Passed 9-0

Resolution 97-09

To Give Consent for the Town of Ellettsville to Annex Property within Three (3) Miles of the Corporate Boundaries of the City of Bloomington

WHEREAS, the Town of Ellettsville desires to annex properties east of its corporate limits; and some of these properties are in an area located within three (3) miles of the corporate boundaries of the City of Bloomington; and

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, representatives from the City of Bloomington, the Town of Ellettsville and Monroe County have considered this request in light of long range planning objectives and have concluded that it presents an excellent opportunity to define, coordinate and implement land use and development strategies for the area;

NOW, THEREFORE, BE IT HEREBY 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 annexation by the Town of Ellettsville of area within three miles of the City's corporate boundaries. The area, also known as Phase One, includes the land identified as Area 1A and 1B on the attached map and is further described below:

Area 1A

Part of Sections 10, 11, and 14 all in Township 9 North, Range 2 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the Quarter Corner common to Sections (11) Eleven and (14) Fourteen; thence Easterly along the North line of said Section (14) Fourteen to a corner of Autumn Hills Subdivision, as recorded in Plat Book 8, page 205, in said Recorder's Office; thence the following (5) five courses along the boundary lines of said Subdivision: 1) Easterly 6.60 feet; 2) Northeasterly 470.08 feet; 3) Southerly 203.58 feet 4) Westerly 3.75 feet 5) Southerly 2335.63 feet to the Northerly right-of-way line of said State Road #46; thence the following four (4) courses along said Northerly right-of-way line (as platted in the 2nd Amended Plat for Richland Plaza, as recorded in Cabinet "C", envelope 41): 1) Southeasterly along an arc 234.96 feet; 2) Southwesterly 15.00 feet; 3) Southeasterly along an arc 382.64 feet; 4) Easterly 159.29 feet to the centerline of Union Valley Road; thence North along said centerline to the Section Corner common to Sections (11) Eleven, (12) Twelve, (13) Thirteen and (14) Fourteen; thence continuing Northerly along said centerline to the Section Corner common to Sections (1) One, (2) Two, (11) Eleven, and (12) Twelve; thence Westerly along the North line of said Section (11) Eleven to the Quarter Corner common to said Sections (2) Two and (11) Eleven, said point being the Northeast corner of a 2.00 acre tract of land as described in Deed Record Book 446, page 449, in said Recorder's Office; thence Westerly along the North line of said Section (11) Eleven and the North line of said 2.00 acre tract of land 250.12 feet; thence Southerly along the West line of said 2.00 acre tract of land 348.48 feet; thence Easterly along the South line thereof to the East line of the Northwest Quarter of said Section (11) Eleven 250.12 feet; thence Southerly along said East line to the center of said Section (11) Eleven; thence Southerly along the East line of the Southwest Quarter of said Section (11) Eleven to a Southeasterly corner of a 29.23 acre tract of land as described in Deed Record Book 401, page 123, in said Recorder's Office; thence the following (6) six courses along the boundary lines thereof: 1) Westerly 331.33

feet; 2) Southerly 152.00 feet; 3) Westerly 487.95 feet; 4) Northerly 351.04 feet; 5) Westerly 470.63 feet; 6) Northerly 851.04 feet to a point on the North line of said Southwest Quarter, said point being on the South line of The Meadowlands Section Three, as recorded in Plat Cabinet "C", envelope 179, in said Recorder's Office; thence Westerly along said South line to the Southeast corner of The Meadowlands Section Two, as recorded in Plat Cabinet "C", envelope 74, in said Recorder's Office; thence Westerly along the South line of said Subdivision 440.00 feet to the Southeast corner of The Meadowlands Section One, Phase 1, as recorded in Plat cabinet "C", envelope 60, in said Recorder's Office; thence Westerly along the South line of said Subdivision 317.03 feet to the Quarter Corner common to Sections (10) Ten and (11) Eleven, said point being the Southeast corner of Paddington Park Subdivision, as recorded in Plat Book 8, page 81, in said Recorder's Office, said point also being a corner of the boundary line of the Town of Ellettsville ; thence the following (20) Twenty courses along said Town boundary line: 1) Westerly along the South line of said Subdivision and the Northeast Quarter of said Section (10) Ten 1330.16 feet; 2) leaving said South line of said Subdivision and said Northeast quarter Northeasterly 710.00 feet; 3) Northwesterly 1000.00 feet; 4) Southwesterly 617.71 feet; 5) Southwesterly 455.39 feet to the centerline of a public road; 6) Southeasterly along the centerline of said public road 240 feet, more or less, to the centerline of the L. and N. Railroad; 7) Southeasterly along the centerline of said L. and N. Railroad 1440 feet, more or less; 8) leaving said railroad centerline Easterly 507.30 feet; 9) Southeasterly 618.45 feet; 10) Southeasterly 177.51 feet; 11) Southerly 46.53 feet; 12) Northeasterly 437.5 feet to a point on the East line of the Southeast quarter of said Section (10) Ten; 13) Southerly along said East line thereof 245.00 feet; 14) Southeasterly 1649.00 feet; 15) Southerly 319.5 feet to the South line of said Section (11) Eleven; 16) Easterly along said South line thereof 165 feet; 17) Southerly 55 feet, more or less; 18) Easterly 325.6 feet, more or less, to Lakeview Drive; 19) Southerly along said Lakeview Drive 625 feet, more or less, to the Northerly right-of-way line of State Road #46; 20) Southeasterly along said Northerly right-of-way line to a corner of a 1.62 acre tract of land described in Deed Record Book 319, page 371, in said Recorder's Office; thence Northeasterly along the Northwesterly line thereof 368.10 feet to the Northerlymost corner of said 1.62 acre tract; thence Southerly with the East line thereof and the centerline of Love Lane 188.50 feet to the Northwest corner of a 2.37 acre tract of land as described in Deed Record Book 442, page 236; thence Easterly along the North line thereof 360.40 feet to the Northeast corner thereof; thence Southerly along the East line thereof 179.40 feet to the Northerlymost corner of a 1.08 acre tract of land as described in Deed Record Book 371, page 237; thence Southeasterly along the Northerly line of said 1.08 acre tract to the West line of the Northeast Quarter of said Section (14) Fourteen; thence Northerly along said West line to the point of beginning.

And, Area 1B

Part of Sections 10, 14, and 15 all in Township 9 North, Range 2 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the Southwest corner of said Section (14) Fourteen; thence Easterly along the South line of said Section (14) Fourteen to the Southwest corner of Westbrook Downs Subdivision Section 4, Part 3, as recorded in Plat Cabinet "B", envelope 374, in the Office of the Recorder of said County, said point also being the South Quarter Corner of said Section (14) Fourteen; thence Easterly along the South line of said Subdivision 648.75 feet to the Southwest corner of Westbrook Downs Subdivision Section Two, as recorded in Plat Book 6, page 47, in said Recorder's Office; thence Easterly along the South line of said Subdivision 688 feet to the Southeast corner thereof; thence Northerly along the East line of said Subdivision 1950.84 feet to the Northeast corner thereof; thence Northerly along the West line of a 39.05 acre tract of land described in Deed Record Book 450,

page 226, in said Recorder's Office, to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section (14) Fourteen; thence Easterly along the North line of said 39.05 acre tract of land to the Southwest corner of a 2.09 acre tract of land described in Deed Record Book 412, page 656, in said Recorder's Office; thence Northerly along the West line of said 2.09 acre tract of land 370.8 feet to the Southerly right-of-way line of State Road #46; thence Northwesterly along said Southerly right-of-way line to a corner of the boundary line of the Town of Ellettsville; thence the following (13) thirteen courses along said boundary line; 1) leaving said South right-of-way line Southwesterly 330 feet, more or less, to the centerline of the old Bloomington and Ellettsville road; 2) Northwesterly along the centerline of said old Bloomington and Ellettsville road to the centerline of the L. and N. Railroad; 3) leaving said centerline of the old Bloomington and Ellettsville road Northwesterly along the centerline of said L. and N. Railroad to a point that is Southeasterly and 148 feet distant (as measured along said Railroad centerline) from the centerline of said State Road #46; 4) leaving said centerline of the L. and N. railroad Southwesterly 400 feet; 5) Northwesterly 680 feet, more or less, to the South right-of-way line of said State Road #46; 6) Northwesterly with said South right-of-way line 990 feet, more or less, to the East right-of-way line of Hartstrait Road; 7) leaving said South right-of-way line of State Road #46 Southeasterly along said East right-of-way line of Hartstrait Road 100 feet, more or less, to the Easterly right-of-way line of Park Street extended; 8) leaving said East right-of-way line of Hartstrait Road Southwesterly along said Easterly right-of-way line of Park Street extended and said Easterly right-of-way line of Park Street 740 feet, more or less, to the North line of Greenbriar First Addition as recorded in Plat Cabinet "B", envelope 139, in said Recorder's Office; thence leaving said Easterly right-of-way line of Park Street and running along the North line of said Greenbriar First Addition and continuing along said Town boundary line the following courses: 9) Northeasterly 293.9 feet, more or less; 10) Southeasterly 398.44 feet; 11) Northeasterly 274.89 feet to the centerline of Hartstrait Road; 12) Southeasterly along the centerline of said Hartstrait Road 235.97 feet to the East line of said Greenbriar First Addition; 13) leaving said centerline of Hartstrait Road Southerly along said East line of Greenbriar First Addition 1082.52 feet to the South line of the Southeast Quarter of said Section (10) Ten; thence Westerly along the South line of said Southeast quarter of Section (10) Ten and the South line of said Greenbriar First Addition to the Northeast corner of Greenbriar Knolls Phase One, as recorded in Plat Cabinet "C", envelope 58, in said Recorder's Office; thence Southeasterly along the East line of said Subdivision 147.91 feet to a Northeast corner of Greenbriar Knolls Section Two, as recorded in Plat Cabinet "C", envelope 70, in said Recorder's Office; thence Southeasterly along the Easterlymost line of said Subdivision 144.85 feet to the Northeast corner of Greenbriar Knolls Section Three, as recorded in Plat Cabinet "C", envelope 108, in said Recorder's Office; thence Southeasterly along the Northeasterlymost line of said Subdivision 7.24 feet to a corner of a 70.78 acre tract of land described in Deed Record Book 406, page 467, in said Recorder's Office; thence Easterly along a Northerly line of said 70.78 acre tract of land 267.79 feet to a corner thereof; thence Southerly along the Easterlymost line thereof 2392.50 feet to a point on the North line of the Southeast Quarter of said Section (15) Fifteen, said point being on the North line of a 13.90 acre tract of land, as described in Deed Record 441, page 299, in said Recorder's Office; thence Easterly along said North line 0.48 feet to the Northwest corner of a 40.54 acre tract of land described in Deed Record Book 441, page 299, in said Recorder's Office; thence the following (4) four courses along the boundary line of said 40.54 acre tract of land: 1) Easterly 841.36 feet to the Northeast corner thereof; 2) Southerly 1914.13 feet; 3) Westerly 132.48 feet; 4) Southerly 307.03 feet to the centerline of Ratliff Road; thence Northwesterly along said centerline to a line that is 3 miles distant from (as detailed in IAC 36-4-3-9) the corporate boundary line of the City of Bloomington as that boundary exists at the effective date of this document, said line hereinafter referred to as the Three Mile Radius line; thence Southwesterly with the meanderings of said Three Mile Radius line to a point on

the South line of Section (15) Fifteen; thence Easterly along the South line of said Section (15) Fifteen to the point of beginning.

The tract of land described in Deed Record Book 113, page 103, is intended to be divided by the lines of the above legal descriptions. All other parcels which are divided by the lines of the above legal descriptions shall be included, in their entirety, in the described area if the majority of the parcel is located within said described area. All other parcels which are divided by the lines of the above legal descriptions shall be excluded, in their entirety, from the described area if the majority of the parcel is located outside said described area. No parcel may be moved from one area to the other by aggregation after the effective date of this document.

Section 2. If the Town of Ellettsville has met conditions expressed in Section 3 within three (3) years of the adoption of this resolution, then the Common Council agrees to favorably consider permission to annex an area known as Phase Two, which includes the land identified as Area 2 on the attached map and is further described below:

Part of Sections 12, 13, 14, 23, and 24 all in Township 9 North, Range 2 West, Monroe County, Indiana, more particularly described as follows:

Beginning at the Quarter Corner common to Sections (1) One and (12) Twelve; thence Southerly along the East line of the Northwest Quarter of said Section (12) Twelve to the North line of a 4.50 acre tract of land described in Deed Record Book 283, page 451; thence Easterly along said North line to the Northeast corner thereof; thence Southerly along the East line thereof 500.00 feet to the Northeast corner of Meadow Estates 3rd Addition, as recorded in Plat Cabinet "B", envelope 307, in said Recorder's Office; thence Southerly along the East line thereof 470.28 feet to the Northeast corner of Meadow Estates 2nd Addition, Phase 2, as recorded in Plat Cabinet "B", envelope 279, in said Recorder's Office; thence the following three (3) courses along the boundary line of said Subdivision: 1) Southerly 351.11 feet; 2) Westerly 165.25 feet; 3) Southerly 203.70 feet to the Northeast corner of Meadow Estates 2nd Addition, Phase 1 as recorded in Plat Cabinet "B", envelope 279, in said Recorder's Office; thence Southerly along an East line of said Subdivision 635.00 feet to the Northeast corner of Meadow Estates Subdivision as recorded in Plat Cabinet "B", envelope 238, in said Recorder's Office; thence Southerly along the East line of said Subdivision 479.28 feet to the Northeast corner of the West Half of said Section (13) Thirteen; thence Southerly along the East line thereof to the North right-of-way line of State Road #46; thence Southerly to the intersection of the South right-of-way line of State Road #46 with the centerline of Smith Road; thence Southerly along the centerline of said Smith Road to the Northeast corner of a 1 1/4 acre tract of land described in Deed Record Book 115, page 226, in said Recorder's Office; thence Westerly along the North line thereof 215 feet to a Northeasterly corner of a 27.75 acre tract of land described in Deed Record Book 145, page 62, in said Recorder's Office; thence Westerly along the North line thereof to the Northeast corner of a 4.28 acre tract of land described in Deed Record Book 413, page 248, in said Recorder's Office; thence Westerly along the North line thereof 315.58 feet to the Northwest corner thereof, said point also being the Northeast corner of a 4.05 acre tract of land as described in Deed Record Book 377, page 62, in said Recorder's Office; thence Westerly along the North line thereof 860.43 feet to the East line of a 2.06 acre tract of land as described in Deed Record Book 364, page 143, in said Recorder's Office; thence Southerly along the East line thereof to the Southeast corner thereof, said point also being the Northeast corner of a 10.68 acre tract of land described in Deed Record Book 182, page 459, in said Recorder's Office; thence Westerly along the North line thereof 550 feet to the Northwest corner thereof, said point also being the Northeast corner of a 10.36 acre tract of land described in Deed Record Book 152, page 40, in said Recorder's Office; thence Westerly along the North line thereof to the Northwest corner thereof, said point also being the Northeast corner of a 10.79 acre tract of land described in Deed Record Book 232, page 456, in said Recorder's Office; thence Westerly along the North line thereof to the East line of a 1.27 acre tract of land described in Deed Record Book 389, page 566, in said Recorder's Office; thence Southerly along the East line thereof to the Northeast corner of Lot 83 of

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Forest Park Farms Subdivision, as recorded in Plat Cabinet "B", envelope 174, in said Recorder's Office; thence Southerly along the East line of said Subdivision 1451 feet to the Southeast corner thereof; thence Westerly along the South line of said Subdivision 1313.58 feet to the Southwest corner thereof; thence Northerly along the West line of said Subdivision and a Northerly prolongation of said West line to the Quarter Corner common to Sections (14) Fourteen and (23) Twenty-three, said point being the Southwest corner of Westbrook Downs Subdivision Section 4, Part 3, as recorded in Plat Cabinet "B", envelope 374, in said Recorder's Office; thence Easterly along the South line of said Subdivision 648.75 feet to the Southeast corner thereof, said point also being the Southwest corner of Westbrook Downs Subdivision Section (2) Two, as recorded in Plat Book 6, page 47, in said Recorder's Office; thence Easterly along the South line of said Subdivision 688 feet to the Southeast corner thereof; thence Northerly along the East line of said Subdivision 1950.84 feet to the Northeast corner thereof; thence Northerly along the West line of a 39.05 acre tract of land described in Deed Record Book 450, page 226, in said Recorder's Office, to the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section (14) Fourteen; thence Easterly along the North line of said 39.05 acre tract of land to the Southwest corner of a 2.09 acre tract of land described in Deed Record Book 412, page 656, in said Recorder's Office; thence Northerly along the West line of said 2.09 acre tract of land 370.8 feet to the Southerly right-of-way line of State Road #46; thence Northwesterly along said Southerly right-of-way line to a point that is on a southwesterly prolongation of the Northwesterly line of a 1.62 acre tract of land described in Deed Record Book 319, page 371, in said Recorder's Office; thence Northeasterly along said prolongation and said Northwesterly line to the Northerlymost corner of said 1.62 acre tract; thence Southerly with the East line thereof and the centerline of Love Lane 188.50 feet to the Northwest corner of a 2.37 acre tract of land as described in Deed Record Book 442, page 236; thence Easterly along the North line thereof 360.40 feet to the Northeast corner thereof; thence Southerly along the East line thereof 179.40 feet to the Northerlymost corner of a 1.08 acre tract of land as described in Deed Record Book 371, page 237; thence Southeasterly along the Northerly line of said 1.08 acre tract of land to the West line of the Northeast Quarter of said Section (14) Fourteen; thence Northerly along said West line to the Quarter Corner common to Sections (11) Eleven and (14) Fourteen; thence Easterly along the North line of said Section (14) Fourteen to a corner of Autumn Hills Subdivision, as recorded in Plat Book 8, page 205, in said Recorder's Office; thence the following four (4) courses along the lines of said Subdivision: 1) Easterly 6.60 feet; 2) Northeasterly 470.08 feet; 3) Southerly 203.58 feet 4) Westerly 3.75 feet 5) Southerly 2335.63 feet to the Northerly right-of-way line of said State Road #46; thence the following four (4) courses along said Northerly right-of-way line (as platted in the 2nd Amended Plat for Richland Plaza and recorded in Cabinet "C", envelope 41): 1) Southeasterly along an arc 234.96 feet; 2) Southwesterly 15.00 feet; 3) Southeasterly along an arc 382.64 feet; 4) Easterly 159.29 feet to the centerline of Union Valley Road; thence North along said centerline to the Section Corner common to Sections (11) Eleven, (12) Twelve, (13) Thirteen and (14) Fourteen; thence continuing Northerly along said centerline to the Section Corner common to Sections (1) One, (2) Two, (11) Eleven, and (12) Twelve; thence Easterly along the North line of the Northwest Quarter of said Section (12) Twelve to the point of beginning.

EXCEPT THE FOLLOWING:

Beginning at the intersection of the North right-of-way line of State Road #45 and an Easterly line of a 2.30 acre tract of land described in Deed Record Book 339, page 248, in said Recorder's Office; thence Northerly along said Easterly line to a corner thereof; thence Northerly along an Easterly line of said 2.30 acre tract of land to the Southwest corner of Spring Valley Section One, as recorded in Plat Cabinet "B", envelope 187, in the Recorder's Office of said County; thence Northerly along the West line of said Subdivision to the Northwest corner thereof; thence Easterly along the North line of said subdivision 310.28 feet to the Northeast corner thereof said point also being the Northwest corner of Spring Valley Section Two as recorded in Plat Cabinet "C", envelope 58; thence Easterly along the North line of said subdivision 1025.06 feet to the Northeast corner thereof; thence Southwesterly along the East line thereof to the Southeast corner

thereof, said point being on the West line of a 17.89 acre tract of land described in Deed Record Book 117, page 349, in said Recorder's Office; thence Southwesterly along said West line to the Northerly right-of-way line of said State Road #46; thence Northwesterly along said Northerly right-of-way line to the Southeast corner of a 1.08 acre tract of land described in Deed Record Book 113, page 614 in said Recorder's Office; thence Northerly along the East line thereof 313 feet to the Northeast corner thereof; thence Westerly along the North line thereof 173 feet to the Northwest corner thereof, said point being the Northeast corner of a 0.57 acre tract of land described in Deed Record Book 169, page 511, in said Recorder's Office; thence Westerly along the North line thereof 105 feet to the Northwest corner thereof; thence Southwesterly along the West line thereof to said Northerly right-of-way line; thence Northwesterly along said right-of-way line to the point of beginning.

The tract of land described in Deed Record Book 113, page 103, is intended to be divided by the lines of the above legal description. All other parcels which are divided by the lines of the above legal description shall be included, in their entirety, in the described area if the majority of the parcel is located within said described area. All other parcels which are divided by the lines of the above legal description shall be excluded, in their entirety, from the described area if the majority of the parcel is located outside said described area. No parcel may be moved from one area to the other by aggregation after the effective date of this document.

Section 3. Prior to the Town of Ellettsville seeking consent for the annexation of Phase Two the following conditions shall be met:

A. Ellettsville shall adopt an access control plan for the entirety of the future SR 46 alignment through the town and to the eastern edge of Phase Two. This access control plan shall limit by mutual agreement the maximum eventual number of drive cuts, the minimum spacing of drive cuts, and provisions for joint use drives and cross access drives to minimize drive cuts; and

B. Ellettsville and, where necessary, Monroe County shall adopt a comprehensive plan, zoning designations, and land development regulations for areas extending to the eastern edge of Phase Two that achieve the following goals: minimize sprawl between the two cities; preserve the existing rural character while accommodating development of appropriate density; maximize open space and encourage clustering; preserve existing tree lines along SR 46 to serve as buffers between the road and development; prevent a strip pattern of development from occurring along SR 46; and, provide a sense of separation and transition between these two jurisdictions by requiring rural or lower densities away from their urban cores; and

C. Ellettsville shall improve their capacity for planning by retaining the services of a professional planner for an equivalent of at least 16 hours per week; and

D. Ellettsville shall gather land use and planning data consistent with what is already collected by the City and Monroe County and provide this data in a manner that is compatible with the Geographic Information System program used by the City and Monroe County; and

Section 4. In order to foster intergovernmental coordination of long range planning, the City agrees to request that the Metropolitan Planning Organization evaluate the fiscal consequences of extending the Bloomington Area Transportation Study to include the Town of Ellettsville.

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Section 5. The Director of the City Planning Department and the City Plan Commission shall review the above actions and make recommendations to the Council regarding whether or not the above conditions have been satisfied and whether consent for the annexation of Phase Two serves the best long term planning interests of the City.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 6th day of August, 1997.

ANTHONY PIZZO, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 8 day of August, 1997.

JOHN FERNANDEZ, Mayor
City of Bloomington

ATTEST:

PATRICIA WILLIAMS, Clerk
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 gives the City's consent for the Town of Ellettsville to annex the area known as Phase One immediately upon its adoption and sets forth conditions that must be met before the City will favorably consider a request from the Town of Ellettsville for the annexation of the area known as Phase Two.

Signed copies to:
Mike Cornman, Ellettsville
Planning Dept City County
Legal Dept City County