

ORDINANCE 86-46

To Vacate a Public Parcel
Re: 400 E. SIXTH STREET (Trustees of Indiana University)

WHEREAS, IC 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, Trustees of Indiana University, has filed a petition to vacate a parcel of City property at 400 E. 6th Street, and

WHEREAS, IC 36-7-3-12 requires the Plan Commission to make a recommendation on the proposed vacation and to forward it to the Common Council; and

WHEREAS, the Plan Commission has considered this petition and made a favorable recommendation on its adoption;

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 IC 36-7-3-12, a portion of City-owned property at 400 E. 6th Street shall be vacated. The property is more particularly described as follows:

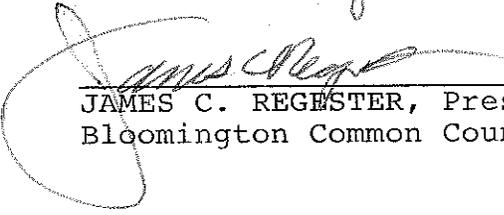
A portion of the air rights over the east-west alley between In-Lots 246 and 243; the air rights to be vacated are 10 feet in width, centered on a north south line lying 203.50 feet west of the east lot line of In-lot 356 (west right-of-way line of South Dunn Street), and between elevations of 28.00 feet and 54.00 feet above the surface of the alley which is at an elevation of 751.88 feet above mean sea level, U.S.G.S. datum.

This vacation shall be for the express purpose of constructing an aerial walkway between the proposed Parking Garage and the Poplars Building. All rights vacated by the City and granted to the Trustees of Indiana University shall revert to the City of Bloomington if said aerial walkway or Parking Garage is not built within five (5) years of this date or should the Parking Garage or aerial walkway be abandoned, destroyed, or removed and not rebuilt within two (2) years. The air rights shall also revert to the City if the Parking Garage is modified and used for purposes other than a parking garage unless the Trustees of Indiana University can show a continued need for the aerial walkway for the new use.

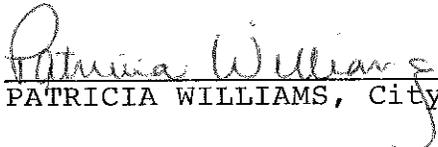
This vacation includes sufficient area to accommodate an aerial walkway for either a four or five story parking garage. The Trustees of Indiana University will release and reconvey to the City of Bloomington any portion of the air rights vacated that are not required for the aerial walkway as constructed.

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 by the Mayor.

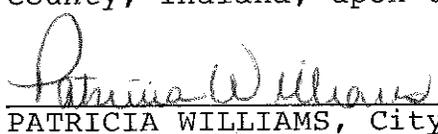
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of August, 1986.


JAMES C. REGISTER, President
Bloomington Common Council

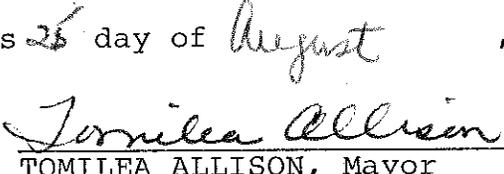
ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21 day of August, 1986.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 25 day of August, 1986.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioners (Trustees of Indiana University) request partial vacation of air rights over the East-West alley between In-lots 246 and 243 in the 400 Block of East Sixth Street. The vacation would facilitate construction of the walkway to the proposed new parking garage from the Poplars Building.

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