

Passed: 7-0

ORDINANCE 95-28

TO VACATE A PUBLIC PARCEL

Re: A portion of an East/West alley located on the east side of the 900 block of South Rogers (Perry Township, 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, Perry Township, 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 is located just south of 917 and 919 South Rogers and is more particularly described as follows:

A twelve-foot wide alley running 146.00 feet between Lots 13 and 20 in Mathew Campbell's Addition as platted in Plat Cabinet B, Envelope 6

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 7th day of June, 1995.

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of June, 1995.

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8th day of June, 1995.

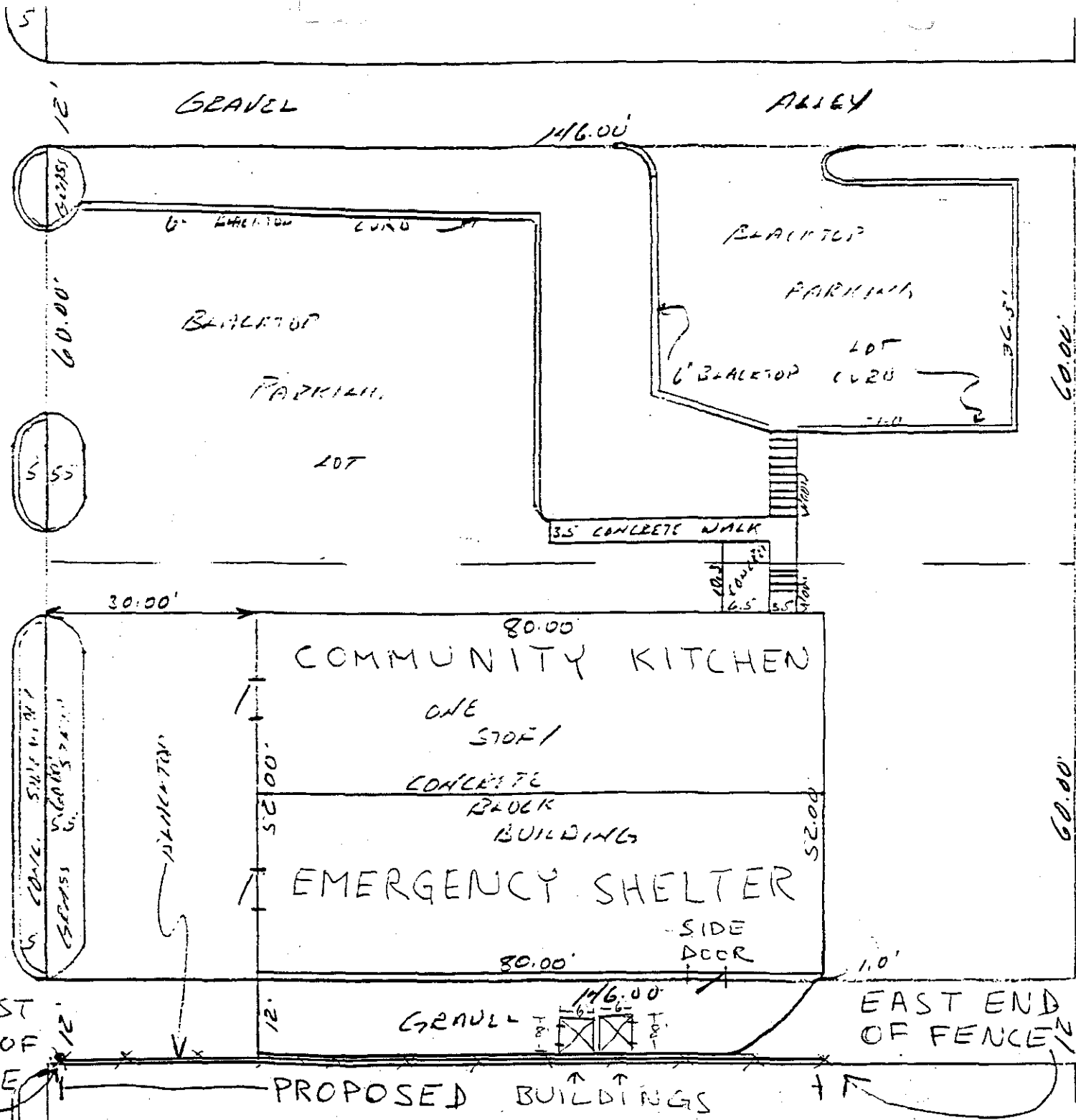
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

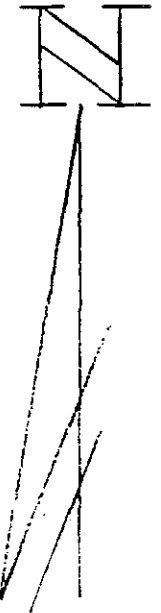
The petitioner, Perry Township, requests vacation of a portion of a 12-foot wide alley running east/west 146.0 feet between lots 13 and 20 of Matthew Campbell Addition, between Rogers and Madison and between Dodds and Allen.

Signed copies to:
Planning M.C. Recorder
Referrals M.C. Auditor
M.C. Assessor

Attachment 18.3



LOTS 12 & 13
 MATTHEW CAMPBELL ADD.
 917 & 919 S COLIERS.

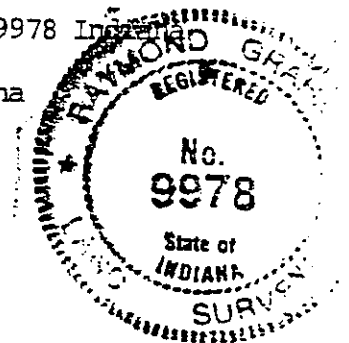


SCALE
 1" = 20'

MODIFIED BY
 GUY R LOFTMAN
 FROM ORIGINAL
 SURVEY PLAT
 MADE BY

Raymond Graham

Raymond Graham
 R.P.E. 8409 L.S. 9978
 3215 N. Smith Pike
 Bloomington, Indiana
 December 23, 1991



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 Alley between Lot 13 and Lot 20 in Matthew Campbell Addition to the City of Bloomington

Applicant's Name Perry Township

Address 1404 S. Walnut Street, Phone (812) 336-3713
Bloomington, IN 47401

Counsel or Consultant Guy R. Loftman

Address 532 N. Walnut Street Phone (812) 339-4899
Bloomington, IN 47404

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: 
Dan Combs, Perry Township Trustee

Date: May 10, 1995

To: Common Council
City of Bloomington

From: Guy R. Loftman
Perry Township Attorney
532 N. Walnut Street
Bloomington, IN 47404
(812) 339-4899

Re: Vacation of the alley to south of Community Kitchen and Homeless Shelter, 917 and 919 S. Rogers Street, and north of 923 S. Rogers Street.

Perry Township of Monroe County hereby Petitions the Common Council of the City of Bloomington, Indiana, for vacation of the alley to the south of Community Kitchen and Homeless Shelter, 917 and 919 S. Rogers Street, and north of 923 S. Rogers Street. In support thereof, we show the following:

PROPOSED UTILIZATION

1. Perry Township is owner of Lots 12 and 13 in Matthew Campbell Addition to the City of Bloomington. That real estate is commonly known as 917 and 919 S. Rogers Street, Bloomington, IN.
2. Through management agreements with Shelter, Inc. and Community Kitchen, Inc., Perry Township provides for operation of an emergency shelter and community food kitchen on that site.
3. Immediately to the south of that site is a 12 foot wide City of Bloomington public alley which is used by Shelter, Inc. to gain access to the front and side doors of the Shelter.
4. Accumulation of donated clothes and other items to be used in the shelter or given to residents upon their departure has caused a storage problem in the Shelter.
5. Storage of lawn mowing equipment, gasoline, snow removal equipment, and other outdoor maintenance items also creates a storage problem for the Shelter.
6. In order to address such problems, it is desirable to place two 6' X 8' temporary storage buildings on the premises; one for clean storage of clothes, bedding, etc., and another for storage of outdoor equipment.
7. The ideal location for such temporary storage buildings is in the alley to the south of the building.
8. Perry Township has endeavored to minimize possible adverse impact of its shelter and kitchen facilities on surrounding properties and the neighborhood, and in connection therewith has erected a fence along the south border of such alley, in

accordance with the Authorization to Place Fencing in Public Right of Way, Resolution 93-52, of this Board of Public Works, approved October 5, 1993.

9. That fence provides visual protection for neighbors to the south, so that the buildings will not be visible from the south.

10. The placement toward the east end of the alley will cause the Shelter building to screen the buildings so they will not be visible from the north.

11. The City of Bloomington Code Enforcement Office advises that placement of such buildings requires no building permit.

12. Perry Township has entered into an agreement with the adjoining property owner by which the adjoining property owner's half of the alley will be conveyed to Perry Township, if the alley is vacated, so that Perry Township's intended uses can be implemented. A copy of the agreement is attached.

CURRENT STATUS - ACCESS TO PROPERTY

13. The alley, while it is legally open, is in fact completely unusable for traffic in its present condition. The alley has a very steep drop off of approximately 10 vertical feet near the back of the Shelter building which makes vehicular traffic through the alley physically impossible. It would be very difficult to climb this stony hill in the alley on foot. As a result, there is never any traffic of any sort through this alley. Thus, it does not provide vehicular or pedestrian access to private property, churches, schools or other public places. The intended use would not interfere with public utility or drainage purposes, or other public purposes.

NECESSITY FOR GROWTH OF THE CITY

14. **Future status:** The land use in this neighborhood is thoroughly developed and stable. That development makes no use of the alley in question. Given the changes in elevation involved, it is difficult to envision any future need for this right of way due to future changes in land use.

15. **Proposed Ownership Utilization:** The proposed utilization, solely by one adjoining public owner keeps this real estate in the public sector, but increases its contribution to the public. The emergency homeless shelter and Community Kitchen facility are immensely valuable to the community in general, and the City of Bloomington in particular, as first line defenses against homelessness and hunger.

16. **Compliance with regulations:** The requested vacation would not create any noncompliance with any current regulations. The isolated location, current long term disuse, geographical obstacles, and small physical size of the alley in question minimize the risk of any future compliance problems.

17. **Relation to Plans:** No adverse impact of this proposed vacation are foreseen with respect to the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any other special studies or plans. In fact, it will only contribute to the efficient operation of the shelter and kitchen, and will facilitate the operations of another governmental entity.

18. **Attachments:** Attached hereto are:

18.1. An accurate drawing and legal description of the proposed vacation.

18.2. Accurate drawings and legal description of the proposed distribution of the alley to adjoining owners.

18.3. A drawing of the site showing the location of the proposed storage buildings in relation to the improvements on the property and the alley.

18.4. Copies of the plats of subdivisions showing the adjoining property owners, and the alley to be vacated.

18.4.1. Lots 5 and 6 of Dixie Highway addition are adjoining to the west, and across Rogers Street. (While Petitioner believes that these properties are not legally entitled to notice, since they are across Rogers Street and are not adjacent to the portion of the alley being vacated, notice is provided in accordance with preferred policy of the Common Council.)

18.4.2. Lots 14 and 19 of Matthew Campbell's Addition are adjoining to the east, and across the north-south alley between Rogers Street and Madison Street.

18.4.3. Lot 20 of Matthew Campbell's Addition is adjacent the full length of the portion of the alley to be vacated.

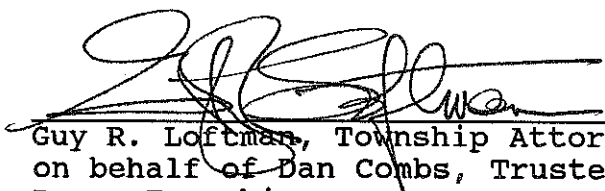
18.4.4. Lots 4, 5, 6, 11 and 12 of Matthew Campbell's Addition do not abut the alley in question. They were identified as possible abutting landowners by Bloomington Abstract Company, in their thorough preparation of the requested materials, but do not require notification under Indiana Code 36-7-3-12. Perry Township itself owns Lot 12.

18.5. The agreement with Hays Properties concerning Perry Township's purchase from Hays Properties of their half of the alley, after it is vacated.

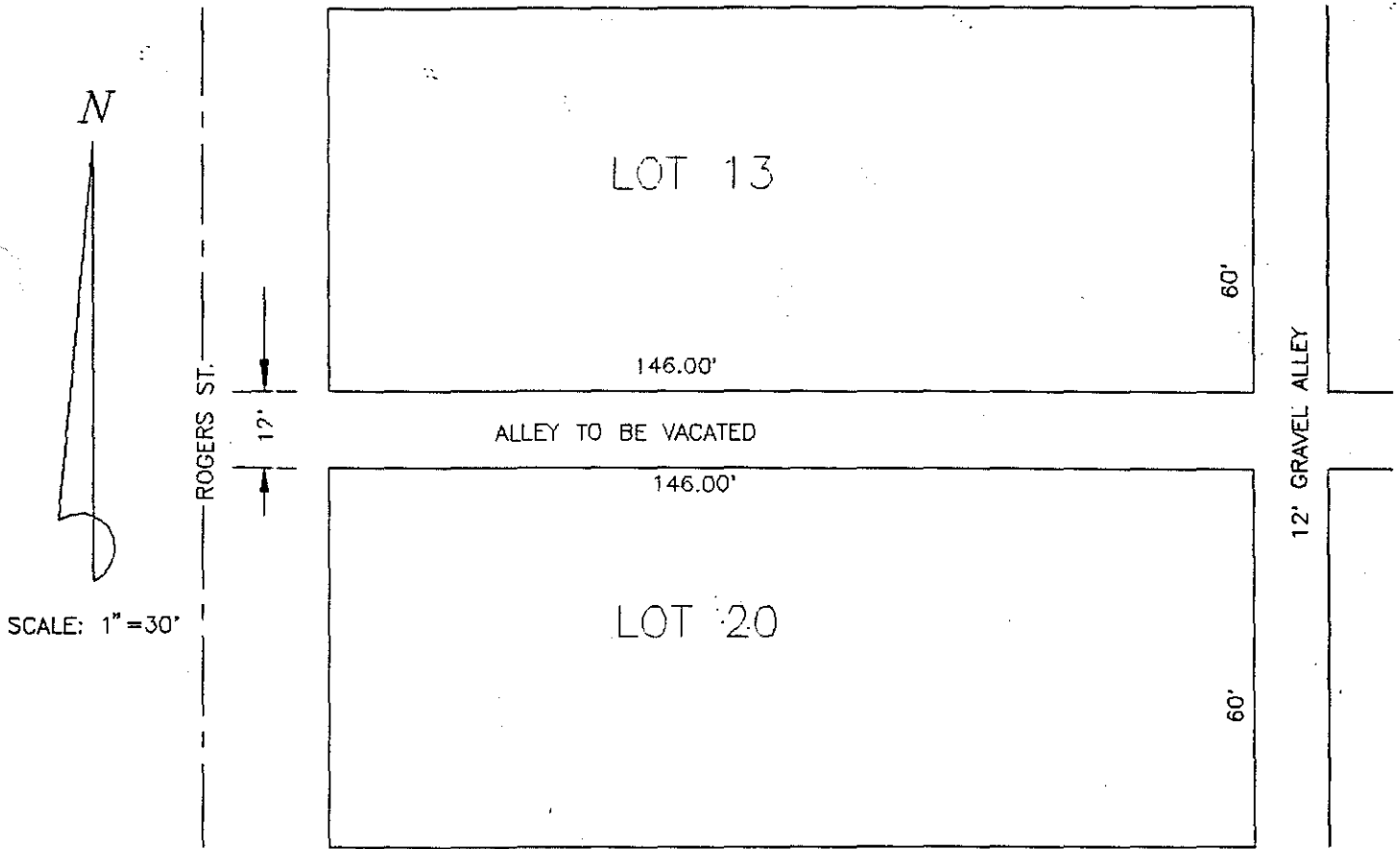
19. The names and addresses of property owners receiving notice are:

- 19.1. Lot 5, Dixie Highway Addition
Ernest and Margaret Eads
916 S. Rogers St.
Bloomington, IN 47403
- 19.2. Lot 6, Dixie Highway Addition
Robert L. and Betsy Quackenbush
920 S. Rogers St
Bloomington, IN 47403
- 19.3. Lot 14 of Matthew Campbell's Addition:
John and Pamela Fay
16 Skyline Drive
San Anselmo, CA 94960
- 19.4. Lot 19 of Matthew Campbell's Addition:
Steve Snyder
1000 S. Madison St.
Bloomington, IN 47403
- 19.5. Lot 20 of Matthew Campbell's Addition:
Hays Properties
P. O. Box 1312
Bloomington, IN 47402

WHEREFORE, Perry Township hereby requests vacation of the alley located to the south of 919 S. Walnut Street and north of 923 S. Rogers Street.


Guy R. Loftman, Township Attorney
on behalf of Dan Combs, Trustee
Perry Township
1404 S. Walnut Street
Bloomington, IN 47401

LOT 13 AND 20 OF MATTHEW CAMPBELL'S
ADDITION WITH ALLEY BETWEEN



DESCRIPTION OF ALLEY TO BE VACATED:

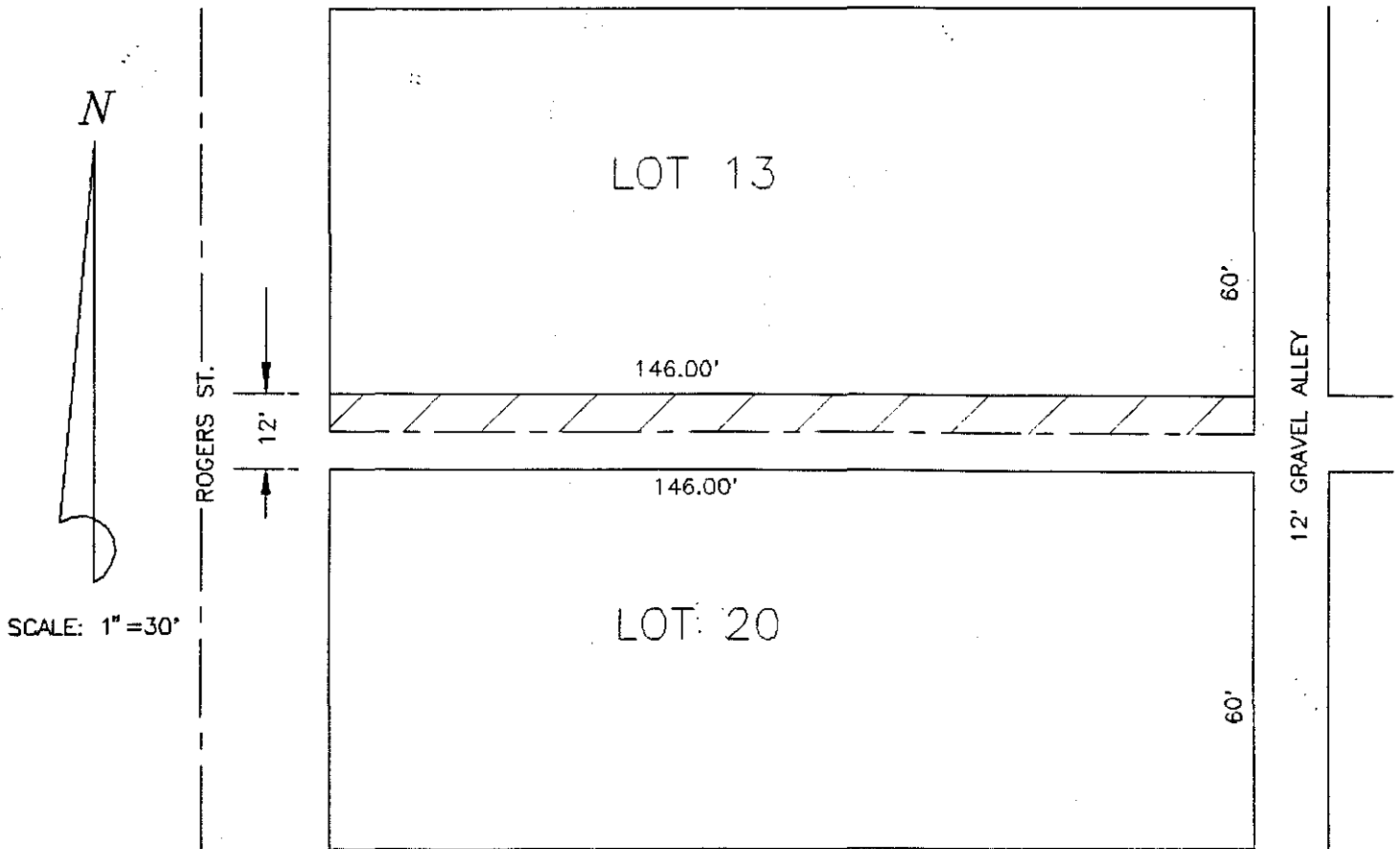
A twelve foot alley between Lots 13 and 20 in Matthew Campbell's Addition, as platted in Plat Cabinet B, Envelope 6.



Raymond Graham

Raymond Graham
IN L.S. 9978
3215 N. Smith Pike
Bloomington, IN
15 March, 1995

LOT 13 AND 20 OF MATTHEW CAMPBELL'S
ADDITION WITH ALLEY BETWEEN



DESCRIPTION OF N 1/2 OF ALLEY:

The North half of a twelve foot alley running between Lots 13 and 20 in Matthew Campbell's Addition, as platted in Plat Cabinet B, Envelope 6, more particularly described as follows:

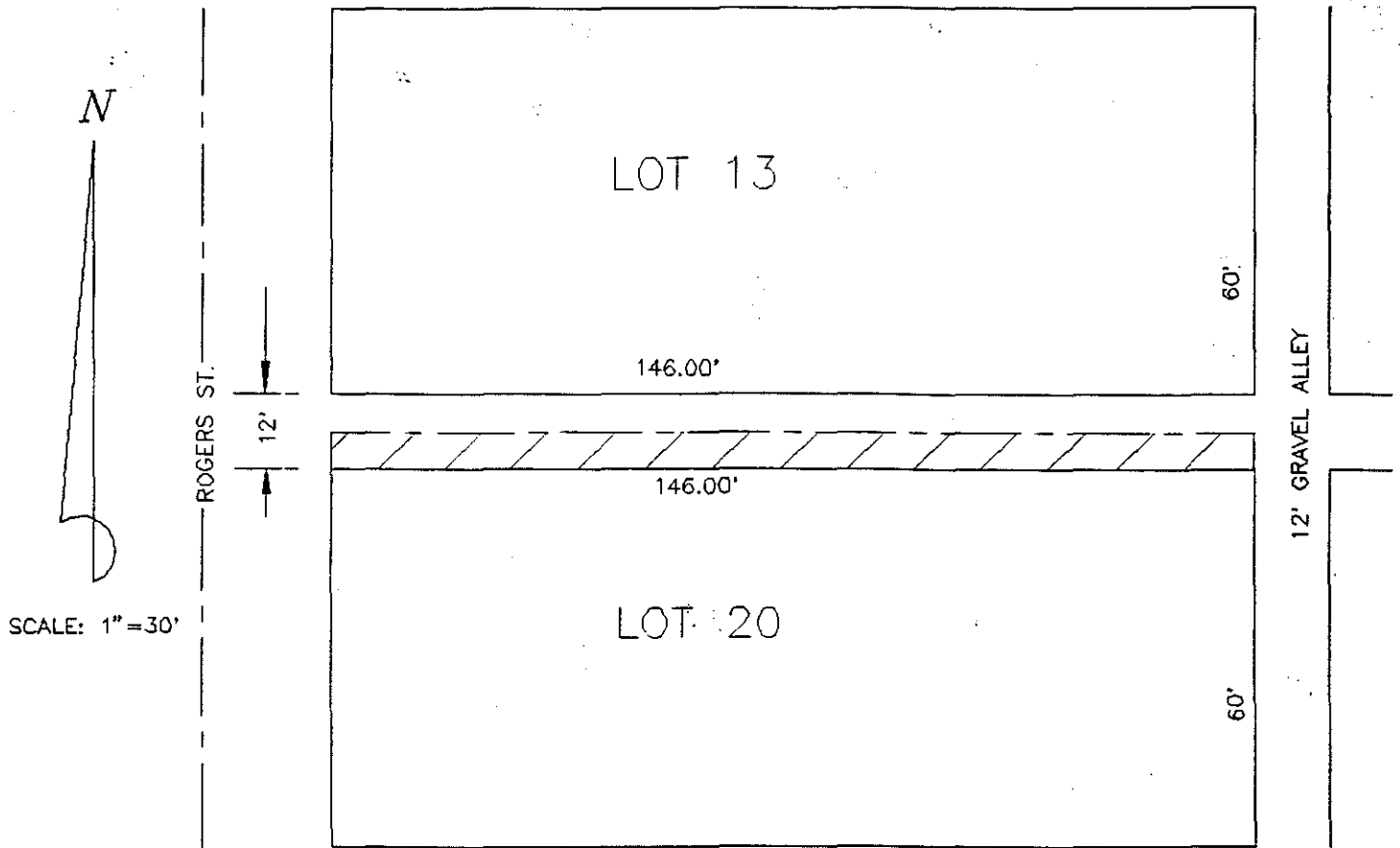
Beginning at the Southwest corner of Lot 13, thence South 6 feet, thence East 146 feet, thence North 6 feet, thence West 146 feet and to the point of beginning.



Raymond Graham

Raymond Graham
IN L.S. 9978
3215 N. Smith Pike
Bloomington, IN
15 March, 1995

LOT 13 AND 20 OF MATTHEW CAMPBELL'S
ADDITION WITH ALLEY BETWEEN



DESCRIPTION OF S 1/2 OF ALLEY:

The South half of a 12 foot alley running between Lot 13 and Lot 20 in Matthew Campbell's Addition, as platted in Plat Cabinet B, Envelope 6, more particularly described as follows:

Beginning at the Northwest corner of Lot 20; thence North 6 feet, thence East 146 feet, thence South 6 feet, thence West 146 feet and to the point of beginning.



Raymond Graham

Raymond Graham
IN L.S. 9978
3215 N. Smith Pike
Bloomington, IN
15 March, 1995