Passed: 8-0

ORDINANCE 98-26

TO VACATE A PUBLIC PARCEL
Re: Drainage Easement and a Sanitary Sewer Easement
on Lot 5 of Franklin Business Park Located at 110 Franklin Road
(Franklin Business Park, LLC & Bloomington Roadhouse, LLC, Petitioners)

WHEREAS, the petitioners, Franklin Business Park, LLC & Bloomington Roadhouse, LLC, have filed a petition to vacate a drainage easement and a sanitary sewer easement which is more particularly described below; and

WHEREAS, the existing easements have been replaced by new easements; and

WHEREAS, I.C. 36-7-3-16 authorizes the Common Council to vacate platted easements in the same manner as it vacates public ways and places; and

WHEREAS, the Common Council follows the procedure set forth in I.C. 36-7-3-12 to vacate public ways and places, and that procedure commences upon petition with the Common Council by persons who own or are interested in lots contiguous to those public ways and places;

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 and I.C. 36-7-3-16, two easements shall be vacated. The property, commonly known as a drainage easement and a sanitary sewer easement on Lot 5 of Franklin Business Park located at 110 Franklin Road, is more particularly described as follows:

Sanitary Sewer Easement

Easement for Sewer Line dated 5 April, 1980 from Clear Creek Stone Supply and Cont. Co. Inc. to Grantor and recorded in Deed Record Book 278, Page 421, on 22 October, 1980, in the Office of the Recorder of Monroe County, Indiana, with respect to the real estate of Bloomington Roadhouse, LLC, an Indiana limited liability company, which is more particularly described in Deed Record Book 467, Page 633, in said Recorder's Office, being Lot 5 of the Franklin Business Park, Section Two, as recorded in Plat Cabinet "C", envelope 230, in said Recorder's Office.

Said route being more particularly described as follows:

A 25.00 foot strip of land, being 12.50 feet on each side of the following described centerline:

Commencing at the Southeast corner of said Lot 5; thence North 00 degrees 11 minutes 18 seconds East along the East line of said Lot 47.93 feet to the point of beginning; thence North 62 degrees 13 minutes 20 seconds West 285.98 feet to the Easterly right-of-way line of State Road 37, said point being the end of this centerline description.

The sidelines of said strip of land are to be lengthened or shortened to terminate on the Lot lines of said Lot 5.

Drainage Easement

A part of the West half of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section 31; thence South 89 degrees 38 minutes 12 seconds East 287.00 feet along the South line of Section 31; thence North 00 degrees 15 minutes 47 seconds East 583.75 feet, to a point on the East right-of-way line of State Road 37; thence North 00 degrees 31 minutes 43 seconds West along said right-of-way line 281.89 feet; thence leaving said right-of-way line South 89 degrees 48 minutes 42 seconds East 368.71 feet; thence North 00 degrees 11 minutes 18 seconds East 206.60 feet to the point of beginning; thence North 03 degrees 52 minutes 43 seconds West 195.06 feet; thence North 89 degrees 21 minutes 15 seconds West 200.55 feet; thence North 21 degrees 54 minutes 06 seconds West 16.70 feet to said right-of-way line; thence along said right-of-way line North 29 degrees 50 minutes 03

seconds East 19.10 feet; thence leaving said right-of-way line South 21 degrees 54 minutes 06 seconds East 18.51 feet; thence South 89 degrees 21 minutes 15 seconds East 227.49 feet to a point on a non-tangent curve concave Easterly with a radius of 925.00 feet and a chord bearing South 05 degrees 07 minutes 57 seconds West for 95.52 feet; thence Southerly along said curve 95.56 feet; thence South 00 degrees 11 minutes 18 seconds West 114.12 feet; thence North 89 degrees 48 minutes 42 seconds West 15.00 feet to the point of beginning, containing 0.19 acre, more or less.

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 1st day of July, 1998.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of July, 1998.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 2 day of July, 1998.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

The petitioners, Franklin Business Park, LLC & Bloomington Roadhouse, LLC, request vacation of the public parcels commonly known as a drainage easement and a sewer easement on Lot 5 of Franklin Business Park located at 110 Franklin Road.

Signed copies to:
Petitioner
Planning
Public Works
MC Recorder
Assessor
Auditor
Treasurer