

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	April 29, 2013	Meeting Date:	May 6, 2013
Contact Information:			
Requested by:	Joanna Myers, Senior Planner		
On Behalf of Organization or Individual:			
		Wade Jasper	
Telephone:	317-736-3631		
Email address:	jmyers@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Approval to vacate alley east of 701 & 749 Johnson Avenue and west of 136 Pratt Street.			
List Supporting Documentation Provided:			
1. Petition for Vacation of Public Way w/ Exhibits			
2. Ordinance 2013-06			
Who will present the request?			
Name:	Joanna Myers	Telephone:	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:30 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 before the meeting.

**COMMON COUNCIL
CITY OF FRANKLIN, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY

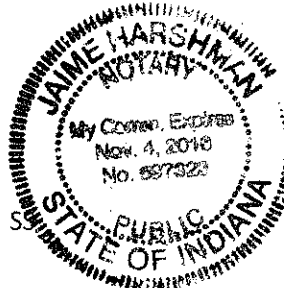
Comes now Wade Jasper in person, with a mailing address of 136 Pratt St, to petition the Common Council of the City of Franklin, Indiana for the vacation of a public way adjacent to their property and in support thereof would show the Council as follows:

1. That WADE JASPER owns certain property commonly known as 136 PRATT ST., and is more particularly described on the document which is attached hereto, made apart hereof, and marked Exhibit "A" (attach copy of the property legal description).
2. That the petitioner seeks to vacate a public way running N and S along the WEST line of the property which is shown on the document attached hereto, made apart hereof, and marked Exhibit "B" (attach copy of plat and/or exhibit & legal description of subject public way to be vacated).
3. That the names and addresses of all owners of land that abuts the property proposed to be vacated is attached hereto, made apart hereof, and marked Exhibit "C".
4. Said public way should serve no governmental purpose and is not essential for the use of the City of Franklin for any of the municipal purposes of the City since there are streets in the area for the purposes of servicing the property involved and conveying area traffic.

THEREFORE, the petitioner asks that the Council grant their petition and pass an ordinance vacating said public way and that said public way should be added to the adjoining properties as described by law.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

State of Indiana)
County of Johnson)



Wade Jasper
Petitioner
(317) 730-0625
Phone number

Subscribed and sworn to me this 11 day of June, 2012.

My Commission expires: 11/4/2016

Jaime Harshman
Notary Public

**COMMON COUNCIL
CITY OF FRANKLIN, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY

Comes now Church of the Bible by
Walter Richard McKnight, President in person, with a mailing
address of 211 Hamilton Ave, to petition the Common Council of the
City of Franklin, Indiana for the vacation of a public way adjacent to their property and in
support thereof would show the Council as follows:

1. That Church of the Bible owns certain property commonly
known as 749 Johnson Ave, and is more particularly
described on the document which is attached hereto, made apart hereof, and marked
Exhibit "A" (attach copy of the property legal description).
2. That the petitioner seeks to vacate a public way running North and South along
the East line of the property which is shown on the document attached hereto,
made apart hereof, and marked Exhibit "B" (attach copy of plat and/or exhibit & legal
description of subject public way to be vacated).
3. That the names and addresses of all owners of land that abuts the property proposed to be
vacated is attached hereto, made apart hereof, and marked Exhibit "C".
4. Said public way should serve no governmental purpose and is not essential for the use of
the City of Franklin for any of the municipal purposes of the City since there are streets in
the area for the purposes of servicing the property involved and conveying area traffic.

THEREFORE, the petitioner asks that the Council grant their petition and pass an ordinance vacating said
public way and that said public way should be added to the adjoining properties as described by law.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

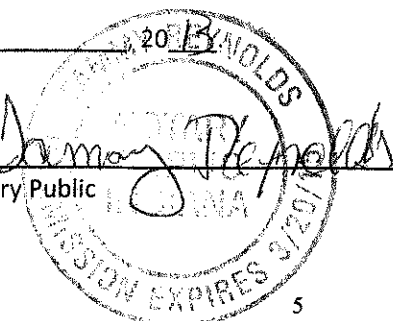
Walter Richard McKnight/President
Petitioner
317-738-0203
Phone number

State of Indiana)
County of Marion) SS

Subscribed and sworn to me this 28 day of February

My Commission expires: 3/20/2015

James Depard
Notary Public



**COMMON COUNCIL
CITY OF FRANKLIN, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY

Comes now LORD'S CUPBOARD in person, with a mailing address of 701 N. JOHNSON AVE., to petition the Common Council of the City of Franklin, Indiana for the vacation of a public way adjacent to their property and in support thereof would show the Council as follows:

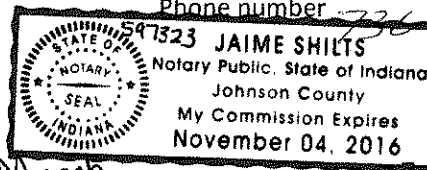
1. That LORD'S CUPBOARD owns certain property commonly known as 701 N. JOHNSON AVE., and is more particularly described on the document which is attached hereto, made apart hereof, and marked Exhibit "A" (attach copy of the property legal description).
2. That the petitioner seeks to vacate a public way running N and S along the EAST line of the property which is shown on the document attached hereto, made apart hereof, and marked Exhibit "B" (attach copy of plat and/or exhibit & legal description of subject public way to be vacated).
3. That the names and addresses of all owners of land that abuts the property proposed to be vacated is attached hereto, made apart hereof, and marked Exhibit "C".
4. Said public way should serve no governmental purpose and is not essential for the use of the City of Franklin for any of the municipal purposes of the City since there are streets in the area for the purposes of servicing the property involved and conveying area traffic.

THEREFORE, the petitioner asks that the Council grant their petition and pass an ordinance vacating said public way and that said public way should be added to the adjoining properties as described by law.

The above information and attached exhibits, to my knowledge and beliefs, are true and correct.

Marilyn L. Ray
Petitioner
Board Chair
Phone number 736-1293

State of Indiana)
County of Johnson) SS



Subscribed and sworn to me this 19 day of March, 2012.

My Commission expires: 11/4/2016

Jaime Shilts
Notary Public

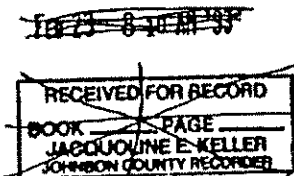
Parcel No. 93003459

WARRANTY DEED

THIS INDENTURE WITNESSETH, That LINDA L. HARDIN, an adult
(Grantor)
of Johnson County, in the State of Indiana, CONVEY
AND WARRANT to WADE JASPER and CAROLYN JASPER, husband and wife,
adults (Grantee)
of Johnson County, in the State of Indiana, for the sum
of One Dollars (\$ 1.00) and other
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following
described real estate in Johnson County, State of Indiana:

Lot Numbered 99 and 10 feet in width off the entire west
side of Lot Numbered 100 in Hamilton and Oyler's Addition
to the City of Franklin, as recorded in Plat Book 2, page
6 in the Office of the Recorder of Johnson County, Indiana.

See "Exhibit A" attached hereto.



DULY ENTERED FOR TAXATION
February 23 1993
Betty E. Stimpert
AUDITOR OF JOHNSON COUNTY

Subject to any and all easements, agreements and restrictions of record. The address of such
real estate is commonly known as 136 Pratt Street, Franklin, IN 46131

Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, Grantor has executed this deed this 22nd day of
February, 19 93.

Grantor: (SEAL)
Signature Linda L. Hardin
Printed LINDA L. HARDIN

Grantor: (SEAL)
Signature _____
Printed _____

STATE OF INDIANA
COUNTY OF JOHNSON

} SS: ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared _____
Linda L. Hardin, an adult
who acknowledged the execution of the foregoing Warranty Deed, and who, having been duly
sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 22nd day of February, 19 93.

My commission expires:
April 28, 1995

Signature Roy L. Dickinson
Printed ROY L. DICKINSON, Notary Public
Resident of Johnson County, Indiana.
This instrument prepared by ROY L. DICKINSON, Attorney at Law.

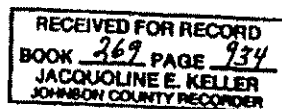
Return deed to _____
Send tax bills to Wade and Carolyn Jasper, 136 Pratt Street, Franklin,
Indiana, 46131

BOOK 0269 PAGE 934

"EXHIBIT A"

Grantee assumes and agrees to pay the balance due and owing on the mortgage indebtedness in favor of Ragsdale Mortgage, Inc., dated and recorded March 12, 1987, as Instrument No. 3628 at Mortgage Record 275, page 202, and last assigned to Fleet Real Estate Funding Corp. by instrument dated March 20, 1987, recorded March 25, 1987, as Instrument No. 4297 at Mortgage Record 275, page 476 in the Office of the Recorder of Johnson County, Indiana.

FEB 23 8 10 AM '93



Doc ID: 003775210002 Type: DEE
 Recorded: 05/13/2008 at 10:36:30 AM
 Fee Amt: \$18.00 Page 1 of 2
 Workflow: 518561
 Johnson County-Recorded as Presented
 Sue Anne Kleiniec Recorder
 Inst 2008-010511

Parcel No. 41-08-14-013 095.000-009

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That THE LORD'S CUPBOARD, INC., AND CHURCH WOMAN UNITED OF JOHNSON COUNTY, INC., (Grantors) of Johnson County in the State of Indiana, releases and quitclaims to THE LORD'S CUPBOARD, INC., (Grantee) of Johnson County, in the State of Indiana, for the sum of One- - - - - and .00/100 Dollars (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Johnson County, State of Indiana:

Lot number ninety-three (93) in Hamilton and Oyler's Addition to the City of Franklin, Johnson County, Indiana, as shown by Plat Record 2, page 1, of the plat records of the Recorder's Office of said County.

The address of such real estate is commonly known as 701 Johnson Avenue, Franklin, Indiana 46131. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

IN WITNESS WHEREOF, the Grantors have executed this deed, this 13 day of May, 2008.

Signature: Theresa M. Trout
 Printed: Theresa M. Trout

STATE OF INDIANA)
) SS:
 COUNTY OF JOHNSON)

Before me, a Notary Public in and for said County and State, personally appeared Theresa M. Trout, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 13th day of May, 2008.

My Commission Expires:

1-20-2012

Melanie Mitchell
 Notary Public, Melanie Mitchell
 Resident of Johnson County, Indiana.

DULY ENTERED FOR TAXATION
 SUBJECT TO FINAL ACCEPTANCE
 FOR TRANSFER

MAY 13 2008

James S. Leland
 AUDITOR JOHNSON COUNTY

Signature: Debra Compton
Printed: Debra Compton

STATE OF INDIANA)
)SS:
COUNTY OF JOHNSON)

Before me, a Notary Public in and for said County and State, personally appeared Debra Compton, who acknowledged the execution of the forgoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

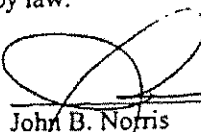
Witness my hand and Notarial Seal this 13th day of May, 2008.

My Commission Expires:

1-20-2012

Melanie Mitchell
Notary Public, Melanie Mitchell
Resident of Johnson County, Indiana.

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


John B. Norris

GRANTEE'S ADDRESS: 701 Johnson Avenue, Franklin, Indiana 46131

Send tax bills to: 701 Johnson Avenue, Franklin, Indiana 46131

Return deed to: HASS VANDIVIER & NORRIS, One W. Monroe St., Franklin, IN 46131

This instrument prepared by John B. Norris, #17486-41, HASS VANDIVIER & NORRIS, One W. Monroe St., P.O. Box 470, Franklin, IN 46131; (317) 738-3636

CORPORATE SPECIAL WARRANTY DEED

Parcel Number(s): 5100 14 21 029/00

THIS INDENTURE WITNESSETH, That Conseco Finance Servicing Corporation("Grantor"), CONVEYS AND WARRANTS to *Church of the Bible Ministries Inc.* ("Grantee"), for the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate located in *Johnson* County, State of Indiana:

Lot Numbered 94 in Hamilton & Oyler's Addition to the City of Franklin, as recorded in Plat Book 2, page 6, in the Office of the Recorder of Johnson County, Indiana.

Subject to any and all easements, agreements, restrictions and other matters of record; subject to the lien for real property taxes not delinquent; and subject to rights of way for roads and such matters as would be disclosed by an accurate survey and inspection of the real estate.

The address of such real estate is commonly known as *749 Johnson Avenue, Franklin, IN*. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

GRANTOR REPRESENTS AND WARRANTS THAT THIS CONVEYANCE ("IS" or "IS NOT")
SUBJECT TO THE INDIANA GROSS INCOME TAX.

It is understood and agreed by the parties hereto that the title to the Real Estate herein conveyed is warranted only insofar as it might be affected by any act of the Grantor during its ownership thereof and not otherwise.

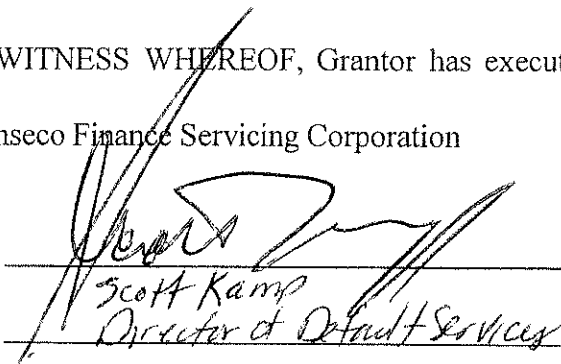
The undersigned person executing this deed on behalf of Grantor represents and certifies that he/she is a duly elected officer of Grantor and has been fully empowered, by proper resolution of the Board of Directors of Grantor, to execute and deliver this deed; that Grantor has full corporate capacity to convey the real estate described herein ; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, Grantor has executed this deed this 15 day of March, 2001

Grantor:Conseco Finance Servicing Corporation

By:

Printed:

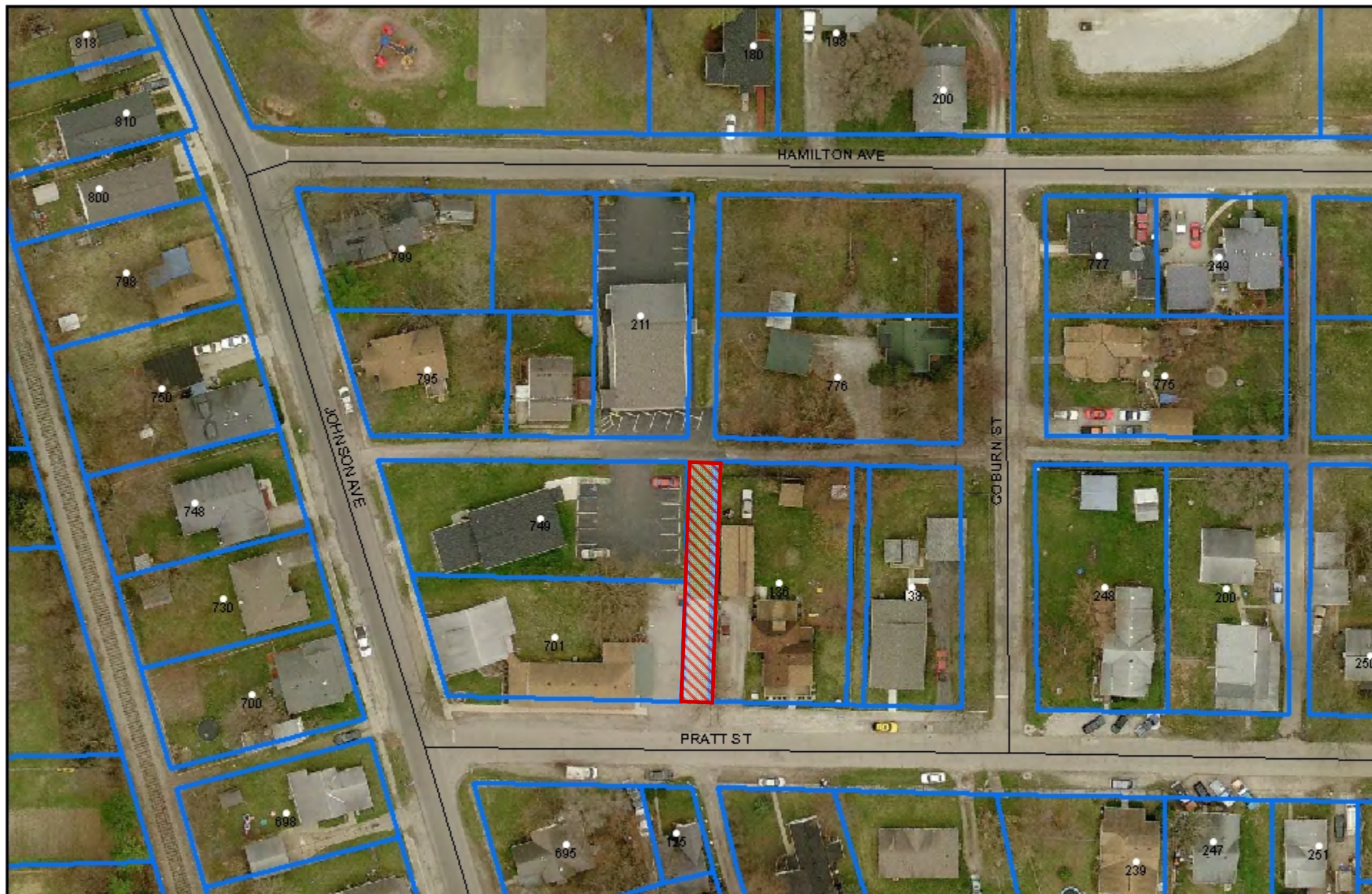

Scott Kamp
Director of Default Services

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

APR 05 2001


DEBORAH A. SHULTZ
AUDITOR OF JOHNSON COUNTY

EXHIBIT "B"



LEGEND

Potential Vacated Right-of-Way 

EXHIBIT C

41-08-14-013-088.000-009
JASPER WADE & CAROLYN
or Current Owner
136 PRATT ST
FRANKLIN, IN 46131-1452

41-08-14-013-094.000-009
CHURCH OF THE BIBLE MINISTRIES INC
or Current Owner
603 MELROSE DR
WHITELAND, IN 46184-1218

41-08-14-013-095.000-009
LORDS CUPBOARD INC THE
or Current Owner
701 JOHNSON AVE
FRANKLIN, IN 46131

**ORDINANCE NUMBER 2013-06
OF THE CITY OF FRANKLIN, INDIANA**

AN ORDINANCE APPROVING VACATING RIGHT-OF-WAY WITHIN THE CITY OF FRANKLIN, INDIANA
BETWEEN LOTS 93, 94, & 99 OF HAMILTON & OYLER'S ADDITION
(To be known as Hamilton & Oyler's Addition Lots 93, 94 & 99 Alley Vacation)

WHEREAS, City of Franklin has filed before the Common Council of the City of Franklin a petition requesting that said public right-of-way as described herein be vacated for the reason that said public ways are not at this time used for any public purpose and are not foreseeably needed by the City of Franklin for any public purpose; and

WHEREAS, subject public way is an alley 16 feet in width and runs north and south described as follows:

The alley lying between Lots 93 and 94 and Lot 99 in Hamilton and Oyler's Addition to the City of Franklin, Indiana, as per plat thereof recorded in Plat Book 2, Page 6, in the Office of the Recorder of Johnson County, Indiana, more particularly described as follows:

Beginning at a point, said point being the Southwest corner of said Lot 99; thence Westwardly, 16 feet to the Southeast corner of said Lot 93; thence Northerly, along the East line of said Lots 93 and 94, 140 feet to the Northeast corner of said Lot 94; thence Eastwardly, 16 feet to the Northwest corner of said Lot 99; thence Southerly, along the West line of said Lot 99, 140 feet to the Southwest corner of said Lot 99, being the point of beginning of the herein described tract.

WHEREAS, the notices and advertisements required by IC 36-7-3-12 have been given, and a public hearing was held upon said petition on the ____ day of _____, 2013.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS THAT:

- 1) The public way described above is hereby, pursuant to IC 36-7-3-12, declared vacated;
- 2) Any utility easements shall remain for the length and width of the vacated right-of-way;
- 3) A copy of this Ordinance shall be transmitted to the Recorder of Johnson County, Indiana;
- 4) This Ordinance shall become effective at the time of recording;
- 5) City Staff is authorized to execute all deeds necessary in accomplishment of the herein above.

INTRODUCED and Filed on the 6th day of May, 2013.

PASSED on this ____ day of _____, 2013, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of ____ in Favor and ____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Steve Barnett, President

Joseph P. Abban

Joseph R. Ault

Kenneth Austin

Robert Henderson

Stephen Hougland

Richard Wertz

Voting Opposed:

Steve Barnett, President

Joseph P. Abban

Joseph R. Ault

Kenneth Austin

Robert Henderson

Stephen Hougland

Richard Wertz

Attest:

Janet P. Alexander, Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15,16, this ____ day of _____, 2013, at _____ o'clock p.m.

Janet P. Alexander, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me [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 ____ day of _____, 2013 at _____ o'clock p.m.

Joe McGuinness, Mayor

Attest:

Janet P. Alexander, Clerk-Treasurer

APPROVED AS TO FORM:

Lynette Gray, City Attorney

Prepared by:
Joanna M. Myers, Senior Planner
City of Franklin
Department of Planning & Engineering
70 E. Monroe Street
Franklin, IN 46131