREED to this 19th day of July, 2024.

SELLER:
Michelle Murdoch

By: , Seller

BUYER:
City of Franklin

By: 
Authorized Representative, Chip Orner

Prepared by:

Lynnette Gray
Attorney No.: 11567-41

Email

rstultz@franklin.in.gov