

**FILED**  
SUBJECT TO FINAL ACCEPTANCE

NOV 08 2023

*Elizabeth A. Quay*  
AUDITOR, JOHNSON COUNTY

City of Franklin Common Council

**ORDINANCE # 2023-09**

2023-017821  
RECORDED ON  
11/08/2023 01:38:41 PM  
TERESA K. PETRO  
JOHNSON COUNTY RECORDER  
REC FEE: 25.00  
PAGES: 6  
RECORDED AS PRESENTED

AN ORDINANCE APPROVING A RESOLUTION  
OF THE CITY OF FRANKLIN, INDIANA PLAN COMMISSION,  
AND ANNEXING CERTAIN PROPERTY CONTIGUOUS TO THE FRANKLIN CORPORATE LIMITS  
(to be known as Phelps Annexation)

**WHEREAS**, a petition has been filed before the Common Council of the City of Franklin, Indiana, pursuant to IC 36-4-3-5.1, by the owners of certain real estate, requesting that said real estate be annexed by the City of Franklin, Indiana, a description of said property is attached hereto, incorporated herein and marked as Exhibit "A"; and

**WHEREAS**, the City of Franklin, Indiana Plan Commission is an advisory Plan Commission to the City of Franklin, and has by Resolution #2023-14 recommended that the City's Common Council approve the annexation of the real property described in the attachments (a copy of said Resolution, together with attached exhibits, is attached hereto, incorporated herein by reference, and marked "Resolution #2023-14"); and

**WHEREAS**, pursuant to IC 36-7-4-605, Resolution #2023-14 has been certified to City's Common Council; and **\* Exhibit B**

**WHEREAS**, it appears that it would be in the best interest of the City of Franklin, Indiana that said real estate described in Exhibit "A" be annexed to and become a part of the City of Franklin, Indiana.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:**

1. The real estate described in Exhibit "A" is hereby declared annexed to the City of Franklin, Indiana.
2. The clause headings 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; and
3. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed; and
4. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance; and
5. The provisions set forth in this ordinance become and will remain in full force and effect on the second January 1 that follows the date the ordinance is adopted pursuant to Indiana Code; and
6. Said newly annexed territory shall become a part of Council District 5; and
7. The Clerk-Treasurer is hereby directed to advertise this ordinance pursuant to IC 36-4-3-7 and to make the filings as required by IC 36-4-3-22(a).

**Sale Disclosure NOT Required  
Johnson County Assessor**

TX:4601104  
DOCID:8677982



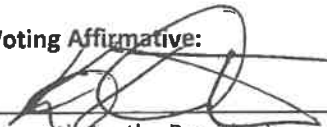
INTRODUCED AND FILED on the 5<sup>th</sup> day of September, 2023.

PUBLIC HEARING held on the 18 day of ~~October~~ September, 2023.

DULY ADOPTED on this 2 day of October, 2023, by the Common Council of the City of Franklin, Johnson County, Indiana having been passed by a vote of 7 in Favor and 0 Opposed.


City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

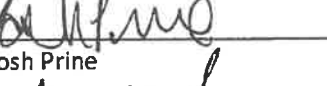
  
Kenneth Austin, President

  
Robert D. Heuchan

  
Anne McGuinness

  
Irene Nalley

  
Jennifer Price

  
Josh Prine

  
Shawn Taylor

Voting Opposed:

\_\_\_\_\_  
Kenneth Austin, President

\_\_\_\_\_  
Robert D. Heuchan

\_\_\_\_\_  
Anne McGuinness

\_\_\_\_\_  
Irene Nalley

\_\_\_\_\_  
Jennifer Price

\_\_\_\_\_  
Josh Prine

\_\_\_\_\_  
Shawn Taylor

Attest:

  
Jayne Rhoades, City 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 and 16, this 2 day of October, 2023 at 6:10 o'clock p.m.

  
Jayne Rhoades, City Clerk-Treasurer

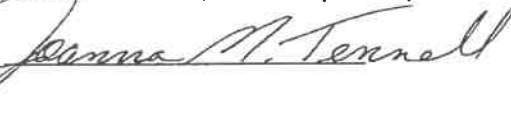
This Ordinance having been passed by the legislative body and presented to me was **Approved** by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)] [Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this 2 day of October, 2023 at 6:10 o'clock p.m.

  
\_\_\_\_\_  
Steve Barnett, Mayor

Attest:

  
\_\_\_\_\_  
Jayne Rhoades, City Clerk-Treasurer

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

Signed   
\_\_\_\_\_  
Joanna M. Tennell

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

**EXHIBIT "A"**

Part of the East half of the Northwest quarter of Section 2, Township 12 North, Range 4 East of the Second Principal Meridian described as follows:

Beginning on the North line of said half quarter section at a point that is 813.93 feet west of the northeast corner thereof; thence west on and along the North line 150.99 feet to a point that is 4.01 feet East of the centerline of a public road; thence South parallel to and 4.01 feet from said centerline 140.52 feet; thence east parallel to the North line 150.99 feet; thence north parallel to the west line 140.52 feet to the place of beginning.

Including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.



**CITY OF FRANKLIN, PLAN COMMISSION RESOLUTION # 2023-14  
TO THE FRANKLIN COMMON COUNCIL FOR CONSIDERATION**

**NAME OF PETITIONER:**  
Samuel & Pamela Phelps

**PLAN COMMISSION DOCKET NUMBER:**  
PC-23-14

**RESOLUTION**

**WHEREAS**, the City of Franklin, Indiana has received an annexation petition to have the property described in Exhibit "A" annexed into the corporate limits of Franklin, Indiana; and

**WHEREAS**, the petitioner has submitted a statement of reasons for having said property annexed; and

**WHEREAS**, said property meets the condition of being one-eighth contiguous to the present corporate limits; and

**WHEREAS**, the existing and proposed improvements have been submitted and reviewed by the Plan Commission; and

**WHEREAS**, the said improvements are consistent with the 2013 Comprehensive Plan; and

**WHEREAS**, the required Plan of Services (fiscal plan) is being written and shall be submitted to the Franklin Common Council for its adoption; and

**WHEREAS**, a public hearing was held on the 15<sup>th</sup> day of August, 2023 to give the public an opportunity to offer comments on said annexation petition; and

**WHEREAS**, the Franklin City Plan Commission has given due consideration to the future growth and prosperity of the City of Franklin, as well as the health, safety, and general welfare of its residents; and

**WHEREAS**, the Franklin Plan Commission took all of the public comments received at said public hearing under advisement prior to taking any action on said annexation petition.

**NOW THEREFORE BE IT RESOLVED THAT THE FRANKLIN CITY PLAN COMMISSION HEREBY FORWARDS A FAVORABLE RECOMMENDATION TO THE FRANKLIN COMMON COUNCIL THAT:**


1. The property described herein, attached hereto, made part hereof, and marked as Exhibit "A" be approved for annexation to the City of Franklin.
2. On behalf of the secretary, staff of the Plan Commission is hereby directed to forward a copy of this resolution to the Petitioner and the City of Franklin Common Council.
3. This resolution is forwarded to the Common Council of the City of Franklin for further proceedings consistent with the provisions of Indiana Code.

Resolved by the Franklin City Plan Commission this 15<sup>th</sup> day of August, 2023.

PLAN COMMISSION OF THE CITY OF FRANKLIN, INDIANA

  
\_\_\_\_\_  
Jim Martin, President

ATTEST:

  
\_\_\_\_\_  
Joe Abban, Secretary

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Including all contiguous areas of public highways and rights-of-way of the public highways which are not already contained within the corporate boundaries of the City of Franklin.