(Passed 8-0)

ORDINANCE 01-25

AN ORDINANCE CONCERNING THE ANNEXATION OF ADJACENT AND CONTIGUOUS TERRITORY (Silver Creek Area)

WHEREAS, the boundary of the City of Bloomington, Indiana, is contiguous and adjacent to the real estate described herein; and

WHEREAS, the City of Bloomington has determined it will provide capital and non-capital services and improvements to said real estate that are equivalent to the services and improvements currently received by the residents and property owners of the City of Bloomington as specified in the "Fiscal Plan Annexation of the Silver Creek Area"; and

WHEREAS, property taxes imposed on the annexed territory not used to meet basic services, including those of a non-capital nature and capital improvement nature, shall be impounded for a period of at least three years into a special fund to be used for the provision of additional services in the annexed territory within five years after the effective date of the annexation;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. That the following described land, commonly known as Silver Creek Area, which includes 2707-2743 S. Silver Creek Drive, 3701-3711 E. Bridgewater Court, 3700-3721 E. Silver Creek Court including contiguous public roads and rights of way, be annexed to and declared a part of the City of Bloomington, Indiana, to-wit:

A part of the southeast quarter of the northeast quarter of Section 11, Township 8 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

Commencing at the southeast corner of said quarter quarter section; thence North 88 degrees 17 minutes 52 seconds West 649.12 feet on the north line of land of Sinn and Annexation Ordinance 95-56 to the POINT OF BEGINNING; thence North 88 degrees 17 minutes 52 seconds West 664.76 feet on said north line of Annexation Ordinance 95-56 to the east line of Annexation Ordinance 91-53; thence North 0 degrees 17 minutes 53 seconds East 651.95 feet on said east line to the southwest corner of Annexation Ordinance 96-58; thence on the south line of said Annexation Ordinance 96-58 the following six (6) courses: 1) South 88 degrees 36 minutes 58 seconds East 186.76 feet; thence 2) North 60 degrees 56 minutes 09 seconds East 186.36 feet; thence 3) North 0 degrees 04 minutes 38 seconds East 73.09 feet; thence 4) North 70 degrees 54 minutes 00 seconds East 99.73 feet; thence 5) 16.16 feet on a 175.40 foot radius non-tangent curve to the right whose chord bears North 16 degrees 27 minutes 41 seconds West 16.15 feet; thence 6) South 88 degrees 22 minutes 58 seconds East 228.31 feet to the west line of Rolling Hills Addition; thence South 0 degrees 25 minutes 38 seconds West 872.50 feet on said west line to the POINT OF BEGINNING; said described tract containing 11.67 acres, more or less.

SECTION 2. Be it further ordained, that the boundaries of the City of Bloomington, shall be, and the same are, hereby declared to be extended so as to include all the real estate hereinabove described as part of the City of Bloomington, Indiana.

SECTION 3. Pursuant to I.C. 36-4-3-4(g), the above-described territory, which is hereby annexed to and declared a part of the City of Bloomington, Indiana, shall be assigned to Bloomington Common Council District 4.

SECTION 4. Pursuant to I.C. 36-4-3-8, in order to make the annexation equitable to the property owners and residents of the City of Bloomington and the area to be annexed, all the municipal property taxes imposed on the annexed territory after the annexation takes effect that are not used to meet the basic services described in the "Fiscal Plan Annexation Silver Creek Area" shall be impounded in a special fund to be called Silver Creek Property Taxes for a period of three (3) years. The impounded property taxes shall be used to provide additional services that were not

specified in the plan of annexation. The impounded property taxes in the fund shall be expended not later than five (5) years after the annexation becomes effective.

SECTION 5. Pursuant to I.C. 36-4-3-8.1, an advisory board shall be appointed to advise the municipality on the provision of services to the annexed territory that are paid for with the municipal property taxes impounded as established in Section 4. The advisory board shall be appointed not later than ninety (90) days after the annexation becomes effective.

SECTION 6. Services will be provided to the annexed area in accordance with the "Fiscal Plan Annexation of Silver Creek Area" adopted in Resolution 01-18 by the Bloomington Common Council.

SECTION 7. Pursuant to I.C. 36-4-3-7 this ordinance shall take effect January 1, 2003, following its passage and adoption by the Common Council of the City of Bloomington and approval of the Mayor, and the City herein acknowledges its obligations at the time of annexation.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of December, 2001.

P. Patricia Cole

PATRICIA COLE, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20th day of December, 2001.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of December, 2001.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance annexes the Silver Creek Area, which includes the property located at 2707-2743 S. Silver Creek Drive, 3701-3711 E. Bridgewater Court, 3700-3721 E. Silver Creek Court, including contiguous public roads and rights of way, effective January 1, 2003, and assigns the area to Council District 4.

Sent to: Distribution list