2/13 Committee 8-0
2/20 TABLED until:
3/6

ORDINANCE 91-11

TO VACATE A PUBLIC PARCEL
RE: PORTION OF W. 9TH STREET WEST OF SPRING STREET AND OAK STREET BETWEEN W. 8TH AND W. 9TH STREETS
(TIM J. HENKE, 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, Tim J. Henke, 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 is more particularly described as follows:

> All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and, N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.

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 6th day of March, 1991.

JOHN FERNANDEZ, 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 7th day of March, 1991.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of March, 1991.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Tim J. Henke, requests vacation of portion of W. 9th Street west of Spring Street and Oak Street between W. 8th and W. 9th Streets.

Signed copies to
Petitioner
Certified to M.C. Recorder
Auditor
Assessor

ATTACH 7C 9-1-11

the input we as residents will have is unclear. However, she felt that this four lane 'improvement' of 5th St. would not just separate, but physically and psychologically divorce the north and south sides of Fairview School district. Ten homes, several businesses and all of the trees along 5th street would have to be sacrificed. This highway would severely restrict local pedestrian traffic and present a formidable barrier to the easy access which we now enjoy to our residential district's facilities, services and resources. 5th street needs improvement but better East/West traffic flow might be achieved by developing Tapp road and 14th St. Funnelling even more traffic through the downtown area should be strongly discouraged. A Traffic Committee was formed to consider all West Side traffic related matters - **Wayne Young**, Chair.
A Nominating Committee was also created to prepare nominations for Association elections in April, **Mike Kelsey**, Chair.

830 W. 6th St., Garage Conversion - S. Clothier
Rental Rehab developer **Bill Woods** inadvertently obtained redevelopment funds and a building permit for a garage conversion on the premise that this garage had already been used as a living unit. After having begun 'remodeling' the apt./garage, the City realized its zoning mistake and placed a stop work order on the project. Mr. Woods is presently circulating a petition to allow him to continue work. The Association voted to discourage higher residential density. After hearing the testimonials of some of the longstanding residents who unequivocally denounced Mr. Woods' assertion that historically the garage had been used as an apartment, the Association voted to oppose conversion. Subsequently, Mr. Woods attended the February Special Meeting of the NWSNA and was invited to argue his case. The original vote was reaffirmed and stands. A letter has been drafted and mailed to those concerned. **Sandra Clothier** has volunteered to represent the Association's view at the second Board of Zoning Appeals meeting on this issue scheduled for the middle of March.

The City Master Plan - Bill Land
A goal of the Master Plan process is to strengthen neighborhood identity and promote a coalition of neighborhoods which will encourage Bloomington residents to holistically evaluate any and all proposed changes to City infrastructure. There can be no change without trade-offs. Good things have their down side. Historically it is our neighborhood which shoulders the downside of Bloomington's urban development pressure. Mr. Land assured us however, that over the next 20 years capital dollars will be directed away from fostering urban sprawl and attention will be focused on enhancing the center of town. Identifying a list of NWS neighborhood priorities and keeping the lines of communication with the City open will help to ensure that these funds are spent appropriately on things we need and want i.e. better drainage, sewer systems, parks, lighting, traffic flow and safety. He interpreted a color-coded Master Plan Map and candidly fielded our questions. Copies of the 120 page Master Plan are on sale ($7) at **Kinko's**.

Special Meeting - City Right-of-Way Vacation. February 26th, 7 p.m. Westside Community Center. Approximately 20 residents present.
Leslie and Tim Hinke recently bought two adjoining parcels of land adjacent to the railroad tracks and near Girl's Inc. The Hinke's want the option of building two single family residential homes, one in which they would live and another which they could rent out. The second parcel, however, is not large enough to build on without a vacation of City right-of-way. Such a vacation would add 10, 780 sq ft. **(free!)** to their present 16,988 sq.ft. of property and raise its value dramatically. The Association has already identified the brush and tree growth along the convergence of these three railroad lines as a rare inner-city **Wildlife Corridor** and is concerned about green space encroachment, but we are also sympathetic to the lack of affordable housing. A compromise was struck.
*The Association voted to support right-of-way vacation contingent upon:

1)the Hinke's donating a portion of land ~~nearest the railroad tracks~~ (Lot 70, Fairview Addition) to **Sycamore Land Trust** as a nature ~~conservancy~~ preserve;
2) attaching a covenant (which would run with the land and be enforceable by neighbors) to his deeds on the three lots restricting development to only two SFR homes with the western-most home being no bigger than 1400 sq. ft.
3)Construction on this land would be in accordance with all zoning or land use restrictions without waivers or variances.

We look forward to Leslie and Tim Henke living in the neighborhood.

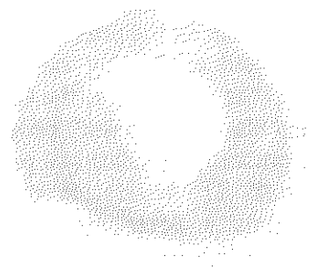
For Your Information -
The Near West Side Neighborhood Association is a voluntary organization dedicated to:

- •Fostering better communication between area residents
- •Protecting our Single Family Residential zoning status
- •Taking a prepared approach to local representation
- •Encouraging neighborhood pride

Persons interested in becoming active in the Association and/or in receiving NWSNA notices should contact a participating neighbor, or attend our next meeting.
Newsletters are distributed free to neighbors.
Donations are gratefully accepted.
Area distribution coordinator Kay Thorbeck aided by: Sandra Clothier, Wayne Young, Claire Riggins, Cheryl Brown, Monica Overman, Karen Cherrington, Bill Baus

Patricia Cole, President (339-7219)

Newsletter # 5 - prepared by Michael Comer 3/5/94



IDS FINANCIAL SERVIC
W. 9TH ST. NOT

THE HERALD-TIMES
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
)ss
County of Monroe.....)

Leah Leahy or Sue May being duly sworn on oath, says that she is billing clerk of The Herald-Times, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1991:
02/10

Sue May

Subscribed and sworn to before me on 02/10 /91.

John D. Hodge

Notary Public or Clerk

JOHN D. HODGE
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY
MY COMMISSION EXP JAN.10,1992

My commission expires

NOTICE OF PUBLIC HEARING

The Common Council of the City of Bloomington has been petitioned to hear a request for the approval of vacation of public right of way for the property located at W. 9th Street and more particularly described as follows:

All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and, N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.

Public Hearing will be held on Wednesday, Feb. 20, 1991 at 7:30 P.M. in the Council Chambers of the Municipal Building for the purpose of exchanging information and questioning the petitoner. All persons interested in said proposed vacation may be heard at the time and place as herein set out.

Submitted By:
Patricia Williams, Clerk
City of Bloomington 10

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