

ORDINANCE 85-39

TO AUTHORIZE USE OF THE SPECIAL
NON-REVERTING IMPROVEMENT FUND

WHEREAS, the Bloomington Common Council adopted Ordinance 79-74, "To Create a Special Non-Reverting Improvement Fund"; and

WHEREAS, Ordinance 79-74 provides that all monies received by the City pursuant to the Agreement in Lieu of Annexation, as approved and ratified by Ordinance 79-73, shall be placed in the special non-reverting fund; and

WHEREAS, Ordinance 79-74 provides that the monies in said fund shall be used only for the provision of services which would facilitate annexation of the westside industries may be used for any lawful public purpose; and

WHEREAS, the Bloomington Common Council adopted Resolution 85-20, recommended the creation of the Bloomington Downtown Parking Development Corporation; and

WHEREAS, the Bloomington Downtown Parking Development corporation is charged with the responsibility of acquiring property for the construction of a parking facility, designing and constructing a parking facility, and entering into a lease purchase agreement with the City of Bloomington; and

WHEREAS, the Bloomington Downtown Parking Development Corporation lacks both funding and the power of eminent domain; and

WHEREAS, the Bloomington Board of Public Works has the statutory authority of eminent domain.

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

SECTION 1. Section 1 of Ordinance 79-74 shall be amended to read as follows:

There is hereby created a Special Non-Reverting Improvement Fund. One purpose of this fund shall be to provide services directly or indirectly necessary for annexation of General Electric Company, Otis Elevator Company, Westinghouse Electric Corporation, Wetterau, Inc., and Cook, Inc. The monies in said fund may be used for the provision of fire protection service, sewer service, water service, storm sewer service, streets, curbs, and gutters sufficient to allow annexation of areas in such a manner as to make the property of the above mentioned companies sufficiently adjacent and contiguous to the City of Bloomington for annexation. Also, the monies in said fund may be used for professional services, salaries, material and equipment necessary to prepare fiscal plans and other reports and studies necessary to allow annexation of areas contiguous to the City of Bloomington. In addition, the monies in said fund may be used by the Board of Public Works for acquisition, of property for a parking facility, the design and construction of a parking facility, and any costs related thereto. In the event that the monies in said fund are used by the Bloomington Board of Public Works as has been described herein, and property is acquired and sold to the Bloomington Downtown Parking Development Corporation, the Bloomington Downtown Parking Development Corporation shall pay the City of Bloomington the fair market value for the property as determined by two independent appraisers (however, the land may not be sold to the Bloomington Downtown Parking Development Corporation for an amount less than the amount paid by the Board of Public Works for the land) and any and all costs incurred in the design and construction of the parking facility, from the proceeds of the sale of bonds pursuant to I.C. §36-1-10. All monies received by the City pursuant to the Agreement in Lieu of Annexation, approved and ratified by the Common Council by Ordinance 79-73, shall be placed in the Special Non-Reverting Improvement Fund. Such payment made to the City of Bloomington by the Bloomington Downtown Parking Development Corporation shall be deposited into the Special Non-Reverting Improvement Fund.

SECTION 2. Severability. 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 chapter are declared to be severable.

SECTION 3. 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, upon this 31 day of July, 1985.

Patricia A. Gross

Patricia A. Gross, President
Bloomington Common Council

ATTEST:

Patricia Williams

Patricia Williams, City Clerk

PRESENTED by me to the Mayor upon this 1 day of August, 1985.

Patricia Williams

Patricia Williams, City Clerk

SIGNED AND APPROVED by me upon this 1 day of August, 1985.

Tomilea Allison

Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This Ordinance amends Ordinance 79-74 and permits funds received pursuant to the Agreement in Lieu of Annexation to be used to acquire property for a parking facility, and to design and construct a parking facility. If property is acquired and later transferred to the Bloomington Downtown Parking Development corporation, the City shall be reimbursed from bond proceeds for all incurred costs. The Ordinance also clarifies the permissible use of funds in order to facilitate annexation.