Passed 8-0
Rollo absent

RESOLUTION 13-10

TO GIVE CONSENT FOR THE TOWN OF ELLETTSVILLE TO ANNEX PROPERTY WITHIN THREE (3) MILES OF THE CORPORATE BOUNDARIES OF THE CITY OF BLOOMINGTON - Re: 4444 West State Road 46 (CVS Property)

WHEREAS, I.C. 36-4-3-9 requires the Town of Ellettsville to obtain the consent of the Common Council of the City of Bloomington before annexing territory within three (3) miles of the corporate boundaries of the City; and

WHEREAS, the Common Council of the City of Bloomington on August 6,1997 passed Resolution 97-09 by which it agreed to favorably consider a request by the Town of Ellettsville to annex territory described in the Resolution as Phase Two if the Town met certain conditions; and

WHEREAS, the Town of Ellettsville wishes to annex approximately 3.58 acres within Phase Two located at 4444 West State Road 46, Bloomington, Indiana, and on which CVS Caremark Corporation operates a pharmacy and retail store; and

WHEREAS, the Town of Ellettsville has satisfactorily met all of the conditions set forth in Section 3 of Resolution 97-09; and

WHEREAS, the Common Council of the City of Bloomington concludes that the Town of Ellettsville's annexation of said territory is consistent with long range planning objectives of the City of Bloomington, the Town of Ellettsville, and Monroe County and is an appropriate development strategy for the area;

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

SECTION 1. The Common Council of the City of Bloomington hereby consents to the Town of Ellettsville's annexation of territory located within three miles of the City's corporate boundaries at 4444 West State Road 46 in Bloomington, Monroe County, Indiana, and further described below:

A part of the Southwest quarter of Section 13, Township 9 North, Range 2 West, Monroe County, Indiana more particularly described as follows:

Commencing at a Harrison monument (4" diameter solid iron stamped; County Surveyor) at the Northwest corner of said Southwest quarter; thence North 89 degrees 18 minutes 16 seconds East, along the North line of the Southwest quarter, 16.51 feet to a 5/8-inch rebar with Bledsoe Tapp cap at the point of beginning; thence continuing along said North line of the Southwest quarter North 89 degrees 18 minutes 16 seconds East 417.24 feet; thence South 01 degree 49 minutes 37 seconds East, leaving the North line of the Southwest quarter 528.28 feet to the North right-of-way line of St. Rd. 46; thence along said North right-of-way line of St. Rd. 46 the following four courses:

l. North 44 degrees 35 minutes 43 seconds West (basis of bearings) 461.03 feet to a 5/S-inch rebar with Bledsoe Tapp cap;
2. Along a curve to the left which has a radius of 1,827.95 feet, an arc length of 32.09 feet, and a chord which bears North 45 degrees 05 minutes 53 seconds West 32.09 feet to a *5/8* inch rebar with Bledsoe Tapp cap;
3. North 09 degrees 2S minutes 21 seconds East 18.26 feet to a 5/8-inch rebar with Bledsoe Tapp cap and

4. Along a curve to the left which has a radius of 1842.95 feet, an arc length of 118.24 feet, and a chord which bears thence North 47 degrees 45 minutes 51 seconds West 118.24 feet 5/8-inch rebar with Bledsoe Tapp cap in the East line of Union Valley Road; thence North 02 degrees 23 minutes 42 seconds West along said East line of Union Valley Road and leaving the St. Rd. 46 right-of-way 74.59 feet to the point of beginning. Containing 2.91 (2.905) acres, more or less.

More commonly known as 4444 W. State Road 46, Bloomington, IN 47404; Parcel # 53-04-13-300-040.001-011.

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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of June, 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 20th day of June, 2013.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 20th day of JUNE, 2013.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

Pursuant to statute, the Town of Ellettsville has requested that the City of Bloomington give permission for the town to annex an area within three miles of the City's corporate boundaries. This resolution follows upon Resolution 97-09, which declared that the City Council would favorably consider a request to annex territory within an area identified as Phase Two in that resolution if certain conditions were met within 3 years of adoption of that resolution. By passage of this resolution, the Council finds that those conditions have been met and that the annexation of said territory is consistent with long range planning objectives of the City, and consents for the Town of Ellettsville to annex the area known as 4444 West S.R. 46 immediately upon its adoption.

Signed copies to:
town of Ellettsville
controller
planning

Monroe county assessor
auditor
treasurer
Monroe County commissioners
Monroe County council

CA/CA
Clerk (2)