

ORDINANCE 17-13

**AN ORDINANCE OF THE CITY OF BLOOMINGTON,
MONROE COUNTY, INDIANA, ANNEXING TERRITORY TO THE
CITY OF BLOOMINGTON, PLACING THE SAME WITHIN THE CORPORATE
BOUNDARIES THEREOF, AND MAKING THE SAME A PART OF
THE CITY OF BLOOMINGTON**

North Island Bloomington Annexation

- WHEREAS, the City of Bloomington (“City”) has studied the City’s municipal boundaries, areas historically identified for annexation or urbanization, surrounding developed territory, provisions of local government service, agreements for annexation in exchange for City services, and opportunities for growth and development of the City and its surrounding community; and
- WHEREAS, the City has identified several areas outside of the City’s current municipal boundaries that are appropriate for annexation to the City, and has determined to proceed through the introduction and consideration of separate ordinances for the several areas, of which the “North Island Bloomington Annexation Area” set forth in this Ordinance is one; and
- WHEREAS, prior to the introduction of annexation ordinances, the City has provided notice to landowners and conducted an outreach program to inform citizens regarding the then-proposed annexations, actively investigated the proposed annexations, and conducted numerous meetings with local residents, businesses, and entities in an effort to develop annexations that include terms that are fair and equitable to the property owners and residents of the City and the annexation areas; and
- WHEREAS, a map and legal description of the “North Island Bloomington Annexation Area” (“Annexation Territory”) are attached hereto as Exhibit A and Exhibit B, respectively; and
- WHEREAS, the Annexation Territory consists of approximately 108.56 acres, and is contiguous to the existing City limits; and
- WHEREAS, the City has engaged professionals to study the fiscal and governmental impacts of the annexation on the City and on affected landowners and taxing units; and
- WHEREAS, the City recognizes and accepts its obligations, where applicable, pursuant to I.C. §§ 36-4-3-7 and 36-4-3-10; and
- WHEREAS, prior to adoption of this Ordinance, the City, by resolution, has adopted a written fiscal plan and policy for the provision of services of both a non-capital and capital nature to the Annexation Territory, including cost estimates and financing, and the estimated effect on taxpayers, municipal finances, and other political subdivisions, that meet the requirements of I.C. § 36-4-3; and
- WHEREAS, the terms and conditions of this annexation, including the written fiscal plan and policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the City; and
- WHEREAS, the City has further determined the Annexation Territory is needed and can be used by the City of Bloomington for its development in the reasonably near future; and
- WHEREAS, prior to the final adoption of this Ordinance, the City has conducted a public hearing pursuant to proper notice; and

WHEREAS, it is the determination of the Common Council that the annexation set forth herein is appropriate and the Annexation Territory should be annexed to the City of Bloomington pursuant to the terms of this Ordinance.

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

SECTION 1. The above recitals are incorporated herein by this reference as though fully set forth herein below. In accordance with I.C. § 36-1-5-4 two copies of the recitals are on file in the office of the city clerk for public inspection.

SECTION 2. In accordance with I.C. § 36-4-3 et seq., the Annexation Territory described and depicted in Exhibit A and Exhibit B is hereby annexed to the City and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

SECTION 3. The City will be responsible for local right-of-way contiguous to the Annexation Territory. As set forth in I.C. § 36-4-3-2.5, where the legal description attached as Exhibit B describes land that is contiguous to a public highway right-of-way that has not previously been annexed and is not within another municipality as of the effective date hereof, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit B.

SECTION 4. Notwithstanding any discrepancies, errors, or omissions in the legal descriptions of prior annexation ordinances or this Ordinance, it is the intent of the City that where a parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing City limits, the Annexation Territory boundary shall conform to and match the boundary of the existing City boundaries so long as this does not result in adding or removing parcels of property from the Annexation Territory depicted in the map attached as Exhibit A.

SECTION 5. As authorized by I.C. § 36-4-3-8(b)(1), the effective date of this annexation is postponed such that the Annexation Territory shall be a part of the City as of the January 1, 2024 assessment date (i.e. effective immediately prior to January 1, 2024).

SECTION 6. As provided in I.C. § 36-4-3-4.1, any real property in the Annexation Territory assessed as agricultural land (under the real property assessment rules and guidelines of the department of local government finance) is exempt from property tax liability under I.C. § 6-1.1 for municipal purposes, and is not considered a part of the City for purposes of annexing future additional territory, while the property's assessment classification remains agricultural land.

SECTION 7. The Annexation Territory is assigned to Council District No. 2. The City recognizes its redistricting responsibilities under I.C. § 36-4-6-3(g)(1) (following the 2020 census) and I.C. § 36-4-6-3(g)(2) (following annexation). Following the effective date of the annexations, whether in conjunction with the post-census redistricting or as an additional redistricting, the City will review and redistrict its Council Districts as appropriate and required to ensure compliance with I.C. § 36-4-6-3(j) or other applicable laws.

SECTION 8. There is hereby created a special fund titled the "North Island Bloomington Annexation Impoundment Fund" ("Impoundment Fund"). For a period of three (3) years following the effective date of this annexation, all municipal property taxes imposed in the Annexation Territory after the annexation takes effect that are not used to meet the basic non-capital and capital services set forth in the fiscal plan shall be impounded in the Impoundment Fund. The impounded property taxes in the Fund shall be used to provide additional services that were not specified in the fiscal plan, and shall be expended not later than five (5) years after the annexation becomes effective.

SECTION 9. There is hereby created an advisory board titled the "North Island Bloomington Annexation Advisory Board" ("Advisory Board"). The Advisory Board is governed by I.C. § 36-4-3-8.1, and shall advise the City on the provision of services to the Annexation Territory that are paid for with the municipal property taxes impounded in the Impoundment Fund. The Advisory Board shall be appointed not later than ninety (90) days after the annexation becomes effective, and shall consist of the following seven (7) members:

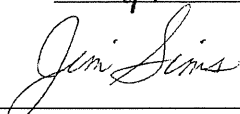
- (1) The township trustee of the township with the largest number of residents living within the Annexation Territory;
- (2) One (1) member of the County Council representing the district with the largest number of residents living within the Annexation Territory;
- (3) One (1) member who is the City engineer (or, a licensed professional engineer appointed by the Mayor if the City does not have a municipal engineer);
- (4) Two (2) citizen members, appointed by the Mayor, who own real property and reside within the Annexation Territory;
- (5) Two (2) citizen members, appointed by the County Commissioners, who own real property and reside within the Annexation Territory.

SECTION 10. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time as the City updates its respective comprehensive plan, zoning ordinance, or zoning map.

SECTION 11. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.


SECTION 12. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law, except as otherwise set forth above.

INTRODUCED on March 29, 2017, and passed by the Common Council of the City of Bloomington, Monroe County, Indiana, on this 27 day of September, 2021.¹



JIM SIMS, President
Bloomington Common Council

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

¹ I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Stephen C. Unger

This Ordinance was prepared by Stephen C. Unger, Attorney At Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204.

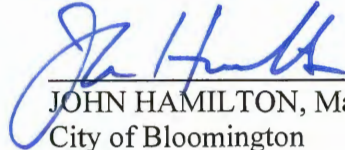
PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 24 day of September, 2021.

ATTEST:



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 24th day of September, 2021.



JOHN HAMILTON, Mayor
City of Bloomington

Synopsis

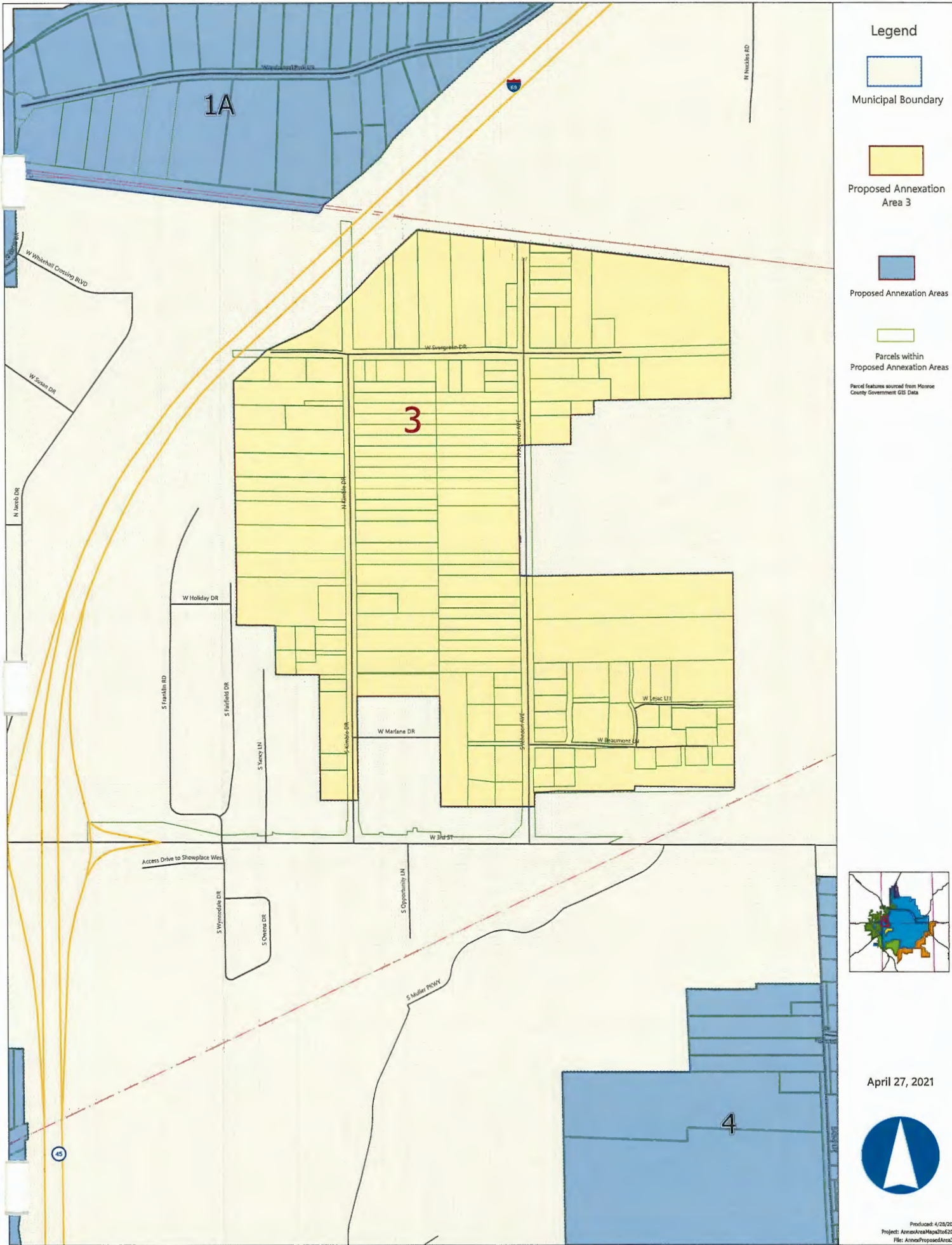
Upon adoption, this ordinance would take various steps necessary for the annexation of the North Island Bloomington Annexation area, which is depicted in Exhibit A and attached to this ordinance. In the course of proposing the annexation of this area, the City prepared a written Fiscal Plan for Municipal Annexation ("Fiscal Plan") that describes the proposed provision of both non-capital and capital services to the Annexation Territory and was initially adopted via Resolution 17-20 and amended via Resolution 21-13. The approval of a further amendment to the written Fiscal Plan is scheduled for consideration at a Common Council Session on September 15, 2021, when the Common Council will consider adoption of the proposed annexation.

Note on amendments, which have been incorporated into Ordinance 17-13:





At the May 19, 2021 Regular Session, the Council adopted Amendment 01 to Ordinance 17-13, which changed various date references and signature lines to bring the proposed ordinance forward to 2021 so that it could be properly considered by the Common Council.

Distributed to: Clerk, Council Attorney, Legal, Mayor, Controller

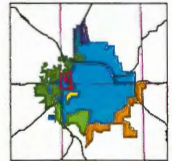
EXHIBIT A
Map of North Island Bloomington Annexation Territory



Legend

-  Municipal Boundary
-  Proposed Annexation Area 3
-  Proposed Annexation Areas
-  Parcels within Proposed Annexation Areas

Parcel features sourced from Monroe County Government GIS Data



April 27, 2021



Produced: 4/28/2021
Project: AnnexAreaMaps3to62021
File: AnnexProposedArea3DP



Proposed Annexation Areas
Area 3 - North Island Bloomington



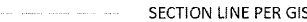
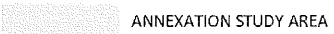

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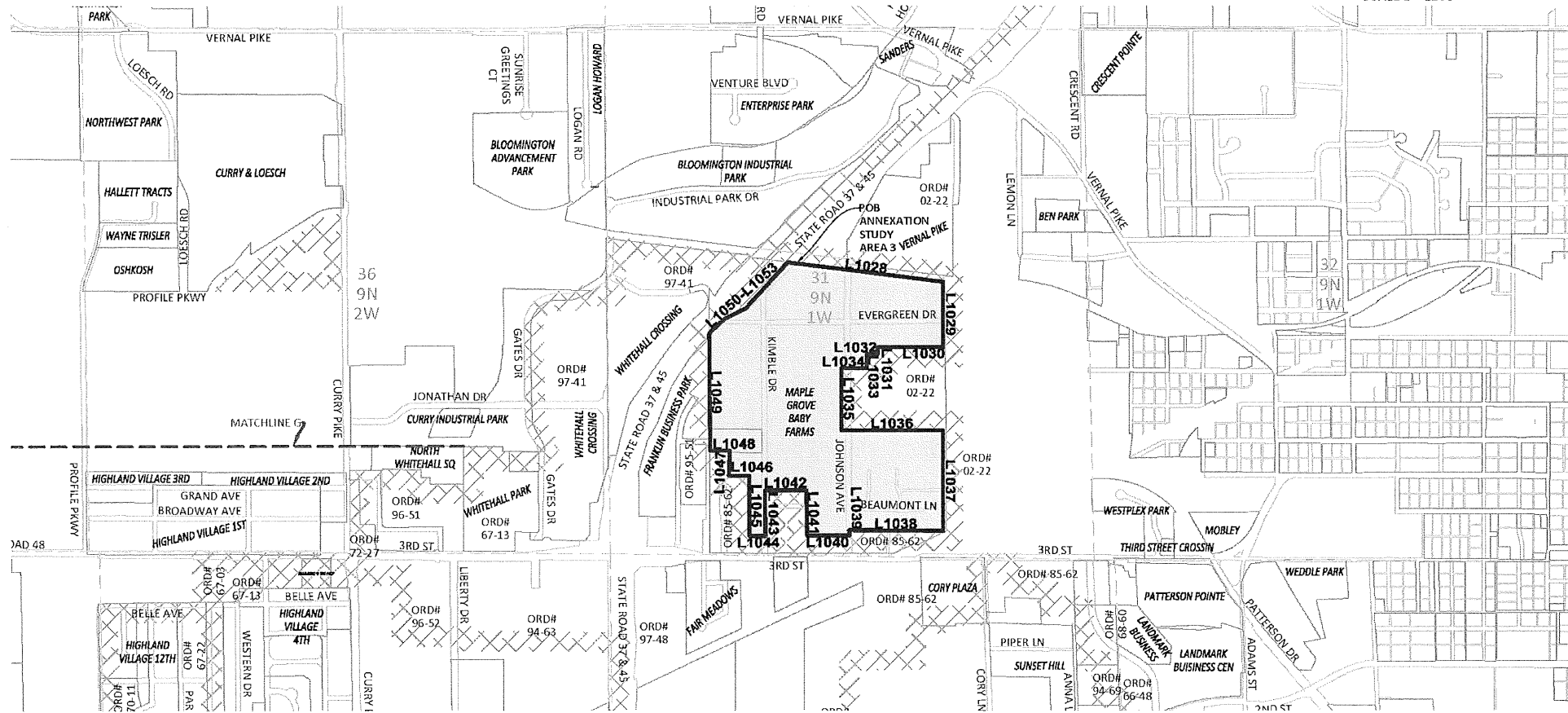
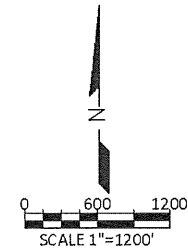
This map was produced by the City of Bloomington GIS, for use by the City and general public as map information. The planimetric information is based on aerial orthorectified imagery flown in March 2016. Supplemental updates are made from development drawings, plats, and other sources. The accuracy of information contained in this document is based on National Mapping Standards, however it is NOT warranted. The Corporation boundary reflects annexations effective as of the print date on this map.



ANNEXATION STUDY AREA 3 (2017) EXHIBIT

A part of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana

-  SECTION LINE PER GIS
-  ANNEXATION STUDY AREA
-  EXISTING CITY OF BLOOMINGTON BOUNDARY



Legal Description of North Island Bloomington Annexation Territory

EXHIBIT B



ANNEXATION STUDY AREA 3 (2017) EXHIBIT

A part of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana

AREA 3 LINE TABLE		
L1028	S 82°51'30" E	1586.96'
L1029	S 00°00'00" E	661.09'
L1030	N 90°00'00" W	664.50'
L1031	S 00°00'00" E	68.00'
L1032	N 90°00'00" W	112.00'
L1033	S 00°00'00" E	142.00'
L1034	N 90°00'00" W	255.00'
L1035	S 00°00'00" E	630.00'
L1036	N 90°00'00" E	1031.50'
L1037	S 00°00'00" E	1009.65'
L1038	N 89°33'34" W	957.67'
L1039	S 01°00'00" E	55.00'
L1040	N 90°00'00" W	422.00'
L1041	N 00°55'57" W	455.34'
L1042	N 90°00'00" W	421.43'
L1043	S 00°27'49" E	461.46'
L1044	N 90°00'00" W	182.24'
L1045	N 00°15'25" W	607.20'
L1046	N 89°31'17" W	206.85'
L1047	N 02°13'59" E	253.01'
L1048	N 90°00'00" W	200.00'
L1049	N 00°26'05" W	1178.79'
L1050	N 40°41'00" E	43.44'
L1051	N 47°38'58" E	176.80'
L1052	N 63°42'27" E	236.62'
L1053	N 42°43'09" E	632.22'

NOTE:

1. THIS PLAT AND ALL LINES SHOWN HEREON WERE PREPARED FROM RECORD INFORMATION OBTAINED FROM THE MONROE COUNTY INDIANA GEOGRAPHIC INFORMATION SYSTEM IN JANUARY, 2017. NO FIELD WORK WAS PERFORMED. ALL BEARINGS AND DISTANCES ARE APPROXIMATE AND NO GUARANTY IS MADE AS TO THEIR ACCURACY.

2. THIS DRAWING IS NOT INTENDED TO BE REPRESENTED AS A RETRACEMENT OR ORIGINAL BOUNDARY SURVEY, A ROUTE SURVEY, OR A SURVEYOR LOCATION REPORT.

3. 108.56 ACRES CALCULATED IN AREA 3.

4. TOTAL LENGTH OF AREA 3 BOUNDARY: 12,631'
 CONTIGUOUS WITH EXISTING BOUNDARY: 12,631'
 NON-CONTIGUOUS WITH EXISTING BOUNDARY: 0.00'
 PERCENTAGE OF AREA 3 CONTIGUOUS WITH EXISTING CITY OF BLOOMINGTON BOUNDARY: 100%.

Bledsoe Riggert Cooper James

LAND SURVEYING • CIVIL ENGINEERING • GIS

City of Bloomington Indiana Annexation Study Area Number 3 Legal Description:

The intent of the following description is to describe the City of Bloomington Annexation Study Area Number 3 as provided by the City of Bloomington Indiana Geographic Information System Department in January, 2017. The following described lines are intended to be coincident with existing annexation ordinance and parcel boundary lines. No field work was performed in preparing this description. Bearings and distances shown were taken from the Monroe County Geographic Information System files.

A part of Section 31, Township 9 North, Range 1 West, Monroe County, Indiana, more particularly described as:

Beginning at the intersection of the south right of way line of the Illinois Central Railroad, as referred to in Ordinance 02-22, and the east right of way line of State Road 37; thence coincident with said south right of way line and said Ordinance 02-22 SOUTH 82 degrees 51 minutes 30 seconds EAST a distance of 1586.96 feet to a northwest corner of Valhalla Memory Gardens as referred to in said Ordinance 02-22; thence leaving said south right of way line and continuing coincident with said Ordinance 02-22 and the lines of said Valhalla Memory Gardens the following 6 courses:

- 1) SOUTH 00 degrees 00 minutes 00 seconds EAST a distance of 661.09 feet;
- 2) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 664.50 feet;
- 3) SOUTH 00 degrees 00 minutes 00 seconds EAST a distance of 68.00 feet;
- 4) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 112.00 feet;
- 5) SOUTH 00 degrees 00 minutes 00 seconds EAST a distance of 142.00 feet;
- 6) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 255.00 feet to the intersection of an extended north line of said Valhalla Memory Gardens and the west right of way line of Johnson Avenue;

thence coincident with said west right of way line and said Ordinance 02-22 SOUTH 00 degrees 00 minutes 00 seconds EAST a distance of 630.00 feet to the intersection of said west right of way line and an extended south line of said Valhalla Memory Gardens; thence coincident with said extended south line and said Ordinance 02-22 NORTH 90 degrees 00 minutes 00 seconds EAST a distance of 1031.50 feet; thence coincident with a west line of said Ordinance 02-22 and said Valhalla Memory Gardens SOUTH 00 degrees 00 minutes 00 seconds EAST a distance of 1009.65 feet to the north line of Ordinance 85-62; thence coincident with a north line of said Ordinance 85-62 NORTH 89 degrees 33 minutes 34 seconds WEST a distance of 957.67 feet to the centerline of Johnson Avenue; thence coincident with said centerline and said Ordinance 85-62 SOUTH 01 degrees 00 minutes 00 seconds EAST a distance of 55.00 feet; thence continuing coincident with said Ordinance 85-62 the following 9 courses:

- 1) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 422.00 feet;
- 2) NORTH 00 degrees 55 minutes 57 seconds WEST a distance of 455.34 feet;
- 3) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 421.43 feet;
- 4) SOUTH 00 degrees 27 minutes 49 seconds EAST a distance of 461.46 feet;
- 5) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 162.24 feet;
- 6) NORTH 00 degrees 15 minutes 25 seconds WEST a distance of 607.20 feet;
- 7) NORTH 89 degrees 31 minutes 17 seconds WEST a distance of 206.85 feet;
- 8) NORTH 02 degrees 13 minutes 59 seconds EAST a distance of 253.01 feet;
- 9) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 200.00 feet to the east line of Ordinance 95-51;

thence coincident with the east line of said Ordinance 95-51 NORTH 00 degrees 26 minutes 05 seconds WEST a distance of 1178.79 feet to an eastern line of Ordinance 97-41 on the east right of way line of State Road 37; thence coincident with said eastern line on said east right of way line the following 4 courses:

- 1) NORTH 40 degrees 41 minutes 00 seconds EAST a distance of 43.44 feet;
- 2) NORTH 47 degrees 38 minutes 58 seconds EAST a distance of 176.80 feet;
- 3) NORTH 63 degrees 42 minutes 27 seconds EAST a distance of 236.62 feet;
- 4) NORTH 42 degrees 43 minutes 09 seconds EAST a distance of 632.22 feet to the point of beginning, and containing 108.56 acres, more or less.