

ORDINANCE 11-08

*Passed 5-2 (Votlan  
Predmact-Brth)  
Ruffalo absent.*

**TO VACATE TWO PUBLIC PARCELS -**

**Re: An East/West Alley Right-of-Way and a Segment of North/South Alley Right-of-Way on the North Side of the 1900 Block of East Third Street Between Rose Avenue and Union Street (The Trustees of Indiana University, 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, (The Trustees of Indiana University) have filed a petition to vacate two parcels of City property more particularly described below;

WHEREAS, pursuant to I.C. 36-7-3-16, various utilities have submitted letters to the Common Council, which are available in the Council Office, indicating whether or not they are occupying or using any part of these public ways, waive rights to use those facilities, and consent to this vacation;

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

SECTION 1. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. This property includes a 12-foot wide alley right-of-way running east/west on the north side of the 1900 block of East Third Street between Rose Avenue and Union Street and also a segment of the 16-foot alley right-of-way in the same block running north of the aforementioned alley for about 50 feet. These vacated right-of-ways are more particularly described as follows:

East-West alley beginning at the Northwest corner of Lot 54 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 12 feet to the Southwest corner of Lot 53 of said addition, thence East 376 feet to the Southeast corner of Lot 4 of Wylie's Subdivision, thence South 12 feet to the Northeast corner of Lot 3 of Wylie's Subdivision, thence West 376 feet to the Point of Beginning.

North-South alley beginning at the Southeast corner of Lot 53 of Wylie Heights Addition to the City of Bloomington, Indiana, thence North 50 feet to the Northeast corner of said Lot 53, thence East 16 feet to the Northwest corner of Lot 4 of Wylie's Subdivision, thence South 50 feet to the Southwest corner of said Lot 4, thence West 16 feet to the Point of Beginning.

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.

SECTION 3. 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 3rd day of August, 2011.

*Susan Sandberg*  
SUSAN SANDBERG, President  
Bloomington Common Council

ATTEST:

*Regina Moore*  
REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 4<sup>th</sup>  
day of August, 2011.

Regina Moore  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 5<sup>th</sup> day of August, 2011.

[Signature]  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

The petitioner, The Trustees of Indiana University, requests vacation of two segments of alley right-of-way bounded by East Third Street, East Fourth Street, Rose Avenue, and Union Street. This ordinance is scheduled for introduction at the Regular Session on July 13<sup>th</sup>, discussion at the Committee of the Whole on July 27<sup>th</sup>, and second reading on at the Regular Session on August 3<sup>rd</sup>, 2011. The opportunity for public comment on this ordinance on August 3<sup>rd</sup> shall serve as the public hearing required under I.C. 36-7-12-3.

Signed Copies to:

Monroe County Auditor  
Recorder

Legal  
Controller  
Planning

Clerk (2)  
COP/C+ (2)