ORDINANCE 84 - 16

To Amend the Bloomington Zoning Maps, Dated June 7, 1978

WHEREAS, the Common Council passed a Zoning Ordinance amendment and adopted new incorporated zoning maps on June 7, 1978 which are now incorporated in Title 20 of the Bloomington Municipal Code; and

WHEREAS, the Plan Commission has considered this case, ZO-10-84, and recommended that the petitioner, KEN POSSON, be granted an amendment to the Bloomington zoning maps and request that the Common Council consider their petition for rezoning of certain property:

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 IC 18-7-4 that the zoning be changed from RE (Residential Estate) to RL (Residential Low Density) for property located at 225 North Smith Road, more particularly described as follows:

A part of the East half (½) of the Southeast Quarter of Section Thirty-five (35), Township Nine (9) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: Commencing at a point in Lowder Pike, said point of beginning being in the South line of the right-of-way of the Illinois Central Railway, and being two hundred and twenty-five (225) feet North of the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section Thirty-five (35), Township Nine (9) North, Range One (1) West; thence running South with the center of the Lowder Pike, one hundred fifty-four and five tenths (154.5) feet to a point; thence running due West three hundred fifty-five and five tenths (355.5) feet to a point on the South line of the Illinois Central Railway right-of-way; thence running Northeast with the South line of the Illinois Central Railway right-of way to the place of beginning, and containing one half (½) acre, more or less.

Subject to easement to Public Service Company of Indiana, Inc., dated December 15, 1960, recorded December 22, 1960 at Deed Record 136, page 502 in the Office of the Recorder of Monroe County, Indiana.

ALSO a part of the East half of the Southeast quarter of Section Thirty-five (35), Township Nine (9) North, Rane One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point that is Sixty-five and five-tenths (65.5) feet South of the Northeast corner of the said Southeast quarter of the Southeast quarter of said Section Thirty-five (35); thence running West for Two Hundred Fifteen (215) feet; thence running South for One HUndred (100) feet; thence running West for Four Hundred Forty-two and Seventy-two Hundredths (442.72) feet and to an old existing line fence; thence running North Zero (0) degrees Six (6) minutes Twenty-six (26) seconds West for One Hundred Sixty and Thirty-five Hundredths (160.35) feet and to the South right of way line of the Illinois Central Railroad, which is formed by a curve to the left and having a radius of Two Thousand Two Hundred Ninety-two (2292) feet; thence running in a Northeasterly direction over and along the said curve for Three Hundred Twelve (312) feet; thence leaving the said curve and the said right of way line and running EAst for Three Hundred Fifty-five and Five-tenths (355.5) feet; and the East line of the said East half of the Southeast quarter of said Section Thirty-five (35); thence running South Zero (0) degrees Twenty (20) minutes Fifty-six (56) seconds West over and along the said East line of the East half of the Southeast quarter for a distance of One Hundred Thirty-six (136) feet, and to the place of beginning. Containing in all Two and Eighty-one Hundredth (2.81) acres, more or less.

The grantors hereby reserve a perpetual easement for a driveway for ingress and egress from the Lowder Pike, now commonly known as the Rocky Branch Road, and sometimes called the Smith Road, for the use and benefit of the remaining land of the grantors adjoining the above described real estate, and shall extend from a point that is Sixty-five and Five-tenths (65.5) feet South of the Northeast corner of the Southeast quarter of the Southeast quarter of Section Thirty-five (35), Township Nine (9) North Range One (1) West, being in the center of the road referred to above. The said beginning point being the Northeast corner of the land retained by the grantors herein and running thence West over and along the North line of the land retained by the grantors for One Hundred Twenty (120) feet, thence North Twenty (20) feet, thence East One Hundred Twenty (120) feet, thence South Twenty (20) feet to the place of beginning. This easement is for the benefit of the land owned by the grantors herein and their successors in title. This easement includes the right of adjacent owners to use a common driveway, but does not include the right of any owner to obstruct said easement by parking vehicles therein or otherwise.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of April, 1984.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of April, 1984.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 19 day of April, 1984.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would allow the development of apartments at a density of approximately 10 units per acre on the 3.3 acre site at 225 N. Smith Road.

4/23/84 copies to:
1. Posson
2. Steve Smith
3. Planning
4. Legal

****ORDINANCE CERTIFICATION****

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 84 , is a true and complete copy of Plan Commission Case Number ZO-10-84 which was given a recommendation of approval by a vote of 10 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on March 19 ,1984.

Date: March 22 ,1984

Timothy A. Mueller
Tim Mueller, Secretary
Plan Commission

Received by the Common Council Office this ____ day of _____, 1984.

Patricia Williams
Patricia Williams, City Clerk

Appropriation Ordinance #_____ Fiscal Impact Statement Ordinance #_____ Resolution#_____

Type of Legislation:

Appropriation		End of Program		Penal Ordinance	
Budget Transfer		New Program		Grant Approval	
Salary Change		Bonding		Administrative Change	
Zoning Change	XX	Investments		Short-Term Borrowing	
New Fees		Annexation		Other	

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure _____ Emergency _____
Unforseen Need _____ Other_____

Funds Affected by Request:

Fund(s) Affected		
Fund Balance as of January 1	$	$
Revenue to Date		
Revenue Expected for Rest of year		
Appropriations to Date		
Unappropriated Balance		
Effect of Proposed Legislation(+/-)		
Projected Balance	$	$

Signature of Controller_____

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes_____ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. Petitioner plans to continue existing business at present time. Rezoning is for future use of property.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation City of Bloomington Plan Commission

By Tim Mueller Date 3/22/84