Passed 9-0

ORDINANCE 08-21

TO VACATE A PUBLIC PARCEL –
Re: A segment of the Fairview Street Right-of-Way Running North/South Between 515 West Patterson Drive and 1300 South Patterson Drive (Cook Pharmica, LLC, 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 petitioners, (Cook Pharmica, LLC.) have filed a petition to vacate a parcel of City property more particularly described below;

WHEREAS, the City has received a copy of a quitclaim deed (Instrument Number 2008005116) which was recorded in the Office of the Recorder of Monroe County, Indiana on March 8, 2008;

WHEREAS, the aforementioned quitclaim deed is between Bloomington PR, LLC (grantor) and Cook Pharmica, LLC (grantee) and states, in part, that the "Grantor disclaims any interest in (this) vacated portion (of Fairview Street), even if such portion would otherwise have vested in Grantor because of such vacation";

WHEREAS, pursuant to this vacation and the above-referenced quitclaim deed, title to the real estate described in this ordinance will, by operation of law, vest in the adjoiner Cook Pharmica, LLC;

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, a portion of City owned property shall be vacated. The property, a forty-four by one hundred and fifteen foot segment of the Fairview Street right-of-way running north/south between 515 West Patterson Drive and 1300 South Patterson Drive, is more particularly described as follows:

A part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the Southwest corner of the Northwest Quarter of Section 8, Township 8 North, Range 1 West of Monroe County, Indiana; thence South 85 degrees 13 minutes 49 seconds East 3635.41 feet along the South line of Section 8; thence leaving said Section line North 04 degrees 46 minutes 11 seconds East 3488.91 feet to a MAG nail and to the East line of the Cook Pharmica property (IN# 2003016378); thence North 26 degrees 26 minutes 56 seconds West 402.79 feet to a capped 5/8" rebar and to the South right-of-way line of Patterson Drive; thence following the South right-of-way of Patterson Drive on a curve to the left 228.02 feet with a radius of 346.18 feet and a chord bearing of South 65 degrees 33 minutes 48 seconds East 223.92 feet; thence continuing on said right-of-way South 86 degrees 36 minutes 33 seconds East 36.53 feet and to the west right of way of Fairview Street and the Point of Beginning of this description; thence continuing on said Patterson right-of-way South 86 degrees 36 minutes 33 seconds East 44.00 feet to the east right of way of Fairview Street; thence along said east right of way, South 03 degrees 13 minutes 38 seconds West 114.95 feet to a Railroad spike; thence leaving said east right of way, North 86 degrees 36 minutes 54 seconds West 44.00 feet to the west right of way of Fairview Street; thence along said west right of way, North 03 degrees 13 minutes 38 seconds East 114.95 feet to the Point of Beginning, containing +/- 5057.75 square feet.

Signed copies to:
controller
legal(2)
web
GIS
engineering
petitioner
auditor
assessor
recorder
CA/CA(3)
clerk
deputy

SECTION II. Pursuant to I.C. 36-7-3-16, the following Utility have submitted written communications to the City indicating that it is not occupying or using any part of these public ways and has no objection to the vacation: Vectren states it has "no objection" to this action.

SECTION III. 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 19th day of NOVEMBER, 2008.

SUSAN SANDBERG, 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 21st day of NOVEMBER, 2008.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22nd day of NOVEMBER, 2008.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Cook Pharmica, LLC., requests vacation of the public parcel commonly known as the Fairview Street right-of-way running north/south between 515 West Patterson Drive and 1300 South Patterson Drive on the south side of Patterson Drive.

Note: This ordinance was revised after it was distributed in the Council Legislative Packet but before it was introduced at the Council. The revisions affect the last three whereas clauses.