(passed 9-0)

Pat Haley
Monroe County Recorder IN
IN 2004025309 ORDIN
11/23/2004 11:23:09 2 PGS
Filing Fee: $0.00

ORDINANCE 03-35

TO VACATE A PUBLIC PARCEL
Re: Rights-of-Way beneath the Regester Redevelopment Project
(City of Bloomington, 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, (City of Bloomington), has filed a petition to vacate a parcel of City property more particularly described below;

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 portions of the platted alleys in the block bounded by North College Avenue, West Seventh Street, North Morton Street and West Sixth Street, as represented on the attached Exhibit A, is more particularly described as follows:

Commencing at a rebar set at the intersection of West Seventh Street and North Morton Street, part of the SW ¼ of Bloomington township, section 33, Indiana; thence S00°00'00"E for a distance of 1.0' to the North West corner of lot 267 recorded in Deed Book 267, page 466(D); thence N89°38'17"E for a distance of 132.00' along the South right of way of West Seventh Street to the West right of way of a North-South alley and the Point of Beginning (E); thence S00°25'34"E for a distance of 131.32' to the North right of way of an East-West alley (F); thence S89°36'47"W for a distance of 132.00' to the East right of way of North Morton Street (C); thence S00°25'34"E for a distance of 11.99' along the East right of way of North Morton Street to the South right of way of an East-West alley (B); thence N89°36'56"E for a distance of 132.00' to the West right of way of a North-South alley (G); thence S00°25'34"E for a distance of 131.32' to the North right of way of West Sixth Street (H); thence N89°35'34"E for a distance of 12.00' along the North right of way of West Sixth Street to the East right of way of a North-South Alley (none); thence N00°25'34"W for a distance of 131.32' to the South right of way for an East-West alley (J); thence N89°36'56"E for a distance of 132.00' to the West right of way of North College Avenue (K); thence N00°25'34"W for a distance of 12.00' along the West right of way of North College Avenue to the North right of way of an East-West alley (M); thence S89°36'47"W for a distance of 132.00' to the East right of way of a North-South alley (N); thence N00°25'34"W for a distance of 131.32' to the South right of way of West Seventh Street (O); thence S89°38'17"W for a distance of 12.00' along the South right of way of West Seventh Street returning to the Point of Beginning.

Excepting there from a portion of the North-South alley more particularly described as follows: Commencing at a rebar set at the intersection of West Seventh Street and North Morton Street, part of the SW ¼ of Bloomington township, section 33, Indiana; thence S00°00'00"E for a distance of 1.0' to the North West corner of lot 267 recorded in Deed Book 267, page 466(D); thence N89°38'17"E for a distance of 132.00' along the South right of way of West Seventh Street to the West right of way of a North-South alley (E); thence S00°25'34"E for a distance of 131.32' to the North right of way of an East-West alley (F); thence S89°36'47"W for a distance of 132.00' to the East right of way of North Morton Street (C); thence S00°25'34"E for a distance of 11.99' along the East right of way of North Morton Street to the South right of way of an East-West alley (B); thence N89°36'56"E for a distance of 132.00' to the West right of way of a North-South alley (G); thence S00°25'34"E for a distance of 44.77' to the Point of Beginning for the Exception Area; thence S00°25'34"E for a distance of 86.55' to the North right of way of West Sixth Street (H); thence N89°35'34"E for a distance of 12.00' along the North right of way of West Sixth Street to the

East right of way of a North-South Alley (none); thence N00°25'34"W for a distance of 86.55'; thence S89°35'34"W for a distance of 12.00' returning to the Point of Beginning for the Exception Area.

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 of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3rd day of December, 2003.

Chris Gaal

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4th day of December, 2003.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 4 day of December, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

The petitioner, (City of Bloomington), requests vacation of the public parcel commonly known as the right-of-way beneath the former Regester Garage, now Regester Place and Mercury Apartments. The parcel is located between Morton Street and College Avenue, and 7th Street south to the north edge of the Graham building.

Signed copies to:

legal (5)
controller
planning
cpc
CA/CA (2)
clerk
file
vacation of roadway file