

CITY OF BLOOMINGTON



**February 6, 2012 @ 4:00 p.m.
CITY HALL - HOOKER
CONFERENCE ROOM #245**

**CITY OF BLOOMINGTON
PLAT COMMITTEE AGENDA**

Feb. 6, 2012 at 4:00 p.m.

***Hooker Conference Room, #245**

ROLL CALL

MINUTES TO BE APPROVED: Dec. 5, 2011

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION CONTINUED TO PLAN COMMISSION on March 5, 2012:

DP-4-12 Loren Wood Builders
2110 E. Covenanter
Preliminary and final plat approval of a 2-lot subdivision (*Case Manager: Katie Bannon*)

PETITIONS:

PUD-31-11 Woolery Ventures LLC
1800 W. Tapp Rd.
Preliminary and final plat approval for an 8-lot subdivision (*Case Manager: James Roach*)

DP-3-12 Westwood Bloomington LLC
300 W. 11th St.
Preliminary & final plat approval to allow a 4-lot mixed use subdivision
(*Case Manager: Patrick Shay*)

End of Agenda

Next meeting: March 5, 2012

**BLOOMINGTON PLAT COMMITTEE
STAFF REPORT SECOND HEARING
Location: 1800 W. Tapp Road**

**CASE #: PUD-31-11
DATE: February 6, 2012**

PETITIONER: Woolery Ventures, LLC (Randy Cassady)
PO Box 122, Ellettsville

COUNSEL: Bledsoe, Riggert and Guerrettaz
1351 W. Tapp Road, Bloomington

REQUEST: The petitioner is requesting a preliminary and final plat approval for five lots and one common area in Parcels A and I of the Woolery Planned Unit Development (PUD).

SUMMARY: This petition was first reviewed by the Plan Commission on November 7, 2011. At that hearing, the Plan Commission voted to forward the proposed preliminary and final plat to the Plat Committee for a second hearing. Since the first hearing, the petitioner has removed two lots from the plat and has addressed several issues of staff concern.

The property is located northeast of the corner of W. Tapp Road and S. Weimer Road. The property is 39.3 acres in area and is zoned Planned United Development (PUD). The Woolery PUD was created in 1994 (PUD-64-94) and was amended in 2001 to allow a mixed use redevelopment of the former Woolery Mill on Parcel A (PUD-35-01). A final plan was approved in 2002 to redevelop the stone mill with a hotel, conference center and residential units, allow for cut and fill within the floodway of the West Fork of Clear Creek and approve construction of six mixed use buildings (PUD-16-02). As of today, the Mill Administration building has been remodeled to house the offices of Cassady Electric, a new road has been built (to be called S. Kegg Road) and grading within the floodplain has been completed. While no final plan has been approved for Parcel I, the Plan Commission and City Council recently approved a PUD District Ordinance amendment that facilitates construction of a 26,000 recreation center on lot 3 of this plat (PUD-29-11).

This plat would allow creation of five lots and a common lot.

- Lot 1: 8.2 acres. Remainder of Parcel I. Nothing proposed or approved for this lot
- Lot 2: 0.89 acre. Northeast corner of Kegg Rd. and Tapp Rd. Nothing proposed or approved for this lot
- Lot 3: 2.0 acres. Proposed for a 26,000 square foot recreation center (PUD-29-11)
- Lot 4: 1.3 acres. Approved for 2 commercial buildings. Not yet constructed.
- Lot 5: 7.7 acres. Contains former Woolery Stone Mill and Mill Administration building. Approved for a hotel/conference center and

condominiums in Mill and 4 mixed-use buildings on the west side of Kegg Road. Not yet constructed. Mill Administration building has already been remodeled for the offices of Cassady Electric.

- Common Lot: 8.2 acres. Contains the floodplain and channel of Clear Creek. Development is prohibited on this lot.

Because this petition involves dedication of right-of-way for a new public street, two hearings is required. This is the second of the two required meetings.

PLAT ISSUES:

Trail Extension: PUD-35-01 and the subsequent PUD Final Plan in 2002 required the construction of a 12 foot wide extension of the Clear Creek Trail. The trail was to be placed within a 50 foot wide right-of-way and dedicated to the City. The trail has not yet been built. Since that time, the plans for the extension of the Clear Creek trail have changed. The City no longer wishes the petitioner to construct a trail on the east side of the creek. Instead, the City intends to relocate Weimer Rd. to the west and down-grade the existing Weimer Rd. so that the existing Weimer Rd. pavement can be used as the trail extension. Because of this, the city will no longer accept dedication of a trail constructed by the petitioner on the east side of the creek. The petitioner may still choose to build the trail, but it would remain a private trail.

One exception to this is at the north end of the property. Immediately north of the Mill Building, a public trail extension is planned as part of the Sudbury PUD. This extension would parallel the Clear Creek floodplain and dead end into the north end of Lot 5. The petitioner has provided a 40-foot wide trail right-of-way along the north side of Lot 5 that will allow the City in the future to connect the downgraded Weimer Rd./future Clear Creak Trail to the Sudbury PUD Trail. This connection will require the construction of a bridge over Clear Creek. The petitioner is not responsible for construction of this trail or bridge.

Access: Parcel I was approved for a single new access point onto Tapp Rd. with PUD-64-94 and it has not yet been constructed. An early version of this plat showed this drive immediately east of Lots 2 and 3, in the location of an existing gravel service drive. Staff believes that this location is too close to the intersection of Kegg Rd. and Tapp Rd. and would create a drive in an awkward location for the use of Lot 1. With this plat, an existing easement in this location will be removed. The petitioner's engineers have shown that a drive can be moved further to the east and still meet sight distance requirements, but ask that the final location of this drive be determined with a future PUD Final Plan for Lot 1.

Lots 2 and 3 gain access to Kegg Rd. via a shared drive along the property line. Lots 4, 5, 6 and 7 gain access from the internal streets, Kegg Rd. and Sunstone Dr.

In addition, the petitioner has provided a private road stub to the north, along the east side of the mill, to allow for connectivity with the future residential uses in the Sudbury PUD. This is in compliance with the approved PUD Final Plan.

Environmental Protection: The common area “park” contains most of the environmentally sensitive features on the property. It contains the majority of the floodplain for Clear Creek, the creek itself and its riparian corridor, many large trees, a series of ponds and land that was to be replanted as part of a floodplain mitigation plan. This property will be preserved with a drainage and conservation easement and controlled with a facilities maintenance plan. The floodplain elevations must also be indicated on both the preliminary and final plats.

While the common area contains the majority of the floodplain, it does not contain all of it. Some areas of the floodplain are located on Lot 4. These areas were approved for construction of buildings and parking lots with the PUD Preliminary Plan amendment. These areas are not included in either drainage or conservation easements.

Lot 8 contains a wooded area and a series of possible karst or “pseudo-karst” features. The PUD Preliminary Plan approved a building in this area to be used as a warehouse for Cassidy Electric, but a Final Plan has not yet been approved for this building. The Preliminary Plan also required preservation of the trees not impacted by construction of the building and associated parking lot. In addition, this lot contains several features that appear to be karst. These features were studied by Earth-Tech in 2001, but they did not give a definitive assessment as to whether or not they should be regulated as karst features and protected by a buffer. The report recommends either avoidance, as required by the UDO, or additional study. If the petitioner at the time of a future PUD Final Plan desired to not protect the features as karst, additional study of the features and their hydrology will be required. Since the building and parking lot have not yet been designed or approved, staff recommends deferral of platting tree preservation and karst conversancy easements on Lot 8 until after approval of a PUD Final Plan.

Lot 1 also contains an area of suspected karst. Consistent with PUD-01-95, staff also recommends deferral of further karst investigation until PUD Final Plan approval for this lot.

Facilities Maintenance Plan: The UDO requires a facilities maintenance plan for the common area lot, here labeled as a “park.” The plan must spell out the ownership and ongoing maintenance responsibility of the common area. The common area includes most of the floodplain of Clear Creek as well as the ponds used for detention and water quality for at least Lots 4-7. A plan has been submitted and is included in the packet. The plan references a Lot Owners’ Association. This association must be created at the same time as the recording

of the plat. The association documents and the facilities maintenance plan must be recorded and referenced on the plat.

Street trees and sidewalks: The PUD Preliminary Plan amendment waived sidewalk requirement for the east side of Weimer Rd. because of the future trail extension in this area. The City will be rebuilding Tapp Rd. and installing a new sidepath along the south side of this property this coming summer.

The east side of Kegg Rd. and all of Sunstone Dr. require a five-foot wide sidewalk and street trees spaced no further than 40 feet on center. These features are shown on the preliminary plat. In order to have adequate room for a 5 foot wide tree plot and to avoid existing street lights, in some locations the tree plot is reduced and in others the sidewalk veers out of the right-of-way. Where the sidewalk is outside of the right-of-way, a pedestrian easement is provided.

All sidewalks and street trees along the public right-of-way must be installed or bonded for with this plat. The petitioner has request deferral of bonding in two locations.

The first location is the west side of Kegg Rd. This area was approved with a ten-foot wide sidewalk with street trees within tree grates as part of the PUD Final Plan. The approved buildings were to be built immediately at the edge of the right-of-way. The petitioner contends that because of the building design, with the structures built at the right-of-way line, that construction of the sidewalk and the buildings at the same time would be most efficient.

The second location is the south side of Sunstone Dr. adjacent to Lot 1. The petitioner requests that these streetscaping features be deferred until there is a PUD Final Plan approved for development on this lot. This is consistent with the conditions of approval of Woolery Phase 1 which included all of Parcel I and was approved by the Plan Commission in 1995, PUD-01-95.

These two bonding deferrals were discussed by the Plan Commission at their November meeting. The Plan Commission gave positive feedback on deferring the bonding for these sections of sidewalk until actual construction takes place. Staff recommends approval of this deferral.

Right-of-way: A 50 foot right-of-way dedication is required from the center of Tapp Road, a 35-foot dedication is required from the center of Weimer Road and a 60-foot total right-of-way is required for Kegg Rd. and Sunstone Dr. All required right-of-way is shown on the plat.

Right-of-way Encroachments: There are two encroachments into the newly dedicated public right-of-ways. The first is the street lights along the east side of Kegg Rd. The second is a piece of former mill machinery on the north side of Sunstone Dr. This piece of machinery was shown on the original 2002 final plan.

These encroachments as well as a street lighting plan must be reviewed and approved by the Board of Public Works.

Utilities: Water and sanitary sewer plans and easements have been submitted to City Utilities and have been reviewed. All water and sanitary sewer mains associated with this project have already been installed. No specific utility plan has been prepared for Lot 1 because no development has yet to be proposed.

Developer Track Record: This petition comes to the Plat Committee in an attempt to clean-up an illegal subdivision of land that took place in 2002. The petitioner illegally subdivided Parcel A into four parcels through recording of deeds. In addition, the petitioner and owner of Parcel I at the time, SFT Properties LLC, illegally split Parcel I into two lots. This plat will correct these illegal subdivisions and create a lot for sale for the proposed Recreation Center use on Lot 3.

In addition, the petitioner has failed to comply with some of the commitments and conditions of PUD-16-02, including failure to provide a “dry hydrant” for Fire Department use and failure to complete an approved floodplain mitigation planting plan. These items are not specifically platting issues and will be handled by the Planning Department separately.

RECOMMENDATIONS: Staff recommends approval with the following conditions:

1. Approved per terms and conditions of PUD-64-94, PUD-01-95, PUD-35-01, PUD-16-02, and PUD-29-11.
2. Final City Utilities approval of easement locations is required prior to signature of the plat.
3. Prior to signature of the plat, the petitioner shall sign and execute an “Agreement to Encroach” to cover the existing encroachments over the water and sewer mains. These encroachments are mostly large mill blocks.
4. A street lighting plan must be submitted for review and approval by the Board of Public Works.
5. A right-of-way encroachment agreement must be reviewed and approved by the Board of Public Works for all private features in the public right-of-way.
6. Possible karst features on Lot 1 and the northeast corner of Lot 5 shall be identified and analyzed in conjunction with any future final plans in these areas. If found to be karst, the Plan Commission may require their avoidance and preservation via easement per the UDO. In addition, all trees in the stand of trees in the northwest corner of lot 5 that are required to be preserved with future final plans shall be protected by easement per the requirements of the UDO.

7. Approval of this Plat includes a waiver of sidewalk and street tree bonding requirements for the west side of Kegg Road and the south side of Sunstone Drive adjacent to Lot 1 only. Sidewalks on the west side of Kegg must be constructed or bonded for with any building permits or new final plans on Lots 4 or 5. Sidewalk on the south side of Sunstone Dr. must be construction or bonded for with any building permits or new final plans on Lot 1.
8. Proposed lot owners' association must be created simultaneous with the recording of the plat. The facilities maintenance plan must be recorded simultaneous with the plat. Both documents must be cross referenced on the plat.
9. The "Park" must be clearly labeled as a common area on the Final Plat.

MEMORANDUM

Date: November 2, 2011
To: Bloomington Plan Commission
From: Bloomington Environmental Commission
Through: Linda Thompson, Senior Environmental Planner
Subject: PUD-31-2011 Woolery Planned Community, Phase IX

This memorandum contains the Environmental Commission's (EC) input and recommendations regarding a Preliminary and Final Plat for the Woolery Planned Unit Development (PUD).

ISSUE OF SOUND ENVIRONMENTAL PLANNING:

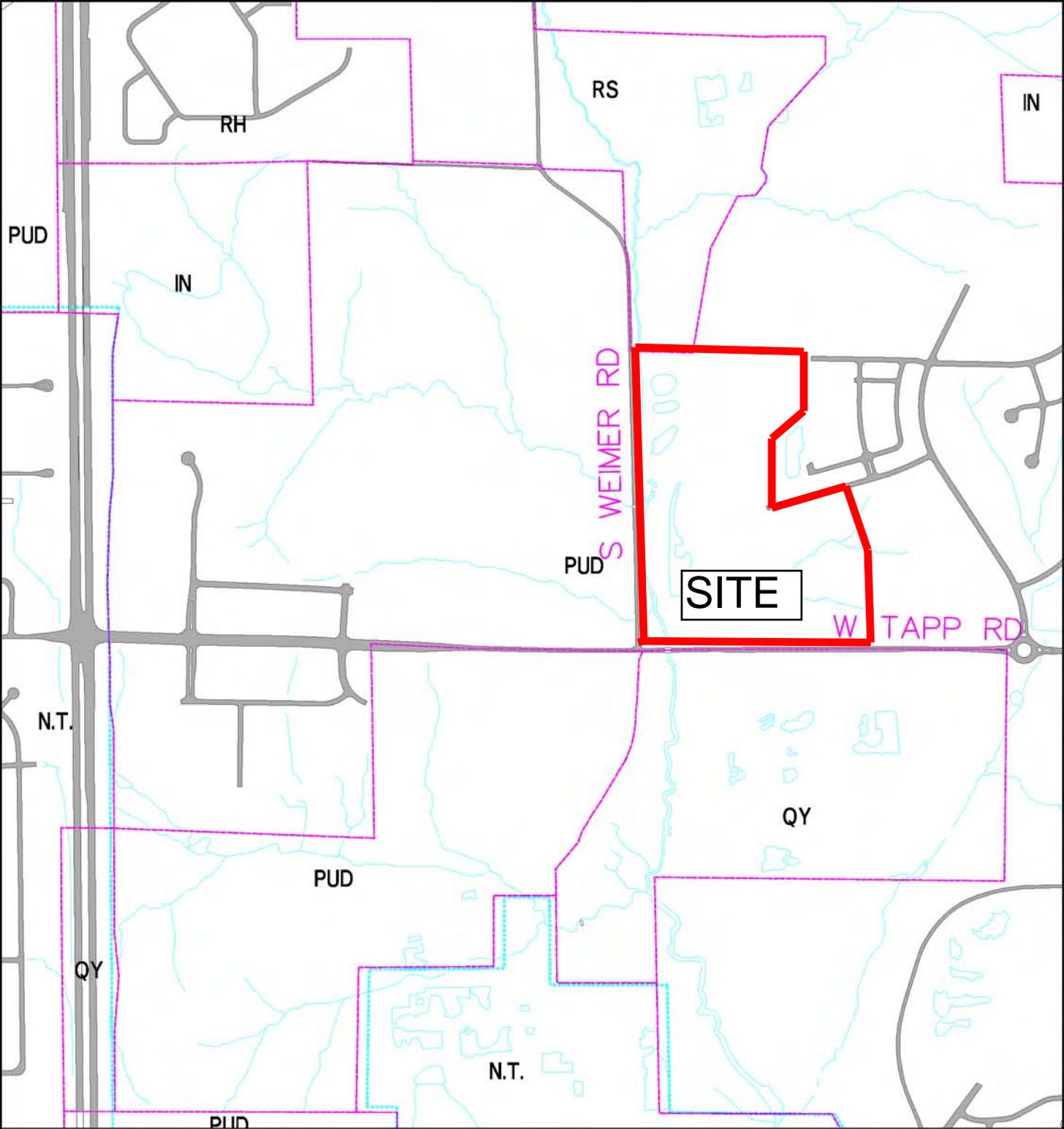
The site is home to several karst or pseudokarst* features in its northeast corner. These sinkhole-looking features were briefly looked at and considered during review of the Woolery Mill Complex PUD-35-01 in 2001. At that time it was unclear if they were naturally-occurring sinkholes, or if they were pseudokarst sinkholes developed from soil piping through fill. Whether or not the soil piping resulted from naturally-occurring dissolution of limestone, or migration through watercourses between unconsolidated materials is not relevant. With either scenario, the features behave like sinkholes in that they are direct conduits to groundwater and should have conservation buffers surrounding them.

The petitioner should take one of two actions before a future Final Plan is submitted for the northeast corner of the site. One choice is to conduct a geologic study of the subsurface to determine the validity and extent of the sinkholes prior to delineating a Karst Conservancy Easement. The other choice is to delineate a Karst Conservancy Easement, with an associated 10 foot building setback, based on the surface expression and regardless of the provenance of the sinkholes.

EC RECOMMENDATION:

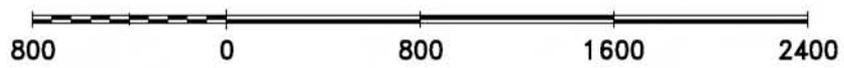
The EC recommends that before a future Final Plan is approved, the size and shape of the Karst Conservancy Easement, and an associated 10 foot building setback, are defined by either a geologic study of the area, or a topographic interpretation of the last closed contours of the sinkholes.

*pseudokarst: Terrane with features similar to karst but produced by a process other than the dissolving of bedrock producing depressions and pipes.

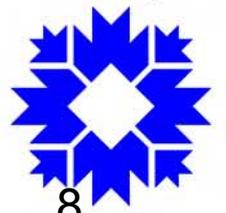


PUD-31-11
Location and Zoning Map

By: roachja
3 Nov 11



City of Bloomington
Planning



8
Scale: 1" = 800'

For reference only; map information NOT warranted.

October 24, 2011

Jim Roach
City of Bloomington, Planning Department
401 N. Morton St., Suite 160
PO Box 100
Bloomington, IN 47402-0100

Re: Woolery Planned Community Phase IX preliminary and final plat
Petitioner's Statement
BRG Project No. 7303

Dear Jim,

On behalf of Woolery Ventures and other interested parties, we are requesting consideration by the Plan Commission for the approval of a preliminary and final plat for Phase IX of the Woolery Planned Community. This petition is being parallel processed with a request for a PUD Amendment to add the use "recreation center" to the approved list of uses in the controlling PUD to allow for the development of the BUGS-BUSS Youth Training Center on lot 3. Plat approval is required to allow for the sale of the lot.

The BUGS-BUSS facility is proposed for Lot 3 (approximately 1.68 acres) of Phase IX of the Woolery Planned Community. Public streets, already constructed, exist on the west and north sides of the site. They extend from an intersection with Tapp Road and connect to Sunstone Drive to the east. The proposed development is accessed from the public street to the west and shares a common drive with Lot 2, a .75 acre lot to the south, which has frontage on Tapp Rd. and shall remain undeveloped at this time. A 20' shared drive easement is provided between lots 2 and 3, which also makes Lot 1 accessible from the west.

Stormwater, sanitary and water services are available at the site and all have the capacity to service the proposed uses. Easements are provided for all existing and known proposed utilities. There is also a 40' public R/W provided for along a portion of the northern boundary of this plat to facilitate expansion of the multi-use trail, eventually to be located in the existing Weimer Road R/W. We believe that both stormwater detention and treatment have already been provided on the proposed common area lot, which was designed cover development of Lots 2-8. Lot 1 will be required to provide its own detention and treatment facilities. Discussions with the City of Bloomington Utilities are underway in this regard. A facilities maintenance plan , as well as CC&R's will be provided prior to final plat approval.

Included with this petitioner's statement are the application form and filing fee, as well as preliminary and final plat drawings. Notices will be sent to adjacent property owners as required.

Please contact me if you have any questions.

Sincerely,

Dan Neubecker, Project Manager
Bledsoe Riggert Guerrettaz

xc: Randy Cassady, Woolery Ventures
File – Project No. 7303

PUD-31-11 Petitioner's Statement

Woolery Mill Facility Maintenance Plan

January 23, 2012 Woolery Mill

Facility Maintenance Plan

Project Description

This proposed development is a commercial and high density residential and historical development with one lot reserved for Stormwater detention and platted as "Common Area" of which a large portion is Floodway. The Streets will consist of 40 feet of pavement from back of curb to back of curb. The Stormwater will be collected mostly in conventional curb inlets and routed to Detention pond. Utilities including Gas, Water, Electric, Telephone and Cable will be routed throughout the lots in the streets right of way. The Stormwater and Sanitary Sewer utilities will also be confined to street right of way and easements immediately adjoining.

Index of areas included in Maintenance Area

1. A 40foot Pedestrian R.O.W. is adjacent to right the north property line of Lot #5.
2. Utility easements for water, gas, phone, electric are 15 feet wide and immediately adjacent to the Road right of way as platted.
3. Sanitary Sewer easements are contained in the road rights of way, the 15 foot Utility easements immediately adjacent to the road right of ways.
4. Detention Pond in Common Area Lot.

Definitions

1. Pedestrian Easement as defined in Bloomington *Unified Development Ordinance* published by the City of Bloomington, Indiana and as effective at time of recording Final Plat.
2. Sanitary Sewer Easements as defined in *Bloomington Unified Development Ordinance* published by the City of Bloomington, Indiana and as effective at time of recording Final Plat.
3. Drainage Easement as defined in Bloomington *Unified Development Ordinance* published by the City of Bloomington, Indiana and as effective at time of recording Final Plat.
4. The Conservancy Easement as define in Bloomington *Unified Development Ordinance* published by the City of Bloomington, Indiana and as effective at time of recording Final Plat with exception of to allow for grading as necessary to maintain ponds and would allow planting of wetland tolerant plants and any other work as stated in accordance with the approved Floodway Mitigation Plan as shown in PUD 16-02.
5. The Common Lot is necessary to provide stormwater detention for the entire Subdivision and is owned and maintained by the Lot Owner's Association and will be recorded in conjunction with the final plat.

PUD-31-11 Facilities Maintenance Plan
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Ownership and Right of Entry

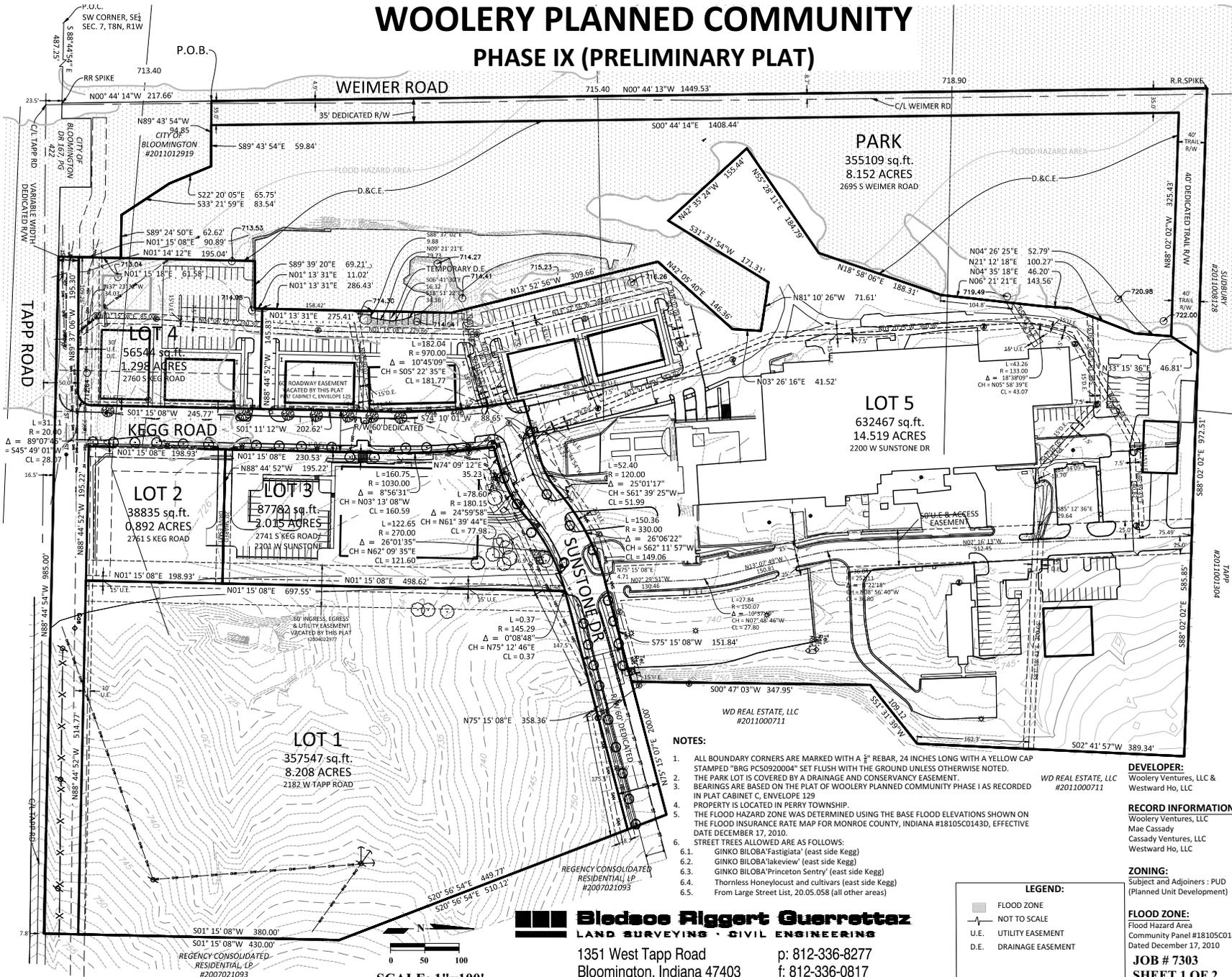
1. The Common Lot shall be owned by the Lot Owner's Association established for the owner's of the individual lots after they have been transferred from the developer. The City of Bloomington Utilities Department shall have right of entry onto Common Lot for inspections and repair.
2. All other easements are owned by the respective Lot owners that are subject to the easements. The Utility companies that have established interest in the easements shall have right of entry onto easements for inspections, repairs and improvements.

Maintenance Responsibility

1. COMMON LOT:
 - i. The Common Lot shall be maintained by the Lot Owner's Association established for the owner's of the individual lots after they have been transferred from the developer. The responsibility of the Lot Owner's Association regarding the Common Lot must include, but is not limited to the Operation and Maintenance Manual provided for the City of Bloomington Utilities and recorded in the Office of the Recorder of Monroe County, Indiana.
 - ii Individual lot owners shall have responsibility and liability for such maintenance and repair in the event the Association becomes insolvent, ceases to exist, or for any reason fails or refuses to perform such obligations.
 - iii. The City of Bloomington or other appropriate governmental authority shall be permitted to perform or have performed any necessary work or maintenance upon such facilities, in the event the owners and/or the Association fail to act, and allow the City or other authority to recover its costs by assessing same equally to the lot owners and by placing a lien upon any lot where payment is not made in a timely manner.

PUD-31-11
Preliminary Plat

WOOLERY PLANNED COMMUNITY PHASE IX (PRELIMINARY PLAT)



NOTES:

- ALL BOUNDARY CORNERS ARE MARKED WITH A 1/2" REBAR, 24 INCHES LONG WITH A YELLOW CAP STAMPED "BRG PCS0920004" SET FLUSH WITH THE GROUND UNLESS OTHERWISE NOTED.
- THE PARK LOT IS COVERED BY A DRAINAGE AND CONSERVANCY EASEMENT.
- BEARINGS ARE BASED ON THE PLAT OF WOOLERY PLANNED COMMUNITY PHASE I AS RECORDED IN PLAT CABINET C, ENVELOPE 129
- PROPERTY IS LOCATED IN PERRY TOWNSHIP.
- THE FLOOD HAZARD ZONE WAS DETERMINED USING THE BASE FLOOD ELEVATIONS SHOWN ON THE FLOOD INSURANCE RATE MAP FOR MONROE COUNTY, INDIANA #18105C0143D, EFFECTIVE DATE DECEMBER 17, 2010.
- STREET TREES ALLOWED ARE AS FOLLOWS:
 - GINKO BILOBA 'Fastigiata' (east side Kegg)
 - GINKO BILOBA 'lakeview' (east side Kegg)
 - GINKO BILOBA 'Princeton Sentry' (east side Kegg)
 - Thornless Honeylocust and cultivars (east side Kegg)
 - From Large Street List, 20.05.058 (all other areas)

DEVELOPER:
Woolery Ventures, LLC &
Westward Ho, LLC

WD REAL ESTATE, LLC
#2011000711

RECORD INFORMATION:
Woolery Ventures, LLC
Mae Cassidy
Cassady Ventures, LLC
Westward Ho, LLC

ZONING:
Subject and Adjoiners : PUD
(Planned Unit Development)

FLOOD ZONE:
Flood Hazard Area
Community Panel #18105C0143D
Dated December 17, 2010

JOB # 7303
SHEET 1 OF 2

LEGEND:

- FLOOD ZONE
- NOT TO SCALE
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT

Bledsoe Riggert Guerrettez
LAND SURVEYING · CIVIL ENGINEERING

1351 West Tapp Road p: 812-336-8277
Bloomington, Indiana 47403 f: 812-336-0817

SCALE: 1"=100'

WOOLERY PLANNED COMMUNITY

PHASE IX (FINAL PLAT)

LEGAL DESCRIPTION
WOOLERY PLANNED COMMUNITY, PHASE IX
Job #7303 (3700)

A part of the Southeast Quarter of Section 7, Township 8 North, Range 1 West, more particularly described as follows:

COMMENCING at the Southwest corner of said Southeast quarter, marked by a 5/8-inch rebar with yellow cap; thence SOUTH 88 degrees 44 minutes 54 seconds EAST along the South line of said quarter, 487.25 feet to a railroad spike; thence NORTH 00 degrees 44 minutes 13 seconds WEST, a distance of 217.66 feet to the **POINT OF BEGINNING**; thence continuing NORTH 00 degrees 44 minutes 13 seconds WEST, a distance of 1449.53 feet to a railroad spike; thence SOUTH 88 degrees 02 minutes 02 seconds EAST, a distance of 972.51 feet to a 5/8-inch rebar with yellow cap; thence SOUTH 02 degrees 41 minutes 57 seconds WEST, a distance of 389.34 feet to a 5/8-inch rebar with yellow cap; thence SOUTH 51 degrees 31 minutes 39 seconds WEST, a distance of 109.12 feet to a 5/8-inch rebar with yellow cap; thence SOUTH 00 degrees 47 minutes 03 seconds WEST, a distance of 347.95 feet to a 5/8-inch rebar with yellow cap; thence NORTH 75 degrees 15 minutes 08 seconds EAST, a distance of 200.00 feet to a 5/8-inch rebar with yellow cap; thence SOUTH 20 degrees 56 minutes 54 seconds EAST, a distance of 510.12 feet to a 5/8-inch rebar with yellow cap; thence SOUTH 01 degree 15 minutes 08 seconds WEST, passing a 5/8-inch rebar with yellow cap at 380.00 feet, a total distance of 430.00 feet to the South line of said Southeast quarter; thence NORTH 88 degrees 44 minutes 52 seconds WEST along said south line a distance of 985.00 feet to the East line of the land conveyed to the City of Bloomington in Instrument #2011012919, in the Office of the Recorder of Monroe County, Indiana; thence along the East, North, and Northwesterly boundaries of said City of Bloomington land the next five (5) calls:

1. NORTH 01 degree 15 minutes 08 seconds EAST along said east line a distance of 90.89 feet; thence
2. NORTH 89 degrees 24 minutes 41 seconds WEST, 62.62 feet; thence
3. NORTH 33 degrees 21 minutes 59 seconds WEST, 83.54 feet; thence
4. NORTH 22 degrees 20 minutes 05 seconds WEST, 65.75 feet; thence
5. NORTH 89 degrees 43 minutes 54 seconds WEST, 59.84 feet to the POINT OF BEGINNING, containing 39.294 acres, more or less.

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.

This survey was executed according to survey requirements contained in Sections 1 through 19 of 865 IAC 1-12.

This certification does not take into consideration additional facts that an accurate and correct title search and/or examination might disclose.

Evidence of easements have not been located in the field and are not shown on this survey drawing.

Subject to the above reservation, I hereby certify that the survey work performed on the project shown hereon was performed either by me or under my direct supervision and control and that all information shown is true and correct to the best of my knowledge and belief.

Certified this day of , 2011

Ben E. Bledsoe
Registered Land Surveyor No. LS800400559
State of Indiana

CERTIFICATE OF APPROVAL OF
PLAN COMMISSION AND
BOARD OF PUBLIC WORKS

UNDER THE AUTHORITY PROVIDED BY CHAPTER 174, ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF BLOOMINGTON AS FOLLOWS:

APPROVED BY THE BOARD OF PUBLIC WORKS AT A MEETING HELD: _____

CHARLOTTE ZIETLOW, PRESIDENT _____

JAMES MCNAMARA, VICE PRESIDENT _____

FRANK N. HRISOMALOS, M.D., SECRETARY _____

APPROVED BY THE CITY PLAN COMMISSION AT A MEETING HELD: _____

TOM MICUDA, AICP, DIRECTOR _____

JACK BAKER, PRESIDENT _____

OWNERS CERTIFICATE

The undersigned, Mae Cassidy; Cassidy Ventures, LLC; Woolery Ventures, LLC; and Westward Ho, LLC being the owners of the above described real estate, do hereby layoff and plat the same into one lot in accordance with the plat and certificate.

In accordance with this plat and certificate, this plat shall be known and designated as Woolery Planned Community Phase IX Final Plat.

Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana.

The undersigned, as owner of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title, to remonstrate against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

In Witness Whereof, Mae Cassidy, has executed this instrument and caused her name to be subscribed thereto, this _____ day of _____, 2011.

Mae Cassidy

State of Indiana)
County of Monroe) ss:

Before me, a Notary Public for said County and State, Mae Cassidy, personally appeared and acknowledged the execution of this instrument this _____ day of _____, 2011.

Notary Signature

Printed Name

My commission expires: _____
County of Residence: _____

In Witness Whereof, Cassidy Ventures, LLC, has executed this instrument and caused his/her name to be subscribed thereto, this _____ day of _____, 2011.

Cassidy Ventures, LLC

by _____
Printed Name

State of Indiana)
County of Monroe) ss:

Before me, a Notary Public for said County and State, Cassidy Ventures, LLC, personally appeared and acknowledged the execution of this instrument this _____ day of _____, 2011.

Notary Signature

Printed Name

My commission expires: _____
County of Residence: _____

OWNERS CERTIFICATION, CONTINUED:

In Witness Whereof, Woolery Ventures, LLC, has executed this instrument and caused his/her name to be subscribed thereto, this _____ day of _____, 2011.

Woolery Ventures, LLC

by _____
Printed Name

State of Indiana)
County of Monroe) ss:

Before me, a Notary Public for said County and State, Woolery Ventures, LLC, personally appeared and acknowledged the execution of this instrument this _____ day of _____, 2011.

Notary Signature

Printed Name

My commission expires: _____
County of Residence: _____

In Witness Whereof, Westward Ho, LLC, has executed this instrument and caused his/her name to be subscribed thereto, this _____ day of _____, 2011.

Westward Ho, LLC

by _____
Printed Name

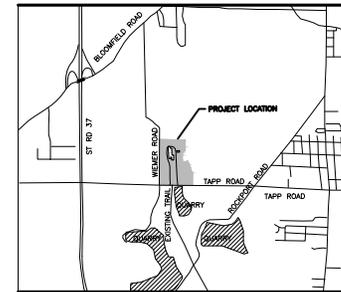
State of Indiana)
County of Monroe) ss:

Before me, a Notary Public for said County and State, Woolery Ventures, LLC, personally appeared and acknowledged the execution of this instrument this _____ day of _____, 2011.

Notary Signature

Printed Name

My commission expires: _____
County of Residence: _____



LOCATION MAP
NOT TO SCALE

Bledsoe Riggert Guerrettaz
LAND SURVEYING • CIVIL ENGINEERING

1351 West Tapp Road p: 812-336-8277
Bloomington, Indiana 47403 f: 812-336-0817

5010 Stone Mill Road, Bloomington, Indiana 47408

December 3, 2001

Mr. Phillip Tapp
Tapp, Bledsoe & Riggert, Inc.
1351 W. Tapp Road
Bloomington, IN 47403

Subject: **Inspection of topographic depressions on Woolery Farm Property**

At your request, I preformed an inspection this morning of a portion of the Woolery Farm property located northeast of the intersection of Tapp Road and Weimer Road, Bloomington, Indiana. The purpose of this inspection was to determine if certain topographic depressions on the property should be regarded as sinkholes. A few small topographic depressions occur in shallow drainageways on a gentle slope in a wooded area, north of the former Mill Office in the extreme northeast corner of the property. Two of these features had open holes in their bottoms that expose the underlying unconsolidated materials. I noted that at both of these locations the exposed material consisted of anthropogenic fill. This material contained mixed soil, mill fines, small pebble-sized fragments of Salem Limestone, and larger pieces of cut mill stone. These depressions are not developed in natural soil.

Telephone
812-336-0972
Facsimile
812-336-3991

The features resemble natural sinkholes, and clearly have formed from soil piping activity. However, the presence of the exposed fill material in the bottom of at least two features suggests that piping may have occurred through coarse fill material placed on the slope and not through natural solution conduits in the limestone. In this situation, the depressions would more correctly be regarded as *pseudokarst* features, as defined in *A Lexicon of Cave and Karst Terminology with Special Reference to Environmental Karst Hydrology (1999)*. EPA/ 600/R-99/006. I have seen this type of piping, not related to karst solution conduits occur at other stone mill sites in Monroe County. In one case, we have documented for the Indiana Department of Transportation that the entire low flow of Stout's Creek is diverted underground through coarse mill waste limestone material and flows several hundred feet through the subsurface to emerge at the downstream toe of the fill as a spring.

It is not clear to me at this point if the requirements of Section 20.06.05.02 of the City of Bloomington Municipal Code regarding an environmental review plan for karst terrain are applicable to this situation. If the soil piping involves ground water flow through the limestone bedrock, then this is a karst situation, and the environmental review plan requirements would, in my opinion, apply. If these are *pseudokarst* features that only involve piping through coarse fill placed on the slope, then those aspects of Section 20-06.05.02 related to the protection of natural karst features are probably not applicable.



c:\hold\woollery_inspection.doc

PUD-31-11
2001 Karst inspection

12/3/2001
Page 2

If the presence or absence of karst terrain becomes a land use or rezoning issue I would recommend that additional investigations such as air photo review, karst inventory and soil testing be conducted. Otherwise, I would recommend that a thorough geotechnical investigation of any building site on the fill area be conducted to identify potential soil piping areas that could be detrimental to construction.

Please contact me if you have any questions.

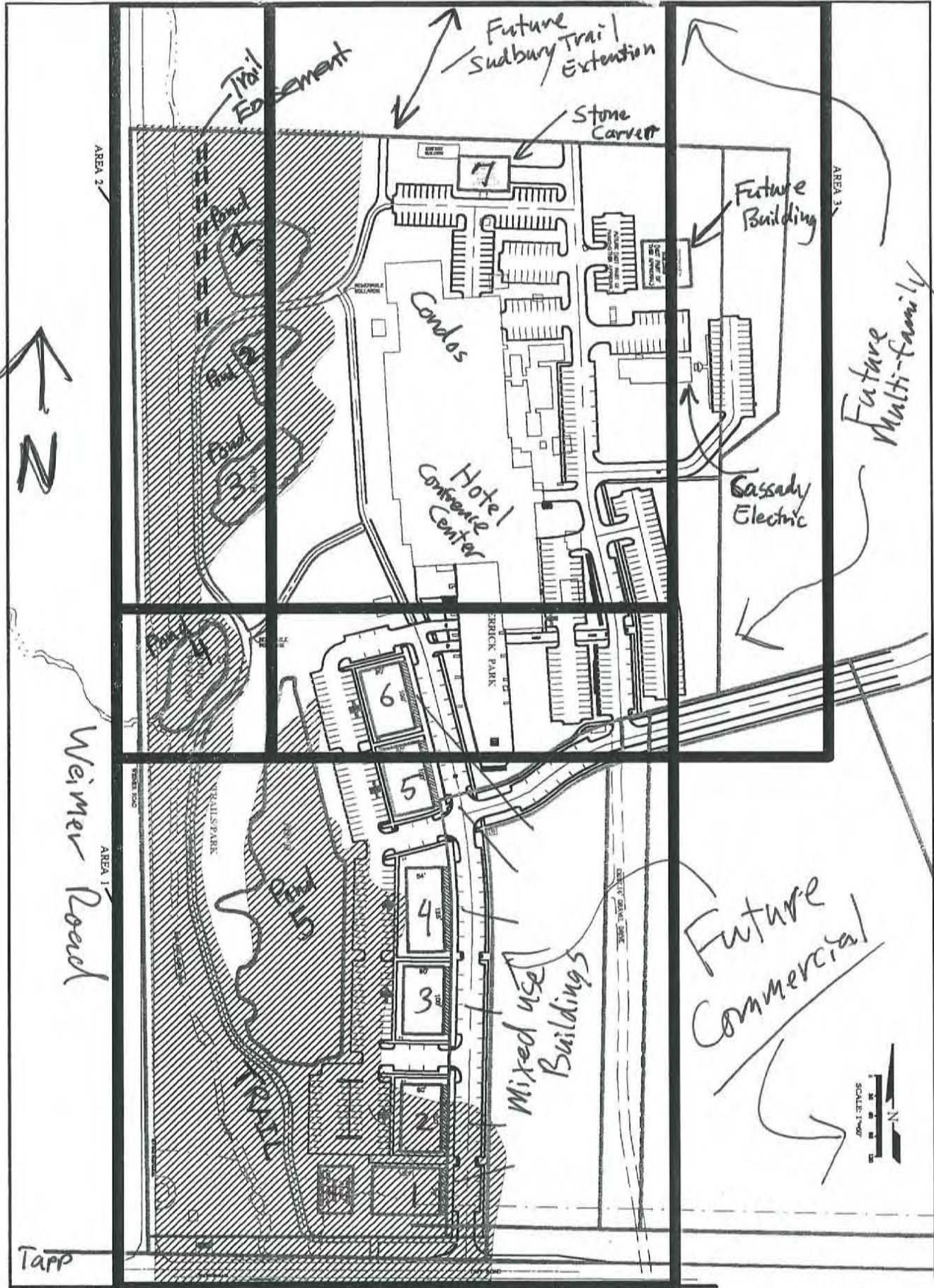
Sincerely,
JOHN BASSETT
John Bassett
Licensed Professional Geologist



c:\hold\wollery_inspection.doc

PUD-31-11
2001 Karst inspection



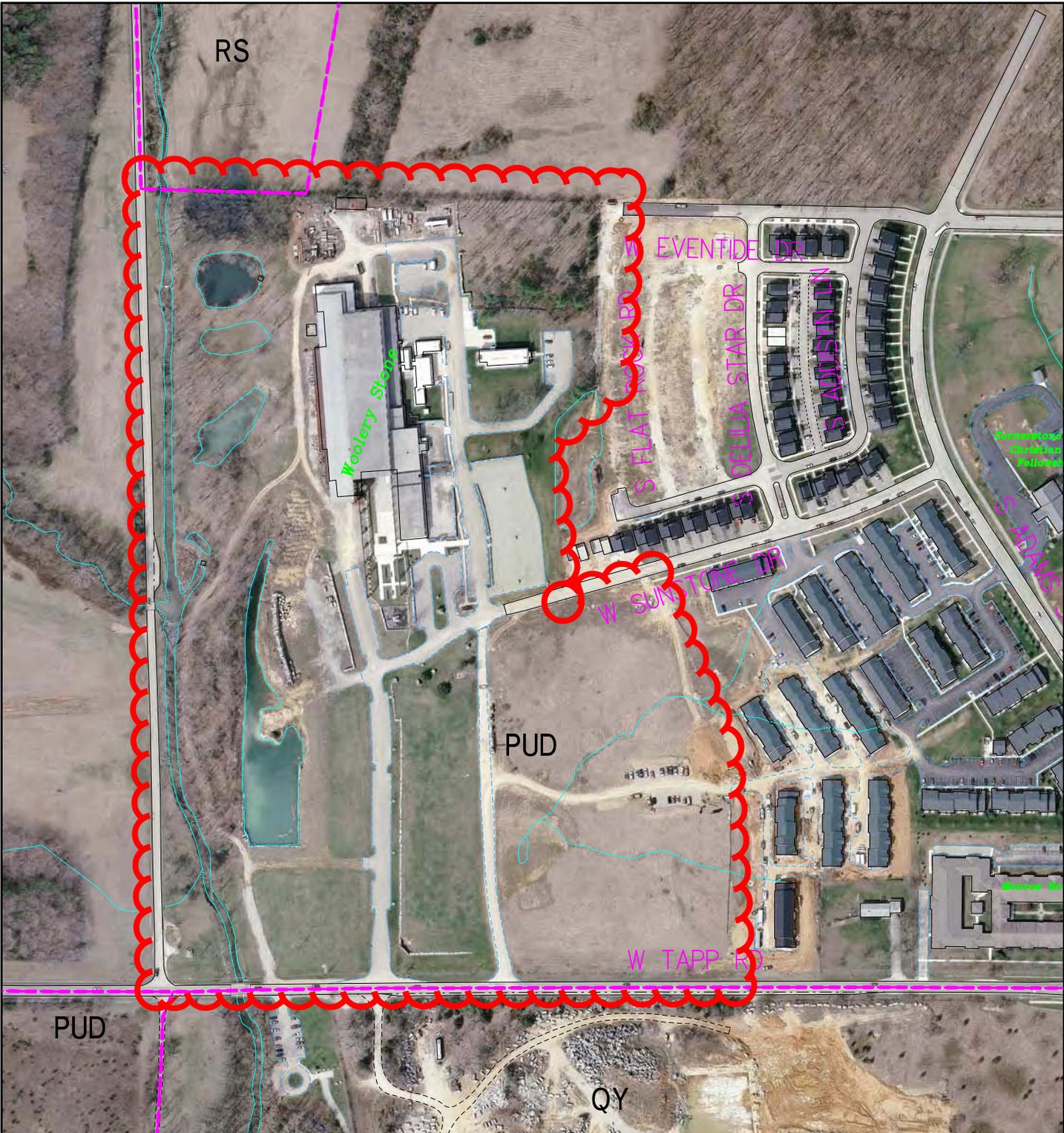


PUD-31-11
 Approved Final Plan for Parcel A

Bledsoe Tapp & Riggert, Inc.
 Quality Land Surveying and Civil Engineering Services
 1311 West Tapp Road
 Bloomington, IL 61703
 (312) 336-8277
 FAX (312) 336-0817

1124 "K" Street, Room 130
 Bedford, IL 61714
 (312) 275-0801
 FAX (312) 275-8251

Overall
 Site Plan
 PUD-16-02



PUD-31-11
2010 Aerial Photo

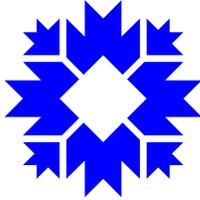
By: roachja
1 Nov 11



For reference only; map information NOT warranted.



City of Bloomington
Planning



Scale: 1" = 300'

PETITIONER: Westwood Bloomington, LLC
5784 Lake Forrest Drive, Suite 165, Atlanta, GA

CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N. Walnut Street, Bloomington

REQUEST: The petitioner is requesting a preliminary plat amendment and final plat approval for an 8-lot subdivision to be known as Morton North.

REPORT SUMMARY: This property is currently zoned Commercial Downtown and lies within two separate downtown overlays. The majority of the site is within the Showers Technology Park Overlay (STPO) and the eastern portion is within the Downtown Gateway Overlay (DGO). The property received site plan approval from the Plan Commission in March of 2008 to allow construction of 208 residential units (472 bedrooms), 38,600 square foot of office space and approximately 10,200 square foot of retail services on nearly 8 acres. The petitioner also received final plat approval in 2009 for a 4-lot subdivision. That final plat was not recorded and the petitioner is seeking new preliminary and final plat approval for a 7-lot subdivision. Three of these lots are common area lots required due to detention facilities.

The site plan approval required that a final plat be recorded prior to any residential building permits being issued. The petitioner is now preparing to sell the site and is seeking approval to create individual lots. The site plan approval also required the petitioner to incorporate a recordable commitment into the plat process that dictates conditions of the use of a park and a future non-residential building located along W. 11th Street.

The prior approved plat was only for two lots and a larger remainder, the petitioner is now seeking to plat the entire area including 8 lots:

This plat would allow the creation of 4 lots, 3 common lots, and the inclusion of an existing lot. The proposed lots are as follows:

Lot 1 (0.45 acres): Will be marketed for a tech office use.

Lot 2 (0.76 acres): Originally had townhomes approved. These units have been transferred to other portions of the site. Lot 2 has no additional development right/construction approved for it. Any future construction on this area would require a site plan amendment from the Plan Commission.

Lot 3 (3.28 acres): Will have a large multifamily structure with a parking garage as well as several townhomes to the north.

Lot 4 (1.3 acres): Approved for several townhome structures.

Lot 5 (0.2 acres): Is a common area lot for a drainage facility.

Lot 6 (0.17 acres): Is a common area lot for a drainage facility. If the detention facility on this lot is altered in the future, the plat may be amended to reflect a

smaller common area lot.

Lot 7 (0.38 acres): Is a common area lot for the private park area and drainage facility.

Lot 30 of Kenwood Addition (0.18 acres): Is an existing lot being incorporated into the "Morton North" subdivision and will be covered by the Covenants, Commitments, and Restrictions of this plat.

The plat also includes right-of-way dedication for the extension of Morton St. as well as a new public street to provide a second access point onto W. 11th St.

FINAL PLAT ISSUES:

Access: Access for this phase will be gained from a new public street that will replace an existing drive located on the site that was used by the former use of the property as well as the extension of Morton St. to the north.

Right-of-Way Dedication: Per the previous preliminary plat approval, 56 feet of right-of-way dedication for all streets are shown on the plat. The petitioner is also required to dedicate an additional 7.5 feet of right-of-way for the north side of 11th Street. These dedications have been shown on the proposed plat.

Sidewalk/Street Trees: All pedestrian accommodations were approved with the site plan. This included sidewalks and street trees on both sides of the new street. There is currently a sidewalk along the north side of 11th Street. This sidewalk is going to be replaced with a wider sidewalk and tree grates. The petitioner is required to bond for these improvements with this plat approval. A sidewalk was required with the final plan to cross the northern portion of Lot 4 and through Lot 30 of Kenwood Addition. This sidewalk should be placed within a pedestrian easement on the plat prior to signature.

Drainage/Utilities: Overall utility feasibility was reviewed with the site plan. Specific utility plans have been submitted and must be approved with future individual site plan approvals. All required detention ponds must also be placed within a drainage easement on the plat prior to signature.

The site will be mostly served by an 18-inch water line that runs through the site in the general location of Morton Street and an existing sanitary sewer line that is located within the 11th St. right-of-way.

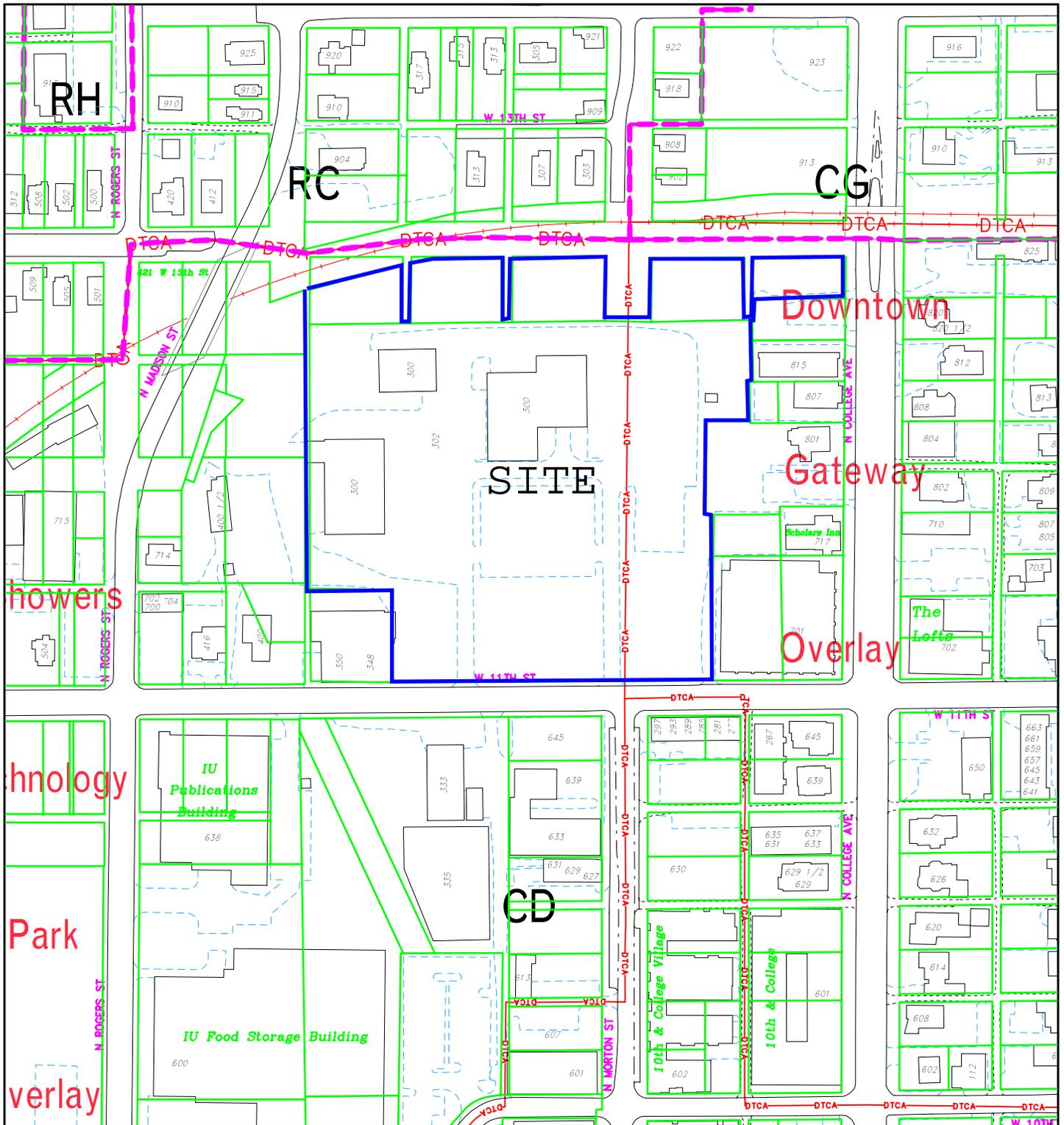
Street Lights: Decorative street lights of no more than 15 feet in height are required with this project. Final approval of the lighting plan is required from the Public Works Department prior to installation. In general, four street lights per block face are necessary.

Parking: The final plan for the Morton North Development was reviewed for parking compliance. Many of the spaces within the development were approved to be "shared" by the whole development. A parking agreement allowing cross parking rights between lots must be submitted and approved with the facilities maintenance plan prior to final plat signature.

Facility Maintenance Plan: The petitioners have submitted a facilities maintenance plan for this development. It outlines the maintenance responsibilities of the pond area and the park area. Staff recommends that the petitioners continue to work with staff to revise the plan to include cross parking easements and more details regarding the ownership and responsibilities of the common area lots.

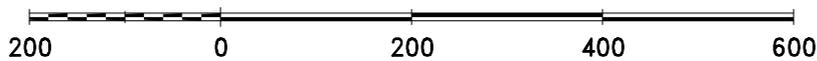
RECOMMENDATION: Staff recommends approval of the final plat with the following conditions:

1. Approved per terms and conditions of Plan Commission case# SP-28-07.
2. The required recordable commitment must be approved and recorded prior to any residential building permits being issued.
3. Street names must be approved by the City and placed on the plat prior to plat signature.
4. Detention ponds must have drainage easements placed on the plat prior to signature.
5. All street light locations and fixtures must be approved by the Public Works Department prior to any installation.
6. Final language for the Facilities Maintenance Plan must be approved by staff and be made a part of the Covenants, Commitments, and Restrictions for the subdivision. The Facilities Maintenance Plan must also address cross parking agreements between lots. The petitioner must submit the Covenants, Commitments, and Restrictions to staff prior to plat signature.
7. An easement legend must be added to the plat prior to final signature. All easements shall be as defined in the UDO.
8. The structure located across Lot 2 and Lot 3 must be removed within 90 days of the recording of this plat.



DP-3-12 Westwood Bloomington, LLC
 300 W. 11th Street
 Plat Committee

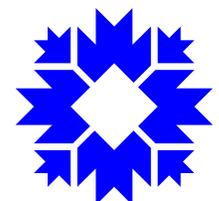
By: shapp
 3 Feb 12



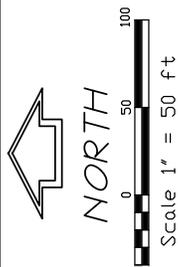
For reference only; map information NOT warranted.



City of Bloomington
 Planning



Scale: 1" = 200'



SETBACK TABLE
(CD ZONING - SPD OVERLAY)

FRONT YARD SETBACK	5' FOR BUILDING	5' FOR BUILDING
SIDE YARD SETBACK	7' FOR PARKING	7' FOR PARKING
REAR YARD SETBACK	7' FOR PARKING	7' FOR PARKING

SETBACK TABLE
(CD ZONING - DDO OVERLAY)

FRONT YARD SETBACK	5' FOR BUILDING	5' FOR BUILDING
SIDE YARD SETBACK	5' FOR BUILDING	5' FOR BUILDING
REAR YARD SETBACK	5' FOR BUILDING	5' FOR BUILDING

SETBACK TABLE
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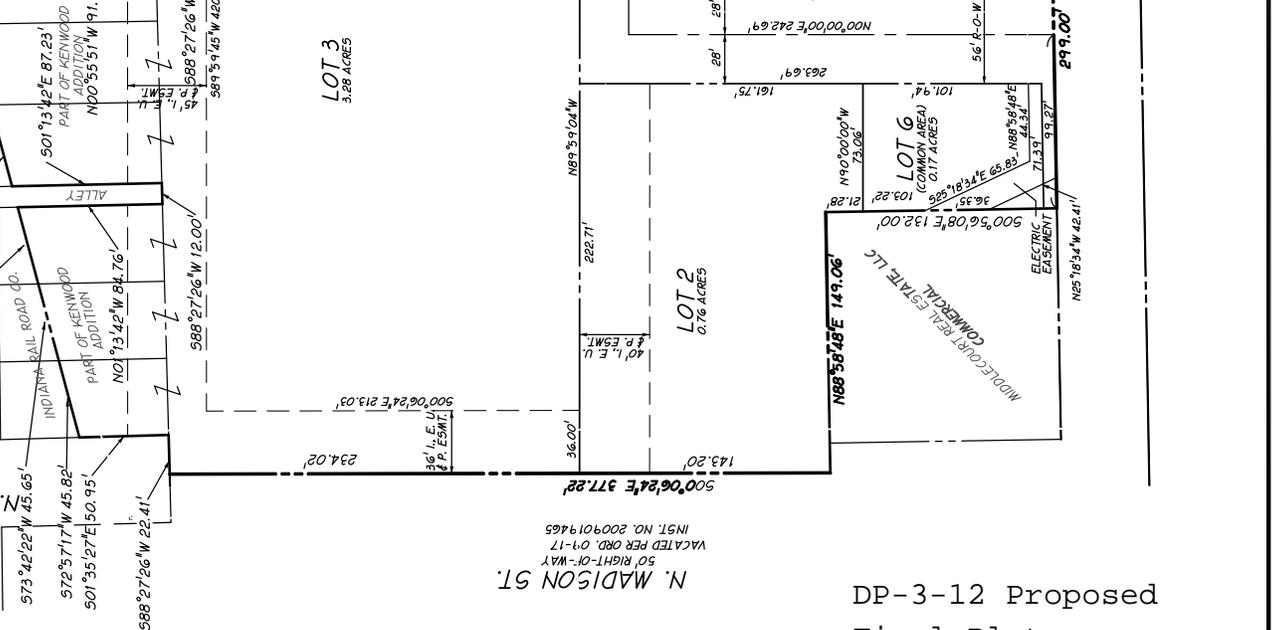
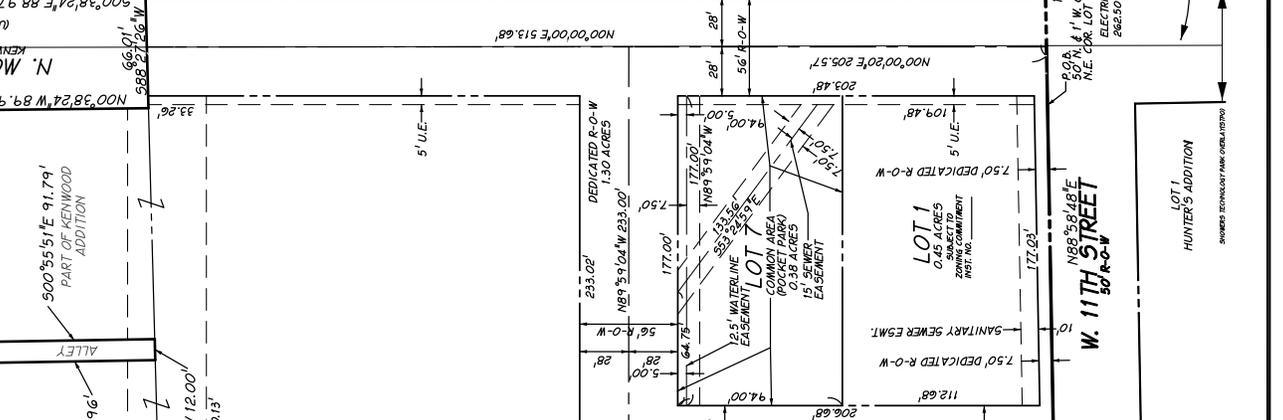
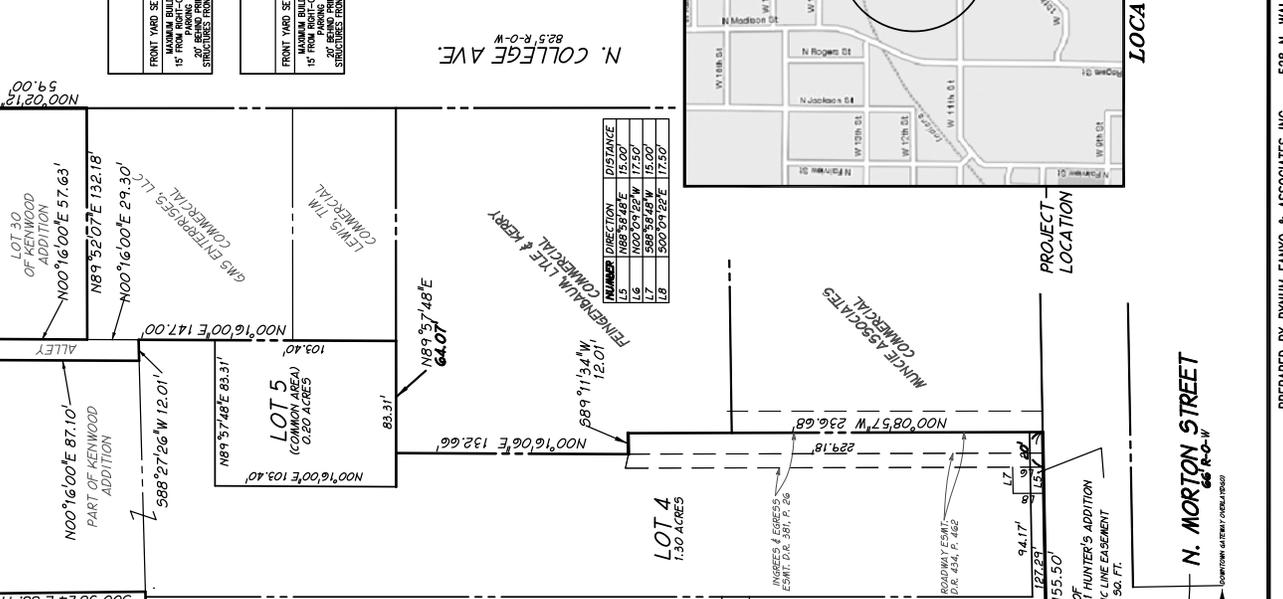
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REAR YARD SETBACK	5' FOR BUILDING	5' FOR BUILDING



DP-3-12 Proposed Final Plat

24

LEGAL DESCRIPTION

A part of the Northwest quarter of Section 33, Township 9 North, Range 1 West in the City of Bloomington, Monroe County, Indiana, a part of Lots 39, 40, 41, and 42 in Kenwood Addition to the City of Bloomington recorded January 20, 1893 in Plat Book 2, page 21 (now Plat Cabinet B, envelope 23), office of the Recorder, Monroe County, Indiana; and all of Lots 31, 32, 33, 34, 35, 36, 37, and 38 in said Kenwood Addition, and a part of vacated Madison Street recorded as Instrument no. 2009-019465, bounded and described as follows:

Beginning at a point on the north line of West Eleventh Street which is 50 feet north and 1 foot west of the northeast corner of Lot Number 1 in Hunter's Addition in the City of Bloomington; Thence on the north line of West Eleventh Street North 88 degrees 58 minutes 48 seconds East (basis of bearings being Instrument Number 2004024890) 155.50 feet; Thence leaving said street North 00 degrees 08 minutes 57 seconds West 236.68 feet; Thence South 89 degrees 11 minutes 34 seconds West 12.01 feet; Thence North 00 degrees 16 minutes 06 seconds East 132.66 feet; Thence North 89 degrees 57 minutes 48 seconds East 64.07 feet; Thence North 00 degrees 16 minutes 00 seconds East 147.00 feet; Thence South 88 degrees 27 minutes 26 seconds West 12.01 feet; Thence North 00 degrees 16 minutes 06 seconds East 87.10 feet; Thence South 89 degrees 16 minutes 24 seconds West 133.39 feet; Thence South 00 degrees 38 minutes 24 seconds East 88.97 feet; Thence South 88 degrees 27 minutes 26 seconds West 66.01 feet; Thence North 00 degrees 38 minutes 24 seconds West 89.91 feet; Thence South 89 degrees 16 minutes 24 seconds West 132.45 feet; Thence South 00 degrees 55 minutes 51 seconds East 91.79 feet; Thence South 88 degrees 27 minutes 26 seconds West 12.00 feet; Thence North 00 degrees 55 minutes 51 seconds West 91.96 feet; Thence South 89 degrees 16 minutes 24 seconds West 106.25 feet; Thence South 77 degrees 48 minutes 04 seconds West 33.74 feet; Thence South 01 degree 13 minutes 42 seconds East 87.23 feet; Thence South 88 degrees 27 minutes 26 seconds West 12.00 feet; Thence North 01 degree 13 minutes 42 seconds West 45.28 feet; Thence South 73 degrees 42 minutes 22 seconds West 45.65 feet; Thence South 72 degrees 57 minutes 17 seconds West 45.82 feet; Thence South 01 degree 35 minutes 27 seconds East 50.95 feet; Thence South 88 degrees 27 minutes 26 seconds West 22.41 feet; Thence South 00 degrees 06 minutes 24 seconds East 377.22 feet; Thence North 88 degrees 58 minutes 48 seconds East 149.06 feet; Thence South 00 degrees 56 minutes 08 seconds East 132.00 feet to the north right-of-way line of West Eleventh Street; Thence on said north line North 88 degrees 58 minutes 48 seconds East 299.00 feet to the point of beginning, containing 7.84 acres.

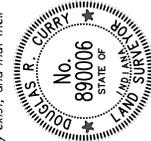
ALSO, Lot 30 in Kenwood Addition to the City of Bloomington recorded January 20, 1893 in Plat Book 2, page 21 (now Plat Cabinet B, envelope 23), office of the Recorder, Monroe County, Indiana, containing 0.18 acres.

SUBJECT to easements and rights-of-way.

CERTIFICATE OF SURVEYOR

I, Douglas R. Curry, hereby certify that I am a professional Land Surveyor licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on January 26, 2012; that all the monuments shown thereon actually exist; and that their location, size, type, and material are accurately shown.

Douglas R. Curry
Douglas R. Curry Indiana L.S. # 890006
Bynum Fanyo & Associates, Inc.
528 North Walnut Street
Bloomington, Indiana 47404
(812) 352-8030



MORTON NORTH

SOURCE OF TITLE: Instrument Numbers 2004024890 & 2008000578

OWNERS: Westwood Bloomington, LLC & Collins Lake South, LLC

ZONING: CD - COMMERCIAL DOWNTOWN

The undersigned, as owners of the real estate described on this plat, for and in consideration of the City of Bloomington, Indiana, granting to the undersigned the right to tap into and connect to the sewer system of the City of Bloomington for the purpose of providing sewer service to the described real estate, now release the right of the undersigned as owners of the platted real estate and their successors in title to renege against any pending or future annexation by the City of Bloomington, Indiana, of such platted real estate.

Westwood Bloomington, LLC, the owner of the real estate shown and described hereon, does hereby lay out, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as MORTON NORTH, an addition to the City of Bloomington. All streets and alleys shown, and not heretofore dedicated are dedicated to the public.

Front and side yard building setback lines are established as shown on the plat, between which lines and the property lines of the adjacent streets no building or other structure shall be erected or maintained.

The strips of ground that are shown on the plat and marked "easement" are owned by the owners of the lots that they respectively affect, subject to the rights of public utilities for the installation and maintenance of water and sewer mains, poles, ducts, lines, and wires. Buildings or other structures shall not be erected or maintained on these strips.

This subdivision shall be subject to the Declaration of Covenants, Conditions, and Restrictions set forth in Instrument Number _____ in the Office of the Recorder of Monroe County, Indiana.

This subdivision shall be subject to the Declaration and Code Of By-Laws Of Morton North Owners Association, Inc. as set forth in Instrument Number _____ in the Office of the Recorder of Monroe County, Indiana.

This subdivision shall be subject to the Declaration Of Incorporation Of Morton North Owners Association, Inc. as set forth in Instrument Number _____ in the Office of the Recorder of Monroe County, Indiana.

Westwood Bloomington, LLC

Signed and Sealed _____, 2012.

Signature _____

Name Printed _____

Office _____

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

Witness my hand and notarial seal this _____ day of _____, 2012.

County of Residence _____

Commission Expiration _____

Notary Public, Written _____

Notary Public, Printed _____

(President) _____

(Secretary) _____

Approved by the Board of Public Works of a meeting held February 14, 2012

(Chairperson) _____

(Member) _____

(Member) _____

Collins Lake South, LLC

Signed and Sealed _____, 2012.

Signature _____

Name Printed _____

Office _____

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the undersigned Notary Public, in and for the said county and state, personally appeared _____ and acknowledged the execution of the foregoing for the purposes therein expressed.

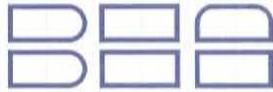
Witness my hand and notarial seal this _____ day of _____, 2012.

County of Residence _____

Commission Expiration _____

Notary Public, Written _____

Notary Public, Printed _____



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

January 10th, 2012

City of Bloomington Plat Committee
401 N. Morton Street
Bloomington, Indiana 47403

Re: Morton North Preliminary and Final Plat Approval
Plan Commission Case #SP-28-07
BFA#401150

Our client, Westwood Bloomington, LLC, respectfully request Preliminary and Final plat approval creating four lots as approved by the plan commission in 2007 as referenced above. Lot 1 contains 0.83 acres and consists of the "Technology Park Office" and a 94-foot by 177-foot pocket park referenced in the "Zoning Commitment" to be recorded with this plat. Lot 2 contains 0.93 acres of residential zoning. Lot 3 contains 3.28 acres consisting of residential apartments, townhouses and a structured parking garage. Lot 4 contains 1.50 acres and consists of Business/ Professional Office building with residential units above the first floor along with townhouse units north of this building. Right of way dedication of Morton Street extended to our north property line as well as right of ways between lots 1, 2 and 3.

Proposed construction on lots 3 and 4 is anticipated to commence March of 2012 and be completed in May of 2013. Marketing of lot 1 to a potential technical park user will commence immediately and the pocket park will be constructed with lots 3 and 4. There are no plans for lot 2 at this time.

If you have any questions regarding this plat request please feel free to contact me at any time.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.
528 N. Walnut Street
Bloomington, Indiana 47404

DP-3-12 Petitioner's
Statement

528 NORTH WALNUT STREET
812-332-8030

BLOOMINGTON, INDIANA 47404

FAX 812-339-2940

**MORTON NORTH - COMMON AREA/
POCKET PARK
FACILITY MAINTENANCE PLAN**

BFA #401150
JANUARY 30, 2012

**Prepared by:
Bynum Fanyo & Associates, Inc.
528 N. Walnut Street
Bloomington, Indiana 47404**

Pre-Construction:

Prior to commencement of construction activities a pre-construction meeting will be held with the contractor (operators & laborers), owner, engineer, architect, and City Inspectors to go over the construction plans, erosion control plan, any necessary City Planning conditions and the expectations for the project in accordance with 327 IAC 15-5-7 (9).

“(9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.”

During Construction:

Prior to commencing grading activities within the Common/Pocket Park Area (a 94 ft x 177 ft area as described in the plat for Morton North) the contractor will be required to install all erosion control practices as outlined on the erosion control plan. These practices will then be inspected and approved by the City of Bloomington before mass grading activities commence.

During construction the contractor will be required to inspect and perform necessary maintenance of all erosion control structures daily with weekly reports and upon completion of every “major” rainfall event per 327 IAC 15-5-7 (18 A-C). Please see the below information taken from the Indiana Code regarding Rule 5 maintenance and responsibilities.”

(18) A self-monitoring program that includes the following must be implemented:

(A) A trained individual shall perform a written evaluation of the project site:

(i) by the end of the next business day following each measurable storm event;
and

(ii) at a minimum of one (1) time per week.

(B) The evaluation must:

(i) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and

(ii) identify additional measures necessary to remain in compliance with all applicable statutes and rules.

(C) Written evaluation reports must include:

(i) the name of the individual performing the evaluation;

(ii) the date of the evaluation;

(iii) problems identified at the project site; and

(iv) details of corrective actions recommended and completed.

(D) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.”

The contractor shall be responsible for maintaining each erosion control device in accordance with the erosion control plan prepared by Bynum Fanyo & Associates, Inc. and the latest edition of the Indiana Handbook for Erosion Control in Developing Areas.

In order to prevent erosion of soil offsite temporary seeding will be required in areas that are left inactive for fifteen (15) days or more in accordance with 327 IAC 15-5-7 (16). Specific seeding types will be dependant on the weather. During times of the year when soil temperatures are less than 50°F a Dormant and Frost Seeding mix shall be employed as detailed in the construction plans. When soil temperatures are above 50°F a Temporary Seeding Mix shall be employed as also specified in the construction plans.

“(16) Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.”

Post-Construction:

At the completion of construction it will be the responsibility of the owner Ambling University Development Group, LLC to inspect and maintain all water quality mitigation practices. Monthly inspections of the outlet structure, under drains, earthen dams, as well as sediment levels within the forebays will be completed. If the retention pond needs to be drained a pump may be used with its discharge directed into the top of the outlet control structure (Structure No. XX on the Civil Site Plans prepared by Bynum Fanyo & Associates, Inc.). If any damages to the outlet structures, under drains, or earthen dams are discovered Ambling University Development Group, LLC will repair or replace the damage immediately. When sediment accumulates to a depth of 6” measured from the concrete floor surface of the forebays, Ambling University Development Group, LLC shall remove and properly dispose this material to restore original design capacities.

Once the site has been established all landscape maintenance will be provided by Ambling University Development Group, LLC. The use of fertilizers and pesticides will be used sparingly on the site. Landscape areas will be aerated and top dressing with compost twice per year. Naturally occurring fertilizers will be utilized in the care of this area.

All responsibilities for inspection and maintenance of water quality mitigation practices as well as any other responsibilities and obligations which shall be borne by the owner, Ambling University Development Group, LLC, shall also be borne by any successors in interest to the property.

