Vote 3 - 4 FAILED
Ruff, Sturbaum, Sandberg
Neher, Granger, Meyer, Spechler

ORDINANCE 14-09

TO VACATE A PUBLIC PARCEL -
Re: Five, 12-Foot Wide Right-of-Ways in the Lone Star Subdivision Within a Triangular-Shaped Block Bordered by West Cottage Grove on the North, West 10th Street on the South, and North Monroe Street on the West
(Solomon L. Lowenstein, Jr., Rhonda L. Rieseberg, Dian S. Krumlauf-Hildenbrand, Nathaniel and Michelle Dodson, Ruth A. Beasley, and Kiron and Rachel M. Mateti, 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 following persons (Petitioners) with ownership interest in the following lots have filed a petition to vacate an alley right-of-way more particularly described below:

Solomon L. Lowenstein, Jr.,	Lots 18, 15, and 12;
Rhonda L. Rieseberg,	Lot 11;
Dian S. Krumlauf-Hildenbrand,	Lot 13, W 1/2 Lot 14, and E 1/2 Lot 10;
Nathaniel and Michelle Dodson,	Lot 16 and E 1/2 Lot 14;
Ruth A. Beasley,	Lot 8; and,
Kiron and Rachel M. Mateti,	Lot 1.

WHEREAS, pursuant to IC 36-73-12, the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Regular Session on Wednesday, June 18, 2014 at 7:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, I.C. 36-7-3-16(b) limits the effect of a vacation proceeding by not allowing the action to deprive public utilities of the use of the affected public right-of-way if, at the time of the proceeding, they are occupying and using said right-of-way for the location and operation of its facilities, and have not waived that right by filing a written consent in the proceedings;

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 at the request of the Petitioners. This property is generally described as five, 12-foot wide right-of-ways in the Lone Star Subdivision which is located within a triangular-shaped block containing addresses in the 1000-Block of West Cottage Grove, 1000-Block of West 10th Street, and 600-Block of North Monroe Street. The property is more particularly described as:

- A 12 foot wide and approximately 200 foot long platted alley way bordering Lots 12, 13, 14, 15 16, and 17 of Lone Star Addition to the extent the 12 foot wide alley way is not occupied by any portion of the City of Bloomington Utilities water line; together with,

- A 12 foot wide and approximately 305.5 foot long platted alley way bordering Lots 1, 2., 3, 4, 5, 6, 7, 8 and 9 of Lone Star Addition; together with,

- A 12 foot wide and approximately 94 foot long platted alley way bordering Lots 11 and 12 of Lone Star Addition; together with,

- A 12 foot wide and approximately 147 foot long platted alley way bordering Lots 17 and 18 of Lone Star Addition, and together with,

- A 12 foot wide and approximately 150 feet long platted alley way bordering Lots 14 and 16 of Lone Star Addition.

FAILED

SECTION 2. Pursuant to IC 36-7-3-16(b), no public utility has waived any right it may have in the use of said right-of-way by filing a written consent in these proceedings.

SECTION 3. 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 4. 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 _____ day of _____, 2014.

_____
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 _____ day of _____, 2014.

_____
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2014.

_____
MARK KRUZAN, Mayor
City of Bloomington

Synopsis

This ordinance would vacate five, 12-foot wide right-of-ways in the Lone Star Subdivision within a triangular-shaped block bordered by West Cottage Grove on the north, West 10th on the south, and North Monroe Street on the west. It would be done at the request of the following petitioners: Solomon L. Lowenstein, Jr., Rhonda L. Rieseberg, Dian S. Krumlauf-Hildenbrand, Nathaniel and Michelle Dodson, Ruth A. Beasley, and Kiron and Rachel M. Mateti. The discussion and public comment of this ordinance under Second Readings and Resolutions at the Regular Session on June 18, 2014 shall serve as the required public hearing.

Note: On July 16, 2014, the Council adopted Am 01 by a vote of 5-2 which deleted and replaced Section 1 to the effect of removing the portion of the east/west alley way occupied by a City water line from the request.

FAILED