

## TO VACATE FOUR PUBLIC PARCELS -

**Re: A Portion of North Madison Street, West 12<sup>th</sup> Street and Two Alleys Located Between North Rogers Street, the Indiana Railroad, 350 West 11<sup>th</sup> Street and West 11<sup>th</sup> Street.  
(Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC  
[together "Upland"], Petitioners)**

- 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, Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC (together "Upland"), have filed a petition to vacate four parcels of City property more particularly described below;
- WHEREAS, pursuant to I.C. 36-7-3-16, the following Utilities have submitted letters to the Common Council indicating that they are not occupying or using any part of this public way and do not object to this vacation: Duke Energy, AT&T, and Bloomington Digital Underground;

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, four portions of City-owned right-of-way shall be vacated. These right-of-ways amount to approximately 0.77 acres and are located within an area surrounded by 11<sup>th</sup> Street on the south, 350 West 11<sup>th</sup> Street on the east; Indiana Railroad on the north; and Rogers Street on the West. They include: 1) an angled portion of North Madison Street which is 50' wide and runs north from 11<sup>th</sup> Street for approximately 560'; 2) a nearly rectangular portion of an alley which intersects with the aforementioned part of North Madison just north of 11<sup>th</sup> Street, which is 12' wide and runs west for approximately 59'; 3) an irregularly shaped portion of West 12<sup>th</sup> Street which intersects with the aforementioned part of North Madison just north of the aforementioned alley and which is 50' wide and runs approximately 123" to the west; and lastly 4) an angled portion of an alley which intersects with the aforementioned part of North Madison Street just north of West 12<sup>th</sup> Street and which is 12' wide and runs west for approximately 56'. These right-of-ways are more particularly described as follows:

A part of Madison Street (Ellettsville and Mt. Tabor Road) in 2<sup>nd</sup> Addition Maple Heights Amended Plat in the City of Bloomington, Indiana as recorded in Plat Cabinet B, Envelope 21, Office of the Recorder, Monroe County, Indiana; described as follows:

Beginning at a PK nail at the Southeast corner of Lot 54 in said Maple Heights; thence North 00 degrees 00 minutes 00 seconds East (basis of bearings), with the West line of Madison Street, 543.65 feet to a 5/8 inch rebar with yellow plastic cap in the South line of a railroad Right-of-Way; thence along a curve to the right on said Right-of-Way which has a radius of 1446.91 feet, an arc length of 53.09 feet and a chord which bears North 70 degrees 22 minutes 26 seconds East, 53.08 feet to the East line of Madison Street; thence South 00 degrees 00 minutes 00 seconds West, with said East line of Madison Street, 560.98 feet to the North line of 11<sup>th</sup> Street; thence South 89 degrees 25 minutes 43 seconds West, 50.00 feet to the Point of Beginning, containing 0.634 acres, more or less.

A part of an alley in Maple Heights 2<sup>nd</sup> Addition Amended (Plat Cabinet B, Envelope 21) in the Office of the Recorder of Monroe County, Indiana described as follows:

Beginning at the Northwest corner of Lot 54 in said Addition and on the south side of an alley; thence North 00 degrees 07 minutes 47 seconds East 12.00 feet to the Southwest corner of Lot 69 in said Addition; thence along said South line North 89 degrees 01 minutes 22 seconds East 59.68 feet to the West line of Madison Street; thence along said West line South 00 degrees 00 minutes 00 seconds East 12.00 feet to the Northeast corner of Lot 54 in said addition; thence along said North line South 89 degrees 01 minute 22 seconds West 59.71 feet to the Point of Beginning, containing 0.016 acres.

A part of 12<sup>th</sup> Street in Maple Heights 2<sup>nd</sup> Addition Amended (Plat Cabinet B, Envelope 21) in the Office of the Recorder of Monroe County, Indiana described as follows:

Beginning at the Southeast corner of Lot 70 in said Addition; thence South 00 degrees 00 minutes 00 seconds East along the West line of Madison Street 50.00 feet to the Northeast corner of Lot 69; thence South 89 degrees 01 minutes 22 seconds West along the North line of Lots 69 and 68, a distance of 123.06 feet to the Northwest corner of Lot 68 thence along the Right-of-Way of Rogers Street North 19 degrees 56 minutes 46 seconds East 17.00 feet; thence South 70 degrees 03 minutes 14 seconds East 12.00 feet; thence North 19 degrees 13 minutes 49 seconds East 40.92 feet to the North line of 12<sup>th</sup> Street; thence along said North line North 89 degrees 01 minute 22 seconds East 92.49 feet to the Point of Beginning, containing 0.12 acres.

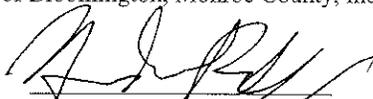
A part of an alley located in Maple Heights 2<sup>nd</sup> Addition Amended (Plat Cabinet B, Envelope 21) in the Office of the Recorder of Monroe County, Indiana described as follows:

Beginning at the Southeast corner of Lot 94 in said Addition; thence South 00 degrees 00 minutes 00 seconds East along the West line of Madison Street 12.00 feet to the Northeast corner of Lot 70; thence along the North line of said Lot 70 South 89 degrees 01 minute 16 seconds West 56.38 feet to the East line of Rogers Street; thence along said East line North 19 degrees 56 minutes 46 seconds East 12.85 feet to the South line of said Lot 94; thence along said South line North 89 degrees 01 minutes 22 seconds East 52.00 feet to the Point of Beginning, containing 0.015 acres.

SECTION II. 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 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 7<sup>th</sup> day of OCTOBER, 2009.

  
ANDY RUFF, 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 8<sup>th</sup> day of OCTOBER, 2009.

  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 8<sup>th</sup> day of OCTOBER, 2008.

  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

The petitioner, Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC (together "Upland"), is proposing vacation of four segments of right-of-way including portions of North Madison Street, West 12<sup>th</sup> Street and two alleys located between Rogers Street, Indiana Railroad, 350 West 11<sup>th</sup> Street and 11<sup>th</sup> Street. The public comment portion of the Regular Session on October 7, 2009 shall serve as the required public hearing on this action.

Legal (10) CA/CA (2)  
Controller CLERK (2)  
Planning  
Public Works

County Auditor  
Assessor  
Recorder

Doug Dayhoff, petitioner  
Upland Brewing