(Passed 7-1 Sabbagh)

ORDINANCE 01-40

TO AMEND ORDINANCE 79-74 TO AUTHORIZE EXPENDITURES FROM THE SPECIAL NON-REVERTING IMPROVEMENT FUND
(Authorizing Expenditures to Pursue Grants, Obtain Legal Services, and Acquire and Improve Land Related to Certain Projects)

WHEREAS, the Bloomington Common Council adopted Ordinance 79-74, "To Create a Special Non-Reverting Improvement Fund," which provides that all monies received by the City pursuant to the 1979 Agreement In Lieu of Annexation as approved and ratified by Ordinance 79-73, shall be placed in the special non-reverting fund; and

WHEREAS, Ordinance 87-31 provides that all monies received by the City pursuant to the 1987 Agreement In Lieu of Annexation as approved and ratified by Ordinance 87-30, shall be placed in the special non-reverting fund; and

WHEREAS, Ordinance 97-55 provides that all monies received by the City pursuant to the Agreement to Modify and Extend the 1987 Agreement, as approved and ratified by Resolution 98-02, shall be placed in the special non-reverting fund; and

WHEREAS, the Agreement provides that monies received by the City may be used for any legal public purpose; and

WHEREAS, Ordinance 79-74, with subsequent amendments thereto, provides that the monies in the fund may be used for various purposes, and

WHEREAS, it would be of benefit to the City to be able to expend monies from the Special Non-Reverting Improvement Fund for legal and representation services related to the relocation of the McDoel switchyard, construction of a greenways trail, and future projects;

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

SECTION 1. Section 1 of Ordinance 79-74, as previously amended, shall be amended to read as follows:

a) The third sentence of the section shall be amended to add the following words, ", and any and all costs associated with the acquisition of land and/or payment for improvements thereon" after the word "gutters" so that the sentence shall read as follows:

The monies in said fund may be used for the provision of fire protection service, sewer service, water service, storm sewer service, road and traffic improvements, including but not limited to right-of-way procurement, traffic signalization and the construction or reconstruction of streets, curbs and gutters, and any and all costs associated with the acquisition of land and/or payment for improvements thereon in order to serve the existing industries and encourage development in the vicinity of the industries, thereby strengthening the City's position for future annexation.

b) The fourth sentence shall be amended to delete the word "and" following the word "Bloomington," and to add the following words ", and to obtain federal and non-federal grant funding that may be used for the benefit of the City or the industries which are party to the agreement." after the word "hereof" so that the fourth sentence shall read as follows:

Also the monies in said fund may be used for professional services, salaries, material and equipment necessary to prepare fiscal plans and other reports and studies necessary to allow annexation of the areas contiguous to the City of Bloomington, to specifically fund the position of management analyst, whose duties may include, in

addition to assisting in the development of written fiscal plan(s) for annexation of contiguous territory, those duties set out in Exhibit A attached hereto and made a part hereof, and to obtain federal and non-federal grant funding that may be used for the benefit of the City or industries which are party to the agreement.

SECTION 2. Severability. If any sections, 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 3. 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 14th day of November, 2001.

PATRICIA COLE, 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 15th day of November, 2001.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 15th day of November, 2001.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance provides that monies received from the "Agreement to Modify and Extend the 1987 Agreement," as approved in January of 1998, may be expended to pursue grants, legal services, and acquire and improve land related to certain projects. This change would allow the funds to be applied towards the relocation of the McDoel switchyard, construction of a greenways trail, and future projects otherwise consistent with the purposes of the fund.

Signed copies to:
controller
legal(5)
file
Econ Dev

CA/CA