

ORDINANCE 05-05

(passed 9-0)

TO VACATE A PUBLIC PARCEL
Re: A Right-of-Way Located at 600 West 6th Street Which
Runs North /South Between 6th Street and 7th Street
(Fairview United Methodist Church, 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, Fairview United Methodist Church, has filed a petition to vacate a parcel of City property more particularly described below; and
- WHEREAS, various utilities use or occupy this public way and the petitioner has indicated intent to comply with their requests to preserve or protect those rights;

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

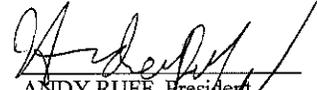
SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property, commonly known as a right-of-way located at 600 West 6th Street, which runs in a north /south direction between 6th Street and 7th Street and between Fairview Street and Jackson Street, and is more particularly described as follows:

An alley in the City of Bloomington, County of Monroe, State of Indiana in Out Lot number thirteen (13) is described as follows: Beginning at a point One Hundred Thirty-Two (132) feet west of a point where the North line of the sidewalk, as it now exists, on the North side of West 6th Street in said City intersects the East line of said Out Lot number thirteen (13), thereby forming the south east corner of Out Lot number thirteen (13), thence West twelve (12) feet, thence North three hundred (300) feet, more or less, thence East twelve (12) feet, thence South three hundred (300) feet, more or less, to the place of beginning.

SECTION II. In accordance with I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council (attached) indicating that they are occupying or using all or part of this public way and wish to preserve those rights: City of Bloomington Utilities (which also requests an 8-foot extension of its easement), SBC, Cinergy, Insight Communications, and Vectren.

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.

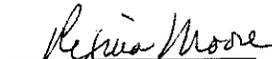
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of MARCH, 2005.


ANDY RUFF, President
Bloomington Common Council

ATTEST:

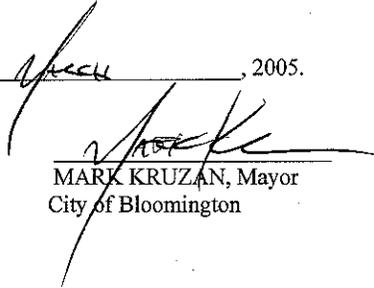

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of MARCH, 2005.


REGINA MOORE, Clerk
City of Bloomington

City of
Bloomington
Indiana

SIGNED and APPROVED by me upon this 3rd day of April, 2005.



MARK KRIZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Fairview United Methodist Church, requests vacation of the public parcel located at 600 West 6th Street which runs in a north/south direction for approximately 300 feet between 6th Street and 7th Street and between Fairview Street and Jackson Street.

Signed copies to:

legal (5)	petitioner	CA/CA(2)
planning	utilities	clerk
Public Works	MC Recorder	file
GIS (Laura Haley)	MC Auditor	
controller		

FAIRVIEW SCHOOL

W 7TH ST

Right of way
to be
vacated

6TH ST

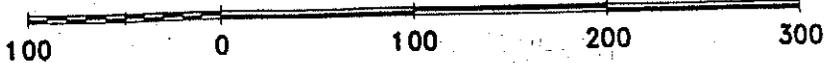
N FAIRVIEW ST

N JACKSON ST

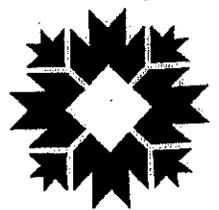
FD

CH

By: greulice
14 Jun 04

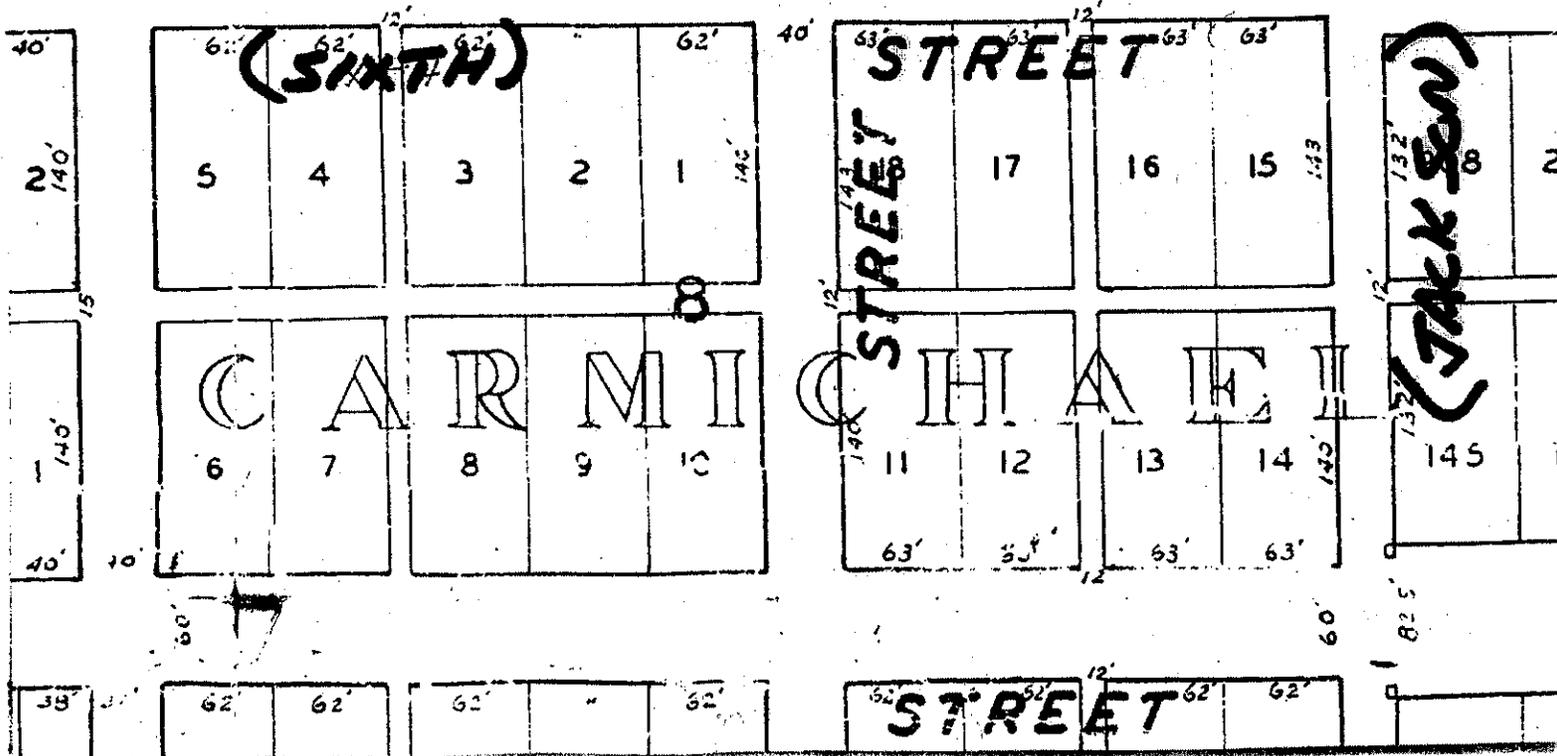
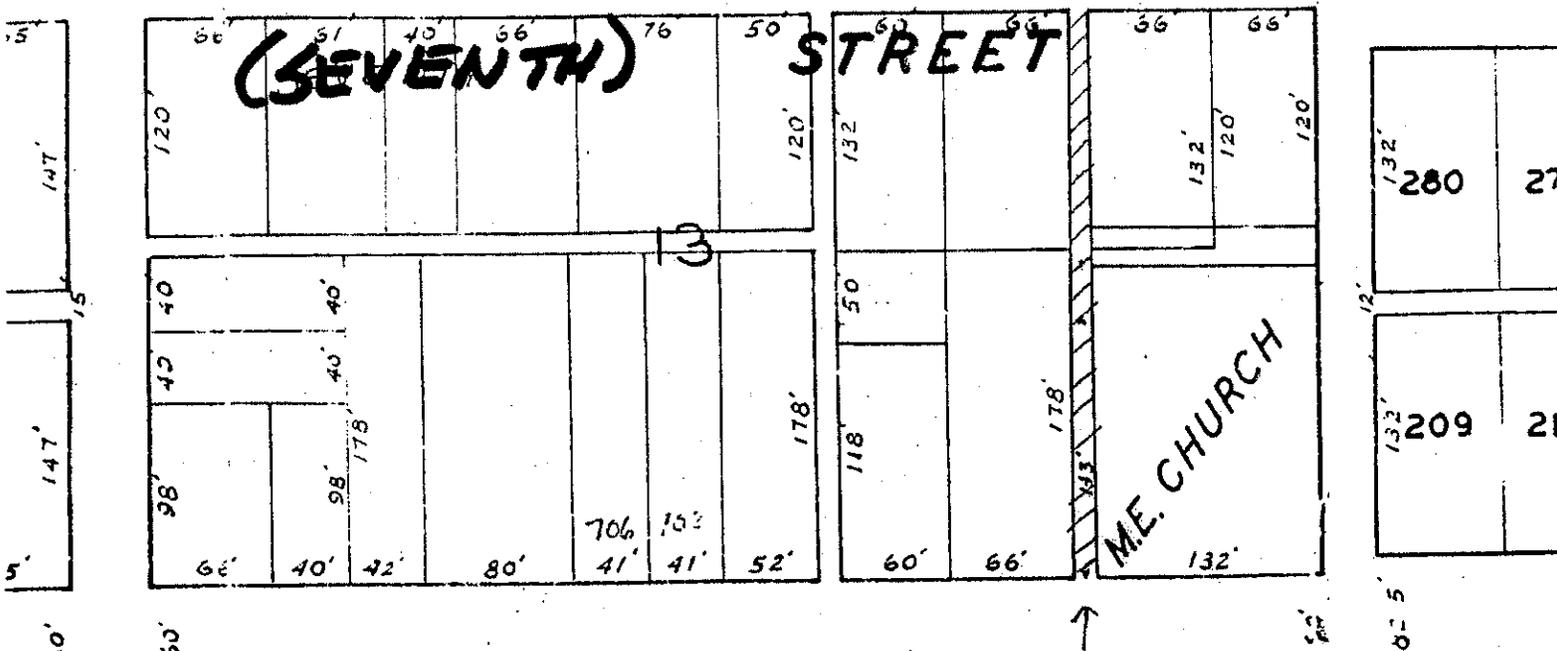
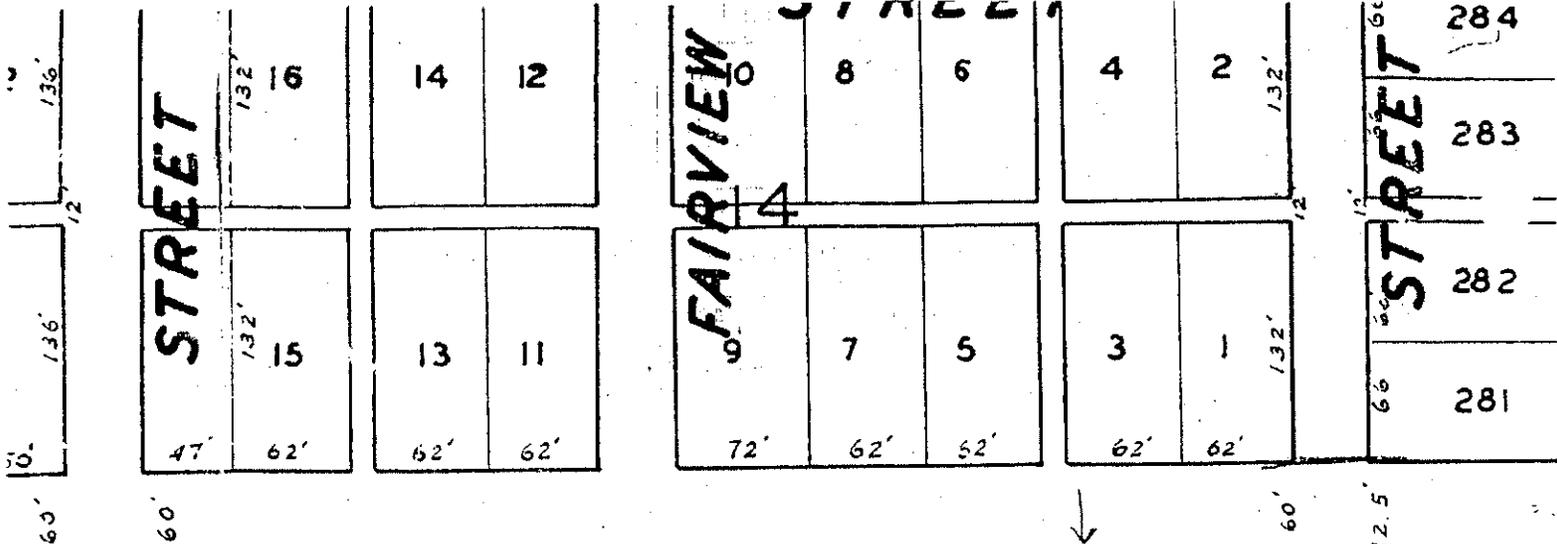


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Scale: 1" = 100'

For reference only; map information NOT warranted.



DATE: January 19, 2005

TO: Common Council

FROM: Lynne Friedmeyer, Zoning & Enforcement Manager

SUBJECT: Request for vacation of an alley measuring 12 feet wide by 306 feet in length.

LOCATION: The subject parcel is a twelve foot wide right-of-way located in the parking lot of the Fairview United Methodist Church. This right-of-way is located between North Fairview Street and North Jackson Street, and 6th and 7th Streets starting at the north edge of 6th Street and running north.

PETITIONER: Fairview United Methodist Church at 600 W. 6th Street

BACKGROUND: This petition is a request to vacate an existing alley right-of-way which runs through the parking lot of the Fairview United Methodist Church. The church has occupied this property since 1924 and has owned the property for 25 years. The church has paved and maintained the alley for a very long time. The church has not until recently decided that the right-of-way is a concern for both maintenance and drainage issues.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing right-of-way: Bloomington Police Department and the Bloomington Fire Department. In addition, SBC Ameritech, Cinergy, and Insight Communications have lines in the alley and want easements as well as the petitioner to pay all cost of relocating any of the lines. Vectren has a gas main and also wants an easement, as well as the petitioner to pay all cost of relocating the gas line if that becomes necessary. The City of Bloomington Utilities Department has a 12 inch water line in this right-of-way and is requesting a 20 foot wide easement to be able to access the line for repairs. This easement would be within the existing right-of-way with an additional 8 feet to the west of the alley. Fairview United Methodist Church has agreed to the easements and bearing the costs of all utility relocation. The request for vacation was heard by the Board of Public Works (BPW) on October 19, 2004. The BPW vote was unanimous to vacate the right-of-way.

The purpose of the vacation of right-of-way is to allow the possible northern expansion of the church and to address some drainage issues with storm inlets and correct some of the grade problems in the parking lot.

Agencies notified of the vacation request:

Bloomington Public Works Dept.
Bloomington Utilities Dept.
SBC Ameritech
PSI Cinergy
Insight Communications
City of Bloomington Police Department
City of Bloomington Fire Department
Vectren

CRITERIA: The criteria utilized to review a public ROW or easement vacation request are as follows:

1. Current status - access to property:

There will be no changes to the access plan. The alley has been used as a part of the church's driveway for many years. The church will not be allowed to construct over the easement which contain several utilities.

2. Necessity for growth of the city:

a. Future Status: The right-of-way proposed for vacation has several utilities located within the right-of-way. The right-of-way will be used as a drive in the future. Changes will be made to the slope of the drive for drainage purposes.

b. Proposed Private Ownership Utilization: Ownership of the right-of-way will go solely to the Fairview United Methodist Church since they own the property on both sides of the right-of-way.

c. Compliance with Regulations: All utilities in the right-of way will remain in the same location and will be within the new easement.

d. Relation to Plans: The Fairview United Methodist Church has plans to correct drainage problems on their property and also use the proposed vacation to unify the property's ownership. No construction will take place over the easement, but an expansion on the north side of the building could proceed in the future.

DISCUSSION: Staff finds that there is public-sector utilization

of the right-of-way to be vacated. All utilities will be located in easements. All interested parties, including the Board of Public Works, have no objections to the vacation.

RECOMMENDATION: Planning Staff recommends approval of this petition. The vacation of the right-of-way does not interfere with the City of Bloomington Zoning Ordinance or right-of-way/easement vacation policies. This approval is subject to the following condition.

- 1) That all future drainage improvements be subject to City Utilities Department approval.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

ORD # 05-05
1st READING 2/2/05
COMMITTEE 2/9/05
FINAL HEARING 2/16/05

Office of the Common Council
P.O. Box 100, Showers City Hall
Bloomington, IN 47402
(812) 349-3409

Address of Property: 600 West Sixth Street
Bloomington, IN 47404

Applicant's Name: Fairview United Methodist Church

Address: 600 West Sixth Street, Bloomington, IN 47404

Phone: 339-9484

Counsel or Consultant: David Walter, Architect

Address: 208 North Ritter

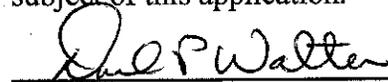
Phone: 855-0035

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

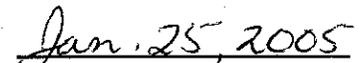
I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all forgoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.



Signature



Date



Please print name

David P. Walter, Architect
208 North Ritter
Bloomington, IN 47404
812.855.0035

November 17, 2003

To: Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402

Re: Petition for Vacation of Public Right-of-Way
Fairview United Methodist Church
600 W. Sixth Street
Bloomington, Indiana

Dear Sir,

I have been requested by the Trustees of Fairview United Methodist Church to submit to you the following documents for this request:

- General Application Form
- Map of Adjacent Properties
- List of Adjacent Property Owners
- Site Plan Drawing for Above Property
- Photographs

Fairview United Methodist Church has occupied this site since 1924. The adjacent properties surrounding the public alley have been owned by the church for over 25 years. The alley has been paved and maintained by the church.

Currently, there are natural gas, water lines and overhead power lines that serve the church in the right-of-way. If the alley becomes church property, an easement for these utilities would be granted.

The acquisition of this property would allow the church to consider the design of a new north entrance to the building. At some point in the near future, renovation of the parking lot will have to be done. It would be possible to install storm water inlets and correct some of the grade problems around the church if it was part of the church's property.

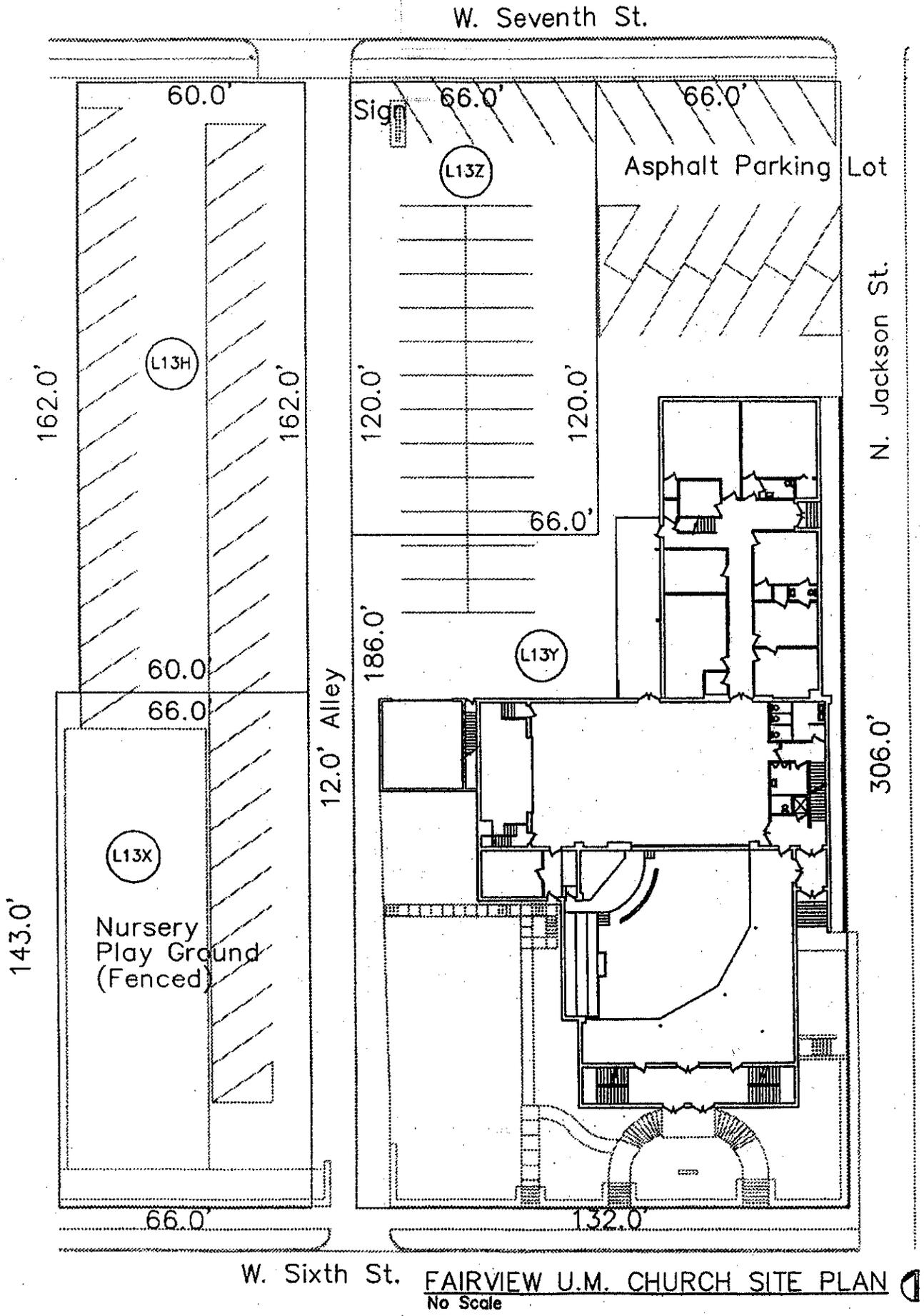
I appreciate your assistance and if you should need additional information, please let me know.
Sincerely,



David P. Walter, Architect

cc: Bill McKee, President Fairview Trustees
Rev. Douglas Simpson, Pastor

01/17/04
11:47
335





**City of Bloomington
Planning Department**

DEVELOPMENT REVIEW TRANSMITTAL

Date: June 28, 2004

Type of Request: R.O.W. Vacation

Project Name: David Walter, Fairview United Methodist Church R.O.W.

Location: The R.O.W. in question extends south from W 7th Street to W 6th Street and is west of N Jackson Street. The alley is located in the middle of the Fairview United Methodist Church's parking lot.

Proposed Use: The alley R.O.W. in question is 12 feet in width and runs for a length of approximately 310 feet. David Walter, the petitioner wishes to use the alley vacation to allow a possible northern expansion to the church and to regrade the parking lot to fix drainage issues.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

****We need your comments by:** 30 Days from date of this request**

Preliminary Staff report: ASAP

Final Staff report: ASAP

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

Board of Public Works hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

Refer to the enclosed site plan, and petitioner's pre-petition review request, and letter.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area. You may also fax your written response to me at 349-3535.

Reply to:

Eric Greulich
Planning Department
City of Bloomington
P.O. Box 100
Bloomington, IN 47402



Memo

To: Eric Greulich, Planning Department
From: Michael Hostetter, Chief of Police
Date: November 20, 2003
Re: David Walker, Fairview United Methodist Church R.O.W.

Mr. Greulich,

The vacation of this alley will have no effect on services provided by the Bloomington Police Department to the petitioner's property.

Thank you,

A handwritten signature in black ink, appearing to read "Michael Hostetter".

Michael Hostetter

Chief of Police

Fairview Church

Subject: Fairview Church

Date: Thu, 26 Aug 2004 08:33:57 -0500

From: kerrr@bloomington.in.gov

To: friedmel@bloomington.in.gov

Lynn

As to the conversation we had on vacating the north / south alley on the west side of Fairview Church. The Fire Department has no objections to vacating this alley.

Thanks Deputy Chief Roger Kerr

RE: Fairview ROW

Subject: RE: Fairview ROW
Date: Wed, 25 Aug 2004 15:21:09 -0500
From: muellert@bloomington.in.gov
To: friedmel@city.bloomington.in.us

Lynne

We have a 12" water line in the north-south alley. The alley is 12 ft wide. If the alley is vacated, we want a 20 ft easement because of the difficulty of working in a confined 12' space for a line of this size. It could be an additional 8 ft to the west of the alley.

Tim

--Original Message-----

From: Lynne Friedmeyer [<mailto:friedmel@city.bloomington.in.us>]
Sent: Wednesday, August 25, 2004 3:14 PM
To: Mueller, Tim
Subject: Fairview ROW

Tim:

Please write down your Fairview comments and e-mail them back to me.
Thanks in advance!
Lynne



Cinergy / PSI
1100 West Second Street
Bloomington, IN 47403

July 27, 2004

City of Bloomington
Planning Department
City Hall – Room 160
Bloomington, IN 47404
Attn: Mr. Eric Greulich
RE: Vacation of Alley for The Fairview United Methodist Church

Dear Mr. Greulich,

This letter is in response to The Fairview United Methodist Church request for Cinergy to vacate the alley east of the church, located at 600 W. 6th Street in Bloomington, Indiana.

Cinergy is willing to vacate this alley upon certain requirements. Cinergy does have facilities located in the existing alley. If any relocation of existing facilities is needed, 100% reimbursement is due from The Fairview United Methodist Church prior to any work being done. Also, if any new easements are required to serve existing customers due to relocation of our facilities, The Church is required to obtain new easements prior to any work being done.

If you have any questions about the vacation or need additional information, please contact me at 812-337-3035.

Thank you for your assistance.

Sincerely,

Kerry Ducker
Customer Project Coordinator
Bloomington District

Cc: rmclain



Lynne Friedmeyer
Planning Department
City of Bloomington
Post Office Box 100
Bloomington, Indiana 47403

To all concerned parties

The Encroachment of Easement or elimination of Easement that Fairview United Methodist Church has requested for the expansion of their property between West 6th and West 7th streets does not create any problems for our Companies operations in that area. If any relocating of existing facilities is required the applicant would be responsible for reimbursing those cost.

If there are any questions or more information needed please feel free to call me.

Scott Templeton 812.355.7822
District Construction Supervisor
Insight Communication
2450 South Henderson Street
Bloomington Indiana 47401

**VECTREN***Not just power. Possibility.*

November 24, 2003

205 S. Madison Street
Bloomington, IN 47404
Telephone 812-330-4075Eric Greulich
Planning Department - City of Bloomington
P.O. Box 100
Bloomington, IN 47402Re: Vacation of North/South between W. 6th & 7th Streets and just west of N. Jackson in Bloomington, Indiana.

Indiana Gas Company, Inc. doing business as Vectren Energy Delivery of Indiana has researched the above location requested for vacation and there is currently an existing natural gas main within the subject right of way. Therefore, the vacation request should include the following language to reserve our rights.

Indiana Gas Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

An easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground and one or more gas lines, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy or gas, upon, over, under and across said strips of land together with the right of ingress and egress over the lands to and from said facilities in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

The above rights must be reserved in the ordinance for Indiana Gas Company/Vectren to approve of said vacation. Please forward to me a copy of the recorded ordinance upon passing.

The company will entertain relocating the gas facilities, if provided a reasonable route and reimbursement for the expense. If you have any questions, please feel free to give us a call.

Sincerely,

Raymond E. Wise
Vectren Energy Delivery of Indiana



RECEIVED
JAN - 6 2004

BY:.....

January 5, 2004

Eric Greulich
Planning Department
City of Bloomington
PO Box 100
Bloomington, In 47402

Dear Eric,

In regards to the vacation request of the R.O.W. at Fairview United Methodist Church, dated 11/17/2003, SBC has no objection to the request as long as the petitioning party provides SBC with a utility easement of the same dimensions as the north half of the proposed vacated R.O.W. or agrees to reimburse SBC in writing, for expenses incurred in rerouting existing facilities.

If you have any questions or comments please call me on 812-334-4521.

Sincerely,

A handwritten signature in cursive script that reads "Brent". A horizontal line is drawn above the signature, starting from the right and extending to the left, ending under the letter "t".

Brent McCabe
SBC
Outside Plant Engineer
4517 E. Indiana Bell Ct.
Bloomington, In 47408