Passed: 6-3 (Cole Sturm Hopkins)

ORDINANCE 94-65
TO VACATE A PUBLIC PARCEL
Re: A Portion of the Alley Located South of 319 South Madison Street
(Monroe County Convention Center Building Corporation, 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, the Monroe County Convention Center Building Corporation, has filed a petition to vacate a parcel of City property more particularly described below;

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, a portion of City owned property shall be vacated. The property, commonly known as the eastern portion of the east/west alley between Morton and Madison streets, south of 319 S. Madison Street, is more particularly described as follows:

> Beginning at a point where the west right-of-way of Morton Street intersects the north line of an east to west alley which point is 259.60 feet south 00 degrees 03 minutes 10 seconds east of a point where the west right-of-way line of Morton Street intersects the south right-of-way line of Third Street; thence west, 138 feet; thence south, 16.50 feet; thence east, 138 feet; thence north, 16.50 feet to the point of beginning. Situated in the City of Bloomington, Monroe County, Indiana.

SECTION II. 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 2nd day of November, 1994.

Jim Sherman
JIM SHERMAN, President
Bloomington Common Council

ATTEST:
Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of November, 1994.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

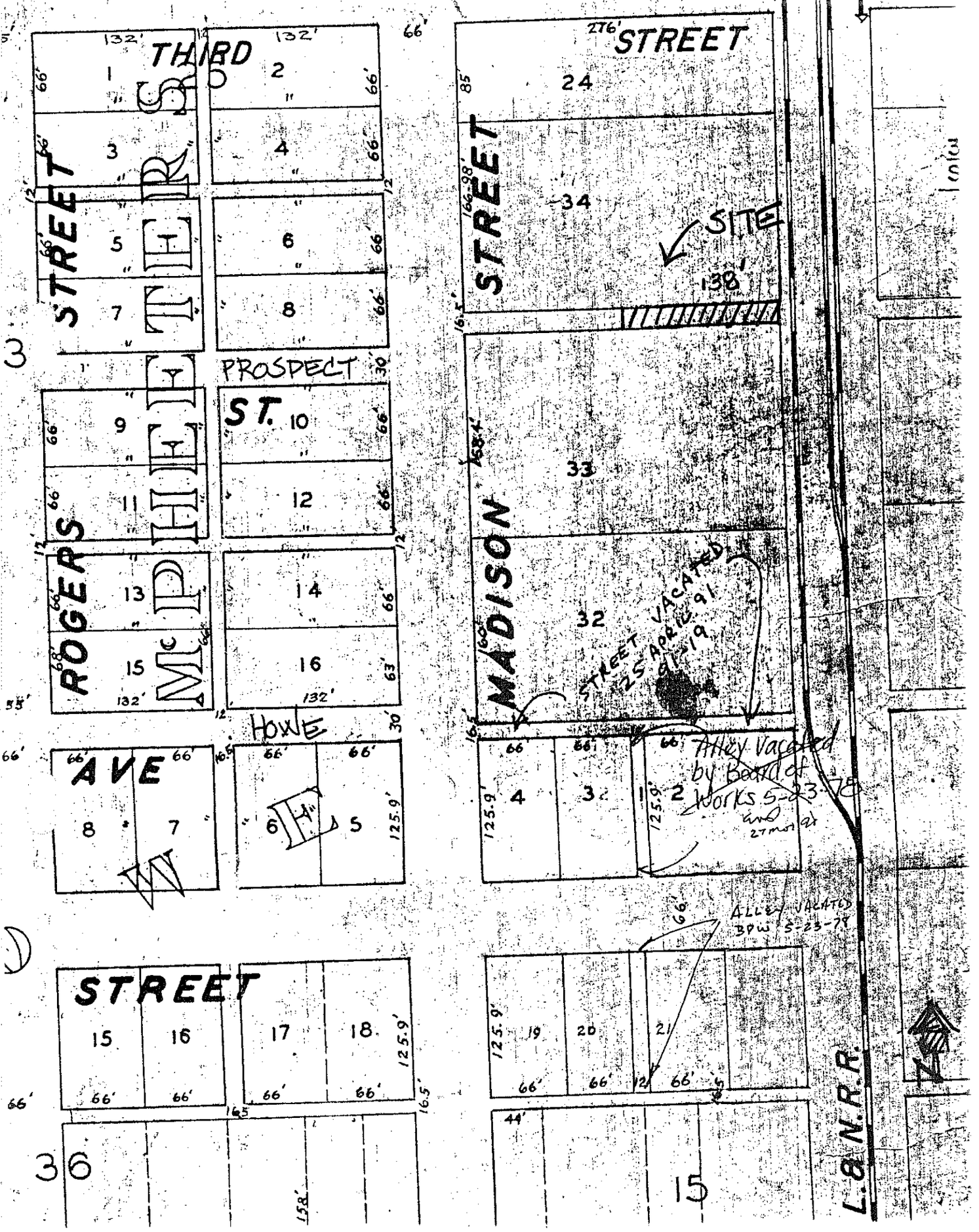
SIGNED and APPROVED by me upon this 4th day of November, 1994.

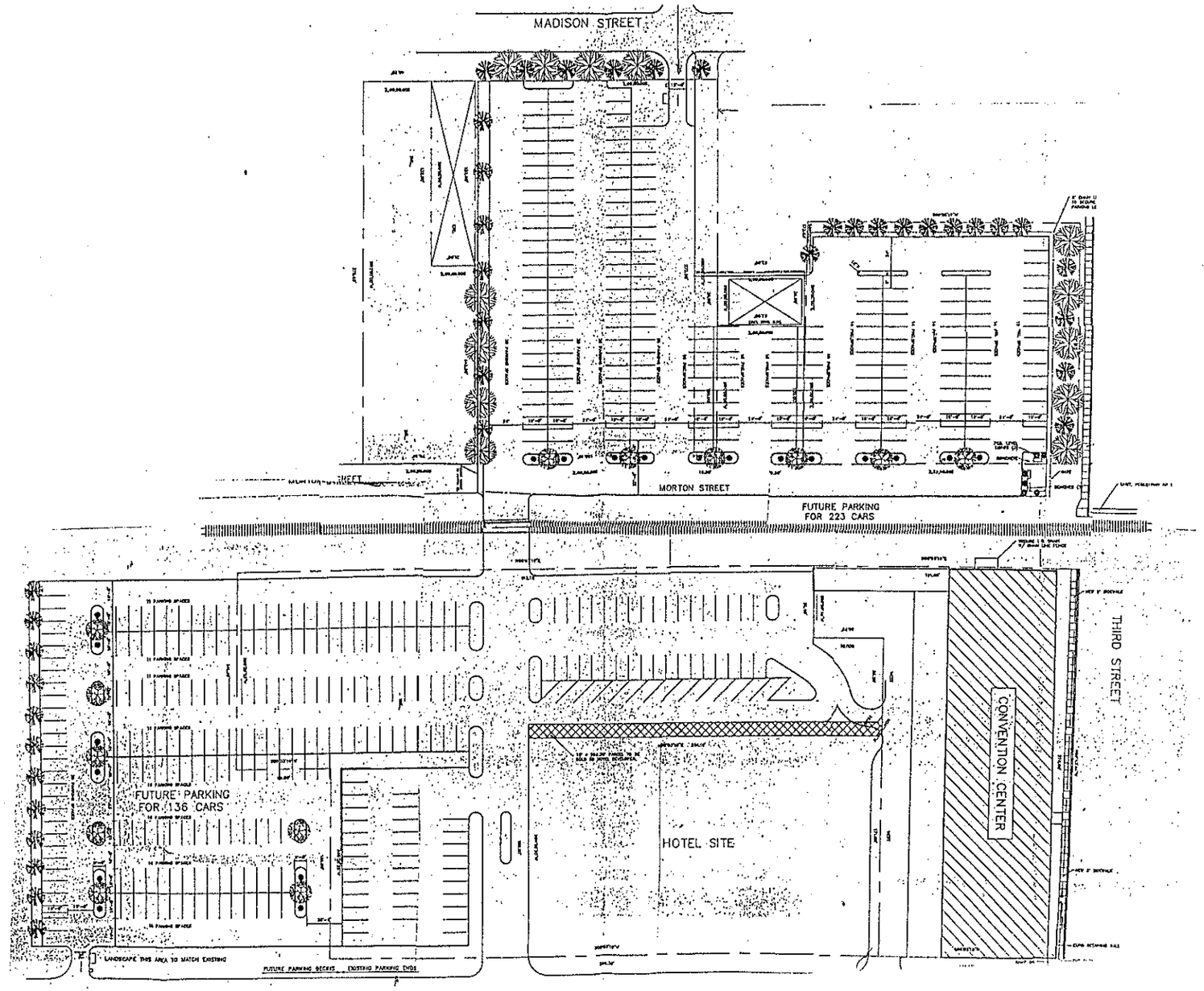
Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, the Monroe County Convention Center Building Corporation, requests vacation of the eastern half of the east/west alley between Morton and Madison streets, south of 319 S. Madison Street.

Signed copies to:
Planning
M.C. Building Corp.
CBD
Recorder
Assessor


THIRD
STREET
ROGERS
McPHEETERS
PROSPECT
ST.
HOWE
AVE
STREET
MADISON
STREET
SITE
138'
STREET VACATED 25 APRIL 91
Alley Vacated by Board of Works 5-23-78
ALLEY VACATED BPW 5-23-78
L.&N.R.R.
36
15


MADISON STREET
MORTON STREET
FUTURE PARKING
FOR 223 CARS
THIRD STREET
CONVENTION CENTER
HOTEL SITE
FUTURE PARKING
FOR 136 CARS
LANDSCAPE THIS AREA TO MATCH EXISTING
FUTURE PARKING BEGINS, EXISTING PARKING ENDS

10 October 1994

PLANNING STAFF REPORT TO THE COMMON COUNCIL

SUBJECT: Request for Public Right-of-Way (ROW) Vacation

LOCATION: Part of a 12′ alley running east and west between Morton and Madison. Legally described as follows:

Beginning at a point where the west right-of-way of Morton Street intersects the north line of an east to west alley which point is 259.60 feet south 00 degrees 03 minutes 10 seconds east of a point where the west right-of-way line of Morton Street intersects the south right-of-way line of Third Street; thence west 138 feet; thence south, 16.50 feet; thence east, 138 feet; thence north, 16.50 feet to the point of beginning. Situated in the City of Bloomington, Monroe County, Indiana.

PETITIONER: The Monroe County Convention Center Building Corporation, Commissioners of Monroe County, Commission for Bloomington Downtown

COUNSEL OR CONSULTANT: William Finch

REPORT: The petitioner requests vacation in order to construct an additional parking area for the Convention Center. The right-of-way to be vacated is located about 220 feet south of Third Street and runs east and west through the block between Morton and Madison. The petitioner requests vacation of only the east part of this alley. The west part runs along the south side of High Speed Tire facilities and will remain as an improved public right-of-way.

The parking lot will have its primary entrance from Morton and a secondary access from Madison. Several modifications of the original plan have been made at the request of adjacent neighbors. The secondary access will be closed except during special events. The intersection of this entrance has been aligned with the existing Prospect Street right-of-way. The new parking area is to be used for overflow traffic and will be gated during ordinary schedules. A small park has been incorporated in the plans at the northwest corner of the convention center building. Landscape buffers along Madison will be increased to present an effective screen to the neighborhood.

Morton Street extends north from Second Street to a dead end at the railroad overpass on Third. The alley cited extends west from Morton north of a vacant area and south of High Speed Retread. The business will remain. The south side of the proposed parking lot will border two rehabilitated homes and Madison Park condominiums.

CRITERIA: The criteria utilized to review a public ROW vacation request are as follows:

CURRENT STATUS - ACCESS TO PROPERTY
The alley currently serves a single business which has frontage on Madison Street just south of Third. All other structures adjacent to the alley have been demolished and the area has been cleared of trees. Staff finds adequate access to the remaining business site through the open portion of the alley and its frontage on Madison.

The following utility and service organizations were contacted for their comments regarding this vacation request:

Bloomington Fire Dept., has expressed no concerns or interests in the proposed vacation.

Bloomington Police Dept., finds no impact on the provision of police service to the area.

Bloomington Public Works Dept., supports the vacation and has granted an encroachment on Morton Street in order to allow construction of the parking area for the convention center.

Bloomington Utilities Dept., has no water or sewer mains that are the responsibility of the City Of Bloomington in this right-of-way.

Indiana Gas Co., Inc., has no interests in the proposed vacation.

Ameritech, has lines in the proposed vacation area. They do not object as long as they are provided with an easement or they are reimbursed for relocation of the facilities.

PSI Energy, has lines on both the west side of Morton and the proposed alley vacation site. They wish to limit the height of the trees proposed for the project, which appear to be planted under the existing lines on the site plan submitted. They also cite the possible obstruction of the power lines by any pedestrian overpass which might be constructed over the railroad tracks. With the resolution of these issues, they support the vacation.

TCI of Indiana, Inc. has no interests in the proposed vacation.

NECESSITY FOR GROWTH OF THE CITY

Future Status:
The expansion of the Convention Center's parking area will allow for the future construction of a downtown hotel and convention center complex. The hotel will consume part of the existing parking area for the Convention Center as well as several lots south within the College Avenue block face. The hotel proposal is scheduled to be heard by the Board of Zoning Appeals on October 20th. This is a joint City-County project which will

assist in the revitalization of the area just south of Downtown.

Proposed Private Ownership Utilization:
The right-of-way will be redeveloped as part of a formal paved and landscaped parking area associated with the Convention Center/ Hotel complex. The petitioner is negotiating with the two utilities which have declared interests in order to develop a plan to either relocate or bury the lines.

Compliance with Regulations: Hotel construction will require variance and this has been discussed with the developer. An agreement has been reached with several utilities and the Board of Public Works to permit an encroachment onto the Morton Street right-of-way for this project. Additional variance for parking setback is required adjacent to the west side of the Morton Street right-of-way. This request will be heard by the Board of Zoning Appeals in October.

DISCUSSION: There are no plans to upgrade the use of Morton which exists as a dead end street at this location. Service to the existing High Speed Tire facility can be provided by the remaining usable portion of the alley and Madison Street. The higher priority is to allow implementation of a long anticipated plan to provide hotel space close to the convention center and within walking distance of the Downtown businesses. This will increase and intensify use of the central business district as required by the Master Plan. Also in compliance with the plan is the need for organized site-specific planning. The variance and vacations required by this plan are necessary to bring about the desired proximity of hotel room provisions and the Convention Center which attracts regional use.

RECOMMENDATION: Staff recommends approval of this petition with verification that agreement has been reached with Ameritech and PSI.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1st READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Municipal Building
Bloomington, IN. 47402
(812) 331-6409, ext. 12, 13

Address of Property Part of the East/West Alley south of 319 S. Madison St. bounded by Madison St. on the east & the east property line of 319 S. Madison on the west.

Applicant's Name Monroe County Convention Center Building Corporation

Address 403 E. 6th St. Bloomington Phone (812) 332-5757

Counsel or Consultant William Finch

Address 403 E. 6th St. Bloomington Phone (812) 332-5757

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: William J. Finch

Suggested format of letter to adjacent property owners and specified utilities and City agencies.

BLOOMINGTON COMMON COUNCIL

Notice of Public Hearing

Date: October 14, 1994

The Bloomington Common Council will hold public hearings at 7:30 p.m. on Wednesday, October 26, 1994 and November 2, 1994 199 4 , in the Council Chambers of the Bloomington Municipal Building at 220 East Third Street concerning the petition of Monroe County Convention Center Building Corp. for the purpose of considering a public right-of-way vacation request for a(n) Part of the East/West alley south of 319 S. Madison St. bounded by Madison St. on the east & the east property line of 319 S. Madison St. on the west.
for the right-of-way located at adjacent to 319 S. Madison St., Bloomington, Indiana.

and to which you are an adjacent property owner.

Under provisions of Indiana law, you may appear and speak on the merits of this proposal at the public hearings at the times and dates as set out herein. If you have any questions concerning this matter, you may telephone the City Council Office at 331-6409, ext. 13 or 14.

Bloomington Common Council

William T. Finch
Petitioner/Attorney for Petitioner

403 E. 6th St., Bloomington, IN 47408
Address

812-332-5757
Phone

Legal Description for Vacation of a Portion of an Alley

Beginning at a point where the west right-of-way of Morton Street intersects the north line of an east to west alley which point is 259.60 feet south 00 degrees 03 minutes 10 seconds east of a point where the west right-of-way line of Morton Street intersects the south right-of-way line of Third Street; thence west, 138 feet; thence south, 16.50 feet; thence east, 138 feet; thence north, 16.50 feet to the point of beginning. Situated in the City of Bloomington, Monroe County, Indiana.

mcccbc\alleydes.lgl

ADJACENT PROPERTY OWNERS TO PART
OF AN EAST/WEST ALLEY BETWEEN MORTON AND MADISON STREETS

PERRY CITY

DECKARD, LEONARD C. & OPAL 015-14110-00
319 South Madison Street PLAT 1 SEMINARY PT LOT 34
Bloomington, Indiana 47408 from Burch 3-13-64

ordinance
maps etc
mailed 10-21-94

DECKARD, LEONARD C. & OPAL A. 015-09700-00
120 N. Glenwood East PLAT 12 SEMINARY PT LOT 34
Bloomington, Indiana 47408 from Carter 11-1-90

ARCHITECTS • ENGINEERS • SURVEYORS
Registered in Indiana, Illinois, Kentucky, Tennessee & Pennsylvania

317 Main Street • P.O. Box 722
Vincennes, Indiana 47591 • Telephone 812/882-6555
FAX 812/882-6558

GEORGE S. RIDGWAY, R.I.A./L.S.
President
ANDREW P. MYSZAK, A.I.A.
Vice-President

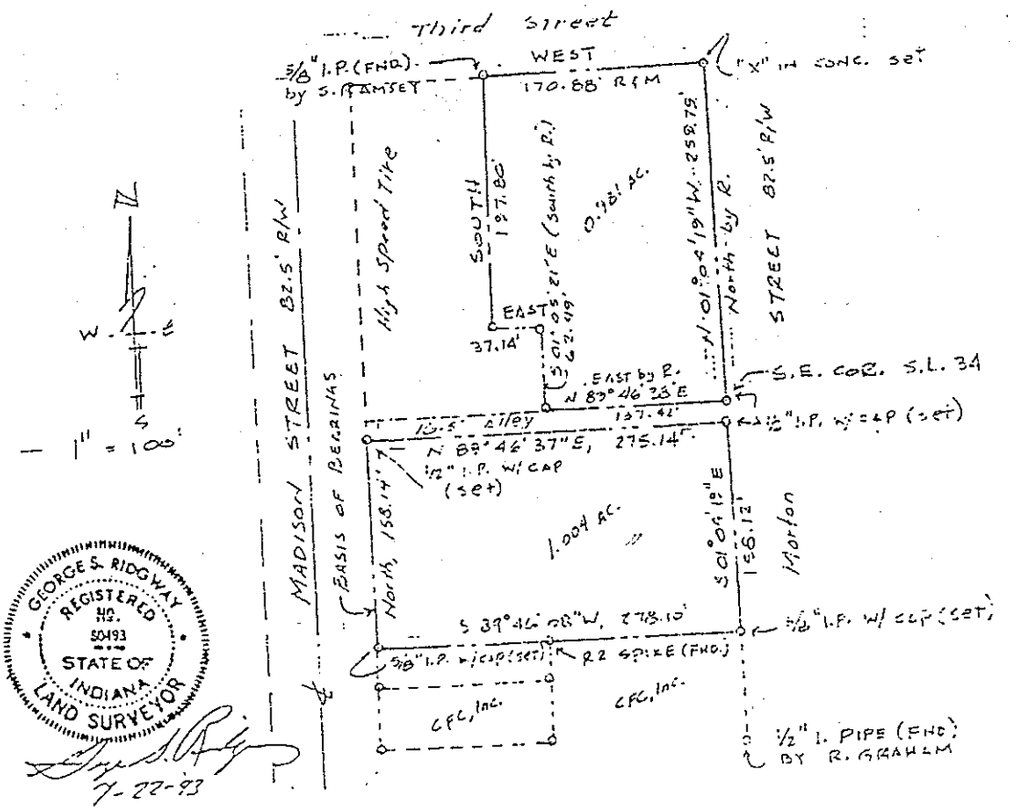
CERTIFICATE OF SURVEY

This is to certify that I, George S. Ridgway, a Registered Land Surveyor, licensed in accordance with the Laws of the State of Indiana, did on July 22, 1993 perform a boundary and plat survey of the following described real estate at the request of CFC, Inc.

LEGAL DESCRIPTION

Part of Seminary Lot 34 in the City of Bloomington, Monroe County, Indiana bounded and described as follows: Beginning at an iron pin at the Southeast corner of said Seminary Lot 34; thence North (by deed) North 01 degrees 04 minutes 19 seconds West, by survey, 259.79 feet to a chiseled "X" in concrete; thence West (by deed and survey), 170.88 feet to a 5/8 inch iron pin; thence South (by deed and survey), 197.80 feet; thence East (by deed and survey), 37.14 feet; thence South (by deed) South 01 degrees 05 minutes 21 seconds East (by survey), 62.49 feet; thence East (by deed) North 89 degrees 46 minutes 38 seconds East (by survey), 137.42 feet to the point of beginning and containing 42,715.68 square feet or 0.981 acres, more or less.

Also Part of Seminary Lot 33 in the City of Bloomington, Monroe County, Indiana bounded and described as follows: Beginning at an iron pin which point is 16.50 feet South of the Southeast corner of Seminary Lot 34; thence South (by deed) South 01 degrees 04 minutes 19 seconds East (by survey), 158.12 feet to an iron pin; thence West (by deed) South 89 degrees 46 minutes 08 seconds West (by survey), 278.10 feet to an iron pin; thence North (by deed and survey), 158.14 feet to an iron pin; thence East (by deed) North 89 degrees 46 minutes 37 seconds East (by survey), 275.14 feet to the point of beginning and containing 43,738.81 square feet or 1.004 acres, more or less.



BOUNDARY and PLAT SURVEY of Seminary Lot 34, Bloomington, In.

For: CFC, INC. (Owner: City of Bloomington) : Scale: 1" = 100'

LEGAL DESCRIPTION FOR VACATION OF A PORTION OF AN ALLEY

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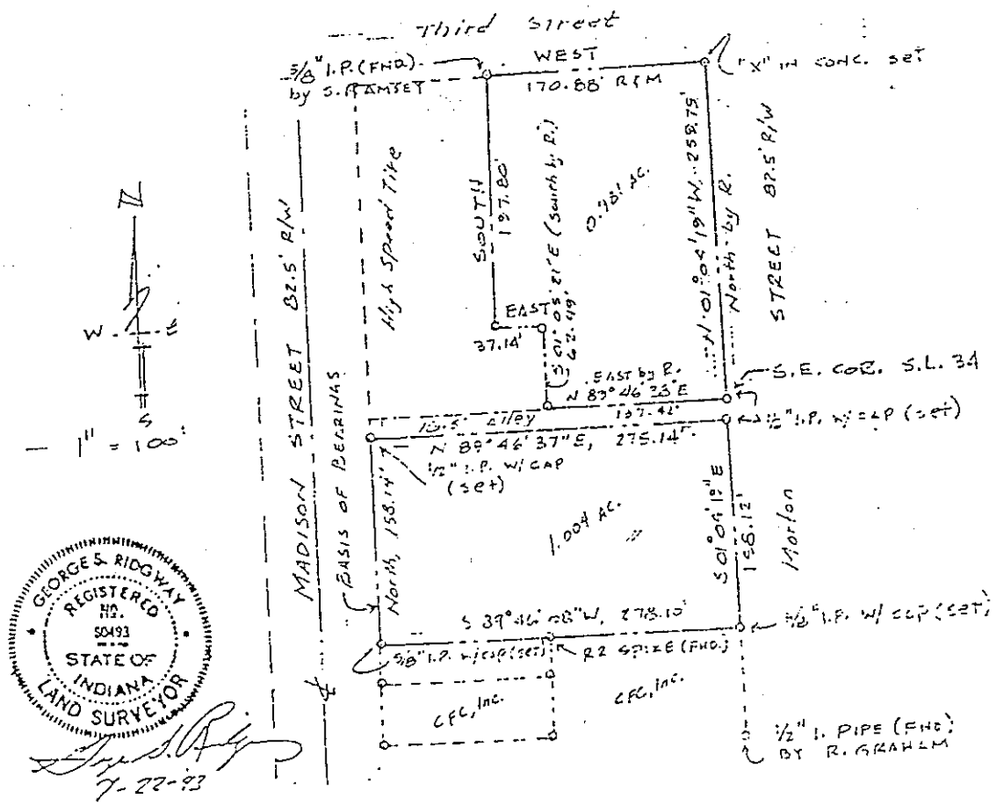

GEORGE S. RIDGWAY
REGISTERED
NO.
S0493
STATE OF
INDIANA
LAND SURVEYOR

7-22-93

BOUNDARY and PLAT SURVEY of Seminary Lot 34, Bloomington, In.

For: CFC, INC. (Owner: City of Bloomington) Scale: 1" = 100'

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