

(Amended 8-0)
Cole Absent

ORDINANCE 03-03

AN ORDINANCE CONCERNING THE ANNEXATION OF
ADJACENT AND CONTIGUOUS TERRITORY
(Northwest Area)

- WHEREAS, the boundary of the City of Bloomington, Indiana, is contiguous and adjacent to the real estate described herein; and
- WHEREAS, the City of Bloomington has determined it will provide capital and non-capital services and improvements to said real estate that are equivalent to the services and improvements currently received by the residents and property owners of the City of Bloomington as specified in the "Fiscal Plan, Annexation of the Northwest Area;" and
- WHEREAS, property taxes imposed on the annexed territory not used to meet basic services, including those of a non-capital nature and capital improvement nature, shall be impounded for a period of at least three years into a special fund to be used for the provision of additional services in the annexed territory within five years after the effective date of the annexation; and
- WHEREAS, Pursuant to IC § 36-4-3-7 & 8, postponing the effective date of this annexation to January 1, 2004 is fairly calculated to make the annexation equitable to the property owners and residents of the municipality and the annexed territory;

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

SECTION 1. That the following described land, commonly known as the Northwest Area, which includes 1616 – 1709 West 8th Street, 1300 – 1600 West 11th Street, 1300 – 1600 (odd only) West 12th Street, 1501 – 1502 West 13th Street, 1500 – 1600 West 14th Street, 1210 – 1600 West 15th Street, 1312 – 1900 West 17th Street, 1619 – 1900 West Gray Street, 1308 – 1819, 1920, and 2101 – 2335 (odd only) West Vernal Pike, 401 – 499 (odd only) North Adams Street, 910 – 1400 (even only), and 1411 North Crescent Road, 818 – 947 North Lemon Lane (a.k.a. School Lane), 1220 – 1488, 1661T and 1810T ("T" indicating a temporary address) North Arlington Park Drive, 700 – 1200 North Oolitic Drive, 701 – 800, 801 – 1199 (odd only), and 1201 – 1400 North Lindbergh Drive, 600 – 700 North North Street, 300 – 500 North Spring Street, including contiguous public roads and rights of way, be annexed to and declared a part of the City of Bloomington, Indiana, to-wit:

A part of Sections 29, 30, 31 and 32, Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

Beginning at the southeast corner of said Section 30; thence on the line of Annexation Ordinance 02-22 the following thirteen (13) courses: 1) South 89 degrees 23 minutes 23 seconds West 176.00 feet; thence 2) North 0 degrees 22 minutes 30 seconds West 128.00 feet; thence 3) North 89 degrees 23 minutes 23 seconds East 176.00 feet; thence 4) North 0 degrees 22 minutes 30 seconds West 281.80 feet; thence 5) South 89 degrees 54 minutes 20 seconds East 284.47 feet; thence 6) South 87 degrees 55 minutes 29 seconds East 59.84 feet; thence 7) North 87 degrees 11 minutes 46 seconds East 318.51 feet; thence 8) North 0 degrees 55 minutes 31 seconds West 1893.62 feet; thence 9) South 89 degrees 55 minutes 19 seconds East 671.16 feet; thence 10) South 0 degrees 47 minutes 58 seconds East 1608.98 feet; thence 11) North 90 degrees 00 minutes 00 seconds East 300.00 feet; thence 12) South 0 degrees 00 minutes 00 seconds East 370.00 feet; thence 13) North 89 degrees 59 minutes 27 seconds East 380.19 feet to the northwest corner of Annexation Ordinance 72-26; thence South 0 degrees 00 minutes 00 seconds East 359.99 feet on the west line of said Annexation Ordinance 72-26 to the south right-of-way line of 17th Street; thence North 90 degrees 00 minutes 00 seconds West 217.60 feet on said south right-of-way line to the northwest corner of Annexation Ordinance 56-15; thence South 0 degrees 10 minutes 17 seconds West 857.75 feet on the west line of said Annexation Ordinance 56-15 to the north right-of-way line of 15th Street, also being the north line of Annexation Ordinance 63-37; thence North 89 degrees 58 minutes 23 seconds West 671.00 feet on said north right-of-way line to the west right-of-way line of Lindbergh Drive, also being the west line of Annexation Ordinance 63-37; thence South 0 degrees 10 minutes 17 seconds West 671.00 feet on said west right-of-way line to the north east corner of Annexation Ordinance 66-08; thence on the line of said Annexation Ordinance 66-08 the following three (3) courses: 1) North 89 degrees 38 minutes 24 seconds West 132.00 feet; thence 2) South 0 degrees 10 minutes 17 seconds West 69.00 feet; thence 3) South 89 degrees 38 minutes 24 seconds East 132.00 feet to the aforesaid west right-of-way line of Lindbergh Drive; thence South 0 degrees 10 minutes 17 seconds West 69.00 feet on said west right-of-way line to the northeast corner of Annexation Ordinance 78-91; thence on the line of said Annexation Ordinance 78-91 the following three (3) courses: 1) North 89 degrees 38 minutes 24 seconds West 132.00 feet; thence 2) South 0 degrees 10 minutes 17 seconds West 69.00 feet; thence 3) South 89

degrees 38 minutes 24 seconds East 132.00 feet to the aforesaid west right-of-way line of Lindbergh Drive; thence South 0 degrees 10 minutes 17 seconds West 60.00 feet on said west right-of-way line to the south right-of-way line of 12th Street, also being the south line of Annexation Ordinance 63-37; thence South 89 degrees 38 minutes 24 seconds East 621.06 feet on said south right-of-way line to the northwest corner of Annexation Ordinance 1915 (Alexander's Addition); thence South 0 degrees 21 minutes 59 seconds West 1209.05 feet on the west line of said 1915 Annexation Ordinance to the north right-of-way line of the C. I. and L. Railroad; thence North 88 degrees 01 minute 52 seconds East 161.83 feet on said north right-of-way line to the west right-of-way line of Adams Street; thence on said west right-of-way line the following four (4) courses: 1) South 10 degrees 08 minutes 05 seconds East 89.66 feet; thence 2) continuing South 10 degrees 08 minutes 05 seconds East 100.69 feet; thence 3) South 0 degrees 00 minutes 08 seconds West 70.22 feet; thence 4) South 0 degrees 00 minutes 00 seconds East 50.00 feet to the northeast corner of Annexation Ordinance 73-16; thence on the line of said Annexation Ordinance 73-16 the following four (4) courses: 1) South 87 degrees 53 minutes 34 seconds West 120.08 feet; thence 2) South 0 degrees 00 minutes 13 seconds East 43.60 feet; thence 3) South 65 degrees 40 minutes 33 seconds East 36.83 feet; thence 4) North 87 degrees 53 minutes 27 seconds East 86.49 feet to the aforesaid west right-of-way line of Adams Street; thence South 0 degrees 00 minutes 00 seconds East 164.95 feet on said west right-of-way line to the south right-of-way line of Vernal Pike, also being the north line of Annexation Ordinance 1915 (Waterman's Addition); thence on the line of said 1915 Annexation Ordinance the following three (3) courses: 1) North 49 degrees 30 minutes 38 seconds West 656.95 feet; thence 2) Westerly 945' , more or less; thence 3) South 0 degrees 06 minutes 01 second East 908.86 feet to a corner of Annexation Ordinance 02-22; thence on the line of said Annexation Ordinance 02-22 the following fifty (50) courses: 1) North 72 degrees 32 minutes 22 seconds West 427.84 feet; thence 2) North 1 degree 58 minutes 53 seconds West 1078.29 feet; thence 3) 697.72 feet on a 2448.86 feet radius non-tangent curve to the left whose chord bears North 73 degrees 37 minutes 22 seconds West 695.36 feet; thence 4) North 0 degrees 22 minutes 30 seconds West 845.95 feet; thence 5) South 89 degrees 52 minutes 24 seconds West 264.46 feet; thence 6) North 0 degrees 25 minutes 42 seconds West 234.10 feet; thence 7) continuing North 0 degrees 25 minutes 42 seconds West 41.26 feet; thence 8) South 89 degrees 34 minutes 18 seconds West 8.11 feet; thence 9) North 0 degrees 53 minutes 55 seconds East 350.19 feet; thence 10) South 88 degrees 45 minutes 36 seconds East 1.10 feet; thence 11) South 88 degrees 45 minutes 36 seconds East 241.00 feet; thence 12) North 0 degrees 13 minutes 21 seconds East 325.55 feet; thence 13) South 48 degrees 35 minutes 00 seconds East 480.14 feet; thence 14) South 43 degrees 04 minutes 10 seconds East 132.90 feet; thence 15) South 36 degrees 45 minutes 50 seconds East 99.17 feet; thence 16) South 32 degrees 23 minutes 45 seconds East 219.99 feet; thence 17) South 29 degrees 57 minutes 17 seconds East 275.65 feet; thence 18) North 88 degrees 45 minutes 34 seconds West 78.68 feet; thence 19) South 0 degrees 41 minutes 49 seconds East 80.00 feet; thence 20) North 88 degrees 44 minutes 36 seconds West 51.42 feet; thence 21) North 0 degrees 54 minutes 12 seconds East 83.42 feet; thence 22) North 88 degrees 01 minute 36 seconds West 464.24 feet; thence 23) South 1 degree 02 minutes 59 seconds West 329.20 feet; thence 24) South 88 degrees 24 minutes 38 seconds East 366.18 feet; thence 25) South 0 degrees 33 minutes 14 seconds East 286.00 feet; thence 26) South 88 degrees 24 minutes 38 seconds East 152.00 feet; thence 27) South 89 degrees 22 minutes 43 seconds East 167.97 feet; thence 28) South 02 degrees 11 minutes 41 seconds West 281.76 feet; thence 29) South 89 degrees 21 minutes 16 seconds East 169.85 feet; thence 30) South 30 degrees 12 minutes 28 seconds East 29.97 feet; thence 31) South 78 degrees 49 minutes 17 seconds East 291.52 feet; thence 32) North 10 degrees 14 minutes 59 seconds East 176.96 feet; thence 33) South 66 degrees 25 minutes 40 seconds East 19.47 feet; thence 34) South 59 degrees 11 minutes 33 seconds East 148.90 feet; thence 35) North 6 degrees 30 minutes 00 seconds West 278.15 feet; thence 36) North 89 degrees 38 minutes 24 seconds West 119.29 feet; thence 37) South 6 degrees 30 minutes 00 seconds East 148.08 feet; thence 38) North 52 degrees 40 minutes 19 seconds West 66.38 feet; thence 39) North 44 degrees 50 minutes 39 seconds West 87.03 feet; thence 40) North 35 degrees 54 minutes 22 seconds West 56.41 feet; thence 41) North 38 degrees 07 minutes 08 seconds West 190.61 feet; thence 42) South 89 degrees 38 minutes 24 seconds East 231.17 feet; thence 43) North 0 degrees 11 minutes 12 seconds East 134.76 feet; thence 44) continuing North 0 degrees 11 minutes 12 seconds East 277.50 feet; thence 45) North 0 degrees 11 minutes 10 seconds East 297.69 feet; thence 46) South 69 degrees 32 minutes 22 seconds West 333.77 feet; thence 47) North 0 degrees 00 minutes 00 seconds East 132.00 feet; thence 48) North 90 degrees 00 minutes 00 seconds West 312.00 feet; thence 49) North 0 degrees 41 minutes 25 seconds West 1441.21 feet; thence 50) South 89 degrees 23 minutes 25 seconds West 20.17 feet to the POINT OF BEGINNING; said described tract containing 176 acres, more or less.

SECTION 2. Be it further ordained, that the boundaries of the City of Bloomington, shall be, and the same are, hereby declared to be extended so as to include all the real estate hereinabove described as part of the City of Bloomington, Indiana.

SECTION 3. Pursuant to IC § 36-4-3-4(g), the above-described territory, which is hereby annexed to and declared a part of the City of Bloomington, Indiana, shall be assigned to Bloomington Common Council District 1 and District 2 in the following manner: The line separating these two districts shall run west along West 17th Street, then south along North Crescent Road, and then west along West Vernal Pike, with the area to the south being assigned to District 1 and the area to the north being assigned to District 2.

SECTION 4. Pursuant to IC § 36-4-3-8, in order to make the annexation equitable to the property owners and residents of the City of Bloomington and the area to be annexed, all the municipal property taxes imposed on the annexed territory after the annexation takes effect that are not used to meet the basic services described in the "Fiscal Plan, Annexation the Northwest Area" shall be impounded in a special fund to be called the Northwest Area Property Taxes for a period of three (3) years. The impounded

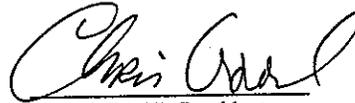
property taxes shall be used to provide additional services that were not specified in the plan of annexation. The impounded property taxes in the fund shall be expended not later than five (5) years after the annexation becomes effective.

SECTION 5. Pursuant to IC § 36-4-3-8.1, an advisory board shall be appointed to advise the municipality on the provision of services to the annexed territory that are paid for with the municipal property taxes impounded as established in Section 4. The advisory board shall be appointed not later than ninety (90) days after the annexation becomes effective.

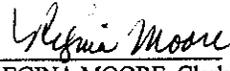
SECTION 6. Services will be provided to the annexed area in accordance with the "Fiscal Plan, Annexation of the Northwest Area" adopted by Resolution 03-05 by the Bloomington Common Council.

SECTION 7. The effective date of this ordinance shall be January 1, 2004, following its passage and adoption by the Common Council of the City of Bloomington and approval of the Mayor, and the City herein acknowledges its obligations at the time of annexation.

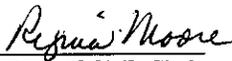
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18th day of June, 2003.


CHRIS GAAL, 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 19th day of June, 2003.


REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 17 day of June, 2003.


JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance annexes the Northwest Area which includes 1616 - 1709 West 8th Street, 1300 - 1600 West 11th Street, 1300 - 1600 (odd only) West 12th Street, 1501 - 1502 West 13th Street, 1500 - 1600 West 14th Street, 1210 - 1600 West 15th Street, 1312 - 1900 West 17th Street, 1619 - 1900 West Gray Street, 1308 - 1819, 1920, and 2101 - 2335 (odd only) West Vernal Pike, 401 - 499 (odd only) North Adams Street, 910 - 1400 (even only), and 1411 North Crescent Road, 818 - 947 North Lemon Lane (a.k.a. School Lane), 1220 - 1488, 1661T and 1810T ("T" indicating a temporary address) North Arlington Park Drive, 700 - 1200 North Oolitic Drive, 701 - 800, 801 - 1199 (odd only), and 1201 - 1400 North Lindbergh Drive, 600 - 700 North North Street, 300 - 500 North Spring Street, including contiguous public roads and rights of way, effective January 1, 2004.

Upon annexation, the territory to the south of West 17th Street, North Crescent Road, and West Vernal Pike will become part of Council District 1 and the territory to the north of those roadways will become part of Council District 2. Also, in accordance with state law, the city will impound property taxes collected in excess of those needed to provide services described in the fiscal plan and appoint an advisory board to recommend the expenditure of any surplus funds.

Copies to: Controller
Legal (5)

MC Auditor
MC Treasurer
MC Assessor
Fire
Police

H.A.N.D.
Public Works