

Passed 8-1 (volan)

ORDINANCE 08-13

TO VACATE A PUBLIC PARCEL  
Re: A Portion of the Walnut Grove Right-of-Way Running  
Between and Intersecting with Portions of East Cottage Grove and East 11<sup>th</sup> Street  
(The Trustees of Indiana University, 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 petitioners, the Trustees of Indiana University, have filed a petition to vacate a parcel of City property more particularly described below;

WHEREAS, pursuant to I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council indicating that they are not occupying or using any part of this public way and do not object to this vacation: City of Bloomington Digital Underground and Duke Energy;

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 approximate 30-foot by 354-foot portion of the Walnut Grove right-of-way, which intersects with a rectangular portion 11<sup>th</sup> Street on the north and a curvilinear portion of East Cottage Grove on the south. This right-of-way can be found at the 700 block of North Cottage Grove, is located within the Walnut Grove Addition, and is more particularly described below:

Beginning at the intersection of the South line of 11<sup>th</sup> Street and the West line of Walnut Grove; thence S 01° 09' 01" E along the West line of Walnut Grove 288.43 feet to a point on a non-tangent curve the radius of which bears S 24° 11' 32" W a distance of 52.80 feet; thence southeasterly through a central angle of 69° 33' 07" along said curve 64.10 feet to the East Right-of-Way of Walnut Grove; thence N 01° 09' 01" W along said East Right-of-Way 353.86 feet; thence S 89° 39' 55" W 30.01 feet to the West Right-of-Way of Walnut Grove; thence along said West Right-of-Way S 01° 09' 01" E a distance of 13.63 feet to the point of beginning containing 0.217 acres.

SECTION II. 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 ordinance are declared to be severable.

SECTION III. 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 17<sup>th</sup> day of DECEMBER, 2008.

  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18<sup>th</sup>  
day of DECEMBER, 2008.

Regina Moore  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 18<sup>th</sup> day of December, 2008.

Mark Kruzan  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

The petitioner, the Trustees of Indiana University, request vacation of the public right-of-way commonly known as a portion of Walnut Grove running between and intersecting with portions East Cottage Grove and East 11<sup>th</sup> Street.

Signed copies to:

Legal (10)  
Controller  
Planning  
Activities  
Engineering  
GIS

MC Recorder  
MC Auditor  
MC Assessor  
Public Works  
CA/CA (3)  
Clerk  
Deputy