

**ORDINANCE 96-37**

**TO AMEND THE BLOOMINGTON ZONING MAPS  
BY REZONING SEVEN VARIOUSLY DESIGNATED PROPERTIES**

**Re: 3900 to 3930 South Old State Road 37  
603 West Allen  
515 South Woodcrest  
522 West Second Street  
1219 East Atwater  
2001 - 2017 South Rogers  
1600 South Sycamore Court  
(City of Bloomington, Petitioner)**

- WHEREAS, on May 1, 1995 the Common Council adopted Ordinance 95-21 which repealed and replaced Title 20 of the Bloomington Municipal Code entitled "Zoning", including the incorporated zoning maps, and repealed Title 21, entitled "Land Use and Development"; and
- WHEREAS, the staff of the Plan Department has reviewed the changes in the incorporated zoning maps made by Ordinance 95-21 and has recommended further amendments that are intended to recognize existing uses; and
- WHEREAS, the Plan Commission has considered ZO-43-96, and recommended that the Common Council amend Bloomington zoning maps from I to CA; and
- WHEREAS, the Plan Commission has considered ZO-47-96, and recommended that the Common Council amend Bloomington zoning maps from RS4.5 to RM15; and
- WHEREAS, the Plan Commission has considered ZO-48-96, and recommended that the Common Council amend Bloomington zoning maps from RM15 to CG; and
- WHEREAS, the Plan Commission has considered ZO-49-96, and recommended that the Common Council amend Bloomington zoning maps from I to MED; and
- WHEREAS, the Plan Commission has considered ZO-50-96, and recommended that the Common Council amend Bloomington zoning maps from I to RM15; and
- WHEREAS, the Plan Commission has considered ZO-52-96, and recommended that the Common Council amend Bloomington zoning maps from IL/IS to RM7; and
- WHEREAS, the Plan Commission has considered ZO-54-96, and recommended that the Common Council amend Bloomington zoning maps from RS3.5 to I; and
- WHEREAS, the Common Council has considered these rezonings in *seriatim* by voting on each rezone individually and then voting on the ordinance as a whole;

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 IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 3900 to 3930 South Old State Road 37 be rezoned from I to CA. The property is further described as follows:

A part of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1) West, and described as follows, to-wit: Commencing at a point in the center of State Highway Number Thirty-seven (37) (known as the Dixie Highway), said point being two hundred sixty-five and five-sixths (265.5/6) feet North of the Southeast corner of said quarter, thence North with the

meanderings of said Dixie Highway two hundred sixteen (216) feet, thence West parallel with the South line of said Section six hundred five (605) feet; thence South parallel with the said Dixie Highway two hundred sixteen (216) feet; thence East parallel with the South line of said Section, six hundred five (605) feet, to the place of beginning, containing three (3) acres, more or less, and all in Monroe County, Indiana.

**MORE PARTICULARLY DESCRIBED IN A STAKED SURVEY PREPARED BY:** Raymond Graham, Registered Professional Engineer 8409, Registered Land Surveyor No. 9978 dated November 17, 1988; as follows, to-wit: **A PART** of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1) West, and described as follows, to-wit: **COMMENCING** at a point in the center of State Highway Number Thirty-seven (37) known as the Dixie Highway), said point being  $265 \frac{5}{6}$  (265.83) feet North of the Southeast corner of said quarter quarter, thence North with the centerline of said Highway, North 00 degrees 18 minutes 15 seconds West for 216.60 feet, thence West parallel with the South line of said Section 605.00 feet, thence South 00 degrees 18 minutes 15 seconds East for 216.60 feet, thence East parallel with the South line of said Section 605.00 feet, to the place of beginning, containing 3.00 acres, more or less, and all in Monroe County, Indiana.

**AND** a part of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1) West, described as follows, to-wit: **BEGINNING** at a point in the center of the State Highway No. 37, known as the Dixie Highway, and at the intersection of the Gordon Pike Road; thence North with the meanderings of said road from said point a distance of two hundred sixty-five and five-sixths ( $265 \frac{5}{6}$ ) feet from the Southeast corner of said quarter quarter; thence West and parallel with the Gordon Pike Road a distance of six hundred five (605) feet; thence South and parallel with the said Dixie Highway or State Road No. 37 a distance of two hundred sixty-five and five-sixths ( $265 \frac{5}{6}$ ) feet to the Gordon Pike Road; thence East six hundred five (605) feet with the meanderings of said Gordon Pike Road to the place of beginning, containing in all four (4) acres, more or less.

**EXCEPTING THEREFROM:** A part of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: **COMMENCING** at a point in the center of Gordon Pike Road; said point being four hundred thirty (430) feet West of the center of State Highway Number 37, known as the Dixie Highway; thence North parallel with said State Highway Number 37 a distance of two hundred forty-five (245) feet; thence East seventy (70) feet; thence South two hundred forty-five (245) feet parallel with said Highway Number 37, to the center of Gordon Pike Road; thence West seventy (70) feet to the place of beginning, containing one-half ( $\frac{1}{2}$ ) acre, more or less.

**ALSO EXCEPTING THEREFROM:** A part of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1) West, in Monroe County, Indiana, bounded and described as follows, to-wit: **BEGINNING** at a point in the center of the Gordon Pike Road said point being five hundred six and sixty-four hundredths (506.64) feet West of the Southeast corner of said quarter quarter thence North 0 degrees ten (10) minutes West two hundred sixty-five and four tenths (265.4) feet; thence East seventy-five and two tenths (75.2) feet; thence South 0 degrees eight (8) minutes West two hundred sixty-five and three tenths (265.3) feet and to the center of the Gordon Pike Road; thence West seventy-three and seventy-eight hundredths (73.78) feet over and along the center line of said road, and to the place of beginning. Containing four hundred fifty-four thousandths (0.454) of an acre, more or less.

**ALSO EXCEPTING THEREFROM:** A part of the Southwest quarter of the Southwest quarter of Section Sixteen (16), Township Eight (8) North, Range One (1)

West, in Monroe County, Indiana, bounded and described as follows, to-wit: **BEGINNING** at a point in the center of the Gordon Pike Road; said point being six hundred five (605) feet West of the Southeast corner of said quarter quarter, thence North 0 degrees twenty-two (22) minutes West two hundred sixty-five and fifty-six hundredths (265.56) feet; thence East one hundred and three tenths (100.3) feet; South 0 degrees ten (10) minutes East two hundred sixty-five and four tenths (265.4) feet, and to the center of the Gordon Pike Road; thence West ninety-eight and thirty-six hundredths (98.36) feet over and along the center line of said road and to the point of beginning. Containing six hundred five thousandths (0.605) acre, more or less.

Section 2. The Common Council gave the above item a Do Pass Recommendation of (8) - (o) - (o) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (o) - (o) at their Regular Session dated September 18, 1996.

Section 3. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 603 West Allen be rezoned from RS4.5 to RM15. The property is further described as follows:

Unit 601-A in Allentown Village Condominiums as shown in the plat filed for record in Horizontal Property Book 2, pages 172-173, in the Office of the Recorder of Monroe County, Indiana.

**ALSO** Unit 603 in Allentown Village Horizontal Property Regime created by Declaration of Horizontal Property Ownership for Allentown Village Horizontal Property Regime and the Code of By-Laws, recorded on July 10, 1984, as Instrument Number 160797 in Book 150, pages 168 through 204, in the Office of the Recorder of Monroe County, Indiana.

Section 4. The Common Council gave the above item a Do Pass Recommendation of (8) - (o) - (o) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (o) - (o) at their Regular Session dated September 18, 1996.

Section 5. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 515 South Woodscrest be rezoned from RM15 to CG. The property is further described as follows:

Woodscrest Professional Park, an addition to the City of Bloomington, Indiana, as shown by the recorded plat thereof in Plat Cabinet B, Envelope 253, in the office of the Recorder of Monroe County, Indiana.

Section 6. The Common Council gave the above item a Do Pass Recommendation of (8) - (o) - (o) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (o) - (o) at their Regular Session dated September 18, 1996.

Section 7. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 522 West Second Street be rezoned from I to MED. The property is further described as follows:

Lot Number Two (2) in EAST AND MARSHALL'S Sub-Division of Seminary Lot Number Forty-seven (47) in the City of Bloomington, Indiana, as shown by the recorded plat thereof, together with one half of the Twelve (12) feet alleyway to the North of the said Lot which alley has heretofore vacated.

Section 8. The Common Council gave the above item a Do Pass Recommendation of (8) - (o) - (o) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (o) - (o) at their Regular Session dated September 18, 1996.

Section 9. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the

Bloomington Municipal Code, the property located at 1219 East Atwater be rezoned from I to RM15. The property is further described as follows:

Lot Number Eight (8) and the West Half of Lot Number Seven (7) in GENTRY PLACE ADDITION to the City of Bloomington, Indiana, as shown by the plat thereof recorded in Plat Cabinet B, Envelope 30, in the office of the Recorder of Monroe County, Indiana.

Section 10. The Common Council gave the above item a Do Pass Recommendation of (g) - (o) - (o) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (o) - (o) at their Regular Session dated September 18, 1996.

Section 11. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Bloomington Municipal Code, the property located at 2001 - 2017 South Rogers be rezoned from IL/IS to RM7. The property is further described as follows:

TRACT ONE: A part of the East half of Section 8, Township 8 North, Range 1 West, bounded and described as follows, to-wit: **BEGINNING** at a point that is 422.08 feet North and 759.42 feet East of the Northeast corner of the Southeast quarter of said Section 8, said point being on the East right-of-way line of South Rogers Street Road (formerly known as Wylie Pike Road) and on the North line of the land conveyed by Cora Elkins, unmarried surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded at Deed Record 132, page 138 in the office of the Recorder of Monroe County, Indiana; thence running North 88 degrees 57 minutes East along the North line of said land conveyed to said Lucas and Lucas as aforesaid for a distance of 127.333 feet; thence running North 95.31 feet and to the North line of land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins, husband and wife, by deed dated May 29, 1947 and recorded in Deed Record 104, page 61 in the office of the Recorder of Monroe County, Indiana; thence running South along the North line of said land conveyed to said Elkins and Elkins as aforesaid South 86 degrees 30 minutes West 127.70 feet; thence running South 0 degrees 40 minutes East 89.33 feet and to the place of beginning; containing 0.27 acres, more or less.

TRACT TWO: A part of the East half of Section 8, Township 8 North, Range 1 West, bounded and described as follows, to-wit: **BEGINNING** at a point on the North line of the land conveyed by Cora Elkins, unmarried surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded in Deed Record 132 page 138 in the office of the Recorder of Monroe County, Indiana, that stands 424.38 feet North and 632.10 feet West of the Northeast corner of the Southeast quarter of said Section 8; thence running North 88 degrees and 57 minutes East along the North line of the land conveyed to said Lucas and Lucas as aforesaid for a distance of 127.333 feet; thence running North 101.32 feet and to the North line of land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins, husband and wife, by deed dated May 29, 1949 and recorded in Deed Record 104 page 61 of the office of the Recorder of Monroe County, Indiana; thence running along the North line of the land conveyed to said Elkins and Elkins, as aforesaid, South 86 degrees 30 minutes West 127.80 feet; thence running South 95.31 feet and to the point of beginning; containing 0.29 acre, more or less.

TRACT THREE: A part of the East half of Section 8, Township 8 North, Range 1 West bounded and described as follows, to-wit: **BEGINNING** at a point in the North line of the land conveyed by Cora Elkins, unmarried, surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded in Deed Record 132 page 138 in the office of the Recorder of Monroe County, Indiana, that stands 426.69 feet North and 504.78 feet West of the northeast corner of the Southeast quarter of said Section 8, thence running

North 88 degrees 57 minutes East 127.33 feet along the North line of said land conveyed to said Lucas and Lucas as aforesaid, thence running North 104.2 feet and to the North line of land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins, husband and wife, by deed dated May 29, 1947 and recorded at Deed Record 104 page 61 in the office of the Recorder of Monroe County, Indiana, thence running along the North line of said land conveyed to said Elkins and Elkins as aforesaid South 86 degrees 30 minutes West for 127.7 feet, thence running South 101.32 feet and to the place of beginning. Containing .30 acres, more or less.

TRACT FOUR: A part of the East half of Section 8, Township 8 North, Range 1 West bounded and described as follows, to-wit: **BEGINNING** at a point on the North line of the land conveyed by Cora Elkins, unmarried, surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded at Deed Record 132 page 138 in the office of the Recorder of Monroe County, Indiana, that stands 429 feet North and 377.46 feet West of the Northeast corner of the Southeast quarter of said Section 8, thence running North 88 degrees and 57 minutes East along the North line of said land conveyed to said Lucas and Lucas as aforesaid 110 feet, thence running North 5 degrees 18 minutes West 108.40 feet to the North line of land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins, husband and wife, by deed dated May 29, 1947 and recorded at Deed Record 104 page 61 in the office of the Recorder of Monroe County, Indiana, thence running along the North line of said land conveyed to Elkins and Elkins as aforesaid South 86 degrees 30 minutes West 100 feet, thence running South 104.2 feet and to the point of beginning. Containing .253 acres, more or less.

TRACT FIVE: A part of the East half of Section 8, Township 8 North, Range 1 West bounded and described as follows, to-wit: **BEGINNING** at a point on the North line of land conveyed by Cora Elkins, unmarried, surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded at Deed Record 132 page 138 in the office of the Recorder of Monroe County, Indiana, which point stands 431.01 feet North and 267.49 feet West of the Northeast corner of the Southeast quarter of said Section 8, thence running North 88 degrees 57 minutes East 95 feet along the North line of said land conveyed to said Lucas and Lucas as aforesaid, thence running North 5 degrees 18 minutes West 111.50 feet to the North line of the land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins, husband and wife, by deed dated May 29, 1947 and recorded in Deed Record 104 page 61 in the office of the Recorder of Monroe County, Indiana, thence running along the North line of said land conveyed to said Elkins and Elkins, as aforesaid South 86 degrees 30 minutes West 95 feet, thence running South 5 degrees 18 minutes East 108.4 feet and to the place of beginning. Containing .24 acres, more or less.

TRACT SIX: A part of the East half of Section 8 and a part of the Northwest quarter of Section 9, both in Township 8 North, Range 1 West, in Monroe County, Indiana, bounded and described as follows; **BEGINNING** at the corner of land conveyed by Cora Elkins, unmarried, surviving widow of Roscoe Elkins, deceased, to Charles Lucas and Maggie Lucas, husband and wife, by deed dated October 15, 1959 and recorded at Deed Record 132 page 138 in the office of the Recorder of Monroe County, Indiana, which corner is 432.74 feet North and 172.51 feet West of the Northeast corner of the Southeast quarter of said Section 8; thence running South along the line of the land conveyed to said Lucas and Lucas as aforesaid 60 feet; thence running East along the line of the land conveyed to said Lucas and Lucas as aforesaid 174 feet and to the West right-of-way line of the Illinois Central Railway; thence running North 13 degrees 30 minutes West along and on said West right-of-way line 185.30 feet, more or less, to the Northeast corner of the land conveyed by Earl L. Edwards and Marjorie Edwards, husband and wife, to Roscoe Elkins and Cora Elkins,

husband and wife, by deed dated May 29, 1947 and recorded at Deed Record 104 page 61 in the office of the Recorder of Monroe County, Indiana; thence running South 86 degrees and 30 minutes West 155.70 feet along the North line of the land conveyed to said Elkins and Elkins as aforesaid; thence running South 5 degrees 18 minutes East 111.5 feet and to the place of beginning; containing 0.68 acre, more or less.

AND, A part of the Southeast quarter of the Northeast quarter of Section Eight (8), Township Eight (8) North, Range One (1) West, bounded and described as follows, to-wit: **BEGINNING** at a point in the center of the county road now or formerly known as the South Rogers Street Road, said point being seven hundred seventy-five and five-tenths (775.5) feet West and five hundred eleven and sixteen hundredths (511.16) feet North of the Northeast corner of the Southeast quarter of Section Eight (8), Township Eight (8) North, Range One (1) West, thence North eighty-six (86) degrees thirty (30) minutes East two hundred thirty-three (233) feet to a point, thence North one (1) degree fifteen (15) minutes West one hundred eighty-seven (187) feet, to a point, thence South eighty-six (86) degrees thirty (30) minutes West, two hundred thirty-three (233) feet to the center of said Rogers Street Road, thence South One (1) degree, fifteen minutes East one hundred eighty-seven (187) feet to the place of beginning.

Section 12. The Common Council gave the above item a Do Pass Recommendation of (8) - (0) - (0) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (0) - (0) at their Regular Session dated September 18, 1996.

Section 13. Through the authority of IC 36-7-4 and pursuant to Chapter 20.05.09 of the Ellettsville Municipal Code, the property located at 1600 South Sycamore Court be rezoned from RS3.5 to I. The property is further described as follows:

TRACT I: Part of the Northwest quarter of the Northeast quarter of Section 10, Township 8 North, Range 1 West in Monroe County, Indiana, more particularly described as follows: **BEGINNING** at a point on the South line of said quarter quarter section located 1179.59 feet East of the Northwest corner of the Southwest quarter of the said quarter quarter section; thence North 00 degrees 25 minutes 12 seconds West 30.74 feet to the point of curvature of a curve to the left having a central angle of 88 degrees 39 minutes 56 seconds and a radius of 163.06 feet; thence Northwesterly on and along the said curve 252.34 feet to the point of tangency of said curve; thence North 89 degrees 05 minutes 08 seconds West 24.91 feet; thence North 00 degrees 54 minutes 52 seconds East 177.36 feet; thence North 05 degrees 54 minutes 52 seconds East 92.36 feet; thence North 00 degrees 54 minutes 52 seconds East 60.30 feet; thence North 05 degrees 54 minutes 52 seconds East 95.00 feet; thence North 20 degrees 03 minutes 52 seconds East 46.41 feet; thence North 00 degrees 54 minutes 52 seconds East 190.23 feet; thence North 89 degrees 05 minutes 08 seconds East 28.08 feet; thence North 00 degrees 54 minutes 52 seconds West 131.91 feet; thence North 82 degrees 00 minutes 00 seconds East 307.16 feet; thence South 00 degrees 16 minutes 22 seconds West 997.71 feet; thence North 89 degrees 05 minutes 08 seconds West to the place of beginning, containing 6.303 acres, more or less.

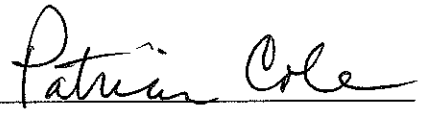
TRACT II: Part of the Northeast quarter of Section 10, Township 8 North, Range 1 West in Monroe County, Indiana, more particularly described as follows: **COMMENCING** at the Northwest corner of the Southwest quarter of the said quarter section; thence South 89 degrees 05 minutes 08 seconds East 1309.63 feet; thence North 00 degrees 16 minutes 22 seconds East 977.71 feet to the place of beginning; thence South 82 degrees 00 minutes 00 seconds West 372.98 feet; thence North 18 degrees 54 minutes 00 seconds West 149.49 feet to a point on a curve whose central angle is 86 degrees 18 minutes 17 seconds and radius is 182.87 feet; thence Northeasterly on and along said curve 224.17 feet to the point of tangency of said curve; thence North 00 degrees 51 minutes 43 seconds East 40.00 feet; thence South 89 degrees 08 minutes 17 seconds East 295.41 feet; thence South 00 degrees 16 minutes 22 seconds West 295.33 to the place of beginning, containing 2.599 acres, more or

less.

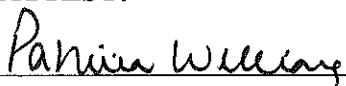
Section 14. The Common Council gave the above item a Do Pass Recommendation of (B) - (C) - (C) at their Committee of the Whole dated September 4, 1996 and voted to approve the above rezone by a vote of (8) - (0) - (0) at their Regular Session dated September 18, 1996.

Section 15. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

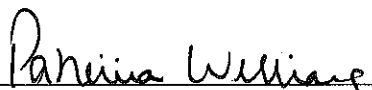
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of September, 1996.

  
PATRICIA COLE, Vice President  
Bloomington Common Council

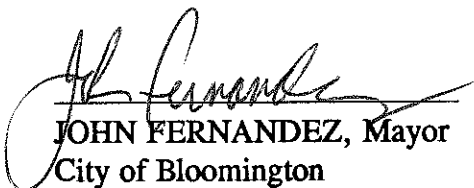
ATTEST:

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of September, 1996.

  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

SIGNED AND APPROVED by me upon this 20 day of September, 1996.

  
JOHN FERNANDEZ, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance was initiated by the staff of Planning Department and is intended to adjust changes made in Ordinance 95-21 that did not fully account for existing uses on seven properties.