

**RESOLUTION NUMBER 2011-02
OF THE CITY OF FRANKLIN, INDIANA'S
BOARD OF PUBLIC WORKS AND SAFETY**

**APPROVING A REAL ESTATE TRANSFER
FROM THE CITY OF FRANKLIN, INDIANA TO THE
FRANKLIN REDEVELOPMENT COMMISSION**

WHEREAS, the City of Franklin, Indiana ("City") owns the following real estate (the "City Parcels") located in the City, all of which are in need of redevelopment, and with respect to each, the City is the "Transferring Party" and the Franklin Redevelopment Commission ("RDC") is the "Receiving Party":

- A. The Oren Wright Property. The City owns fee simple title to approximately one and nine hundred forty-eight thousandths (1.948) acres of real property formerly known as the Oren Wright Building site, located at 80 South Jackson Street, Franklin, Johnson County, Indiana and legally described on Exhibit "A" attached hereto and incorporated herein by reference.
- B. G.C. Murphy Property. The City owns fee simple title to approximately two hundred nine thousandths (.209) acres of real property and improvements thereon located at 56-58 East Jefferson Street, Franklin, Johnson County, Indiana and legally described on Exhibit "B" attached hereto and incorporated herein by reference.
- C. Old City Hall. The City owns fee simple title real property and improvements located at 55 West Madison Street, Franklin, Johnson County, Indiana, and legally described on Exhibit "C" attached hereto and incorporated herein by reference.
- D. Wayne/Jackson Street Properties. The City owns fee simple title to four (4) contiguous lots comprising approximately five hundred twenty thousandths (.520) acres of real property located at the northeast corner of Wayne and Jackson Streets, Franklin, Johnson County, Indiana and legally described on Exhibit "D" attached hereto and incorporated herein by reference.

WHEREAS, the RDC, by a resolution adopted on May 8, 2008, as confirmed by a resolution adopted on June 18, 2008 (the "Consolidated Resolution") designated an area known as the Franklin Downtown/I-65 Integrated Economic Development Area (the "Integrated Economic Development Area"), as an economic development area pursuant to Section 41 of the Act and approving an economic development plan for the Integrated Economic Development Area (the "Integrated Economic Development Plan".)

WHEREAS, the City Parcels are located within the Integrated Economic Development Area;

WHEREAS, pursuant to Indiana Code Section 36-7-14-2, the clearance, re-planning, and redevelopment of areas needing redevelopment, including the City Parcels, are public uses and public purposes.

WHEREAS, pursuant to Indiana Code Section 36-7-14-2.5, the assessment, planning, re-planning, remediation, development, and redevelopment of economic development areas:

- A. are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of: (1) the necessity for requiring the proper use of the land so as to best serve the interests of the county and its citizens; and (2) the costs of these projects;
- B. will benefit the public health, safety, morals, and welfare; increase the economic well-being of the unit and the state; and serve to protect and increase property values in the unit and the state; and
- C. are public uses and purposes for which public money may be spent and private property may be acquired.

WHEREAS, the RDC is empowered to and is the appropriate entity to redevelop properties within the City that are in need of redevelopment. Specifically, the RDC's statutory duties pursuant to Indiana Code Section 36-7-14-11 include the duties to:

- A. investigate, study, and survey areas needing redevelopment within the corporate boundaries of the unit;
- B. investigate, study, determine, and, to the extent possible, combat the causes of areas needing redevelopment;
- C. promote the use of land in the manner that best serves the interests of the unit and its inhabitants;
- D. cooperate with the departments and agencies of the unit;
- E. select and acquire the areas needing redevelopment to be redeveloped under this chapter; and
- F. replan and dispose of the areas needing redevelopment in the manner that best serves the social and economic interests of the unit and its inhabitants.

WHEREAS, pursuant to Indiana Code Section 36-7-14-12.2, the RDC may further do the following:

- A. acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.
- B. hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.
- C. sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any

other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

- D. clear real property acquired for redevelopment purposes.
- E. repair and maintain structures acquired for redevelopment purposes.
- F. remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- G. use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

WHEREAS, the RDC has performed and has plans to perform its statutory duties with respect to redevelopment as shown on the attached Exhibits "E", with the acquisition of the City Parcels being additions thereto.

WHEREAS, the parties desire that the City Parcels be transferred by deed from the City to the RDC for redevelopment by the RDC consistent with its statutory duties and powers, including those enumerated above.

NOW, THEREFORE, in consideration of the foregoing and other valuable consideration, including the RDC's continuing statutory duty to redevelop the City Parcels, the receipt and legal sufficiency of which the parties acknowledge, the City agrees to transfer the City Parcels to the RDC and the RDC agrees to accept the transfer pursuant to the terms and conditions of a Real Estate Transfer Agreement attached hereto and approved in substantially final form.

This resolution shall be in full force and effect from and after its adoption.

INTRODUCED & APPROVED by the Board of Public Works and Safety of the City of Franklin, Johnson County, Indiana, this 20th day of October, 2011.

Voting Affirmative:

Voting Opposed:

Mayor Fred Paris

Mayor Fred Paris

Dan Murray

Dan Murray

Joseph R. Ault

Joseph R. Ault

Attest:

Janet P. Alexander, Clerk-Treasurer