

ORDINANCE 22-05

TO VACATE PUBLIC PARCELS –

**Re: Two 16.5-Foot Wide Alley Segments Located Between West 1st Street, West 2nd Street,
South Rogers Street, and South Morton Street
(City of Bloomington Redevelopment Commission, Petitioner)**

WHEREAS, Ind. Code § 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, in Resolution 18-06, the Common Council approved the purchase of the legacy site of the IU Health Bloomington Hospital for redevelopment into the new Hopewell neighborhood by Petitioner, the City of Bloomington Redevelopment Commission; and

WHEREAS, part of this redevelopment includes Phase 1 East as detailed in the Hospital Reuse Master Plan, which called for the vacation of current public parcel alleys in favor of extending University Street and Madison Street; and

WHEREAS, the Petitioner, the City of Bloomington Redevelopment Commission, has ownership interest in real estate that is contiguous to the public right of way and has filed to vacate two (2) portions of public parcels more particularly described below; and

WHEREAS, pursuant to I.C. § 36-7-3-12(c), the City Clerk has provided notice to owners of abutting property and published notice of the public hearing on this matter, which will be held during the Common Council Committee of the Whole meeting on Wednesday, March 30, 2022, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street; and

WHEREAS, pursuant to I.C. § 36-7-3-12, upon vacation the City Clerk shall furnish a copy of this ordinance to the County Recorder for recording and to the County Auditor;

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

SECTION 1. Through the authority of I.C. § 36-7-3-12, two (2) portions of City owned property shall be vacated.

SECTION 2. The first property is a north/south alley segment running between Lots 37 and 9 through 14, north from West 1st Street to West 2nd Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the south right-of-way line of West 2nd Street; Thence on the north line of said Lot 14 and said south right-of-way line North 89 degrees 33 minutes 19 seconds West 208.78 feet to the northwest corner of said Lot 14 and the True Point of Beginning;

Thence leaving said north and south lines and on the west line of Lots 14, 13, 12, 11, 10 and 9 South 00 degrees 30 minutes 06 seconds West 658.81 feet to the north right-of-way line of West 1st Street; Thence leaving said west line and on said north line North 89 degrees 26 minutes 24 seconds West 16.50 feet to the southeast corner of said Lot 37; Thence leaving said north line and on the east line of Lot 37 North 00 degrees 30 minutes 06 seconds East 658.78 feet to the south right-of-way line of West 2nd Street; Thence leaving said east line and on said south line South 89 degrees 33 minutes 19 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.25 ACRES (10,870.19 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a

survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 3. The second property is an east/west alley segment running between Lots 12 and 13, west from South Morton Street, more particularly described as follows:

Commencing at the northeast corner of Seminary Lot 14, said point also being on the west right-of-way line of South Morton Street; Thence on the east line of Lots 14 and 13, and on said west right-of-way line South 00 degrees 30 minutes 06 seconds West 208.74 feet to the southeast corner of Lot 13 and the True Point of Beginning;

Thence leaving said east and west line and on the south line of said Lot 13 North 89 degrees 31 minutes 10 seconds West 208.78 feet to the southwest corner of said Lot 13 and the east right-of-way of a platted alley; Thence South 00 degrees 30 minutes 06 seconds West 16.50 feet to the northwest corner of said Lot 12; Thence on the north line of said Lot 12 South 89 degrees 31 minutes 10 seconds East 208.78 feet to the northeast corner of said Lot 12 and said west right-of-way of South Morton Street; Thence leaving said north line and on said west right-of-way line North 00 degrees 30 minutes 06 seconds East 16.50 feet to the Point of Beginning containing within said bounds 0.08 ACRES (3,444.89 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Charles D. Graham, Registered Land Surveyor No. 29500014 dated July 23, 2021.

SECTION 4. 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 ordinance are declared to be severable.

SECTION 5. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

SUSAN SANDBERG, President
City of Bloomington

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2022.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2022.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, City of Bloomington Redevelopment Commission, requests vacation of two segments of alley right-of-way; the first between West 1st Street and West 2nd Street, and the second an alley that runs east and west between South Morton Street and a 16.5 foot platted alley to the west in order to facilitate Phase 1 East (Hopewell) Development. The right-of-way will be replaced with new sections of South Madison Street and West University Street.