ORDINANCE 83 - 38

To Vacate a Public Parcel

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, Evelyn S. Clark, has filed a petition to vacate a parcel of City property on the alley behind 328 South Euclid; and

WHEREAS, IC 36-7-3-512 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 on the alley behind 328 South Euclid shall be vacated. The property is more particularly described as follows:

A part of Seminary Lot Number 49 in the City of Bloomington, Indiana, beginning at a point that is 253.44 feet South of the Northwest corner of said Seminary Lot No. 49, thence east for 41.50 feet and to the true point of beginning, thence running South for 253 feet, thence East for 10 feet, thence North for 253 feet, thence West for 10 feet and to the true point of beginning.

AND IT IS FURTHER ORDERED AND DECREED that Public Service Company of Indiana, Inc., an Indiana corporation, Indiana Bell Telephone, and other utilities, as necessary, their successors and assigns, shall be and are hereby granted the perpetual easement and right to construct, operate, patrol, maintain, reconstruct, and remove an electric line, or other necessary utility fixtures, including necessary poles, wires, anchors, guys and fixtures attached thereto, together with the right of ingress and egress to said easement, for the transmission of electrical energy or other utilities over, along, under, or across the following described real property situated in Monroe County, State of Indiana, to-wit:
A strip of land ten (10) feet in width, and two hundred forty-nine and two-tenths (249.2) feet in length, the ease line of which strip of land begins at the Southwest Corner of Lot Number 16 in Prospect Park, Second Addition, to the City of Bloomington; thence north, on, along, adjacent to, and west of, the west property line of said Lot Number 16, and Lot Number 14 to a point, said point being the Northwest Corner of said Lot Number 14 in said Addition; thence continuing north across an alley a distance of ten (10) feet to the Southwest Corner of Lot Number 12 of said Addition; thence north on, along, adjacent to, and west of, the west property line of said Lot Number 12, and Lot Number 10 to a point, said point being the Northwest Corner of said Lot Number 10 in said Addition.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and published according to law.

PASSED and ADOPTED upon this 20 day of July, 1983.

Katherine Dilcher
KATHERINE DILCHER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of July, 1983.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 22 day of July, 1983.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

Request is for vacation of a ten-foot alley running north of Howe Street and adjacent to the west property line of lots number 10, 12, 14, and 16 in Prospect Park Second Addition. The requested alley right-of-way vacation is proposed in order to allow extension of these four lots on the west side of Euclid Avenue.

****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 83- 38 is a true and complete copy of Plan Commission Case Number MP-30-83, which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 27, 1983.

Date: June 28, 1983

Tim Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____, 1983.

_____
Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution#_____

Type of Legislation:

| | | | | | |
|---|---|---|---|---|---|
| Appropriation | ____ | End of Program | ____ | Penal Ordinance | ____ |
| Budget Transfer | ____ | New Program | ____ | Grant Approval | ____ |
| Salary Change | ____ | Bonding | ____ | Administrative Change | ____ |
| Zoning Change | ____ | Investments | ____ | Short-Term Borrowing | ____ |
| New Fees | ____ | Annexation | ____ | Other Alley Vacation | ____ |

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

| | | | |
|---|---|---|---|
| Planned Expenditure | ____ | Emergency | ____ |
| Unforseen Need | ____ | Other | _____ |

Funds Affected by Request:

| | | |
|---|---|---|
| Fund(s) Affected | | |
| Fund Balance as of January 1 | $ | $ |
| Revenue to Date | | |
| Revenue Expected for Rest of year | | |
| Appropriations to Date | | |
| Unappropriated Balance | | |
| Effect of Proposed Legislation(+/-) | | |
| Projected Balance | $ | $ |

Signature of Controller _____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes____ No X

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. This property is already provided with all applicable City services. There may be a slight increase in taxes due to property improvements, but not enough to cause a major fiscal impact.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation City of Bloomington Planning Department

By Timothy A. Mueller Date June 28, 1983

83-38

City Clerk
Governmental Unit
Monroe County, Indiana

To Herald-Telephone
Box 909, Bloomington, IN 47402

# PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines..

| | |
|---|---|
| Head—number of lines | |
| Body—number of lines | |
| Tail—number of lines | |
| Total number of lines in notice | 25 |

COMPUTATION OF CHARGES

25 lines, 1 columns wide equals 25 equivalent lines at .208 cents per line

| | |
|---|---|
| Additional charge for notices containing rule or tabular work (50 percent of above amount) | $ 5.20 |
| Charge for extra proofs of publication | |
| ($1.00 for each proof in excess of two) | |
| TOTAL AMOUNT OF CLAIM | $ 5.20 |

DATA FOR COMPUTING COST

Width of Single column 9.3 ems

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast

Pursuant to the provisions and penalties of Ch. 155, Acts 1953.

I hereby certify that the foregoing account is just and correct,. that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 8, 19 83

Title Penny Combs billing clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )
SS
Monroe County)

Personally appeared before me, a notary public in and for said county and state. the undersigned Penny Combs who, being duly sworn, says that she is billing clerk of the Herald-Telephone a daily newspaper of general circulation printed and published in the English language in the (city) (town) of Bloomington in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

July 8, 1983

Penny Combs

Subscribed and sworn to before me this 8 day of July 1983

Joyce Colbert 7.5.85

Notary public

The Common Council of the City of Bloomington, Indiana has been petitioned to hear a request for the approval of vacating the right-of-way of the property described as follows:
Request is for vacation of a ten-foot alley running north for Howe Street and adjacent to the west property line of lots number 10, 12, 14 and 16 in Prospect Park second addition. The requested alley right-of-way vacation is proposed in order to allow extension of these four lots on the west side of Madison Avenue.
The first hearing will be in committee with the purpose of exchanging information and questioning the petitioners about the requests. At the second meeting the Common Council will vote on the ordinance.
All persons interested in the proposed vacation right-of-way may be heard at the time and place as herein set out. 8

Claim No. ..... Warrant No. .....

**IN FAVOR OF**

..Herald-Telephone.....

...Box 909, Bloomington, IN 47402.....

$.....

**On Account Of Appropriation For**

.....

Appropriation No. .....

Allowed ....., 19.....

In the sum of $.....

.....

.....

.....

.....

.....

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law

That it is based upon statutory authority.

That it is aparently (Correct) (incorrect)

.....

I certify that the within claim is true and correct; that the services therein itemized and for which charge is made were ordered by me and were necessary to the public business.

.....

....., 19____

LEGAL ADVERTISING

TABLE SHOWING PRICE PER LINE AND PER INSERTION

(As Set by Chapter 89, Acts of 1967)

| SIZE OF TYPE | 10½ Em Column (126 Points) Number of Insertions | | | | 11 Em Column (132 Points) Number of Insertions | | | | 11½ Em Column (138 Points) Number of Insertions | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 |
| 5½ | .183 | .274 | .366 | .457 | .192 | .288 | .384 | .480 | .20 | .30 | .40 | .50 |
| 6 | .168 | .252 | .336 | .42 | .176 | .264 | .352 | .440 | .184 | .276 | .368 | .460 |
| 7 | .144 | .216 | .288 | .360 | .151 | .227 | .302 | .378 | .158 | .237 | .316 | .395 |
| 7½ | .134 | .201 | .268 | .335 | .14 | .21 | .28 | .35 | .148 | .222 | .296 | .37 |
| 8 | .126 | .189 | .252 | .315 | .132 | .198 | .264 | .33 | .138 | .207 | .276 | .345 |
| 9 | .112 | .168 | .224 | .28 | .117 | .176 | .234 | .293 | .122 | .183 | .244 | .305 |
| 10 | .10 | .15 | .20 | .25 | .106 | .159 | .212 | .265 | .11 | .165 | .22 | .275 |
| 12 | .084 | .126 | .168 | .21 | .088 | .132 | .176 | .22 | .092 | .138 | .184 | .23 |

| SIZE OF TYPE | 12 Em Column (144 Points) Number of Insertions | | | | 12½ Em Column (150 Points) Number of Insertions | | | | 13 Em Column (156 Points) Number of Insertions | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 | 1 | 2 | 3 | 4 |
| 5½ | .210 | .315 | .42 | .525 | .22 | .33 | .44 | .55 | .227 | .340 | .454 | .567 |
| 6 | .192 | .288 | .384 | .48 | .20 | .30 | .40 | .50 | .208 | .312 | .416 | .520 |
| 7 | .164 | .246 | .328 | .412 | .172 | .258 | .344 | .43 | .178 | .267 | .356 | .445 |
| 7½ | .154 | .231 | .308 | .385 | .16 | .24 | .320 | .40 | .166 | .249 | .332 | .416 |
| 8 | .144 | .216 | .288 | .36 | .15 | .225 | .30 | .375 | .156 | .234 | .312 | .39 |
| 9 | .128 | .192 | .256 | .32 | .134 | .201 | .268 | .335 | .139 | .209 | .278 | .348 |
| 10 | .116 | .174 | .232 | .29 | .12 | .18 | .24 | .30 | .125 | .188 | .25 | .313 |
| 12 | .096 | .144 | .192 | .24 | .10 | .15 | .20 | .25 | .104 | .156 | .208 | .26 |

NOTE: Above table is based on a square of 250 ems.

NOTE: The above table applies to notices published in the calendar year 1979. The table is subject to the following increases pursuant to Public Law 33, Acts 1979: Year 1980, 10%; Year 1981, 20%; Year 1982, 30% Year 1983, 40%; Year 1984, 50%.