Passed 9-0

ORDINANCE 07-29

TO VACATE PUBLIC PARCELS
Re: Three Alley Rights-of-Way Segments in the 300 Block of South Walnut and South College Including Segments Running : 1) North/South from Third Street South about 257 Feet; 2) East/West from College Avenue East about 145 Feet and Intersecting with the First Segment; and, 3) North/South in Line with the First Segment South about 69 Feet (Downtown Redevelopment Partners, 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, Downtown Redevelopment Partners, LLC., have filed a petition to vacate three parcels of City property more particularly described below in order to construct a hotel;

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, three segments of alley right-of-way located in the 300 block of South College and South Walnut shall be vacated. These right-of-ways are adjacent to 301, 327, and 335 South College and 300, 314, 328, and 336 South Walnut and include: 1) a 12 foot wide segment located between College Avenue and Walnut Street starting at Third Street and running south approximately 257.14 feet; 2) a 16.5 foot wide segment located adjacent to College Avenue and running east/west 144.89 feet to intersect with the aforementioned north/south alley right-of-way; and, 3) a 12 foot wide segment located between College Avenue and Walnut Street starting at the south end of the second segment and running in line with the first segment south 68.74 feet. Specifically, these rights-of-way segments are located between Part of Fractional Lot 22 & Part Lots 23 and 24 of Seminary Addition and are more particularly described as follows:

Apparent North -South Alley north of platted 12 foot alley
A part of Fractional Lot Number 22 of the Original Plat of the Town of Bloomington, Indiana per plat thereof as recorded in Book "A" page 5 in the Office of the Recorder of Monroe County, Indiana, and a part of Lot Number 24 of the Seminary Addition per plat thereof as recorded in Plat Cabinet "B" envelope 1 also in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:
1. Commencing at the northwest corner of said Lot Number 22 (also being the intersection of the South right-of-way of Third Street and the East right-of-way of College Ave.); thence South 89 degrees 41 minutes 05 seconds East 132.29 feet along said southerly right-of-way of Third Street and north line of said Fractional Lot Number 22 to the westerly line of an apparent 12 foot wide alley(said 12footalleyiscited in various deed records, however it is not on the record plats) and an Iron Pin w/cap stamped "Larrison 20000230" and the Point of Beginning of this description;
2. thence South 00 degrees 14 minutes 02 seconds West 257.14 feet along the west line of said apparent 12footwidealleytothesouthlineofsaidLot24 and the north line of a platted alley between Lots 23 and 24 of said Seminary Addition and an Iron Pin w/cap stamped "Larrison 20000230";
3. thence North 89 degrees 51 minutes 55 seconds East 12.00 feet along the south line of said Seminary Addition Lot 24 to the east line of said apparent 12 foot alley;
4. thence North 00 degrees 14 minutes 02 seconds East 257.05 feet along the east line of said apparent 12 foot alley to the said southerly right-of-way of Third Street and north line of said Fractional Lot Number 22 and Iron Pin w/cap stamped "Larrison 20000230"
5. thence North 89 degrees 41 minutes 05 seconds West 12.00 feet along the said southerly right-of-way of Third Street and north line of said Fractional Lot Number 22 to the Point of Beginning of this description.

East -West 16.5 foot Platted Alley
Apart of that platted alley that lies between Lot Number 23 and Lot Number 24 of the Seminary Addition per plat thereof as recorded in Plat Cabinet "B" envelope 1also in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:
1. Beginning at the northwest corner of said Lot Number 23 (also being a point on the East right-of-way of College Ave.) thence North 89 degrees 51 minutes 55 seconds East 144.89 feet along said south line

of platted alley to the east line of an apparent 12 foot wide alley (said 12 foot alley is cited in various deed records, however it is not on the record plats) ;
2. thence North 00 degrees 14 minutes 02 seconds East 16.50 feet along said east line to the north line of said platted alley and the south line of said Lot Number 24;
3. thence South 89 degrees 51 minutes 55 seconds West 144.86 feet along said north line of the platted alley to the said east right-of-way of College Ave.
4. thence South 00 degrees 21 minutes 33 seconds West 16.50 feet along said east right-of-way of College Ave. to the Point of Beginning.

Apparent North -South Alley south of platted 12 foot alley
A part of Lot Number 23 of the Seminary Addition per plat thereof as recorded in Plat Cabinet "B" envelope 1also in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:
1. Commencing at the northwest corner of said Lot Number 23 (also being a point on the East right-of-way of College Ave.) thence North 89 degrees 51 minutes 55 seconds East 132.89 feet along said south line of platted alley to the west line of an apparent 12footwide alley (said 12 foot alley is cited in various deed records, however it is not on the record plats) and the Point of Beginning of this description;
2. thence South 00 degrees 14 minutes 02 seconds West 68.74 feet along said west line;
3. thence North 89 degrees 51 minutes 55 seconds East 12.00 feet to the east line of said apparent 12 foot wide alley;
4. thence North 00 degrees 14 minutes 02 seconds East 68.74 feet along said east line to the north line of said Lot Number 23;
5. thence South 89 degrees 51 minutes 55 seconds West 12.00 feet along the north line of said Lot Number 23 and the Point of Beginning of this description.

SECTION II. Pursuant to I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council indicating that it is not occupying or using any part of these public ways and have no objection to the vacation: Bloomington Digital Underground.

SECTION III. 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 IV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and the filing of the ordinance by the City Clerk with the Monroe County Recorder and Auditor. The City Clerk shall not file the ordinance until she has received a copy of the Certificate of Zoning Compliance for the construction of the "Hotel Indigo" project (SP-35-07) which she shall attach to the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of DECEMBER, 2007.

DAVE ROLLO, 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 19th day of DECEMBER, 2007.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of DECEMBER, 2007.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioners, Downtown Redevelopment Partners, LLC, request vacation of three segments of right-of-way south of Third Street between College Avenue. and Walnut Street in order to construct a hotel. They include: a 12-foot wide segment running north/south from Third Street south about 257 feet; a 16.5-foot wide segment running east/west from College Ave. east about 145 feet to intersect with the first segment; and a 12-foot wide segment running north/south in line with the first segment south about 69 feet.

Note: On December 19, 2007 the Council adopted Amendment 1 to this ordinance which delayed the effective date of the ordinance until the City Clerk has received the certificate of zoning compliance for the construction of the "Hotel Indigo" project, attached it to the ordinance, and filed the ordinance with the County Recorder and Auditor.

Signed copies to:
legal (10)
Controller
petitioner
planning
IT webmaster
MC Assessor
MC Auditor
MC Recorder
CA/CA(3)
Clerk file
engineering
GIS - Lauren Haley
Public Works