Committee 3-2-2

ORDINANCE 91-19

TO VACATE A PUBLIC PARCEL
RE: PORTION OF WEST SMITH AVENUE RUNNING BETWEEN MADISON AND MORTON STREETS
(CFC, INC., 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, CFC, Inc., has filed a petition to vacate a parcel of City property more particularly described below; and

WHEREAS, in exchange for this vacation, the petitioner has agreed to dedicate a comparable right-of-way to the city more particularly described as follows:

Legal Description
(4 foot wedge area on the north side of Smith Avenue as it exists)

Part of Seminary Lot Thirty-Two (32) in the City of Bloomington, Monroe County, Indiana, bounded and described as follows:
Beginning at a point on the north right-of-way line of Smith Avenue which point is 86.83 feet North 89 degrees 43 minutes 31 seconds East of and 16.50 feet North of the Northwest corner of Lot 4 in Howe's Addition to the City of Bloomington; thence North 78 degrees 24 minutes 56 seconds East, 20.39 feet; thence North 89 degrees 43 minutes 31 seconds East, 108.00 feet; thence South 78 degrees 57 minutes 53 seconds East, 20.39 feet; thence South 89 degrees 43 minutes 31 seconds West, 148.00 feet to the point of beginning, and containing 512 square feet more or less.

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 an approximately 4 foot by 148 foot strip of ground more particularly described as follows:

Legal Description
(4 foot strip located within Smith Avenue as it exists)

Part of Smith Avenue right-of-way located between Lots 1,2,3 and 4 of Howe's Addition and Seminary Lot 32 in the City of Bloomington, Monroe County, Indiana bounded and described as follows: Beginning at a point which is 86.83 feet North 89 degrees 43 minutes 31 seconds East of the Northwest corner of Lot 4 in said Howe's Addition; thence North 78 degrees 25 minutes 34 seconds East, 20.41 feet; thence North 89 degrees 43 minutes 31 seconds East, 108.00 feet; thence South 68 degrees 03 minutes 10 seconds East, 8.01 feet; thence South 89 degrees 43 minutes 31 seconds West, 135.43 feet to the point of beginning and containing 430 square feet more or less.

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 17TH day of APRIL, 1991.

JOHN FERNANDEZ, President
Bloomington Common Council

ATTEST:

JIM McNAMARA ~~PATRICIA WILLIAMS~~, Clerk (DEPUTY)
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16TH day of APRIL, 1991.

JIM McNAMARA ~~PATRICIA WILLIAMS~~, Clerk (DEPUTY)
City of Bloomington

SIGNED and APPROVED by me upon this 16TH day of APRIL, 1991.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, CFC, Inc., requests vacation of a portion of West Smith Avenue that lies between Madison and Morton Streets and, in return for that vacation, agrees to dedicate a comparable portion of land just north of that avenue.

SIGNED COPIES: PLANNING, PETITIONER
RECORDER
AUDITOR
ASSESSOR

FERGUSON, THEODORE
W. SMITH AVE

HERALD-TIMES
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

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

Sue May being duly sworn on oath, says that she is billing clerk of 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:

03/24/91

Sue May

Subscribed and sworn to before me on 07/18/91 .

Carol A. Wallace

Notary Public or Clerk

My commission expires 8/30/91

CAROL A. WALLACE
NOTARY PUBLIC STATE OF INDIANA
OWEN COUNTY
MY COMMISSION EXP. AUG 30,1991

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 West Smith Avenue and more particularly described as follows:

That lies between Madison and Morton Street.

This is a portion of a platted section of W. Smith Avenue located between Morton & Madison Streets. Smith Ave. is 16½ ft. wide for a length of 276 ft. in this block, and it dead ends into Morton St. @ the CSX R.R. Tracks.

Public Hearing will be held on April 3, 1991 at 7:30 P.M. in the Council Chambers of the Municipal Building for the purpose of exchanging information and questioning the petitioner. 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 24

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