(passed 8-0 Cole out of room)

ORDINANCE 03-36

TO AMEND THE BLOOMINGTON ZONING MAPS FROM RE1 TO PUD AND TO AMEND THE PRELIMINARY PLAN FOR THE HIDDEN VALLEY FARMS PUD
RE: 3421 S. Sare Road
(L & M Rentals, Petitioner)

WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21, which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning" as well as the incorporated zoning maps, and Title 21, entitled "Land Use and Development;" and

WHEREAS, on July 24, 2002 the Common Council adopted Ordinance 02-10, which rezoned approximately 46.5 acres of land from RE1 to PUD and approved a Preliminary Plan for its development (PUD-09-02); and

WHEREAS, the Plan Commission has considered this case, PUD-36-03, and recommended that the petitioner, L & M Rentals, be granted an amendment to the preliminary plan and a rezone to allow a 0.83 acre expansion of the PUD. The Plan Commission thereby requests that the Common Council consider this petition.

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 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the PUD located at 3421 S. Sare Road shall be expanded by 0.83 acres being rezoned from RE1 to PUD and the Preliminary Plan shall be amended. The property is further described as follows:

A part of the west half of Section 14 and a part of the east half of Section 15, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, more specifically described as follows:

Commencing at the northeast corner of the Northwest quarter of said Section 14; Thence on the east line of said Northwest quarter South 00 degrees 06 minutes 38 seconds West (record basis of bearings) 2791.98 feet; Thence leaving said east line North 80 degrees 46 minutes 30 seconds West 970.00 feet; Thence North 66 degrees 51 minutes 30 seconds West 495.00 feet; Thence South 81 degrees 57 minutes 02 seconds West 682.42 feet to the true point of beginning;

Thence South 68 degrees 51 minutes 42 seconds West 536.39 feet; Thence South 56 degrees 12 minutes 11 seconds West 532.96 feet to the west line of real estate owned by Howard E. Young (Deed Book 441, page 572, Office of the Recorder); Thence on said west line North 00 degrees 13 minutes 59 seconds East 1621.19 feet to the south and east right-of-way line of Sare Road (Deed Book 475, page 658, Office of the Recorder); Thence leaving said west line and on said right-of-way line North 51 degrees 22 minutes 23 seconds East 243.84 feet; Thence leaving said right-of-way line South 38 degrees 38 minutes 38 seconds East 130.99 feet; Thence South 87 degrees 49 minutes 11 seconds East 1679.18 feet to the west line of Fanyo-Stolberg Subdivision-Amendment One (Plat Cabinet C, envelope 273, Office of the Recorder); Thence on said west lines of said subdivision South 20 degrees 53 minutes 15 seconds West 402.27 feet; Thence South 46 degrees 48 minutes 12 seconds West 335.88 feet; Thence South 69 degrees 24 minutes 16 seconds West 178.50 feet; Thence south 57 degrees 52 minutes 07 seconds West 134.71 feet; Thence South 42 degrees 23 minutes 12 seconds West 510.59 feet to the point of beginning containing within said bounds 45.50 ACRES (31.08 acres in Section 14 and 14.42 acres in Section 15) be the same more or less but subject to all rights-of-way and easements of records.

And

A part Northeast quarter of section 15, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, more specifically described as follows:

Commencing at the northeast corner of the Northwest quarter of Section 14; Thence on the east line of said Northwest quarter South 00 degrees 06 minute 38 seconds West (record basis of bearings) 2791.98 feet; Thence leaving said east line North 80 degrees 46 minutes 30 seconds West 970.00 feet; Thence North 66 degrees 51 minutes 30 seconds West 495.00 feet; Thence South 81 degrees 57 minutes 02 seconds West 682.42 feet; Thence South 68 degrees 51 minutes 42 seconds West 536.39 feet; Thence South 56 degrees 12 minutes 11 seconds West 532.96 feet to the west line of real estate owned by Howard E. Young (Deed Book 441, page 572, Office of the Recorder); Thence on said west line North 00 degrees 13 minutes 59 seconds East 1621.19 feet to the south and east right-of-way line of Sare Road (Deed Book 475, page 658, Office of the Recorder); Thence continuing on said west line North 00 degrees 13 minutes 59 seconds East 128.42 feet to the north and west right-of-way line of Sare Road and to the True Point of Beginning;

Thence leaving said right-of-way line and continuing on said west line North 00 degrees 13 minutes 59 seconds East 265.03 feet; Thence leaving said west line South 89 degrees 46 minutes 01 second East 328.93 feet to said north and west right-of-way line; Thence on said right-of-way line South 51 degrees 22 minutes 23 seconds West 422.42 feet to the point of beginning containing within said bounds 1.00 ACRE be the same more or less but subject to all rights-of-way and easements of records.

And

A part of the east half of Section 15, Township 8 North, Range 1 West, Perry Township, Monroe County, Indiana, more specifically described as follows:

Commencing at the northwest corner of the Northwest quarter of said Section 14; Thence on the north line of said Northwest quarter South 87 degrees 49 minute 11 seconds East (basis of bearings being Instrument No. 1999024121, Office of the Recorder) 2096.24 feet to the northwest corner of Terra Cove Estates (Plat Cabinet C, envelope 284, Office of the Recorder); Thence leaving said north line and on the west lines of said estates South 21 degrees 05 minutes 07 seconds West 853.87 feet; Thence South 82 degrees 18 minutes 10 seconds East 347.51 feet; Thence South 00 degrees 23 minutes 50 seconds West 145.67 feet; Thence South 70 degrees 03 minutes 13 seconds West 387.46 feet; Thence South 35 degrees 20 minutes 07 seconds West 390.16 feet to the northwest corner of Fanyo – Stolberg Subdivision – Amendment One (Plat Cabinet C, envelope 273, Office of the Recorder); Thence leaving the west lines of Terra Cove Estates and on the west line of said Fanyo – Stolberg Subdivision South 20 degrees 53 minutes 15 seconds West 0.89 feet to the south line of the real estate of Suzanne D. Young (Instrument No. 1999024121, Office of the Recorder); Thence leaving said west line and on said south line North 87 degrees 49 minutes 11 seconds West 1547.78 feet to the west line of said Northwest quarter and the true point of the beginning;

Thence through said east half of Section 15 continuing North 87 degrees 49 minutes 11 seconds West 131.40 feet; Thence North 38 degrees 38 minutes 38 seconds West 130.99 feet to the east right-of-way line of Sare Road (Deed Book 475, page 658, Office of the Recorder); Thence on said right-of-way line North 51 degrees 22 minutes 23 seconds East 274.23 feet to the east line of said east half; Thence on said east line South 00 degrees 13 minutes 59 seconds West 278.49 feet to the point of the beginning containing within said bounds 0.83 ACRE be the same more or less but subject to all rights-of-way and easements of records.

SECTION II. The Preliminary Plan amendment shall be attached hereto and made a part thereof.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by 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

This ordinance adds approximately .83 acres of RE1 land to the Hidden Valley Farms PUD located at 3421 South Sare Road and amends the preliminary plan by approving more dwelling units (but with fewer overall bedrooms), fewer buildings, and more green space. *Note: The whereas sections of this ordinance were reformatted after it was distributed in the packet and before it was introduced at the Council.*

Signed copies to: legal (5) planning mc recorder OA/dA(2) clerk file Petitioner