Passed 8-0
Diekhoff absent

ORDINANCE 04-03

TO VACATE A PUBLIC PARCEL
Re: A Portion of West Grimes Lane Between South Rogers Street and South Madison Street, a Portion of the 12' Alley Running Approximately 65 feet South of the above Right-of-Way; and, a Portion of the West Side of Madison Street Between Grimes and Patterson Drive
(Randy Lloyd/McDoel Grocery, 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 petitioner, (Randy Lloyd/McDoel Grocery), has filed a petition to vacate a parcel of City property more particularly described below;

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, a portion of City owned property shall be vacated. The property includes a portion of West Grimes Lane between South Rogers Street and South Madison Street, a portion of 12" alley running approximately 65 feet south of the above right-of-way; and, a portion of the west side of Madison Street Between Grimes and Patterson Drive. The property is depicted in the map that is attached and made a part of the ordinance and is more particularly described as follows:

A Part of Dodds Addition to the City of Bloomington (P.C. "B", Env. 6) and a part of Seminary Lot No. 40 of the Reserved Township of Lands in Monroe County, Indiana Addition to the City of Bloomington, all being a part of the Southeast Quarter of Section 5, Township 8 North, Range 1 West, in Monroe County, Indiana, being more particularly described a s follows:

> COMMENCING at the Northeast Corner of Lot 27 in said Dodds Addition; thence NORTH 86 degrees 13 minutes 37 seconds West on the North Line of said Lot 27 10.06 feet to the POINT OF BEGINNING; thence continuing on said North Line NORTH 86 degrees 13 minutes 37 seconds West 120.67 feet to the East Line of a 12 foot alley; thence on said East Line SOUTH 03 degrees 48 minutes 34 seconds West 66.00 feet to the Southwest Corner of said Lot 27; thence NORTH 86 degrees 13 minutes 37 seconds West 12.00 feet to the West Line of said alley; thence on said West Line NORTH 03 degrees 48 minutes 33 seconds East 66.00 feet to the Northeast Corner of Lot 14 in said Dodd's Addition; thence on the North Line of said Lot 14 NORTH 86 degrees 13 minutes 37 seconds West 112.00 feet to a point that is 40.00 feet East of the centerline of Rogers Street, said 40.00 feet offset being that required for future Right-of-Way acquisition; thence on said future Right-of Way NORTH 03 degrees 35 minutes 26 seconds East 56.66 feet to a point on the Northeastern Line of a permanent Right-of-Way grant to the City of Bloomington (Instrument # 2000000875); thence on said Northeastern Line the following two (2) courses: 1) SOUTH 58 degrees 24 minutes 24 seconds East 29.55 feet; 2) SOUTH 03 degrees 44 minutes 37 seconds West 9.87 feet to a point on the North Right-of-Way of Grimes Street; thence on said North Right-of-Way of Grimes Street SOUTH 86 degrees 13 minutes 37 seconds East 199.42 feet to a point on the Southwestern Line of Land of the City of Bloomington (D.B. 480, Pages 797-798) thence on said Southwestern Line NORTH 10 degrees 31 minutes 44 seconds East 44.47 feet; thence SOUTH 58 degrees 40 minutes 49 seconds East 15.65 feet to a point on a proposed West Right-of Way for South Madison Street being 30 feet West of its centerline; thence on said proposed West Right-of-Way the following two (2) courses: 1) 14.82 feet on a 194.97 foot radius non-tangent curve to the left whose chord bears SOUTH 05 degrees 25 minutes 34 West 14.82 feet; 2) SOUTH 03 degrees 14 minutes 55 seconds West 55.11 feet to the POINT OF BEGINNING containing 0.23 acres, more or less.

SECTION II. 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 18th day of FEBRUARY, 2004.

~~MICHAEL DIEKHOFF, President~~
Bloomington Common Council
ANDY RUFF, Vice President

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 19th day of FEBRUARY, 2004.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

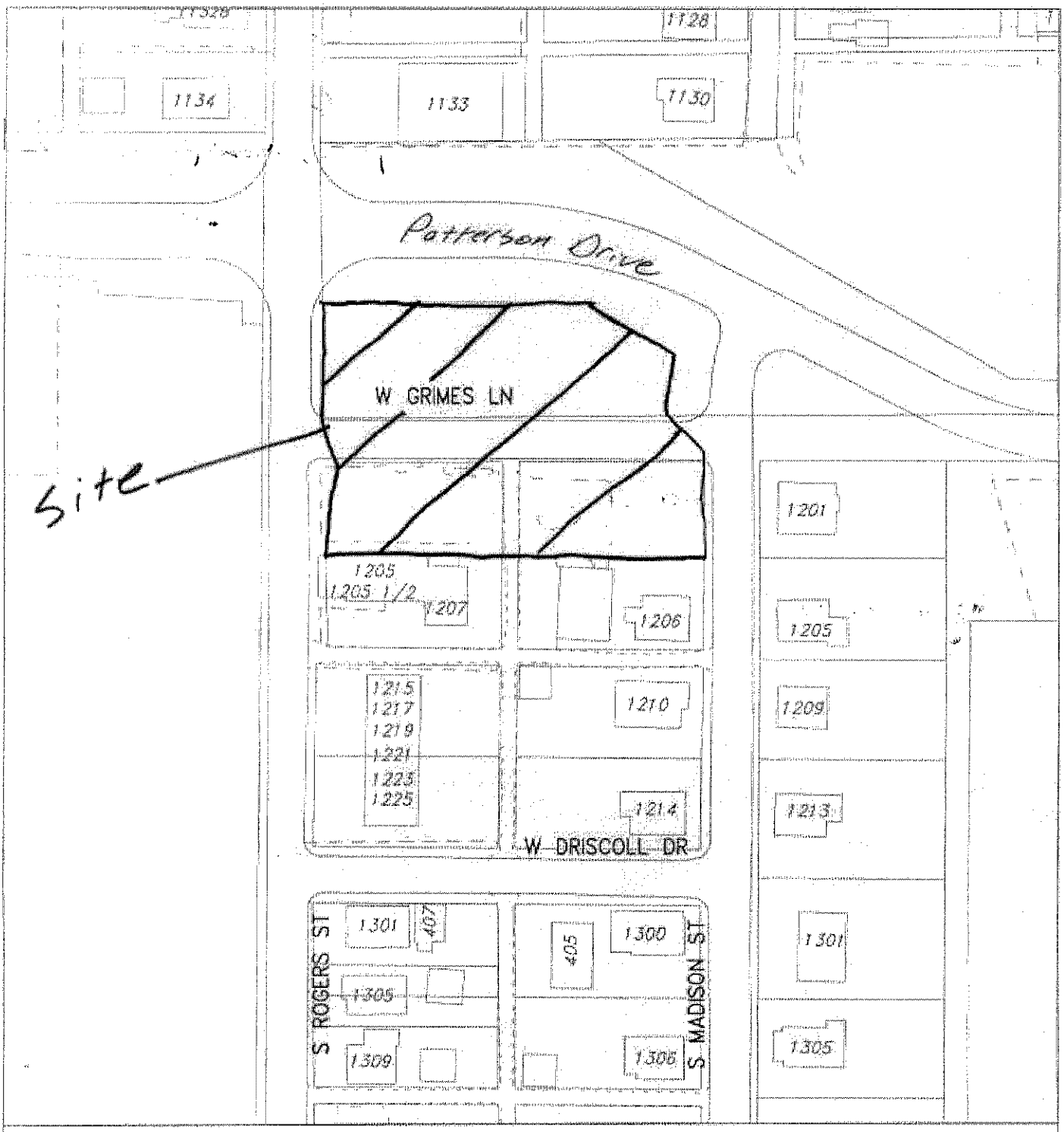
SIGNED and APPROVED by me upon this 19th day of FEBRUARY, 2004.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, (Randy Lloyd, McDoel Grocery), requests vacation of a public parcel which includes a portion of West Grimes Lane between South Rogers Street and South Madison Street, a portion of the12' alley running approximately 65 feet south of the above right-of-way; and, a portion of the west side of Madison Street between Grimes and Patterson Drive.

Signed Copies To:
Legal (5)
Controller
PLANNING
Public Works
Petitioner
EDC
County Assessor
Recorder
Treasurer
CA/CA (2)
Clerk
File



Parcel lines

By: greulice
26 Jan 04

100 0 100 200 300

N

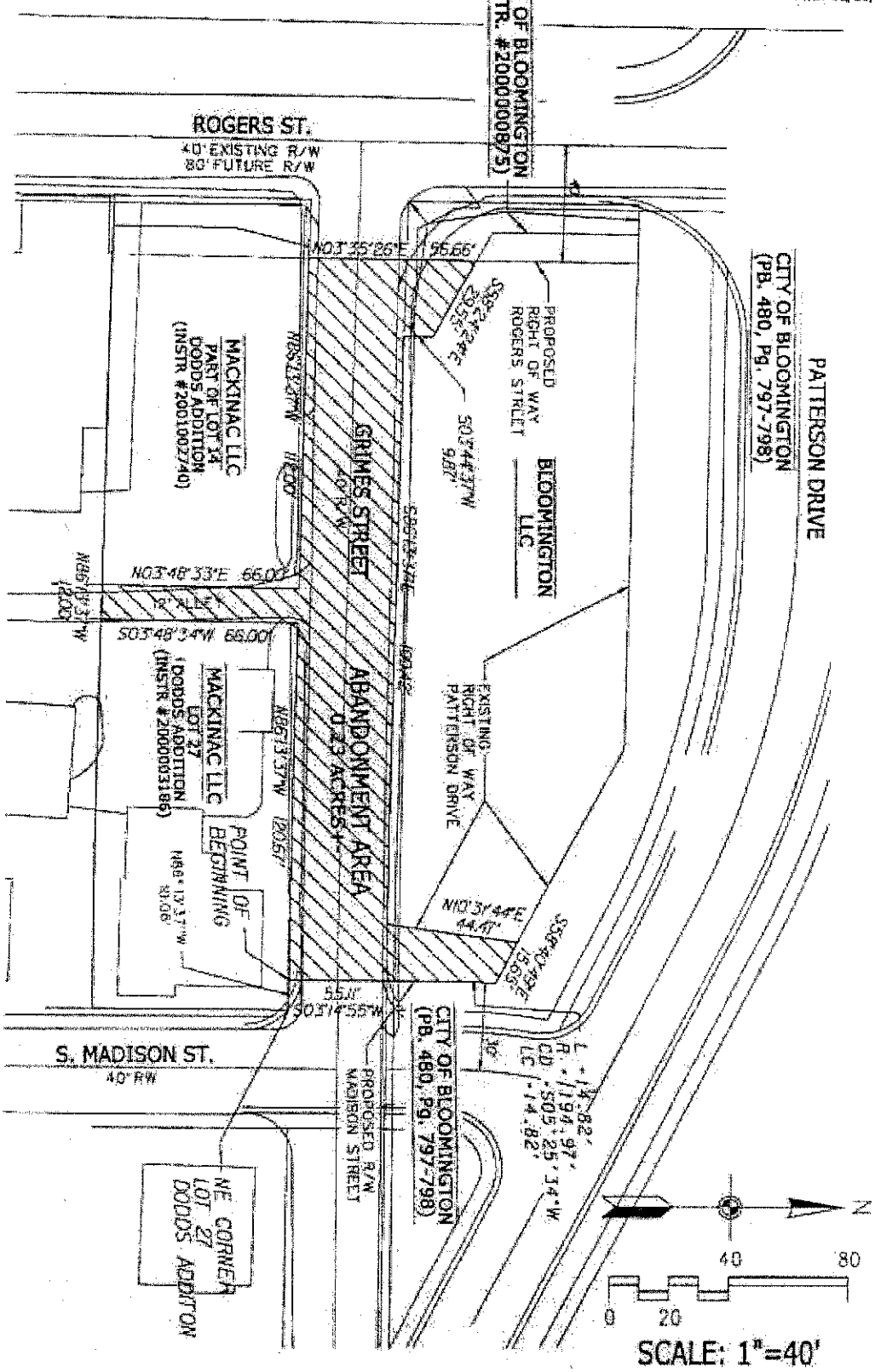
City of Bloomington
Planning

Scale: 1" = 100'

For reference only; map information NOT warranted.

PROJECT NO.: 3121
PROJECT NAME: GRIMES PARCEL A R/W ABANDONMENT

DRAWN BY: LAH
CHECKED BY: JDR
DATE: 01/26/04



PARCEL A EXHIBIT

Smith Neubecker & Associates, Inc.
453 S. Clarizz Boulevard
Bloomington, Indiana, 47401-5355
Telephone: (812) 336-6536
FAX: (812) 336-0513
www.sninc.com

FILE: J:\3121\CADD\3121GRIMESABANDPARCA.SH1

Interdepartmental Memo

To: **Members of the Common Council**
From: **Eric Greulich, Zoning Planner**
Subject: **Right-of-way vacation for McDoel Grocery**
Date: **February 4, 2004**

Attached are the staff reports, petitioner's statements, and map exhibits which pertain to the Randy Lloyd/McDoel Grocery petition to vacate right-of-way (ROW) along W Grimes Lane.

REQUEST: The petitioner is requesting to vacate 0.23 acres of right-of-way along W Grimes Lane in between S Rogers Street and S Madison Street and a partial alley vacation running south from W Grimes Lane.

LOCATION:

1. The proposed right-of-way vacation is a section of W. Grimes Lane that extends from S. Rogers Street to S. Madison Street. The portion of Grimes Lane right-of-way requested for vacation is approximately 33 feet in width and approximately 250 feet in length.
2. Also requested for vacation is the north/south running alley from W. Grimes Lane, between Rogers Street and Madison Street. The portion of the alley requested to be vacated measures 12 feet wide by approximately 70 feet long.

BACKGROUND: The petitioners are proposing to construct a two story mixed-use building at the southeast corner of W Patterson Drive and S Rogers Street. The building would house a neighborhood grocery with approximately 9 residential units located on the second floor. This site includes three properties and is bisected by the right-of-way for W Grimes Lane. This proposal was reviewed by the Plan Commission in January 2004 and sent to the City Council with a favorable recommendation contingent upon the approval of right-of-way vacation by the Council.

The majority of the site is vacant with some existing parking .The section of right-of-way on the property is no longer heavily utilized due to the extension of W Patterson Drive. Grimes Lane is classified as a primary collector on the Master Thoroughfare Plan. Only a section of Grimes Lane is proposed for vacation. The remainder will merge into Patterson Drive.

The Board of Public Works considered this petition at a meeting held on January 13, 2004 and voted to endorse this request with several conditions and modifications. The Board approved the vacation of right-of-way along W Grimes Lane and S Madison Street, along with the partial alley vacation. The Board did not support the petitioner's entire request for vacation of right-of-way along W Patterson Drive along either the north (Parcel B) or the south side of W Patterson Drive as future public improvements along this corridor may be needed. The Board would, however, be willing to hear future requests for non-structural encroachments should the petitioner establish a need for one in the future.

The following utility and city service organizations have responded to this request with no objections for the vacation of the existing rights-of-way with the understanding that the petitioner will grant new easements for the utilities and also pay the entire cost of any relocation work.

Bloomington Fire Department
Bloomington Police Department
Bloomington Public Works Department
Bloomington Utility Department
Insight Communications
Vectren
PSI/Cinergy
Ameritech/SBC

CRITERIA: The criteria utilized to review a public ROW or easement vacation are as follows:

1. **Current status – access to property:**
   There are three private properties involved (adjacent) to the portion of Grimes Lane proposed to be vacated. The two properties south of W. Grimes Lane can currently be accessed by S. Rogers Street, W. Grimes Lane, or the alley right-of-way which runs between them. The property north of Grimes Lane can currently be accessed by W. Grimes Lane and/or S. Rogers Street. With vacation of the rights-of-way, access will be from the extension of the rights-of-way.

2. **Necessity for Growth of the City:**
   a. **Future Status**: The right-of-way proposed for vacation is currently utilized by the City of Bloomington Utilities Department (CBU), Ameritech, Vectren, PSI/Cinergy, and Insight Communications. Each of these services state that they have no objections to the vacation of the right-of-way as long as utility easements are in place and that the owners pay the entire cost of any and all utility relocation work.

b. **Proposed Private Ownership Utilitzation**: The ownership of the alley rights-of-way will be granted half to each adjacent owner. This includes- Mackinac LLC; Bloomington LLC; and Harold A. Harrell. All owners are located at 1720 N Kinser Pike.
c. **Compliance with Regulations:** With acceptance of the easements by the Board of Public Works to the City for these existing utilities, vacation of this right-of-way presents no compliance issues.
d. **Relation to Plans:** The current site layout uses Grimes Lane and the alley rights-of-way for access to the parking lots, as well as providing some access to local traffic. The working plan is to place a building and parking lot in the proposed right-of-way to be vacated.

CONCLUSION: Staff finds that currently there is no significant pulic-sector utilization of the rights-of-way to be vacated. Since Patterson Drive has been extended, this section of Grimes Lane has been partially restricted and is heavily underused. The utility companies have no objections to the vacation of the right-of-way. The City of Bloomington Police and Fire Departments also have no objections. The Board of Public Works voted to endorse the petition with three conditions. The Board of Public Works does not object to the vacation since they have no plans for the right-of-way since the Patterson Drive extension was completed.

Furthermore, this petition has been anticipated since the construction of the Patterson Drive extension. The new roadway has replaced the function of Grimes Lane in this location. Staff finds this request to be justified in the fact that the Patterson Drive extension incorporated a portion of this parcel that made it much smaller and more difficult to develop. The proposed use and site planning for the property are more in line with the Growth Policies Plan than what could be constructed on the two smaller pieces of property that exist on both sides of the Grimes Lane ROW. Through this vacation request, the petitioner will be able to construct a more appropriate development that will be a desirable redevelopment project.

RECOMMENDATION: Planning Staff recommends approval of this petition with the following conditions:

1. Adequate right-of-way according to the current City of Bloomington Thoroughfare Plan (40 feet from the centerline of Rogers Street) shall be dedicated to the City of Bloomington as public right-of-way.
2. Madison Street shall retain a right-of-way of no less than stated in the current City of Bloomington Thoroughfare Plan (25 feet from the centerline of Madison Street).
3. At the expense of the petitioner, utilities will be given easements/relocated in the vacated area to ensure their interests are accommodated.

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON
COMMON COUNCIL

FILE # _____
1st READING _____
COMMITTEE _____
FINAL HEARING _____

Office of the Common Council
P.O. Box 100, Municipal Building
Bloomington, IN. 47402
(812) 331-6409, ext. 12, 13

Address of Property 405 W GRIMES LANE

Applicant's Name Randy Loyd / McDoel Grocery

Address 1720 N. KINSER PK Phone 330-0077

Counsel or Consultant SMITH NEHRECKER & ASSOCIATES

Address 453 CLARK BLVD Phone 336 6536

This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way which is the subject of this application.

Signature: _____