ORDINANCE 87-25

TO AMEND ORDINANCE 79-74 TO AUTHORIZE
EXPENDITURES FROM THE NON-REVERTING IMPROVEMENT FUND

WHEREAS, the Bloomington Common Council adopted Ordinance 79-74, "To Create a Special Non-Reverting Improvement Fund"; and

WHEREAS, Ordinance 79-74 provides that all monies received by the City pursuant to the Agreement in Lieu of Annexation (hereinafter "the Agreement") as approved and ratified by Ordinance 79-73, shall be placed in the special non-reverting fund; and

WHEREAS, the Agreement provides that monies received by the City may be used for any legal public purpose; and

WHEREAS, Ordinance 79-74 provides that the monies in said fund shall be used to provide services directly or indirectly necessary for annexation of General Electric Company, Otis Elevator Company, Westinghouse Electric Corporation, Wetterau, Inc., and Cook, Inc. The Ordinance further provides that monies in said fund may be used for the provision of fire protection service, sewer service, water service, storm sewer service, streets, curbs, and gutters sufficient to allow annexation of areas in such a manner as to make the property of the above-mentioned companies sufficiently adjacent and contiguous to the City of Bloomington for annexation; and

WHEREAS, the industrial character of the area has increased and expanded since 1979, necessitating public improvements to enhance the economic vitality of the area; and

WHEREAS, the City is desirous of expending monies toward public improvements and installations in the vicinity of General Electric Company, Otis Elevator Company, Westinghouse Electric Corporation, Wetterau Foods, Inc., and Cook, Inc.

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

SECTION 1. Section 1, lines 1-10, of Ordinance 79-74 shall be amended to read as follows:

> There is hereby created a Special Non-Reverting Improvement Fund. One purpose of this fund shall be to provide services directly or indirectly necessary for annexation of General Electric Company, Otis Elevator Company, Westinghouse Electric Corporation, Wetterau, Inc., Cook, Inc., and other industries in the vicinity of the aforementioned industries. The monies in said fund may be used for the provision of fire protection service, sewer service, water service, storm sewer service, road and traffic improvements, including but not limited to right-of-way procurement, traffic signalization and the construction or reconstruction of streets, curbs, and gutters in order to serve the existing industries and encourage development in the vicinity of the industries, thereby strengthening the City's position for future annexation.

SECTION 2. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3 day of June, 1987.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4 day of June, 1987.

PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 4 day of June, 1987.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance amends Ordinance 79-74 to permit funds received pursuant to the Agreement In Lieu of Annexation to be used for road and traffic improvements in the vicinity of the industries which are parties to the Agreement, in order to enhance the economic development climate of the area and facilitate future annexation.

Signed copies to:
Controller
M.C. Commissioners

INTERLOCAL COOPERATION AGREEMENT
FOR ROAD IMPROVEMENT
BETWEEN
MONROE COUNTY, THE CITY OF BLOOMINGTON,
AND DEVELOPERS

This agreement is made and entered into on 6/23 , 1987, by and between Monroe County, hereinafter referred to as "County", the City of Bloomington, hereinafter referred to as "City", and Charles Dunn and James Ferguson, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, the Developer has proposed to construct an industrial park in the area bounded by Vernal Pike on the south, and Curry Pike on the west; and

WHEREAS, the City has planning and zoning jurisdiction over land use in this area; and

WHEREAS, the County has jurisdiction over Vernal Pike and Curry Pike; and

WHEREAS, there exists a segment of Vernal Pike located east of the proposed industrial park that is potentially hazardous for traffic due to limited sight distance; and

WHEREAS, all parties have a joint and continuing interest and need for Vernal Pike between Curry Pike and State Road 37; and

WHEREAS, the City and the County have authority to enter into interlocal cooperation agreements pursuant to Ind. Code §36-1-7-1 et seq., for the improvement of this road, and the Developer has expressed interest in assisting in the improvement of this road;

NOW, THEREFORE, in consideration of the mutual benefit of the project to the safety of the community, the County, the City, and the Developer agree as follows:

A. The Developer agrees:

1. To pay 100 percent of the cost of pavement removal and lowering the grade of Vernal Pike within an area specified by the Local Public Agencies to an elevation that is acceptable to the Public Agencies.

2. To negotiate and acquire any and all additional Rights-of-Way that are necessary for the construction mentioned above.

3. To prepare legal descriptions of the additional Rights-of-Way needed from private land owners to reconstruct the road in the name of the County.

B. The City agrees:

1. To pay 100 percent of the cost of materials, namely, bituminous prime, base, and surface; #53 stone; and drainage pipes necessary for the reconstruction of a 700' section of Vernal Pike at Logan Street, and widening of a 700' section of Vernal Pike in the vicinity of the entrances to Peck, Inc. Provided, however, said materials shall not exceed thirty thousand dollars ($30,000).

2. Claims for materials shall be submitted by the supplier to the City Controller on a monthly basis for payment.

C. The County agrees:

1. To provide any and all labor and equipment necessary for the reconstruction of these sections of Vernal Pike.

2. To assume full maintenance upon completion.

D. The City and County mutually agree:

1. To relocate all utilities as needed.

2. To jointly prepare a set of construction drawings and specifications, approved by the City and County Engineers.

3. To provide competent and adequate engineering and inspection services to insure the performance of the work in accordance with the construction plans and specifications.

E. It is mutually agreed:

1. Nothing herein contained shall be construed to obligate the City or the County to expend funds until appropriation and allocation are authorized for the work.

2. This agreement shall be in full force and effect upon execution by all parties, with completion of all work on or before September 30, 1988.

In Witness Whereof, the parties hereto have executed this Agreement.

DEVELOPERS

Charles Dunn

James Ferguson

MONROE COUNTY
Monroe County Commissioners

Charlotte Zietlow

Robert Doty

Phillip Rogers

Norm Anderson, President
County Council

CITY OF BLOOMINGTON

Timothy Mayer, President
Common Council

Tomilea Allison
Mayor

Board of Public Works

Frank Hrisomalos

Tobiatha Eagleson

Martha Sims