Passed: 7-0

ORDINANCE 92-28

TO VACATE A PUBLIC PARCEL
RE: RIGHT-OF-WAY LOCATED AT 318 N. ROGERS STREET
(KELLER HEATING AND COOLING, PETITIONER)

WHEREAS, I.C. 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition of persons who own or are interested in lots contiguous to those public ways and places; and

WHEREAS, the petitioner, Keller Heating and Cooling, has filed a petition to vacate a parcel of city owned right-of-way to the west of his property more particularly described below; and

WHEREAS, in exchange for vacating this parcel, the petitioner has agreed to dedicate a like parcel of right-of-way on the east side of his property more particularly described below; and

WHEREAS, on May 6, 1992, the Board of Public Works recommended approval of this exchange.

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

SECTION I. Through the authority of I.C. 36-7-3-12 and upon conditions set out in Section II of this ordinance, a portion of City owned property shall be vacated. The property is located at 318 N. Rogers and is more particularly described as follows:

Part of North Rogers Street in the Original Plat of the City of Bloomington, Indiana as recorded in Plat Cabinet "B", Envelope 1, Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 292 of said Original Plat; thence South 00 degrees 06 minutes 58 seconds West along the West lines of Lots 292 and 291 of said Original Plat 132.00 feet to a rebar set at the Southwest corner of said Lot 291; thence South 89 degrees 51 minutes 24 seconds West 5.12 feet; thence North 00 degrees 06 minutes 58 seconds East 132.00 feet; thence North 89 degrees 51 minutes 24 seconds East 5.12 feet to the point of beginning, containing 0.016 acres, more or less.

SECTION II. This vacation of right-of-way is contingent upon the petitioner dedicating to the City of Bloomington a parcel of right-of-way located behind 318 N. Rogers Street and more particularly described as follows:

Part of Lots 291 and 292 of the Original Plat of the City of Bloomington, Indiana as recorded in Plat Cabinet "B", Envelope 1, Office of the Recorder of Monroe County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Lot 292; thence South 00 degrees 06 minutes 58 seconds West along the East side of said lots 292 and 291 for 132.00 feet to the Southeast corner of said Lot 291; thence South 89 degrees 51 minutes 24 seconds West along the South line of said Lot 291 for 5.12 feet; thence North 00 degrees 06 minutes 58 seconds East 132.00 feet to the North line of said Lot 292; thence North 89 degrees 51 minutes 24 seconds East along said North line 5.21 feet to the point of the beginning, containing 0.016 acres, more or less.

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5th day of August, 1992.

PAM SERVICE, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6th day of August, 1992.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 12th day of August, 1992.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Keller Heating and Cooling, requests that the City vacate a portion of right-of-way at 318 N. Rogers in exchange for the dedication of a like parcel of right-of-way located on the alley just east of this address.

Signed copies to:
Planning
Petitioner
M.C. Auditor
Treasurer
Assessor
Recorder.

Mail Tax Bills To:

QUIT-CLAIM DEED

THIS INDENTURE WITNESSETH that **CHARLES F. KELLER AND SHARON K. KELLER**, husband and wife, of Monroe County, in the State of Indiana, RELEASE AND QUIT CLAIM to the **CITY OF BLOOMINGTON**, of Monroe County, in the State of Indiana, for and in consideration of One Dollar ($1.00) and other valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Monroe County, in the State of Indiana, to-wit:

> Part of Lots 291 and 292 of the Original Plat of the City of Bloomington, Indiana, as recorded in Plat Cabinet "B", Envelope 1, Office of the Recorder of Monroe County, Indiana, more particularly described as follows:
>
> Beginning at the Northeast corner of said Lot 292; thence South 00 degrees 06 minutes 58 seconds West along the East side of said Lots 292 and 291 for 132.00 feet to the Southeast corner of said Lot 291; thence South 89 degrees 51 minutes 24 seconds West along the South line of said Lot 291 for 5.12 feet; thence North 00 degrees 06 minutes 58 seconds East 132.00 feet to the North line of said Lot 292; thence North 89 degrees 51 minutes 24 seconds East along said North line 5.21 feet to the point of beginning, containing 0.016 acres, more or less.

The acreage in the legal description is shown for convenience only and should not be construed as insuring the quantity of land set forth in said description.

Subject to all taxes

Dated this 12 day of August, 1992.

Charles F. Keller
Charles F. Keller

Sharon K. Keller
Sharon K. Keller

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Charles F. Keller and Sharon K. Keller, husband and wife, and acknowledged the execution of the foregoing Quit Claim Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 12 th day of August, 1992.

Notary Public

Steven K. Emery
Printed Name

My Commission Expires:
July 28, 1995

Residing in Monroe County.

This instrument prepared by Lynn H. Coyne, Attorney at Law, Harrell, Clendening & Coyne, A Professional Corporation 205 North College Avenue, Suite 400, Bloomington, IN 47404
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