

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN BOARD OF PUBLIC WORKS AND SAFETY

Please type or print

Date Submitted:	May 8, 2012	Meeting Date:	May 11, 2012
Contact Information:			
Requested by:	Steve Biggerstaff		
On Behalf of Organization or Individual: Cinergy MetroNet			
Telephone:	317-695-4266		
Email address:	sbiggerstaff@indy.rr.com		
Mailing Address:	3701 Communication Way, Evansville, IN 47715		
Describe Request:			
Approval of blanket right-of-way permit and flat fee of \$1,500.00 for all proposed work with the initial installation of fiber lines associated with the MetroNet TIF.			
List Supporting Documentation Provided:			
1. Ordinance 2010-16: right-of-way ordinance & fee schedule			
2. RDC Resolution 2011-17			
A copy of the installation plans may be viewed at the Clerk-Treasurer's office.			
Who will present the request?			
Name:	Steve Biggerstaff	Telephone:	317-695-4266

The Franklin Board of Works meets on the 1st and 3rd Monday of each month at 5:15 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday prior to the Board of Works meeting.

ORDINANCE NO.: 10-16

STREET AND UTILITY RIGHT-OF-WAY ORDINANCE - AN ORDINANCE TO REGULATE WORK IN THE STREETS OR STREET RIGHT-OF-WAYS (ROW) WITHIN THE CITY OF FRANKLIN, INDIANA;

WHEREAS, the City Council of the City of Franklin, Indiana has determined that it is in the best interest of the City to adopt the Ordinance, to provide for the method and manner of construction, repair, replacement of utilities and driveways within the streets or street ROW's of the City and provide for the method and manner of allocating the cost thereof;

The City of Franklin Ordains:

SECTION 1. PURPOSE: The City of Franklin monitors all work conducted in the streets and street right-of-ways through the permitting process. This process allows the City to coordinate activities between City and other utilities, to maintain a record of street cuts and patches and to identify specific City requirements.

SECTION 2. PERMIT REQUIRED: Any work within the ROW, which disturbs the pavement, curb and/or gutter, driveway entrances, sidewalks, landscaping, or grassed areas, requires a permit. This work may include but is not limited to, installation of new driveways; utility main and/or lateral replacement and repair; valve and meter replacement or repair; installation of new underground mains or laterals, structures or accessories; splices, buried drops (under pavement or sidewalks); pole changes for height, accidents, etc.; cathodic protection; boxes and vault installations and jacking or boring under the ROW where disturbance within or crossing the ROW may occur. Any utility work that does not disturb or encroaches the ROW is exempt from the permitting requirements except to the extent that traffic detours or lane closures must be approved by the City Engineer and/or his designee.

Exceptions: The City of Franklin does not issue permits for private irrigation systems within the Public Rights-of-Way and is not responsible for damage caused to irrigation systems placed within the Public Rights-of-Way. This includes any work conducted by or for the City of Franklin.

SECTION 3. EMERGENCY STREETS CUTS: The City Engineer and/or his/her designee may, if the public safety requires immediate action, grant permission to make a necessary street cut or excavation before a permit is issued.

SECTION 4. OBTAINING PERMITS: Before work within the ROW is started, the necessary permit shall be obtained from the Department of Engineering. The fee for such permit shall be in accordance with the fee schedule. Any contractor or person beginning work before being issued the proper permit will be fined 3 times the permit fee.

SECTION 5. RESPONSIBILITY: The permittee and/or contractor receiving the permit is held responsible for the work performed and the City of Franklin will contact the permittee for required adjustments or corrections regardless of whether the permittee

performed the work or subcontracted and assigned the work. The permittee is solely responsible for the work performed.

SECTION 6. INSPECTION: In all cases the permittee, for a street cut, shall notify the City when the work will commence so, if necessary, arrangements can be made to have an inspector present while the work is in progress. All connections made to sewer mains require inspections prior to backfill.

SECTION 7. STREET CUTS AND NEW PAVEMENT:

Street Excavations. No permit shall be granted for making an excavation or opening within the limits of a street, which will result in permanent or prolonged interference with the public use of the street.

Open Cuts. No permit to make an opening or excavation in or under a paved street shall be granted to any person within 3 years after the completion of any paving or resurfacing thereof. Open cuts on graveled streets are permitted. Paved streets that have been resurfaced within 3 years will be subject to bore and jack of the street unless authorized by The Board of Public Works upon presentation by the Department of Engineering.

Saw Cuts. All pavement cuts shall be saw cut in a straight manner and shall be made at right angles or parallel with the centerline of the pavement.

Emergency Openings. Pavement less than 3 years old may be cut in emergency situations as determined by the City Engineer and/or his designee.

SECTION 8. GENERAL WORKSITE RESPONSIBILITIES: The permittee or its subcontractors shall have a copy of the permit on the job site at all times. The permittee shall be responsible for the condition of any ROW repairs. Pavement repairs shall be warranted for a period of one year following the acceptance of work. Should the condition of the patch become such that additional pavement is in jeopardy of failure, the permittee may be held responsible for an area larger than the original repair. Other repairs (sidewalks, curb and gutter, trenches, etc.) shall be warranted for a period of one year following the acceptance of work.

SECTION 9. STANDARDS:

Rigid Base Pavements: Concrete on earth, asphalt on concrete base, asphalt on brick base, brick on earth.

Saw Cut: All pavement cuts shall be saw cut in a straight and true manner, and shall be made at right angles or parallel to the pavement centerline. Cuts shall be made to depth of the existing pavement section. Pavements less than 3 years old shall be cut in emergencies only and/or with the approval by the Board of Public Works.

Backfill: All trenches, holes, and pits shall be filled with flowable fill mixture to 10 inches from the top of the existing pavement section.

Pavement Replacement:

The work of final restoration: including both paving surface and paving base, shall be performed by the permittee by placing 10 inches of 4000 psi concrete, unless prior arrangements for the final restoration have been made with the City Engineer and/or his/her designee.

Pavement less than 3 years: The existing pavement shall be removed to provide a minimum replacement of 100 square feet with a minimum width of ten (10) feet (measured parallel to the pavement centerline), with the same material used in the existing pavement.

Where the line of cut would be less than five (5) feet from an existing expansion or weakened plane joint, concrete or asphalt shall be removed to said joint.

Pavement more than 3 years old: The existing pavement shall be removed in a straight line replacement with a minimum of 8" on both sides of the trench opening.

All concrete replacement, including base material, shall be high-early strength concrete and shall be returned to traffic as soon as its strength reaches 2,800 psi (three (3) days).

Flexible Base Pavements: Asphalt with Stone Base.

Saw Cut: All pavement cuts shall be saw cut in a straight and true manner and shall be made at right angles or parallel with the centerline of the pavement. Cuts shall be made to a depth of the existing pavement section. Pavements, less than 3 years old shall be cut in emergencies only and/or with the approval by the Board of Public Works. .

Backfill: All trenches, holes, and pits shall be filled with flowable fill mixture to 11 inches from the top of the existing pavement section and capped with nine and half (9 1/2) inches of 4000 psi concrete below one half (1 1/2) inches of HMA Surface.

Pavement Replacement: The existing pavement shall be removed in a straight line replacement with 8" minimum on all sides of the trench opening. The asphaltic base and surface courses shall be compacted to the same density as the original pavement, using approved compaction equipment. In no case shall a cut result in a remaining slab width of less than five (5) feet from the patch to an

existing joint and/or existing patch, unless prior arrangements for the final restoration have been made with the City Engineer and/or his/her designee.

SECTION 10. REPLACING SIDEWALK, DRIVEWAY AND CURB: Whenever a part of a block, square or section of curb, sidewalk or driveway is broken or damaged by the person making any excavation or opening in or under any street, alley or public place, the entire block, square or section shall be removed to the score, groove or saw cut line and replaced or reconstructed to the original thickness.

SECTION 11. MARKINGS: Each Street cut shall be marked on its four (4) corners with a paint marking.

SECTION 12. TRENCHING OPERATION: At no time shall more than 200 lineal feet of trench be opened and incompletely backfilled. The remainder of the area of trenching operations shall be available for safe vehicular and pedestrian traffic at all times, special exceptions may be allowed by the City Engineer and/or his/her designee.

SECTION 13. ADDITIONAL RESTORING OPENING: If the City Engineer and/or his/her designee finds that the pavement surfaces and adjacent surfaces to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used might cause such damage, the City Engineer and/or his/her designee may require milling and resurfacing throughout the limits of the patching in such street. Any operation in the right-of-way not covered by the above specifications, submitted with this permit, shall be done in accordance with instruction of the City Engineer and/or his/her designee.

In granting any permit, the City Engineer and/or his/her designee may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to: a) limitations on the period of one year in which the work may be performed; b) restrictions as to the size and type of equipment commensurate with the work to be done; c) designation of routes upon which materials may be transported; d) the place and manner of disposal of excavated materials; e) requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and f) regulations as to the use of streets in the course of the work.

The Permittee shall notify the City Engineer and/or his/her designee in writing upon completion of all work accomplished under the provisions of the permit. The City Engineer shall issue a certificate of final inspection and/or his/her designee to each permittee one year after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to the City specifications. Prior to the issuance of a certificate, the City Engineer and/or his/her

designee shall make a full inspection of the restoration to determine whether the City specifications have been adhered to. If any settlement in a restored area occurs within one years from the date of completion of the permanent restoration, any expense incurred by the City to correct such settlement shall be performed by the permittee or recovered from the posted bond, unless the permittee submits proof satisfactory to the City Engineer and /or his/her designee that the settlement was not due to defective backfilling.

In no case shall any opening made by a permittee be considered in the charge of the City, or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of police power, when it is necessary to protect life and property.

SECTION 14. TEMPORARY TRENCH COVERING: All trenches across traffic lanes, where it becomes necessary to remove an existing surfacing or pavement, the final surface shall take place before the construction year ends, no later than November 15th, and all cuts made in the off season, November 15th to April 15th, shall be completed before June 15th of the following construction season, unless prior arrangements have been made with the City Engineer and/or his/her designee. All off season cuts shall be provided with temporary trench cover, after proper compaction. Minimum requirements for temporary trench cover shall be bituminous patching mixture conforming to INDOT standard specifications section 403 as specified by the City Engineer and/or his/her designee. Temporary trench covers shall be properly maintained by the permittee until a permanent trench cover is placed.

SECTION 16. PERMIT FEES, BONDING, AND INSURANCE PER RIGHT-OF-WAY ACTIVITY:

The fee, bonding, and insurance for a permit for work performed under this ordinance shall be paid in accordance with the adopted fee schedule.

SECTION 17 PENALTY: Any person, firm, or corporation violating any provision of this ordinance is responsible for a civil infraction, subject to payment of 3 times the permit fee.

SECTION 18 SAVINGS CLAUSE: That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 19 CONSTRUCTION OF CLAUSE HEADINGS. The clause heading 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:

SECTION 20 REPEAL OF CONFLICTING ORDINANCES. The provisions of all other ordinances in conflict with the provisions of this ordinance are no further force or effect, and are now repealed;

SECTION 21 SEVERABILITY: The various parts, section and claim of this ordinance are to be declared to be several. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder if the ordinance shall not be affected.

SECTION 22 DURATION AND EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor of the City of Franklin, Indiana and publication as required by law.

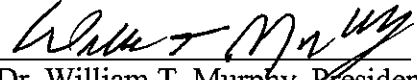
Introduced and Filed on the 6th day of December 2010. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained] by a vote of 7 in Favor and 0 Opposed, pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this 3 day of January, 2010 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 7 in Favor and 0 Opposed.

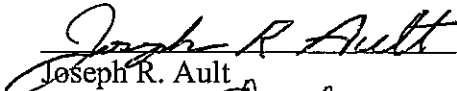
City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

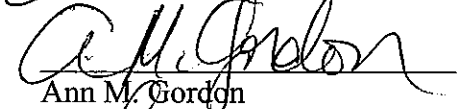
Voting Opposed:


Dr. William T. Murphy, President

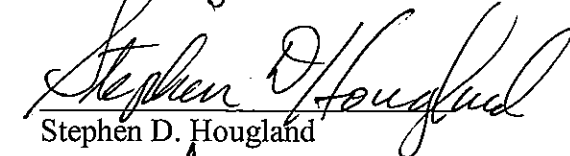
Dr. William T. Murphy, President


Joseph R. Ault

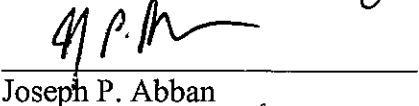
Joseph R. Ault


Ann M. Gordon

Ann M. Gordon


Stephen D. Hougland

Stephen D. Hougland


Joseph P. Abban

Joseph P. Abban

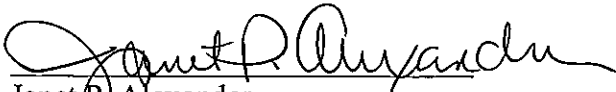

Kenneth Austin

Kenneth Austin


Steve Barnett

Steve Barnett

Attest:



Janet P. Alexander,
City Clerk-Treasurer

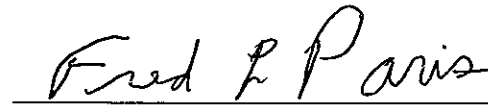
Presented to me the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16, this 3 day of January, 201~~0~~¹ at 7:45 o'clock p.m.


Janet P. Alexander, City Clerk-Treasurer

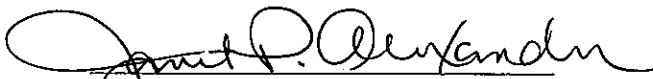
This Ordinance having been passed by the legislative body and presented to me was

[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 3 day of January, 2011
~~2010~~ at 7:45 o'clock p.m.

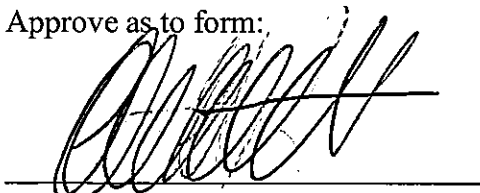

Fred L. Paris, Mayor

Attest:



Janet P. Alexander,
City Clerk-Treasurer

Approve as to form:



Robert H. Schafstall
City Attorney

Right-of-Way Fee Schedule

Residential Rates

- Residential Drives with a width of 24 feet or less are \$25.00. For residential driveways greater than 24 feet of width, "Commercial Rates" shall apply.

Commercial Rates

- Minor Commercial Driveways (less than 24 feet at throat), \$50.00
- Major Commercial Driveway¹ (24 feet or greater at throat with acceleration and deceleration lanes and/or tapers), \$125.00
- Major commercial Driveways with passing blister or left turn lane¹, \$200.00
- For borings or pushes under roadway/street, \$75.00 flat fee, including necessary cuts parallel to the road/street
- For open road/street cuts, \$100.00 flat rate
- For underground construction, grading, trenching, or excavation parallel to the road/street, \$50.00 flat rate
- Emergency Right-of-Way Permit, \$125.00
- For setting line poles, \$40.00 first pole, each additional pole an additional \$5.00 per pole applies

¹. All work requires design approval by the Technical Review Committee before any permit can be approved

Bonding

- Residential Driveways – none required
- Road/street Crossing – Open cut - \$2,000 Permit Bond
- Road/street Crossing – Boring or Push - \$2,000 Permit Bond
- Parallel Right-of-Way Work - \$1,000 Permit Bond
- Line Pole Work - \$1,000 Permit Bond
- Performance Bonding for companies who perform continuous or regular work in the city's right-of-ways² - \$25,000 Permit Bond

². A surety bond may be posted by companies who perform continuous and regular work in the city's right-of-ways. If it becomes necessary for the City of Franklin to exercise a surety bond, the applicant shall supply an additional surety bond.

Insurance Requirements

Residential permits will not require any proof of insurance. For any other permit the following insurance requirements will need to be provided.

- **Public Liability Bodily Injury Insurance** of not less than One Million Dollars (\$1,000,000) for injuries, including accidental death, to any one person and subject to the same limit for each person, in an amount of not less than One Million Dollars (\$1,000,000) on account of one accident

- **Public Liability Property Insurance** of not less than One Million Dollars (\$1,000,000).
- **Automobile Public Liability Bodily Injury** of not less than One Million Dollars (\$1,000,000) each person and not less than One Million Dollars (\$1,000,000) each occurrence and **Automobile Public Liability Property Damage** of not less than One Million Dollars (\$1,000,000).

RESOLUTION NO. 11-17

Amended after Introduction

RESOLUTION OF THE CITY OF FRANKLIN REDEVELOPMENT COMMISSION DECLARING AN AREA IN THE CITY OF FRANKLIN AND AREAS CONTIGUOUS AS AN ECONOMIC DEVELOPMENT AREA AND APPROVING AN ECONOMIC DEVELOPMENT PLAN FOR SAID AREA

WHEREAS, the City of Franklin, Indiana (the "City"), the Town of Whiteland, Indiana (the "Town") and the County of Johnson, Indiana (the "County") (the City, the Town and the County together described as the "Joint Municipalities"), which Joint Municipalities are in contiguous areas, desire to jointly undertake an economic development project that will assist the Joint Municipalities in a project by Metro FiberNet, LLC to construct facilities to house electronics and to install fiber optic cable that will provide high speed internet, telephone and television services for the Joint Municipalities (collectively, the "Metro FiberNet Project"); and

WHEREAS, pursuant to Indiana Code 36-7-25-4, if two (2) or more units desire to jointly undertake economic development projects in contiguous areas in the units' respective jurisdictions that benefit or serve the units' jurisdictions, then the legislative body of the unit may determine to assign an area within the units' jurisdiction to the redevelopment commission of another unit to allow the creation of an allocation area for the purpose of the allocation of property tax proceeds even though the allocation area will be outside the jurisdiction of the commission to which the new area is assigned; and

WHEREAS, the Town Council of the Town has adopted its resolution on October 11, 2011 (the "Town Resolution"), assigning an allocation area in the Town to the City's Redevelopment Commission known in the Town Resolution as the "Town Allocation Area;" and

WHEREAS, the Board of Commissioners of the County has adopted its resolution on October 17, 2011 (the "County Resolution"), assigning an allocation area in the County to the City's Redevelopment Commission known in the County Resolution as the "County Allocation Area;" and

WHEREAS, the City of Franklin Redevelopment Commission (the "Commission"), governing body of the City of Franklin Department of Redevelopment (the "Department"), pursuant to Indiana Code 36-7-14, as amended (the "Act"), has thoroughly studied an area of the City of Franklin, Indiana (the "City"), together with the Town Allocation Area and the County Allocation Area, and consists of the location of all depreciable personal property consisting of fiber optic cable due to the Metro FiberNet Project in the City and Town and all the location of all real and depreciable personal property consisting of all structures and fiber optic cable due to the Metro FiberNet Project in the County, with such areas designated as the "Metro FiberNet Project Allocation Area," which area is also an economic development area (the "Economic Development Area"), and will be contained in an area as described on the map attached hereto as Exhibit A; and

WHEREAS, there has been presented to this meeting for consideration and approval of the Commission a development plan (the "Plan") for the Economic Development Area and entitled "Metro FiberNet Economic Development Plan—Economic Development Area;" and

WHEREAS, the Commission has caused to be prepared maps and plats showing the boundaries of the Economic Development Area, the location of various parcels of property, streets, alleys, and other features affecting the replatting, replanning, rezoning, or redevelopment of the Economic Development Area, and the parts of the Economic Development Area that are to be devoted to public ways, sewerage and other public purposes under the Plan; and

WHEREAS, the Commission has caused to be prepared estimates of the costs of the development projects as set forth in the Plan; and

WHEREAS, the Plan and supporting data were reviewed and considered at this meeting; and

WHEREAS, Section 39 of the Act has been created and amended to permit the creation of "allocation areas" to provide for the allocation and distribution of property taxes for the purposes and in the manner provided in said section; and

WHEREAS, Sections 41 and 43 of the Act have been created to permit the creation of "economic development areas" and to provide that all of the rights, powers, privileges and immunities that may be exercised by this Commission in a redevelopment area or urban renewal area may be exercised in an economic development area, subject to the conditions set forth in the Act; and

WHEREAS, the Commission deems it advisable to apply the provisions of said Sections 39, 41, and 43 of the Act to the Plan and financing of the Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin Redevelopment Commission, governing body of the City of Franklin Department of Redevelopment, as follows:

1. The Plan for the Economic Development Area promotes significant opportunities for the gainful employment of its citizens and meets other purposes of Sections 2.5, 41 and 43 of the Act, including without limitation benefiting public health, safety and welfare, increasing the economic well being of the City, the Town, the County and the State of Indiana (the "State"), and serving to protect and increase property values in the City, the Town, the County and the State.

2. The Plan for the Economic Development Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to the powers allowed under Sections 2.5, 41 and 43 of the Act because of lack of local public improvements, including without limitation the cost of the projects contemplated by the Plan.

3. The public health and welfare will be benefited by accomplishment of the Plan for the Economic Development Area.

4. The accomplishment of the Plan for the Economic Development Area will be a public utility and benefit as measured by the attraction or retention of permanent jobs, an increase in the property tax base, improved diversity of the economic base and other similar public benefits.

5. The Plan for the Economic Development Area conforms to other development and redevelopment plans for the City, the Town and the County.

6. In support of the findings and determinations set forth in Sections 1 through 5 above, the Commission hereby adopts the specific findings set forth in the Plan.

7. The Plan does not recommend any specific property acquisition and the Department does not at this time propose to acquire any specific parcel of land or interests in land within the boundaries of the Economic Development Area. At the time the Department proposes to acquire specific parcels of land, the required procedures for amending the Plan under the Act will be followed, including notice by publication and to affected property owners and a public hearing.

8. The Commission finds that no residents of the Economic Development Area will be displaced by any project resulting from the Plan, and therefore finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

9. The Plan is hereby in all respects approved, and the secretary of the Commission is hereby directed to file a certified copy of the Plan with the minutes of this meeting. The Economic Development Area is hereby designated as an "economic development area" under Section 41 of the Act.

10. The entire Economic Development Area is hereby designated as an "allocation area" pursuant to Section 39 of the Act for purposes of the allocation and distribution of property taxes for the purposes and in the manner provided by said Section. Any personal property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in said allocation area shall be allocated and distributed as follows:

Except as otherwise provided in said Section 39, the proceeds of taxes attributable to the lesser of the assessed value of the property for the assessment date with respect to which the allocation and distribution is made, or the base assessed value, shall be allocated to and when collected paid into the funds of the respective taxing units. Except as otherwise provided in said Section 39, property tax proceeds in excess of those described in the previous sentence shall be allocated to the redevelopment district and when collected paid into an allocation fund for said allocation area that may be used by the redevelopment district to do one or more of the things

specified in Section 39(b)(2) of the Act, as the same may be amended from time to time. Said allocation fund may not be used for operating expenses of the Commission. Except as otherwise provided in the Act, before July 15 of each year, the Commission shall take the actions set forth in Section 39(b)(3) of the Act.

11. The foregoing allocation provision shall apply to all of the Economic Development Area and shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues. The base assessment date for the allocation area shall be March 1, 2011. Notwithstanding anything herein to the contrary, upon the final payment on any obligation to pay principal of or interest on any bonds or lease rentals on leases payable from tax increment revenues relating to the Metro FiberNet Project, the Economic Development Area shall expire and the County Allocation Area shall revert back to the County, and the Town Allocation Area shall revert back to the Town, to be under the jurisdiction of the County Redevelopment Commission and Town Redevelopment Commission, respectively.

12. Said allocation area is hereby designated as the "Metro FiberNet Allocation Area," and said allocation fund is hereby designated as the "Metro FiberNet Allocation Fund."

13. The Commission designates as a "designated taxpayer" Metro FiberNet, LLC and its successors or assigns or any affiliate of Metro FiberNet, LLC and its successors or assigns (the "Designated Taxpayer").

14. The Commission hereby modifies the definition of property taxes in IC 36-7-14-39(a) for the purposes of including taxes imposed under IC 6-1.1 on the depreciable personal property of the designated taxpayer described above and all other depreciable property located and taxable on the designated taxpayer's site of operations in the Allocation Area. This allocation provision shall expire on the date that is twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues, and further subject to the same expiration as set forth in the last sentence of Section 11 above.

15. The Commission finds that:

(a) The taxes to be derived from the Designated Taxpayer's depreciable personal property in the allocation area and all other depreciable property located and taxable on the designated taxpayer's site of operations within the allocation area in excess of the taxes attributable to the base assessed value of that personal property, are needed to pay debt service on bonds issued under IC 36-7-14-25.1, or to make payments or to provide security on leases payable under IC 36-7-14-25.2, in order to provide local public improvements for the particular allocation area;

(b) The taxpayer's property in the allocation area consists primarily of industrial, manufacturing, warehousing, research and development, processing, distribution, or transportation related projects; and

(c) The taxpayer's property in the allocation area does not consist primarily of retail, commercial or residential projects.

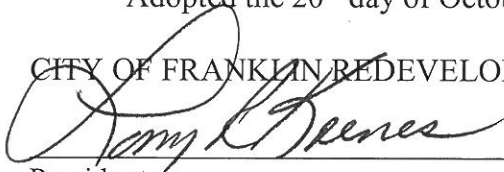
16. The officers of the Commission are hereby directed to make any and all required filings with the Indiana Department of Local Government Finance and the Johnson County Auditor in connection with the creation of the allocation area.

17. The provisions of this Resolution shall be subject in all respects to the Act and any amendments thereto.

18. This Resolution, together with any supporting data and together with the Plan, shall be submitted to the City of Franklin Plan Commission (the "Plan Commission") and the Common Council of the City of Franklin (the "Common Council") as provided in the Act, and if approved by the Plan Commission and the Common Council, shall be submitted to a public hearing and remonstrance as provided by the Act, after public notice as required by the Act.

Adopted the 20th day of October, 2011.

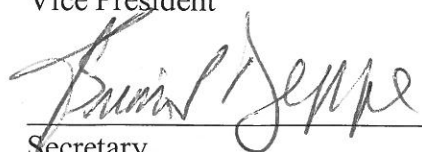
CITY OF FRANKLIN REDEVELOPMENT COMMISSION



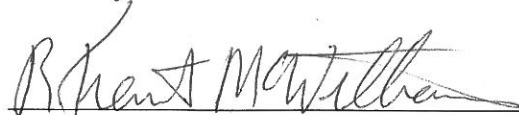
President

Absent

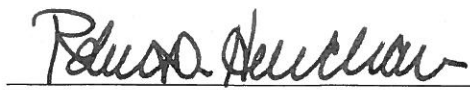
Vice President



Secretary



Member



Member

EXHIBIT A

MetroNet Proposed Phase I TIF Area

