

To Vacate a Public Parcel

WHEREAS, IC 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, BLOOMINGTON DEVELOPMENT CORPORATION, has filed a petition to vacate a parcel of City property on Buttonwood Lane; and

WHEREAS, IC-36-7-3-512 requires the Plan Commission to make a recommendation on the proposed vacation and to forward it to the Common Council; and

WHEREAS, the Plan Commission has considered this petition and made a favorable recommendation on its adoption;

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 IC 36-7-3-12, a portion of City-owned property on Buttonwood Lane shall be vacated. The property is more particularly described as follows:

44 feet of even width off the entire south end of Buttonwood Lane, in the plat of Spicewood II-Section Two, recorded April 5, 1977, in Plat Book 6, page 116, as Instrument #84817, 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, approval by the Mayor, and published according to law.

PASSED and ADOPTED upon this 6<sup>th</sup> day of July, 1983.

Katherine Dilcher  
KATHERINE DILCHER, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7<sup>th</sup> day of July, 1983.

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 7<sup>th</sup> day of July, 1983.

Tomilea Allison  
TOMILEA ALLISON, Mayor  
City of Bloomington

SYNOPSIS

This ordinance will allow the development of a multi-unit condominium subdivision on the property south of the proposed vacation of right-of-way.

\*\*\*\*ORDINANCE CERTIFICATION\*\*\*\*

In accordance with IC 18-7-4-508, I hereby certify that the attached Ordinance Number 83- , is a true and complete copy of Plan Commission Case Number MP-28-83, which was given a recommendation of approval by a vote of 11 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on June 6, 1983.

*Timothy A. Mueller*  
**Planning Director**

Date: June 9, 1983

Tim Mueller, Secretary  
 Plan Commission

Received by the Common Council Office this 9 day of June, 1983.

*Patricia Williams*  
 Patricia Williams, City Clerk

Appropriation Ordinance # \_\_\_\_\_ Fiscal Impact Statement # \_\_\_\_\_ Resolution# \_\_\_\_\_  
 Ordinance

Type of Legislation:

Appropriation _____	End of Program _____	Penal Ordinance _____
Budget Transfer _____	New Program _____	Grant Approval _____
Salary Change _____	Bonding _____	Administrative Change _____
Zoning Change _____	Investments _____	Short-Term Borrowing _____
New Fees _____	Annexation _____	Other <u>XX</u> Right-of-Way Vacation _____

If the legislation directly affects City funds, the following must be completed by the City Controller:

Cause of Request:

Planned Expenditure \_\_\_\_\_ Emergency \_\_\_\_\_  
 Unforeseen Need \_\_\_\_\_ Other \_\_\_\_\_

Funds Affected by Request:

Fund(s) Affected _____		
Fund Balance as of January 1	\$ _____	\$ _____
Revenue to Date	_____	_____
Revenue Expected for Rest of year	_____	_____
Appropriations to Date	_____	_____
Unappropriated Balance	_____	_____
Effect of Proposed Legislation(+/-)	_____	_____
Projected Balance	\$ _____	\$ _____

Signature of Controller \_\_\_\_\_

Will the legislation have a major impact on existing City appropriations, fiscal liability or revenues? Yes \_\_\_\_\_ No XX

If the legislation will not have a major fiscal impact, explain briefly the reason for your conclusion. This property vacation will not have a major fiscal impact. Neither City costs nor City revenues will be increased because of it.

If the legislation will have a major fiscal impact, explain briefly what the effect on City costs and revenues will be and include factors which could lead to significant additional expenditures in the future. Be as specific as possible. (Continue on second sheet if necessary)

Agency submitting legislation City Plan Commission

By Tim Mueller Date June 9, 1983


STATE OF INDIANA )  
                          )  
                          ) SS:  
COUNTY OF MONROE )

AFFIDAVIT

FRANK A. BARNHART being duly sworn upon his oath states that as attorney for Bloomington Development Corporation, he has caused Notice of the proposed hearing before Common Council of the City of Bloomington, State of Indiana, to be mailed to all adjacent property owners, utility companies and the City as per the attached receipts for Certified Mail. A copy of said Notice is attached to this Affidavit.

  
FRANK A. BARNHART

Subscribed and sworn to before me, a Notary Public in and for said County and State this 16<sup>th</sup> day of June, 1983.

  
Joyce Ann Oliver - Notary Public residing in  
Monroe County

My Commission Expires:

November 7, 1986

**BAKER, BARNHART & ANDREWS**

ATTORNEYS AT LAW

ALFRED EVENS (1935-1949)  
LEROY BAKER  
FRANK A. BARNHART  
WILLIAM H. ANDREWS

WORKINGMENS FED. SAV. & LOAN BLDG.  
P. O. BOX 1234  
BLOOMINGTON, INDIANA 47402-1234  
TELEPHONE: 332-9476 AREA CODE 812

ROBERT L. BAKER  
ROBERT L. RALSTON  
BARBARA A. NARDI  
VICKIE R. RENFROW

June 13, 1983

TO ALL ADJACENT PROPERTY OWNERS  
UTILITY COMPANIES AND CABLE TELEVISION  
CITY OF BLOOMINGTON - POLICE, FIRE, UTILITY ENGINEER  
AND PUBLIC WORKS

The vacation of the South Forty-four (44) feet of Buttonwood Lane will be presented to the Common Council for hearing and vote as follows:

June 15, 1983, 7:30 p.m., First Reading;  
June 22, 1983, 7:30 p.m., Committee;  
July 6, 1983, 7:30 p.m., Second Reading and Vote.

These meetings are held in the Council Chambers, City Hall, East Third Street, Bloomington, Indiana.

The Council Rules provide for no discussion at First Reading. The Committee Meeting is the Council meeting as a Committee to discuss the proposal and receive comments from all interested parties. The Second Reading may or may not have further discussion prior to the Vote.

This does not represent a change of any type from the position stated and approved by the Planning Commission on June 6, 1983. This procedure is required as the vacation of the South Forty-four (44) feet of Buttonwood Lane involves the vacation of a dedicated, improved public right-of-way.

If you have any questions you may call me prior to June 22, 1983, or you may call the Council Office.

Bloomington Development Corporation does not plan to make any further presentations, however, a representative of the Corporation will attend the June 22nd and July 6th meetings to answer questions.

Very truly yours,

BAKER, BARNHART & ANDREWS

  
Frank A. Barnhart

FAB/jo



P33 2521792

**RECEIPT FOR CERTIFIED MAIL**  
INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO  
Katherine Hayes &  
1316 Walnut Street  
Bloomington, IN 47401

POSTAGE \$ .20

CERTIFIED FEE \$ .75

TOTAL POSTAGE AND FEES \$ .95

POSTMASTER FOR DATE JUN 14 1983

PS Form 3800, Apr. 1976

P33 2573015

**RECEIPT FOR CERTIFIED MAIL**  
INSURANCE COVERAGE PROVIDED—  
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(See Reverse)

SENT TO  
Superintendent, IN Gasco  
205 S. Madison  
Bloomington, IN 47401

POSTAGE \$ .20

CERTIFIED FEE \$ .75

TOTAL POSTAGE AND FEES \$ .95

POSTMASTER FOR DATE JUN 14 1983

PS Form 3800, Apr. 1976

P33 2573011

**RECEIPT FOR CERTIFIED MAIL**  
INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO  
Manager  
Fire Service, Inc.  
Box 1028  
Bloomington, IN 47401

POSTAGE \$ .20

CERTIFIED FEE \$ .75

TOTAL POSTAGE AND FEES \$ .95

POSTMASTER FOR DATE JUN 14 1983

PS Form 3800, Apr. 1976

P33 2573013

**RECEIPT FOR CERTIFIED MAIL**  
INSURANCE COVERAGE PROVIDED—  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)

SENT TO  
Mr. & Mrs. Alan R. RUSHAW  
2705 Redwood Court  
Bloomington, IN 47401

POSTAGE \$ .20

CERTIFIED FEE \$ .75

TOTAL POSTAGE AND FEES \$ .95

POSTMASTER FOR DATE JUN 14 1983

PS Form 3800, Apr. 1976

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