

ORDINANCE NO. 3, 1953

WHEREAS, the City of Bloomington, Monroe County, Indiana, (hereinafter called "this City") is the owner of the following described parcels of real estate situated in Monroe County, Indiana, to-wit:

- (a) That part of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 28, Township 10 North, Range 1 East, within the following boundary lines: Beginning at the northwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of said section, and running thence east with the north line of said section to the center of Honey Creek which at this point was formerly known as Riddle's Bayou (the said creek now runs into and through said Bayou); running thence in a southerly direction with the center of said Honey Creek with its meanderings through a point on the west bank of Bean Blossom Creek at high water mark, opposite to where the center of Honey Creek intersects the east bank of Bean Blossom Creek at high water mark to the line dividing the Southeast Quarter ($SE\frac{1}{4}$) from the Northeast Quarter ($NE\frac{1}{4}$) of said Section 28; thence west with said line to the line dividing the Northeast Quarter ($NE\frac{1}{4}$) from the Northwest Quarter ($NW\frac{1}{4}$) of said Section 28; thence north to the point of beginning;
- (b) That part of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 28, Township 10 North, Range 1 East, bounded as follows, to-wit: Beginning at the northeast corner of said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 28, and running thence west on the north line thereof to the center of Honey Creek, which at this point was formerly known as Riddle's Bayou; running thence in a southerly direction with the center of said Honey Creek to a point on the west bank of Bean Blossom Creek, at high water mark, opposite to where the center of Honey Creek intersects the east bank of said Bean Blossom Creek; running thence in a southerly direction with the meanderings of said Bean Blossom Creek at high water mark to the line dividing the Northeast Quarter ($NE\frac{1}{4}$) from the Southeast Quarter ($SE\frac{1}{4}$) of said Section 28; thence east on said line to the southeast corner of said West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 28; thence north to the point of beginning;
- (c) That part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 28, Township 10 North, Range 1 East, bounded as follows, to-wit: Beginning at the southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section 28, and running thence west along the south line of said quarter section a distance of 40 rods to a point; thence running due north a distance of 30 rods to a point; thence due east a distance of 40 rods to a point; thence running due south along the east line of said quarter section a distance of 30 rods to the point of beginning;

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which parcels of real estate are hereinafter together called the "Real Estate Owned by this City"; and

WHEREAS, Public Service Company of Indiana, Inc., an Indiana corporation (hereinafter called "Service Company"), desires to purchase (i) the perpetual easement and right to construct,

operate, patrol, maintain, reconstruct and remove an electric line, including necessary poles, wires, anchors, guys and fixtures attached thereto, for the transmission of electrical energy over, along or across the Real Estate Owned by this City, - which perpetual easement and right is located over, along or across that part of the Real Estate Owned by this City described as follows:

- (1) A strip of land one hundred fifty (150) feet in width, lying seventy-five (75) feet wide on both sides of an established center line described as follows; A certain line which has been surveyed and laid out and is now marked by stakes placed by the Engineers of Service Company, is the center line of the right-of-way for said electric line facilities that will presently be constructed by Service Company along said right-of-way, is to be the line on which the main supporting tangent structures (but not necessarily the angle structures) of said electric facilities will be centered, and runs in a generally easterly direction from a point on the west line of that part of the Real Estate Owned by this City described in (a) above for a distance of approximately thirteen hundred thirty-five and four-tenths (1335.4) feet to a point on the east line of that part of the Real Estate Owned by this City described in (b) above. Said strip of land is located in that part of the Real Estate Owned by this City which lies in the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 28, Township 10 North, Range 1 East of the Second Principal Meridian;
- (2) A parcel of land described as follows: A strip of land of varying width, the south line of which lies seventy-five (75) feet south of and parallel to a survey line that has been surveyed, laid out and marked by stakes set by Engineers of Service Company, and the north line of which is the north property line of that part of the Real Estate Owned by this City described in (c) above, said strip of land extending in a generally easterly direction from the west line of that part of the Real Estate Owned by this City described in (c) above for a distance of approximately six hundred sixty-one and six-tenths (661.6) feet to the east property line of that part of the Real Estate Owned by this City described in (c) above. Said strip of land is located in that part of the Real Estate Owned by this City which lies in the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 28, Township 10 North, Range 1 East of the Second Principal Meridian;

and (ii) such other incidental and subordinate rights and privileges in the Real Estate Owned by this City as shall be useful to Service Company and its successors and assigns; and

WHEREAS, the Common Council of this City has the power pursuant to the provisions of clause "Fiftieth" of Section 53, of Chapter 129 of the Acts of 1905 (Burns Ind. Stat. Ann., Section 48-1407) to authorize the alienation and conveyance of said perpetual easement and right providing such property shall not be sold until appraised by three disinterested freeholders of this City appointed by the judge of the Circuit Court of Monroe County (the county in which this City is located) and providing that said perpetual ease-

ment and right shall not be sold for a sum less than such appraisement; and

WHEREAS, the Common Council of this City believes it is in the best interest of this City and of the consumers of electric energy in this area that the City alienate and convey such perpetual easement and right to Service Company:

NOW, THEREFORE, BE IT ORDAINED that this City do sell, alienate and convey, by written instrument and deed (in the form submitted to the Common Council of this City) duly executed and acknowledged in the name of this City by the Mayor and the Clerk-Treasurer and attested with the seal of this City, unto Service Company, and its successors and assigns, for cash, at private sale, for not less than the appraised value thereof as determined by the appraisers appointed for such purpose by the judge of the Circuit Court of Monroe County, Indiana, as required by law, said perpetual easement and right over, along or across the Real Estate Owned by this City and such other incidental and subordinate rights and privileges in the Real Estate Owned by this City as shall be useful to Service Company and its successors and assigns.

BE IT FURTHER RESOLVED that the judge of the Circuit Court of Monroe County, Indiana, be and he is hereby requested to appoint three disinterested freeholders of this City for the appraisement of said perpetual easement and right, said appraisal to be made pursuant to the statutes of the State of Indiana appertaining to the sale of such property.

BE IT FURTHER RESOLVED that the Clerk-Treasurer of this City shall prepare and execute a certified copy of this Ordinance to be presented to the judge of the Circuit Court of Monroe County, Indiana, and the City Attorney of this City shall file the necessary application or petition with the judge of the Circuit Court of Monroe County, Indiana, for the appointment of appraisers.

BE IT FURTHER RESOLVED that the proper officials of this City shall take or cause to be taken all steps necessary, or in the opinion of the Mayor of this City desirable, in order that said perpetual easement and right may be alienated and conveyed to Service Company at the earliest practicable date.

This Ordinance shall be in full force and effect from and

after its passage.

This Ordinance is passed upon the same day and at the same meeting at which it is introduced and it is passed by the unanimous consent of all the members of the Common Council present and there are present and voting at least two-thirds of all the members elect of the Common Council of this City.

Passed by at least a two-thirds member elect of the Common Council for the City of Bloomington, Indiana, this 20 day of January 1953.

/S/ EMMETT KELLY
Presiding Officer

ATTEST:

/S/ ESTHER F. LEAVITT
Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington, Indiana, this 20 day of January 1953.

/S/ ESTHER F. LEAVITT
Clerk-Treasurer

Approved and signed by me this 20 day of January 1953.

/S/ EMMETT KELLY
Mayor