

**ORDINANCE 17-15**

**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**

**South 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 “South 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 “South Island Bloomington Annexation Area” (“Annexation Territory”) are attached hereto as Exhibit A and Exhibit B, respectively; and
- WHEREAS, the Annexation Territory consists of approximately 221.39 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. 1. 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 "South 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:

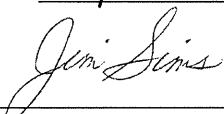
- (1) The township trustee of the township with the largest number of residents living within the Annexation Territory;
- (2) One (1) member of the County Council representing the district with the largest number of residents living within the Annexation Territory;
- (3) One (1) member who is the City 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 22 day of September, 2021.<sup>1</sup>

  
\_\_\_\_\_  
JIM SIMS, President  
Bloomington Common Council

ATTEST:

  
\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

<sup>1</sup> 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.

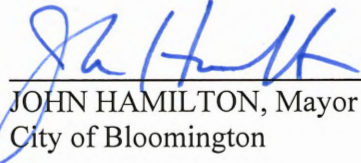
PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 24 day of September, 2021.

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

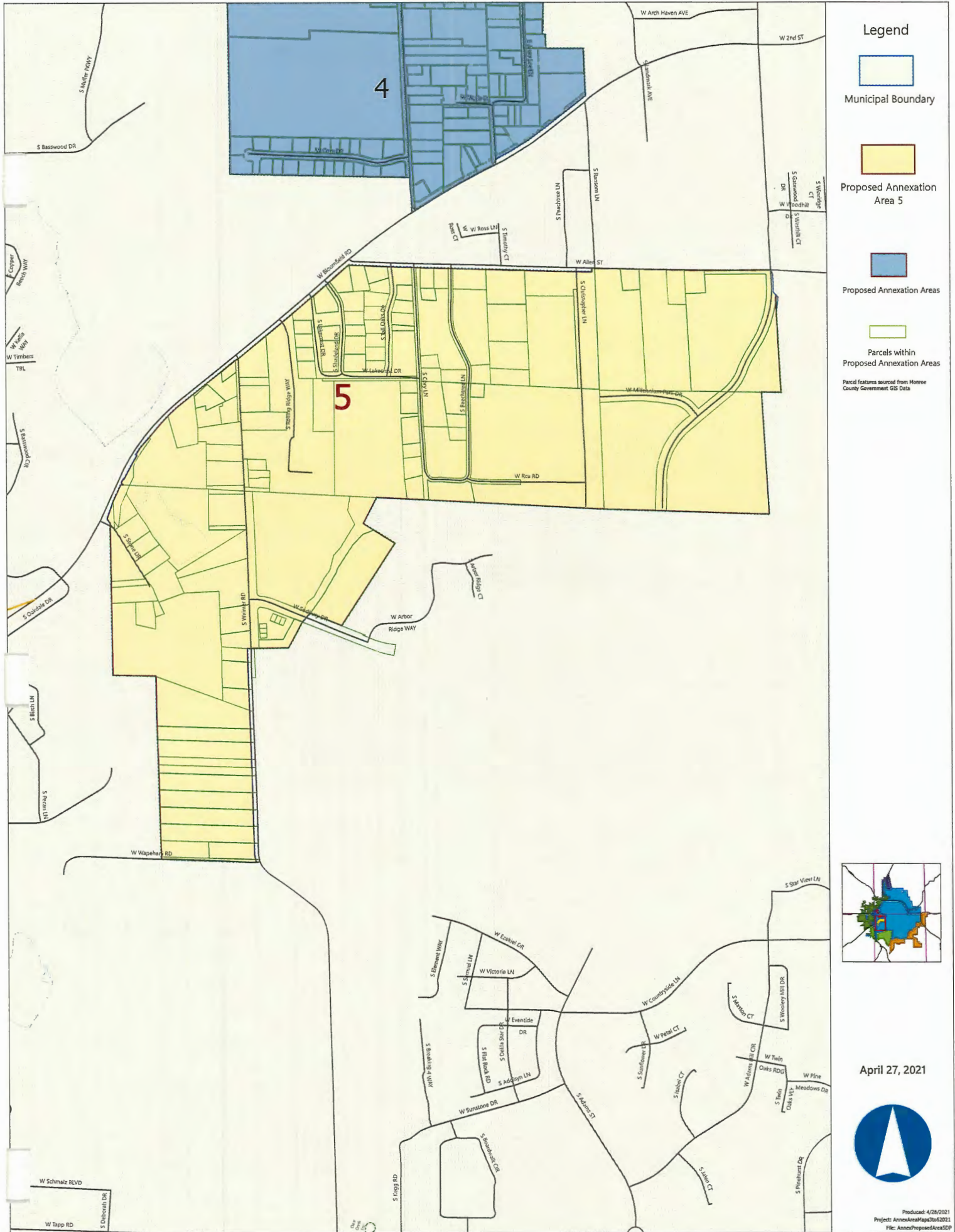
Upon adoption, this ordinance would take various steps necessary for the annexation of the North Island Bloomington Annexation area, which is depicted in Exhibit A and attached to this ordinance. In the course of proposing the annexation of this area, the City prepared a written Fiscal Plan for Municipal 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 South Island Bloomington Annexation Territory

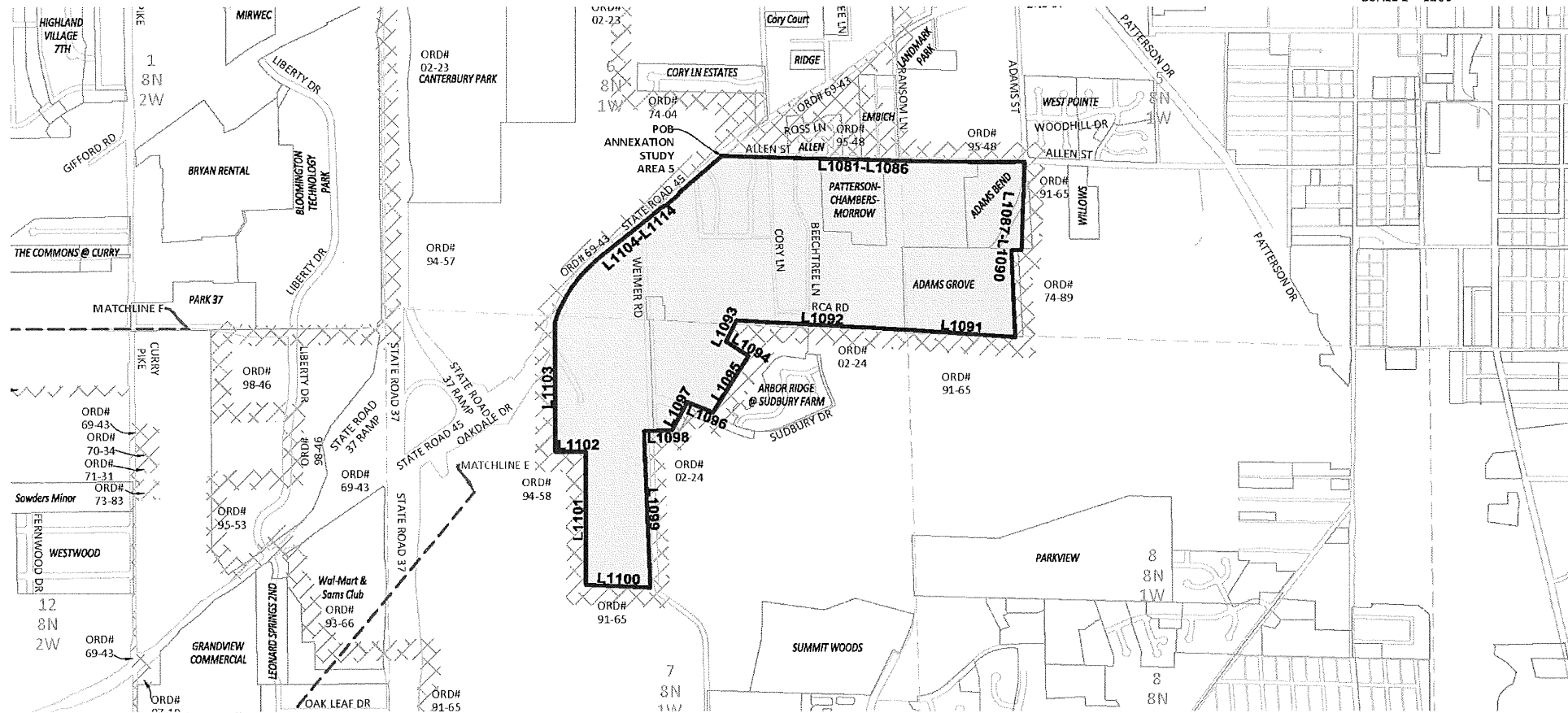
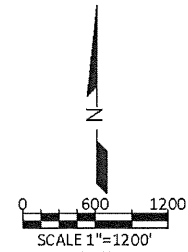




**ANNEXATION STUDY AREA 5 (2017) EXHIBIT**

A part of Sections 5, 6 and 7, Township 8 North, Range 1 West,  
Monroe County, Indiana

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



Legal Description of South Island Bloomington Annexation Territory

**EXHIBIT B**



**ANNEXATION STUDY AREA 5 (2017) EXHIBIT**

A part of Sections 5, 6 and 7, Township 8 North, Range 1 West,  
Monroe County, Indiana

AREA 5 LINE TABLE		
L1081	S 87°39'45" E	454.42'
L1082	S 88°41'31" E	686.63'
L1083	S 88°20'02" E	648.73'
L1084	S 89°03'16" E	614.41'
L1085	N 89°43'04" E	464.72'
L1086	N 89°43'04" E	14.69'
L1087	S 02°06'50" W	754.82'
L1088	S 02°06'50" W	136.48'
L1089	S 87°34'10" W	103.04'
L1090	S 02°25'50" E	880.00'
L1091	N 86°05'45" W	1108.45'
L1092	N 86°52'24" W	1733.61'
L1093	S 26°53'28" W	239.82'
L1094	S 57°54'14" E	271.71'
L1095	S 32°22'59" W	678.26'
L1096	N 67°54'31" W	283.25'
L1097	S 28°42'03" W	326.13'
L1098	S 88°20'47" W	285.44'
L1099	S 02°12'42" E	1580.30'
L1100	N 87°38'30" W	643.52'
L1101	N 00°00'00" W	1347.00'
L1102	N 90°00'00" W	313.00'
L1103	N 00°00'00" W	1310.95'
L1104	N 18°52'12" E	107.46'
L1105	N 26°08'53" E	177.53'
L1106	N 32°28'28" E	101.28'
L1107	N 38°26'40" E	179.43'
L1108	N 45°17'54" E	197.73'
L1109	N 50°55'51" E	347.11'
L1110	N 50°58'48" E	501.65'
L1111	N 64°10'49" E	49.90'
L1112	N 49°58'17" E	141.91'
L1113	N 36°52'17" E	57.95'
L1114	N 49°30'43" E	561.08'

**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. 221.39 ACRES CALCULATED IN AREA 5.
4. TOTAL LENGTH OF AREA 5 BOUNDARY: 17,502'  
CONTIGUOUS WITH EXISTING BOUNDARY: 17,502'  
NON-CONTIGUOUS WITH EXISTING BOUNDARY: 0.00'  
PERCENTAGE OF AREA 5 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 5 Legal Description:

The intent of the following description is to describe the City of Bloomington Annexation Study Area Number 5 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 Sections 5, 6 and 7, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as:

**Beginning** at the southwest corner of Ordinance 95-48 at the intersection of the south right of way line of Allen Street and the southerly right of way line of State Road 45, aka Bloomfield Road; thence coincident with the south line of said Ordinance 95-48 and said south right of way line of Allen Street the following 5 courses:

- 1) SOUTH 87 degrees 39 minutes 45 seconds EAST a distance of 454.42 feet;
- 2) SOUTH 88 degrees 41 minutes 31 seconds EAST a distance of 686.63 feet;
- 3) SOUTH 88 degrees 20 minutes 02 seconds EAST a distance of 848.73 feet;
- 4) SOUTH 89 degrees 03 minutes 16 seconds EAST a distance of 614.41 feet;
- 5) NORTH 89 degrees 43 minutes 04 seconds EAST a distance of 464.72 feet to a corner of Ordinance 91-65 on the west right of way line of Adams Street;

thence coincident with said Ordinance 91-65 NORTH 89 degrees 43 minutes 04 seconds EAST a distance of 14.69 feet to a corner of said Ordinance 91-65 in the center of the south end of Adams Street per said Ordinance; thence continuing coincident with said Ordinance 91-65 SOUTH 02 degrees 06 minutes 50 seconds WEST a distance of 754.82 feet to a corner of Ordinance 74-89; thence coincident with said Ordinance 74-89 the following 3 courses:

- 1) SOUTH 02 degrees 06 minutes 50 seconds WEST a distance of 136.48 feet;
- 2) SOUTH 87 degrees 34 minutes 10 seconds WEST a distance of 103.04 feet;
- 3) SOUTH 02 degrees 25 minutes 50 seconds EAST a distance of 880.00 feet to a northern line of Ordinance 91-65;

thence coincident with said northern line NORTH 86 degrees 05 minutes 45 seconds WEST a distance of 1108.45 feet to a northeast corner of Ordinance 02-24; thence coincident with said Ordinance 02-24 the following 8 courses:

- 1) NORTH 86 degrees 52 minutes 24 seconds WEST a distance of 1733.61 feet;
- 2) SOUTH 26 degrees 53 minutes 26 seconds WEST a distance of 239.82 feet;
- 3) SOUTH 57 degrees 54 minutes 14 seconds EAST a distance of 271.71 feet;
- 4) SOUTH 32 degrees 22 minutes 59 seconds WEST a distance of 678.26 feet;
- 5) NORTH 67 degrees 54 minutes 31 seconds WEST a distance of 283.25 feet;
- 6) SOUTH 28 degrees 42 minutes 03 seconds WEST a distance of 326.13 feet;
- 7) SOUTH 88 degrees 20 minutes 47 seconds WEST a distance of 285.44 feet;
- 8) SOUTH 02 degrees 12 minutes 42 seconds EAST a distance of 1580.30 feet to a north line of Ordinance 91-65;

thence coincident with said north line of Ordinance 91-65 NORTH 87 degrees 38 minutes 30 seconds WEST a distance of 643.52 feet to a southeast corner of Ordinance 94-58; thence coincident with said Ordinance 94-58 the following 3 courses:

- 1) NORTH 00 degrees 00 minutes 00 seconds WEST a distance of 1347.00 feet;
- 2) NORTH 90 degrees 00 minutes 00 seconds WEST a distance of 313.00 feet;
- 3) NORTH 00 degrees 00 minutes 00 seconds WEST a distance of 1310.95 feet to the south line of Ordinance 69-43 on the south line of State Road 45;

thence coincident with said south line of said Ordinance 69-43 on said south line of State Road 45 the following 11 courses:

- 1) NORTH 18 degrees 52 minutes 12 seconds EAST a distance of 107.46 feet;
- 2) NORTH 26 degrees 08 minutes 53 seconds EAST a distance of 177.53 feet;
- 3) NORTH 32 degrees 26 minutes 28 seconds EAST a distance of 101.28 feet;
- 4) NORTH 38 degrees 26 minutes 40 seconds EAST a distance of 179.43 feet;
- 5) NORTH 45 degrees 17 minutes 54 seconds EAST a distance of 197.73 feet;
- 6) NORTH 50 degrees 55 minutes 51 seconds EAST a distance of 347.11 feet;
- 7) NORTH 50 degrees 58 minutes 48 seconds EAST a distance of 501.65 feet;
- 8) NORTH 64 degrees 10 minutes 49 seconds EAST a distance of 49.90 feet;
- 9) NORTH 49 degrees 58 minutes 17 seconds EAST a distance of 141.91 feet;
- 10) NORTH 36 degrees 52 minutes 17 seconds EAST a distance of 57.95 feet;
- 11) NORTH 49 degrees 30 minutes 43 seconds EAST a distance of 561.09 feet to the point of beginning, and containing 221.39 acres, more or less.