Passed: 7-1 (D. Sabbagh)

ORDINANCE 97-41

AN ORDINANCE CONCERNING THE ANNEXATION OF ADJACENT AND CONTIGUOUS TERRITORY (Gates/Whitehall Crossing Area)

WHEREAS, the boundary of the City of Bloomington, Indiana, is adjacent to the real estate described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

SECTION 1. That the following described land, commonly known as the north side of the 3000 block of West Whitehall Pike, be annexed to and declared a part of the City of Bloomington, Indiana, to-wit:

A part of the east half of Section 36, Township 9 North, Range 2 West, and a part of the west half of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana, and being more particularly described as follows:

COMMENCING at the southeast corner of said Section 36; thence NORTH 00 degrees 33 minutes 07 seconds West 1009.99 feet on the east line of said section to the POINT OF BEGINNING, thence on the north line of Annexation Ordinance Number 86-52 the following four (4) courses: 1). NORTH 89 degrees 22 minutes 00 seconds West 118.38 feet; thence 2). NORTH 90 degrees 00 minutes 00 seconds West 400.13 feet; thence 3). NORTH 00 degrees 00 minutes 00 seconds West 49.50; thence 4). SOUTH 90 degrees 00 minutes 00 seconds West 196.62 feet to the west line of Gates Drive; thence on said west line the following eight (8) courses: 1). 80.49 feet on a 165.00 foot radius non-tangent curve to the left whose chord bears NORTH 16 degrees 05 minutes 31 seconds West 79.69 feet; thence 2). NORTH 30 degrees 03 minutes 59 seconds West 142.25 feet; thence 3). 120.79 feet on a 235.00 foot radius tangent curve to the right; thence 4). NORTH 00 degrees 36 minutes 59 seconds West 940.05 feet; thence 5). 529.82 feet on a 335.00 foot radius tangent curve to the right; thence 6). NORTH 89 degrees 59 minutes 59 seconds East 118.37 feet; thence 7). 88.78 feet on a 165.00 foot radius tangent curve to the left; thence 8). NORTH 59 degrees 10 minutes 11 seconds East 63.98 feet; thence NORTH 89 degrees 26 minutes 53 seconds East 240.86 feet to the aforementioned east line of Section 36; thence NORTH 00 degrees 33 minutes 07 seconds West 500.00 feet on said east line to the south right-of-way of the CSX Railroad; thence on said south right-of-way the following four (4) courses: 1). SOUTH 82 degrees 16 minutes 20 seconds East 145.41 feet; thence 2). SOUTH 82 degrees 55 minutes 17 seconds East 130.06 feet; thence 3). SOUTH 83 degrees 10 minutes 50 seconds East 768.21 feet; thence 4). SOUTH 83 degrees 10 minutes 50 seconds East 854.51 feet to the east right-of-way of State Road 37; thence on said right-of-way the following nine (9) courses: 1). SOUTH 42 degrees 43 minutes 09 seconds West 684.36 feet; thence 2). SOUTH 63 degrees 42 minutes 27 seconds West 236.62 feet; thence 3). SOUTH 47 degrees 38 minutes 58 seconds West 176.80 feet; thence 4). SOUTH 40 degrees 41 minutes 00 seconds West 305.00 feet; thence 5). SOUTH 34 degrees 14 minutes 00 seconds West 385.00 feet; thence 6). SOUTH 21 degrees 37 minutes 00 seconds West 327.00 feet; thence 7). SOUTH 29 degrees 56 minutes 00 seconds West 199.00 feet; thence 8). SOUTH 17 degrees 55 minutes 00 seconds West 139.00 feet; thence 9). SOUTH 14 degrees 03 minutes 00 seconds West 204.00 feet to the east line of the aforementioned Annexation Ordinance Number 86-52; thence on said Annexation Ordinance Number 86-52 the following two (2) courses: 1). NORTH 00 degrees 00 minutes 00 seconds East 107.77 feet; thence 2). NORTH 89 degrees 22 minutes 00 seconds West 314.75 feet to the POINT OF BEGINNING, containing 79.37 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 of the real estate hereinabove described as part of the City of Bloomington, Indiana.

SECTION 3. Pursuant to I.C. 36-4-3-3(d), 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.

SECTION 4. This ordinance shall take effect after passage and adoption by the Common Council of the City of Bloomington; approval by the Mayor; and sixty (60) days have elapsed following its publication pursuant to I.C. 36-4-3-7(a). However, it is the expressed intent of the Council that this ordinance shall not take effect if, prior to the aforementioned lapse of sixty (60) days, the City of Bloomington and all current signatories to the August 1987 Agreement in Lieu of Annexation, or their successors or assigns fail to execute an agreement to modify and extend the August 1987 Agreement.

SECTION 5. Severability. If any section, 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.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19 day of November, 1997.

ANTHONY PIZZO, 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 19 day of November, 1997.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 19 day of November, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington
James McNamara, Deputy Mayor

SYNOPSIS

This ordinance annexes the Gates/Whitehall Crossing Area, which includes the property located on the north side of the 3000 block of West Whitehall Pike, effective sixty (60) days after its passage and assigns this area to Council District 1. *Note: Sections 4 and 5 of this ordinance were respectively revised and added after the ordinance was distributed in the packet, but prior to first reading. And, Section 4 was amended by Amendment 1.*