

ORDINANCE 94-33

TO VACATE A PUBLIC PARCEL  
Re: Two Alleys Due East of 303 E. Kirkwood Avenue  
(Monroe County Public Library, 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, Monroe County Public Library, 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, entailing a north/ south alley and the eastern portion of the east/west alley located just east of 303 E. Kirkwood, is more particularly described as follows:

The 12 foot alley which runs 276 feet north and south from Kirkwood Avenue to Sixth Street, between IN LOTS NUMBER 170, 171, 182, and 183, as shown on the original plat of the City of Bloomington, Indiana, and recorded in Deed Record "A", at Page 5, in the Office of the Recorder of Monroe County, Indiana.

Together with that portion of a 12 foot alleyway which runs 144 feet in an east and west direction between Lincoln and Grant Streets, between IN LOTS 171, 172, 181, and 182, of the original plat of the City of Bloomington, Indiana, as shown by the plat thereof, recorded in Deed Record "A", at Page 5, in the Office of the Recorder of Monroe County, Indiana.

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 20<sup>th</sup> day of July, 1994.

Jim Sherman  
JIM SHERMAN, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>th</sup> day of July, 1994.

Patricia Williams  
PATRICIA WILLIAMS, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 20<sup>th</sup> day of July, 1994.

Tomilea Allison  
TOMILEA ALLISON, Mayor  
City of Bloomington

SYNOPSIS

The petitioner, Monroe County Public Library, requests vacation of two platted alleys just east of 303 E. Kirkwood Avenue.

Signatures to:

Petitioner

Recorder

Assessor

Planning

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 303 East Kirkwood Avenue

Applicant's Name Monroe County Public Library

Address 303 East Kirkwood Avenue Phone 812-339-2271

Counsel or Consultant K.R. Montgomery - Architects Thomas Bunger - Attorney

Address KRM - 33 West 10th St Suite 400 317-649-8477  
Anderson, Indiana 46016 Phone

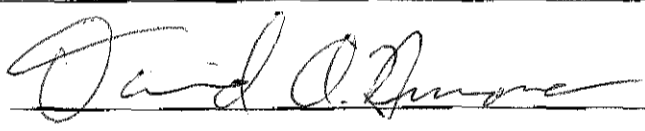
Bunger - 226 S. College Square  
Bloomington, IN 47402 ph. 812-332-9295

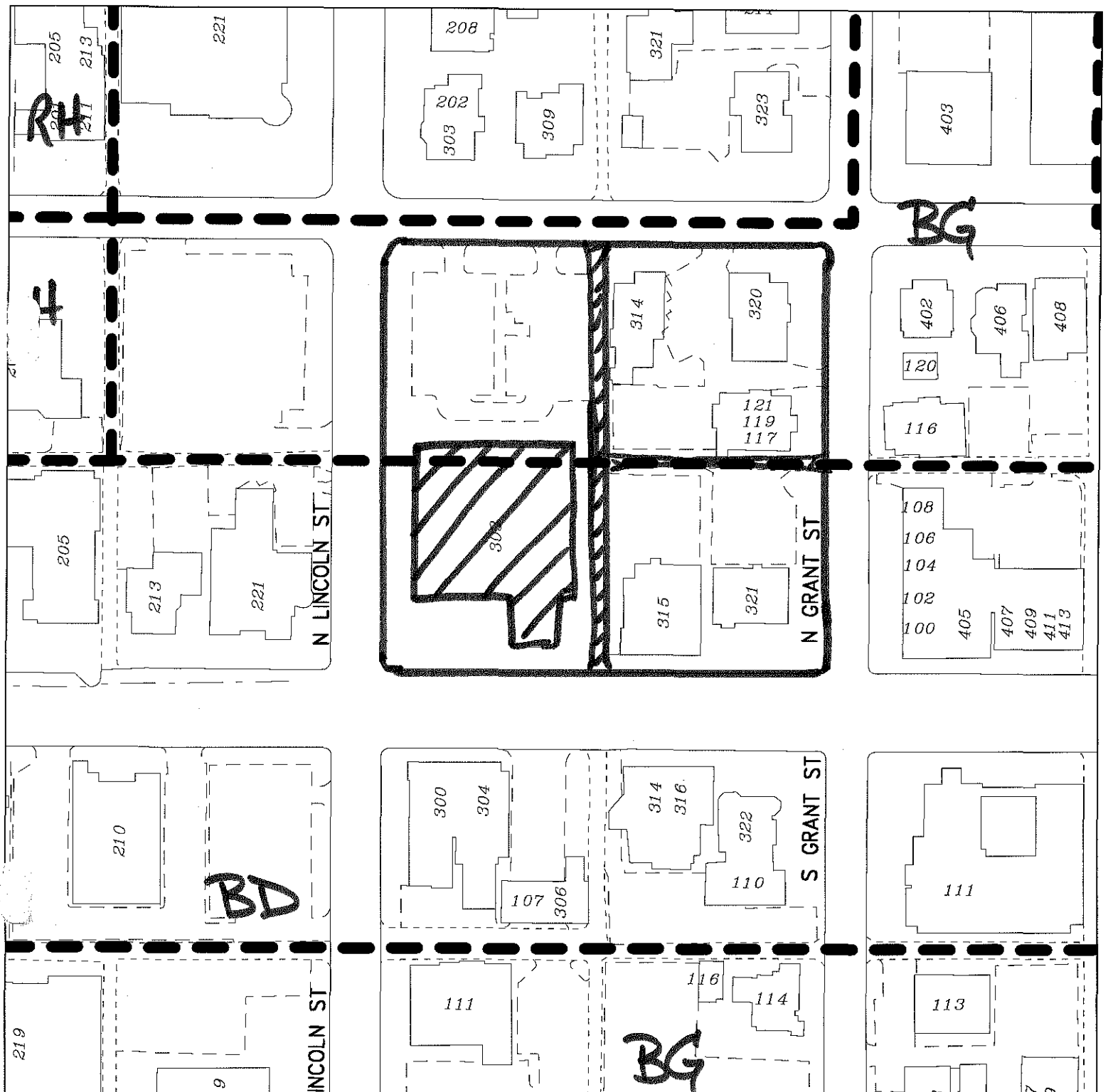
This application must be accompanied by all required submittals as stated in the information packet for vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing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



Monroe County Library

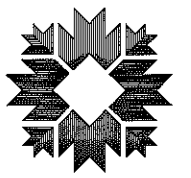
Location/Zoning Map

Alley Vacation

Date: 20 Jun 1994



City of Bloomington  
Planning Department



Scale: 1" = 100'

317 649 8484 P.05

K R MONTGOMERY

JUN-10-1994 11:40

MONROE COUNTY PUBLIC LIBRARY

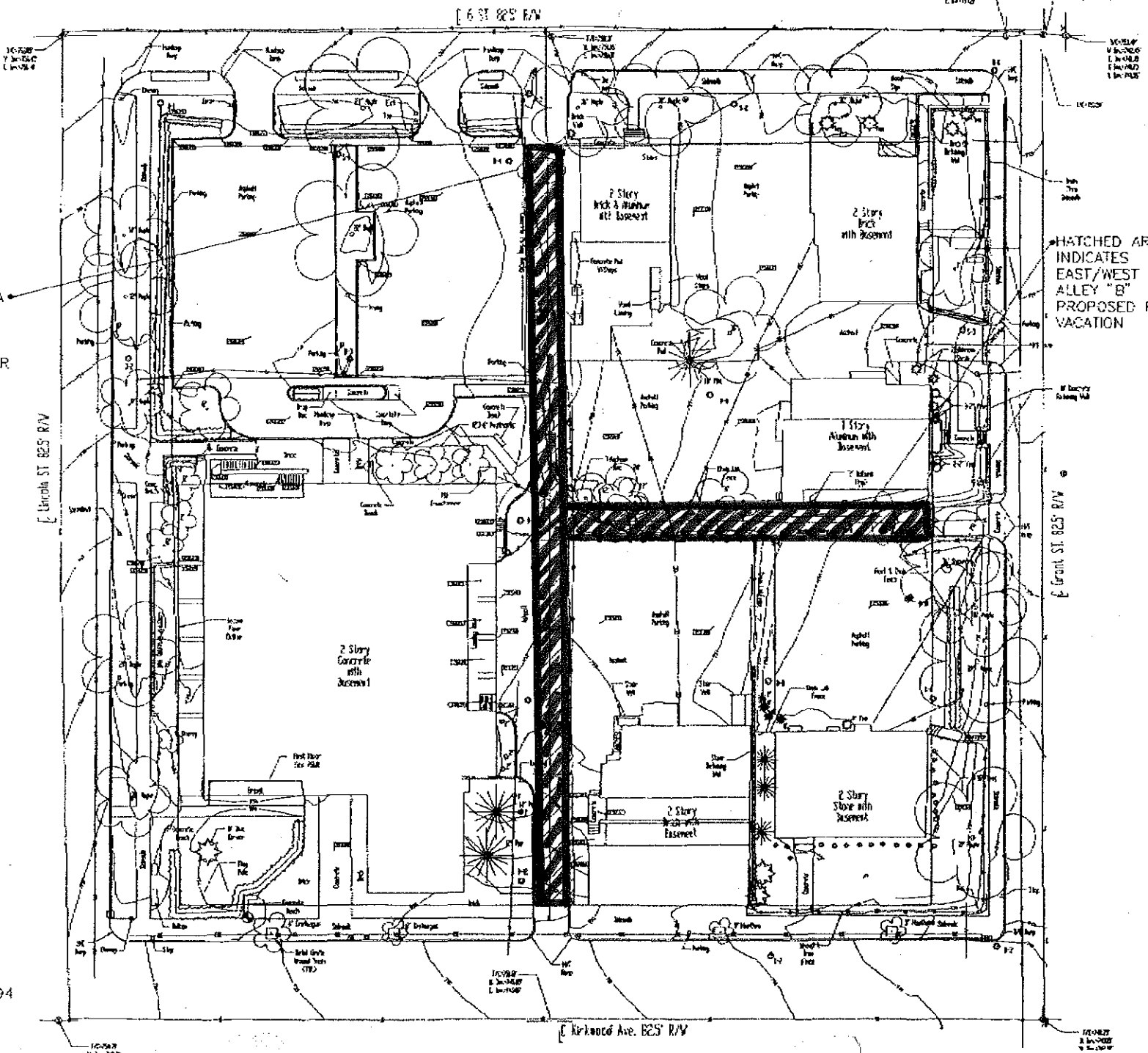


JUNE 7, 1994

HATCHED AREA INDICATES NORTH/SOUTH ALLEY "A" PROPOSED FOR VACATION

HATCHED AREA INDICATES EAST/WEST ALLEY "B" PROPOSED FOR VACATION

TOTAL P.05



**MONROE COUNTY PUBLIC LIBRARY REAL ESTATE**

IN LOT NUMBER ONE HUNDRED SEVENTY TWO (172) IN THE CITY OF BLOOMINGTON INDIANA AS IS SHOWN BY THE RECORDED PLAT THEREOF. AND

IN LOT Number One Hundred Seventy One (171) of the Original Plat of the City of Bloomington, Indiana as shown by the plat thereof recorded in Deed Record "A", Page 5, in the Office of the Recorder of Monroe County, Indiana.

Along with an easement executed by and between the City of Bloomington, Indiana, and McCollum Enterprises, Inc., under date of December 21, 1979, and recorded in the Office of the Recorder of Monroe County, Indiana, in Deed Record 272, Pages 393-396. AND

In Lot Number One Hundred Eighty One (181) and One Hundred Eighty Two (182) in the City of Bloomington, Indiana, according to the plat thereof recorded in the Office of the Recorder of Monroe County, Indiana. AND

A part of In Lot Number 184 in the City of Bloomington, Indiana, bounded and described as follows, to-wit: Beginning at the Southwest corner of said In Lot Number 184 running thence North 40', thence East 66', thence South 40', thence West 66', to the point of beginning. AND

In Lot Number 183 in the City of Bloomington, Monroe County, Indiana, as shown by the recorded plat thereof. AND

Part of In Lot Number 184 in the City of Bloomington, Monroe County, Indiana, bounded as follows, to-wit: Commencing at the Northwest corner of said In Lot, running thence South 92', thence East 66', thence North 92', thence West 66', to the point of beginning. AND

A part of In Lots Number 169 and 170 in the City of Bloomington, Indiana, described as follows to-wit: Beginning at the Southwest corner of In Lot Number 169, running thence East on the South line of said In Lots, 72' 5", thence North 87', thence West 72' 5", to the West line of In Lot Number 169, thence South on the West line of In Lot 169, to the place of beginning.

Also part of In Lots Number 169 and 170 in the City of Bloomington, described as follows, to-wit: Beginning at the Northwest corner of In Lot Number 169, running thence East to a point 6' 5" East of the Northwest corner of In Lot Number 170, thence South 45', thence West to the West line of In Lot Number 169, thence North 45', to the place of beginning. AND

Part of In Lot Number 170 in the City of Bloomington, Indiana, described as follows, to-wit: Beginning at the Southeast corner of said Lot; thence running West 59' 7"; thence running North 133' to the alley; thence running East 59' 7"; thence running South 133' to the point of beginning.

ALLEY LEGAL DESCRIPTION

Related to the Monroe County Public Library  
June 10, 1994

The 12-foot alley which runs 276 feet north and south from Kirkwood Avenue to Sixth Street, between IN LOTS NUMBER 170, 171, 182, and 183, as shown on the original plat of the City of Bloomington, Indiana, and recorded in Deed Record "A", at Page 5, in the Office of the Recorder of Monroe County, Indiana.

Together with that portion of a 12-foot alleyway which runs 144 feet in an east and west direction between Lincoln and Grant Streets, between IN LOTS NUMBER 171, 172, 181, and 182, of the original plat of the City of Bloomington, Indiana, as shown by the plat thereof, recorded in Deed Record "A", at Page 5, in the office of the Recorder of Monroe County, Indiana.

ADJACENT PROPERTY OWNERS REGARDING ALLEY VACATION

James H. Ferguson  
Stephen L. Ferguson  
403 East Sixth Street  
Bloomington, IN 47408

Ling Mei Williams  
John Williams  
406 East Sixth Street  
Bloomington, IN 47408

Virginia Hoadley Tyte  
602 Soutar Drive  
Bloomington, IN 47403

The Rector Wardens and Vestrymen of  
Trinity Episcopalian Church of  
Bloomington, Indiana  
400 East Kirkwood Avenue  
Bloomington, IN 47401

The Ellis Company  
302 East Woodridge Drive  
Bloomington, IN 47408

Monroe County State Bank  
210 East Kirkwood Avenue  
Bloomington, IN 47401

Edwin C. McDaniel, Trustee  
for Mary Louise McDaniel  
6115 East 65th Pl  
Indianapolis, IN 46220-4105

Bruce R. Storm  
Shannon K. Storm  
322 East Fourth Street  
Bloomington, IN 47401

The City of Bloomington, Indiana  
Post Office Box 100  
Bloomington, IN 47402

First Presbyterian Church  
of Bloomington, Indiana, Inc.  
Trustees  
221 East Sixth Street  
Bloomington, IN 47408

Hudgins & Company  
107 North Dunn Street  
Bloomington, IN 47408

Sonya A. B. Jackson  
309 East Sixth Street  
Bloomington, IN 47408

Timothy Wood Fagan  
Connie Marie Fagan  
c/o Spencer W. Hudgins  
107 North Dunn Street  
Bloomington, IN 47408



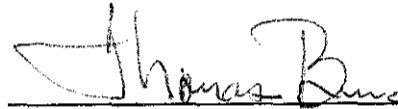
**CITY OF BLOOMINGTON COMMON COUNCIL**

**Notice of Public Hearing**

The Common Council of the City of Bloomington will hold a public hearing at 7:30 pm, Wednesday, July 20, 1994, in the Council Chambers of the Bloomington Municipal Building, at 220 East Third Street, to consider the petition of Monroe County Public Library, for the purpose of an alley vacation, on the property located at 303 East Kirkwood Avenue, Bloomington, Indiana, and to which you are an adjacent property owner.

Under the provisions of Indiana law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. You may also file written comments with the Plan Commission in the Planning Department office, where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the petitioner or the petitioner's counsel (at the number listed below) or the office of the Common Council, at (812) 331-6409.

BLOOMINGTON COMMON COUNCIL



Thomas Bungler, Attorney for Petitioner  
BUNGER & ROBERTSON  
226 South College Square  
Post Office Box 910  
Bloomington, IN 47402  
(812) 332-9295

Don M. Robertson  
Thomas Bunger  
Joseph D. O'Connor III  
James L. Whitlatch  
Samuel R. Ardery  
Margaret M. Frisbie  
John W. Richards  
William J. Beggs

Philip C. Hill  
of Counsel



A T T O R N E Y S A T L A W

226 South College Square  
Post Office Box 910  
Bloomington, Indiana  
47402-0910

Telephone  
(812) 332-9295

Facsimile  
(812) 331-8808

Len E. Bunger  
(1921-1993)  
Nat U. Hill  
(1920-1987)

June 21, 1994

Patricia Williams, City Clerk  
City of Bloomington  
220 East Third Street  
Post Office Box 100  
Bloomington, IN 47401

Re: Monroe County Public Library  
Alley Vacation  
Hearing 7/20/94 at 7:30 pm

Dear Patricia:

Enclosed please find a copy of our Notice of Public Hearing and a list of all adjacent property owners to whom we sent such notice.

Yours very truly,

Thomas Bunger

TB/csr

Enclosures

