Passed 8-0
Ruff not present for vote

ORDINANCE 13-01

TO VACATE A PUBLIC PARCEL -
Re: A 50-Foot Wide, 768-Feet Long Segment of South Tech Boulevard
Running North of West Schmaltz Boulevard
(Public Investment Corporation, 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, (Public Investment Corporation), has filed a petition to vacate a parcel of City property more particularly described below;

WHEREAS, pursuant to I.C. 36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana (47402);

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

SECTION 1. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is a 50-foot wide, 768-foot long segment of South Tech Boulevard street right-of-way running West Schmaltz Boulevard and ending at the terminus of the cul-de-sac which is more particularly described as follows:

All that portion of Tech Park Boulevard that is adjacent to Lots 10 through 13 in Mill Creek Phase 1, Replat of Lot 10 as recorded in Plat Cabinet D, Envelope 93, Instrument Number 2009017173 and all that portion of Tech Park Boulevard that is adjacent to Lots 7 and 8 and a part of Tech Park Boulevard that is adjacent to Lot 1 in Mill Creek Phase 1 as recorded in Plat Cabinet D, Envelope 21, Instrument Number 2005022765 being more particularly described as follows:

BEGINNING at The Southeast corner of said Lot 8; thence NORTH 00 degrees 53 minutes 45 seconds EAST along the east line of Lot 8 a distance of 311.50 feet to the Southeast corner of Lot 9; thence along the east line of Lot 9 the next eight (8) courses:

1. NORTH 00 degrees 53 minutes 45 seconds EAST 36.69 feet; thence
2. NORTH 14 degrees 02 minutes 00 seconds EAST 144.77 feet; thence
3. NORTH 06 degrees 16 minutes 19 seconds WEST 73.40 feet; thence
4. NORTH 27 degrees 27 minutes 37 seconds WEST 56.19 feet; thence
5. NORTH 61 degrees 20 minutes 47 seconds WEST 41.84 feet; thence
6. NORTH 28 degrees 42 minutes 14 seconds WEST 31.71 feet; thence
7. NORTH 12 degrees 13 minutes 46 seconds EAST 27.13 feet; thence
8. NORTH 45 degrees 58 minutes 43 seconds EAST 18.84 feet to the Southwest corner of Lot 13 and the beginning

of a non-tangent curve concave to the south having a radius of 37.00 feet and a chord which bears SOUTH 85 degrees 27 minutes 00 seconds EAST 47.07 feet; thence SOUTHEASTERLY along the south line of Lot 13 and along said curve an arc distance of 51.02 feet to the Northwest corner of Lot 12 and the beginning of a compound curve concave to the southwest having a radius of 37.00 feet and a chord which bears SOUTH 21 degrees 58 minutes 43 seconds EAST 30.11 feet; thence along the west line of Lot 12 the next three (3) courses:

1. SOUTHERLY along said curve an arc distance of 31.01 feet to the beginning of a reverse curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 18 degrees 21 minutes 39 seconds EAST 17.42 feet; thence
2. SOUTHERLY along said curve an arc distance of 17.79 feet to the beginning of a reverse curve concave to the southwest having a radius of 224.65 feet and a chord which bears SOUTH 27 degrees 22 minutes 47 seconds EAST 88.58 feet; thence
3. SOUTHERLY along said curve an arc distance of 89.17 feet to the Northwest corner of Lot 11 and the beginning of a non-tangent curve concave to the west having a radius of 223.04 feet and a chord which bears SOUTH 11 degrees 11 minutes 48 seconds EAST 38.13 feet; thence along the west line of Lot 11 the next three (3) courses:

1. SOUTHERLY along said curve an arc distance of 38.18 feet; thence
2. SOUTH 06 degrees 16 minutes 19 seconds EAST 9.50 feet to the beginning of a tangent curve concave to the west having a radius of 225.00 feet and a chord which bears SOUTH 03 degrees 52 minutes 51 seconds WEST 79.32 feet; thence
3. SOUTHERLY along said curve an arc distance of 79.74 feet to the Northwest corner of Lot 10; thence along the west line of Lot 10 the next three (3) courses:

1. SOUTH 14 degrees 02 minutes 00 seconds WEST 87.52 feet to the beginning of a tangent curve concave to the east having a radius of 175.00 feet and a chord which bears SOUTH 07 degrees 27 minutes 52 seconds WEST 40.04 feet; thence
2. SOUTHERLY along said curve an arc distance of 40.13 feet; thence
3. SOUTH 00 degrees 53 minutes 45 seconds WEST 96.61 feet to the Northwest corner of Lot 7; thence SOUTH 00

degrees 53 minutes 45 seconds WEST along the west line of Lot 7 a distance of 217.92 feet to the beginning of a tangent curve concave to the northeast having a radius of 25.00 feet and a chord which bears SOUTH 43 degrees 18 minutes 32 seconds EAST 34.86 feet; thence SOUTHEASTERLY along said curve an arc distance of 38.57 feet to the north line of Schmaltz Boulevard; thence NORTH 87 degrees 29 minutes 47 seconds WEST along the westerly extension of said north line a distance of 79.33 feet to the east line of Lot 1; thence NORTH 00 degrees 53 minutes 03 seconds EAST along said east line a distance of 15.01 feet to the south line of Lot 8; thence SOUTH 89 degrees 06 minutes 15 seconds EAST along said south line a distance of 5.00 feet to the POINT OF BEGINNING, containing 0.88 acres, more or less.

SECTION 2. 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.

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 by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of JANUARY, 2013.

DARRYL NEIER, 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 17th day of JANUARY, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 17th day of January, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Public Investment Corporation, requests vacation of a segment of street right-of-way running south/north from West Schmaltz Blvd. and ending at the terminus of the cul-de-sac to the north. The request is done on behalf of Hoosier Energy which intends to relocate its corporate headquarters from North State Road 37 to this site within City limits.

Signed to:
GIS
MC Auditor
MC Assessor
MC Recorder
MC Treasurer
controller
legal
BuS dept
petitioner
CA/CA
clerk (2)