### **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,

\_\_, 1995. Indiana, upon this 7th day of 1me

> IRIS KIESLING, President **Bloomington Common Council**

ATTEST: trium Willia PATRICIA WILLIAMS, Glerk City of Bloomington

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

PÁTRICIA WILLIAMS, Clerk

City of Bloomington

day of June SIGNED and APPROVED by me upon this **24** 

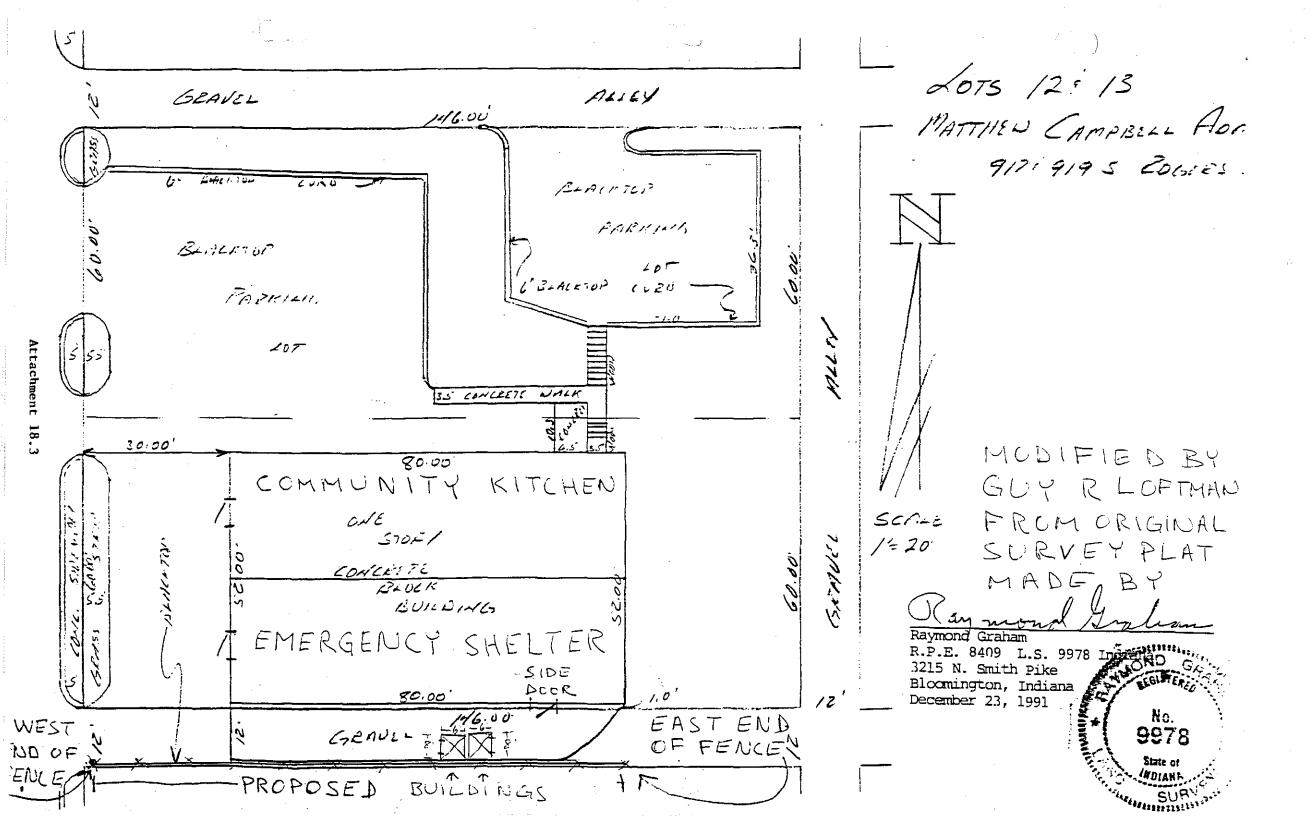
TOMILEA ALLISON, Mayor

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.

M.C. Recoder M.C. auditor



Plat Caliner B - Employe 6

CAMPBELL'S ADDITION TO BLOOMINGTON, or ...

Seminary Out Lots No. 39 and 40 Subdivided into Town Lots of 60 x 146 Feet.

This Sub Lot number 1 sold some years ago runs out to the corner of Out Lot number 39. My 10 foot enlargement is therefore thrown to the South side of it.

Alley of original plat 16½ ft.wide - 26½ ft. wide - 10 ft. add  20 ft. 4 3 3 32½ 2 10 10 ft.  5 1 6 1 7 8 9 10 ft.  12 ft.  13 14 15 16 9 12 ft.  20 19 19 18 17 8 22 12 12 12 12 12 12 12 12 12 13 14 15 16 9 12 ft.  3 29 30 31 32 3 12 ft.  3 32½ ft. street made up of Calarina entity ft.  3 32½ ft. street made up of Calarina entity ft.  4 4 43 32 ft.  3 52 51 50 49 9 West Street or Railroad S	
10 ft,   1	ded
12   11   10   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   9   3   12   15   16   16   16   16   16   16   16	
12   11   10   9   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   3   12   15   16   12   15   16   16   16   16   16   16   16	
13	
12   12   13   14   17   18   17   18   17   18   17   18   17   18   12   17   18   12   17   18   12   17   18   12   17   18   12   17   18   12   17   18   18   18   18   18   18   18	
19	† †
28 27 26 25 3 29 30 31 32 9 36 35 34 33 3 37 38 39 40 9 32½ ft. street made up of Unitaries menticular left ft. 44 43 32 41 3 45 46 47 48 3 10 ft. 3 52 51 50 49 9 West Street or Railroad Street or Railroad Street loc. 13 links 10 ft. (74 58/100 ft.) 3 60 59 56 57 3 3 68 67 66 65 3 68 67 70 71 72 3 69 70 71 72 3 746µ 746µ 746µ 746µ	
28 27 26 25 q 29 30 31 32 3 31 32 3 32 3	
36 35 34 33 \$  37 38 39 40 \$  32½ ft. street made up of University 1½ feld ft.  44 43 22 41 \$  45 46 47 48 \$  10 ft.  52 51 50 49 \$  West Street or Railroad Street or Railroad Street or Railroad Street of the Street of the Street or Railroad	
12 ft.   36   35   34   33   4   33   4   33   4   33   4   33   4   33   4   33   4   33   4   4	
3 36 35 34 33 9 40 9  32½ ft. street made up of Chiargement 2½ to ft.  44 43 32# 42 41 9  45 46 47 48 9  10 ft.  52 51 50 49 9 West Street or Railroad Street or Railroad Street or 12 ft.  53 54 55 56 9 1 ch. 13 links  60 59 56 57 9  61 62 63 64 9  10 ft.  68 67 66 65 9  69 70 71 72 9  10 ft.	
37 38 39 40 3 32½ ft. street made up of Unitarizate and 12½ ft. 16½ ft. 1 3 44 43 32½ ft. 42 41 3 10 ft. 25 52 51 50 49 9 West Street or Railroad Street of Railroad Street of Railroad Street of Railroad Street of ft. 13 1inks 10 ft. 74 58/100 ft. 25 60 59 56 57 9 10 ft. 74 58/100 ft. 25 68 67 66 65 9 70 71 72 9 10 ft. 25 76 75 74 73 9 746 77 7	
32½ ft. street made up of this tage ment 1 ½ 1 € 1 ft.  44	
44 43 324 42 41 g 45 46 47 48 g 10 ft.  52 51 50 49 9 West Street or Railroad Street 1 ch. 13 links 10 ft.  60 59 58 57 g 61 62 63 64 g 10 ft.  68 67 66 65 g 10 ft.  76 75 74 73 g 746 ft.	
\$\\ \begin{align*} \b	
53 54 55 56 3 Railroad Stree 1 ch. 13 links 10 ft (74 58/100 ft.  60 59 58 57 9 61 62 63 64 9 70 71 72 9 76 75 74 73 9 76 77 74 73 9	
55 56 g 1 ch. 13 1inks  10 ft. (74 58/100 ft.  60 59 58 57 g 61 62 63 64 g 10 ft.  68 67 66 65 g 69 70 71 72 g 10 ft.  76 75 74 73 g 746 pt 746 pt 746 pt	
10 ft. (74 58/100 ft. 60 59 58 57 g 50 61 62 63 64 g 64 g 65 g 69 69 70 71 72 g 69 70 71 72 g 746 ft. 746 ft. 746 ft. 746 ft.	s wi
68   67   66   65 ° 3   70   71   72 ° 3   3   3   3   3   3   3   3   3   3	•).
68   67   66   65 ° 3   69   70   71   72 ° 3   69   70   71   72 ° 3   74   73 ° 3   746 ° 47   74	
76 75 74 73 g 746 pt 146 pt 146 pt	
76 75 74 73 g 746 pt 146 pt 146 pt	
76 75 74 73 g 746 pr 146 pr 146 pr	
76 75 74 73 g	
146 67 146 67 146 67	
2	
146.23	

Dilie Highway add.

*							· .	<del></del> -	<u> </u>			No	بلباعد	·									,	•			
Street												•				ą.	,		•		,						
·ſ	•	48	48	48	48	4g	48	Hg	40		-,						* *								٠.		
	랷	却	事	a a	146	141	148	9	12	,	.																,
		٦		7	-			1 I	11. T		-	•	,			٠	,			Ņ							•
Ī	=										1											٠					
Į	ا اب «	۵	67	12	7	9	5		17	<u></u>				, i					W-				•	•			
·	갽	왕	139	138	137	136	135	131	l t	172	T	130	129			•		. •	•								
إ	<del>. a . y</del>							<u>, , , , , , , , , , , , , , , , , , , </u>	<u> </u>		48	118 ]	- 748	l							•						
Î	<u>'</u>		wy	lie 	1	. 1		1	-	_	tre		Ē.	144 1	-						,	•				,	
	27	117	118	119	22	121	122	123	12,	il E	126	127	123	7								•					مر
		e e	100									- 7	'''								_						
			12	1	1		=	1-06				<del>,</del>	<u></u> ;	:   	· · · · · · · · · · · · · · · · · · ·	<del>.</del> .				, •							
Arce the	1,32 115	114	11.1	112	H	110	13	108	107	106	105	701	133	Street													
্ৰী														돲				1									
5	3	_		Do	ida		;	. –						**		S	ree	t				4			 L		_ hr
			,			,				,		í		י ע	4g	48	46	48	48	48	1	48		- }		132	3
: =	180	81	<b>82</b>	83	क्ष	85	86	87	88	89	90	91	92		93	94	95	96	97	98	99	100	10	L	_	_2_	<u> </u>
. me	J											اً ا									,			1111		3	82
ોાં	±79						•			,			-	]				,	1	.		7				4	48
를.	許79	78	77	76	75	74	73	72	71	70	69	6g	67		66	65	64	55	62	61	60	59	58	57	·	_5	148
										ļ												,		THE	P	6	87
7		<u>.                                    </u>		Par	k		<b></b> .		404	٠,				·)	_		Ave	TU.	3				•				المراجع موسو بدوا
	$\prod_{i=1}^{n}$						,					,		View										H		7	1
	<b>芸34</b>	35	36	37	38	39	40	41	42	43	ijij	45	46	rie	47	48	49	50	51	52	53	54	55	± 56		\$	56 144 144
1		<u>}</u>	<u> </u>	12		<u> </u>						<u></u>	<u>.</u>	, "		<u> </u>		'ea'			<u> </u>					9	29
	٧		T	<u> </u>			}		1			1		٠.		1						1		H		10	18
/	1/4	<del>{</del> -≠	33	32	31	30	29	28	27	26	25	24	23		22	21	20	19	18	17	16	1:	 714	1 1		11	\$2
	//	1,	1	'nя	1			48 (		148		48	1		lua	148	ha.		s ha		ł					2 12	100
		/' ,	1	transinistina		len			L- <sup>2-</sup>			·····	+	1	<u></u> 0		tree		<u>4 79.</u>	TQ.	<u>, 70</u>	170	<u>.,,,,</u>		نتبد	<u> </u>	······································
	\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	/	7,/	<u> </u>				· · · · · · · · · · · · · · · · · · ·			PI	1. 4.	01	·	-	39				_	~~ n		_				•
,	2 1 m - 1		1								V.V.	as I	-20	-	7 _	<b>—</b> ,	_		_		_						

At page 35 of Plat Book Number 3 on file in the office of the Recorder of Monroe County. Indiana, appears the above Plat and Description of Dixle Highway Addition

## PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON	FILE #
COMMON COUNCIL	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 the City of Bloomington	d Lot 20 in Matthew Campbell Addition to
Applicant's Name Perry Township	
Address 1404 S. Walnut Street, Bloomington, IN 47401	Phone 12 (812) 1336-3713
Counsel or Consultant Guy R. Loftr	man
Address 532 N. Walnut Street Bloomington, IN 47404	Phone (812) 339-4899
This application must be accompanied by all requipacket for vacation of public right-of-way. Staff repetitions subject to complete submittals. Notices mailed until hearing dates have been confirmed.	serves the right to schedule hearing dates for
I (we) agree that the applicant will notify all adjace applicant's expense.	cent property owners by certified mail at the
I (we) further agree that the applicant will cause a lin a paper having general circulation in Bloomings	2 2 2
I (we) certify that all foregoing information is coagents for owners) of property adjacent to the prois the subject of this application.	· · · · · · · · · · · · · · · · · · ·
Signature: Man Combs, Perry Township Trust	tee

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:

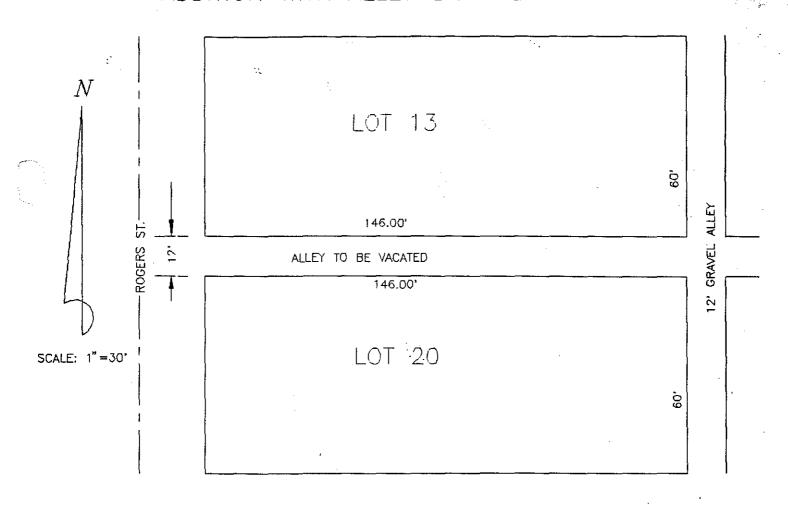
Hays Properties P. O. Box 1312 Bloomington, IN 47402

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:

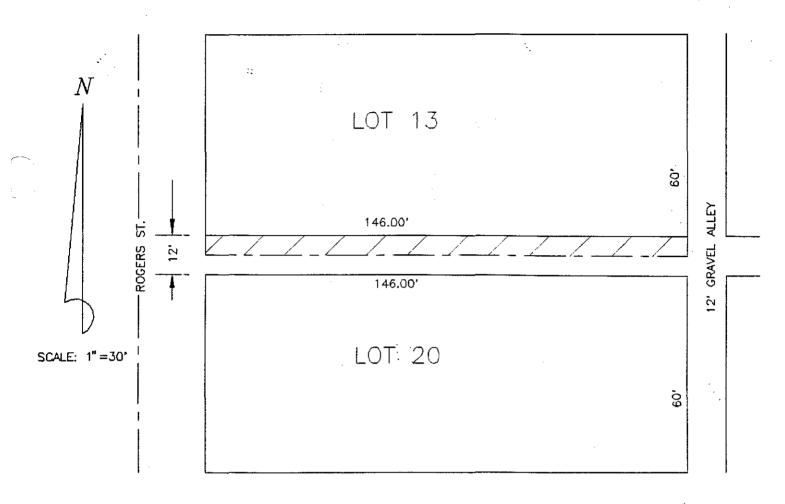
A twelve foot alley between Lots 13 and 20 in Matthew Campbell's Addition, as platted in Plat Cabinet B, Envelope 6.



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:

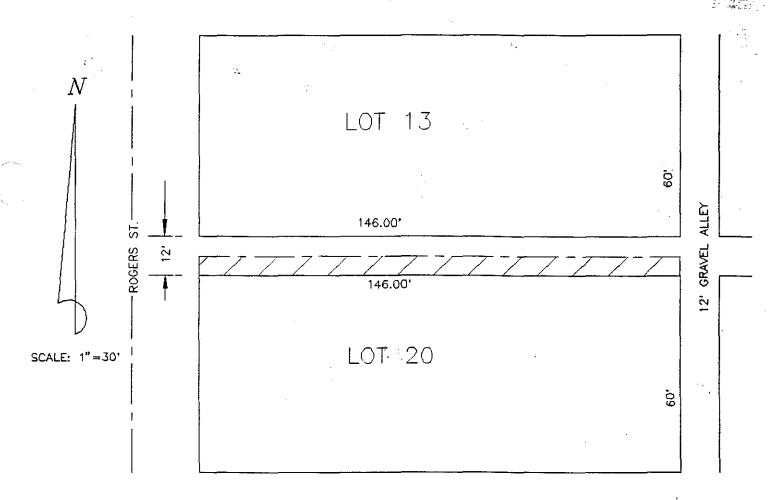
Beginning at the Southwest corner of Lot 13, thence South 6 feet, thence East 146 feet, thence North 6 feet, thence West 146 feet and to the point of beginning.

ONO COMMINICATION OF THE PARTY OF THE PARTY

Ocaymon Dulan

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.



Ray moul Dalan

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