Passed 9-0

ORDINANCE 13-07

TO VACATE PUBLIC PARCELS -
Re: Two Segments of a Seminary Lot Alley which are 16.5 Feet Wide and a Total of 1,180 Feet Long with One Segment Running East to West through the Patterson Pointe PUD and the Other Running in the Same Direction Through the Proposed Patterson Park PUD
(Adam's Crossing, LLC and Rogers Group, Inc. Petitioners)

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 petitioners, Adam's Crossing, LLC and Rogers Group, Inc., have filed a petition to vacate parcels of City property more particularly described below; and

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 includes two segments of a Seminary Lot alley right-of-way which are 16.5 feet wide and a total of 1,180-feet long, with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the Patterson Park PUD. This right-of-way is more particularly described as follows:

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 142; Thence on the south line of Seminary Lot 142 North 89 degrees 07 minutes 42 seconds East (basis of bearings being the plat of Landmark Business Center Phase V recorded as Instrument 2004025058 in Plat Cabinet "C", envelope 386, Monroe County Recorder) 516.81 feet to the east line of Lot 2 in Landmark Business Center Phase V; Thence leaving the south line of Seminary Lot 142 and on the east line of Lot 2 South 9 degrees 47 minutes 46 seconds West 16.79 feet to the north line of Seminary Lot 147; Thence leaving the west line of Lot 2 and on the north line of Seminary Lot 147 and Seminary Lot 148 South 89 degrees 07 minutes 42 seconds West 703.55 feet to the west line of said Lot 2; Thence leaving the north line of Seminary Lot 148 and on the west line of Lot 2 North 39 degrees 02 minutes 36 seconds West 20.99 feet to the south line of Seminary Lot 141; Thence leaving said west line of Lot 2 and on the south line of Seminary Lot 141 North 89 degrees 07 minutes 42 seconds East 202.81 feet to the point of beginning.

A strip of ground, platted as an alley, being a part of the Seminary Lots as recorded in Deed Record "N" at page 503 in the office of the Recorder in Monroe County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Seminary Lot 144; Thence on the south line of Seminary Lot 144 North 90 degrees East (basis of bearings being the plat of Patterson Park, Phase One; Final Plat recorded as Instrument 2003011010 in Plat Cabinet "C", envelope 330, Monroe County Recorder) 54.60 feet to the west line of a subdivision known as Weddle Park and recorded as Instrument 320910 in Plat Cabinet "C", envelope 85, Monroe County Recorder; Thence leaving the south line of said Seminary Lot 144 and on the west line of Weddle Park South 27 degrees 44 minutes 02 seconds East 18.64 feet to the north line of Seminary Lot 145; Thence leaving said west line of Weddle Park and on the north line of Seminary Lot 145 and Seminary Lot 146 South 90 degrees West 465.92 feet to the east right of way line of Patterson Drive as dedicated to the City of Bloomington and recorded in Deed Record 484 at page 222, Monroe County Recorder; Thence leaving the north line of Seminary Lot 146 and on the east right of way line of Patterson Drive North 38 degrees 57 minutes 37 seconds West 21.22 feet to the south line of Seminary Lot 143; Thence leaving said right of way line and on the south line of Seminary Lot 143 North 90 degrees East 415.99 feet to the point of beginning.

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 3rd day of April, 2013.

DARRYL NEHER, 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 4th day of April, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 4th day of April, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioners, Adams Crossing, LLC and Rogers Group, Inc, request vacation of two Seminary Lot Alley segments of right-of-way with one segment running east to west through the Patterson Pointe PUD and the other running in the same direction through the proposed Patterson Park PUD. The request is to allow the Patterson Park and Patterson Pointe developments to proceed with their development plans.

Signed copies to:
Controller
Legal
petitioners
Planning
- MC Recorder
- MC Auditor
- MC Assessor
- MC Treasurer
- GIS (Holley)
- Clerk
- CA/CA