

withdrawn

ORDINANCE 15-17

TO VACATE PUBLIC PARCELS

Re: Two Alley Segments which are Twelve Feet Wide and a Total of 417.16 Feet Long Located at the Southwest Corner of West 11th Street and North Rogers Street (City of Bloomington Redevelopment Commission, 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, the City of Bloomington Redevelopment Commission, has filed a petition to vacate a parcel of City property more particularly described below; and

WHEREAS, pursuant to I.C. §36-7-3-12(c), 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, September 16, 2015 at 7:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. §36-7-3-16, the City received written communications from utility services regarding their interests in the right-of-way and those communications are on file and available for inspection at the City Planning and Clerk and Council Office at 401 North Morton Street, Bloomington, Indiana 47402; and

WHEREAS, pursuant to I.C. §36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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

SECTION 1. Through the authority provided by I.C. §36-7-3-12, two portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 47 and 48, south from West 11th Street, more particularly described as follows:

BEGINNING at the Northeast corner of said Lot 47; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south right-of-way of West 11th Street a distance of 12.00 feet to the Northwest corner of said Lot 48; thence South 00 degrees 34 minutes 45 seconds WEST along the west line of said Lot 48 a distance of 132.02 feet to the Southwest corner of said Lot 48; thence continuing SOUTH 00 degrees 34 minutes 45 seconds WEST along the southerly extension of said west line a distance of 94.50 feet to the southeast corner of said north-south twelve foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along the south line of said north-south twelve foot alley a distance of 12.00 feet to the Southwest corner of said north-south alley; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the southerly extension of the east line of said Lot 47 a distance of 94.50 feet to the Southeast corner of said Lot 47; thence NORTH 00 degrees 34 minutes 45 seconds EAST along the east line of said Lot 47 a distance of 132.02 feet to the POINT OF BEGINNING, containing 2718 square feet, more or less.

SECTION 3. The second is an east/west alley segment running along the south edge of Lots 46, 47, 48, 49, and 50 in Maple Heights Second Addition, more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 46; thence NORTH 89 degrees 34 minutes 08 seconds EAST along the south line of said Lots 46, 47, 48, 49, and 50 a distance of 285.14 feet to the southeast corner of said Lot 50; thence South 00 degrees 35 minutes 04 seconds WEST along the west right-of-way of North Rogers Street a distance of 12.00 feet to the south line of said twelve (12) foot alley; thence SOUTH 89 degrees 34 minutes 08 seconds WEST along the south line a distance of 285.14 feet to the northwest corner of the property described by Warranty Deed to The Trustees of Indiana University recorded in Deed Book 195, page 152 in the office of the Recorder of Monroe County, Indiana; thence NORTH 00 degrees 34 minutes 45 seconds EAST 12.00 feet to the POINT OF BEGINNING, containing 3422 square feet, more or less.

SECTION 4. 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 5. 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 _____, 2015.

DAVE ROLLO, 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 _____, 2015.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2015.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The petitioner, the City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way at the southwest corner of West 11th Street and North Rogers Street in order to facilitate construction of future housing projects associated with the City's Certified Technology Park development.



**MARK KRUZAN
MAYOR**

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September 10, 2015

Dear Council President Rollo,

I write to respectfully request the right-of-way vacation legislation, Ordinance 15-17, be removed from the Common Council agenda.

During Committee of the Whole discussion of that proposal, Council Member Chris Sturbaum made a compelling case for working with the development community to identify a project that might incorporate the right-of-way as a starting point. Simply put, Council Member Sturbaum's comments convinced me his is the better approach. Council Member Volan and others voiced additional valid concerns.

I do want to note that I greatly appreciate the fact that you and the majority of the Council made an initial vote in support of our request. The Council debate was a healthy demonstration of how people might fall on differing sides of an issue but can disagree civilly and constructively.

Every member of the Council has long supported affordability of housing in all of its many forms, and it's important to me that every Council Member is empowered to cast a vote for the development of this parcel and the remainder of the Trades District with pride.

If Council authorizes removal of Ordinance 15-17 from its agenda, the administration will move forward with a Request For Proposals, which seeks the incorporation of alleyways as the default position in a proposed development. That RFP will include language that outlines that preference. It will go on to note that if a developer still chooses to seek to vacate right-of-way, the administration will work with the developer to make that case to the Council with a specific proposal in hand.

I appreciate the informative discussion that took place Wednesday and look forward to further advancing our common goals as we move ahead.

Thanks very much,

Mark Kruzan, Mayor
City of Bloomington

Cc Daniel Sherman, Council Administrator/Attorney