

City of Bloomington Common Council

Legislative Packet

Containing legislative materials related to:

Wednesday, 6 August 2025

Regular Session at 6:30pm



CITY OF BLOOMINGTON COMMON COUNCIL

AGENDA AND NOTICE:
REGULAR SESSION
Wednesday | 6:30 PM
6 August 2025

*Council Chambers (#115), Showers Building, 401 N. Morton Street
The meeting may also be accessed at the following link:*

<https://bloomington.zoom.us/j/88978901912?pwd=3fpAB4AL3ywYbQN421PeBD2oXnKeyb.1>

1. **ROLL CALL**
2. **AGENDA SUMMATION**
3. **MINUTES FOR APPROVAL**
April 2, 2025 – Regular Session
4. **REPORTS** *(A maximum of twenty minutes is set aside for each part of this section).*
 - A. Councilmembers
 - B. The Mayor and City Offices
Report from Bloomington / Monroe County Human Rights Commission
 - C. Council Committees
 - D. Public*
5. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
Memo from Clerk Bolden
6. **LEGISLATION FOR FIRST READINGS**
None
7. **LEGISLATION FOR SECOND READINGS AND RESOLUTIONS**
 - A. Ordinance 2025-25 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment and Use Specific Standards- “Storage, self-service”
 - B. Ordinance 2025-26 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Fraternity or sorority house”; “Artist Studio or workshop”; “Vehicle Fleet Operations, Large and Small”
 - C. Ordinance 2025-27 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Vehicle Fuel Station”

*Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Individuals may speak at one of these periods, but not both. Speakers are allowed up to three minutes.

Auxiliary aids are available upon request with adequate notice. To request an accommodation or for inquiries about accessibility, please call (812) 349-3409 or e-mail council@bloomington.in.gov.

Posted: August 1, 2025

- D. Ordinance 2025-28 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment- “Vehicle Wash”
- E. Ordinance 2025-29 – To Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code Re: Use Table Amendment and Definitions- “Tattoo or piercing parlor”
- F. Ordinance 2025-30 – To Vacate a Public Parcel Re: A 12-Foot Public Alley Adjacent to 909 E. University Street
 - Public Hearing on the Petition

8. **ADDITIONAL PUBLIC COMMENT** * *A maximum of twenty-five minutes is set aside for this section.*

9. **COUNCIL SCHEDULE**

10. **ADJOURNMENT**

Bloomington City Council meetings can be watched on the following websites:

- Community Action Television Services (CATS) – <https://catvstv.net>
- YouTube – <https://youtube.com/@citybloomington>

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Posted: August 1, 2025

Bloomington Common Council-Regular Session Minutes
Bloomington City Hall, 401 N. Morton Street, Bloomington, Indiana
Wednesday, April 02, 2025, 6:30pm

1. CALL TO ORDER [6:30pm]

Council President Stosberg called the meeting to order.

2. ROLL CALL (* indicates participation via Zoom) [6:31pm]

Members:

Isak Nti Asare	At-Large
Courtney Daily	District 5, Council Parliamentarian
Matt Flaherty (absent)	At-Large
Isabel Piedmont-Smith	District 1, Council Vice President
Dave Rollo	District 4
Kate Rosenbarger	District 2
Andy Ruff	At-Large
Hopi Stosberg	District 3, Council President
Sydney Zulich (absent)	District 6

City staff, officials, and guests present:

Nicole Bolden	City Clerk
Lisa Lehner	Council Attorney
Jessica McClellan	City Controller

3. AGENDA SUMMATION [6:31pm]

Daily moved and Rollo seconded the following: to suspend the rules to modify the agenda for tonight’s meeting and that items 4A-D and item 7A be removed from the agenda. The motion received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

Stosberg summarized the agenda as modified.

4. APPROVAL OF MINUTES [6:33pm]

Daily moved and Piedmont-Smith seconded to approve the minutes of November 20, 2024. The motion was approved by voice vote.

5. APPOINTMENTS TO BOARDS AND COMMISSIONS [6:35pm]

On behalf of Interview Committee Team B, Daily moved and Piedmont-Smith seconded to recommend the appointment of Karshin Nair to seat C-5, Birgit Newman to seat C-7, and Cale Ulrey to seat C-8 to the Community Advisory on Public Safety Commission. The motion was approved by voice vote.

6. LEGISLATION FOR FIRST READINGS [6:36pm]

6.1. Appropriation Ordinance 2025-04

To Transfer from the General Fund to Various Departments within the General Fund, and to the Economic Development Local Income Tax Fund, the Park & Recreation General Fund, the Parking Meter Fund, the Parking Facilities Fund, the Motor Vehicle Highway Fund, the Alternative Transportation Fund, the Fleet Maintenance Fund and the Sanitation Fund

Daily moved and Piedmont-Smith seconded that Appropriation Ordinance 2025-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. Clerk Nicole Bolden read the legislation by title and synopsis.

6.2. Appropriation Ordinance 2025-05

To Transfer Revenue and Appropriations from the PS LIT Fund to the PSAP LIT Fund

Daily moved and Piedmont-Smith seconded that Appropriation Ordinance 2025-05 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Stosberg noted that Appropriation Ordinance 2025-04 and Appropriation Ordinance 2025-05 would be heard for second reading on April 16, 2025 which would serve as the public hearing.

7. LEGISLATION FOR SECOND READING AND RESOLUTIONS [6:38pm]

7.1. Ordinance 2025-09

To Establish the Public Safety Answering Point Local Income Tax (PSAP LIT) Fund

Daily moved, and Piedmont-Smith seconded that Ordinance 2025-09 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-09.

Jessica McClellan, City Controller, presented the legislation which established a separate fund to be used to exclusively support the dispatch center. There was no fiscal impact but allowed for better tracking of the Local Income Tax funds specific to the PSAP. She noted allowed uses for local income tax funds. Council discussion included clarification on the allowed use of funds for police and fire departments, as well as non-policing organizations such as Stride.

The motion to adopt Ordinance 2025-09 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

7.2 Appropriation Ordinance 2025-03

To Transfer Revenue and Appropriations from the PS LIT Fund to the PSAP LIT Fund

Daily moved and Piedmont-Smith seconded that Appropriation Ordinance 2025-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Appropriation Ordinance 2025-03.

McClellan presented the legislation and stated that it transferred funds to the new PSAP LIT fund with no additional expenditures. There was discussion on the monthly deposits and annual budget for the dispatch center and its expenses. Stosberg noted that the public comment period counted as the public hearing for the appropriation ordinance. There was no public comment.

The motion to adopt Appropriation Ordinance 2025-03 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

7.3 Ordinance 2025-10

An Ordinance Transferring Remaining Debt Service Funds Cash Balance to the City's General Fund

Daily moved and Piedmont-Smith seconded that Ordinance 2025-10 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Daily moved and Piedmont-Smith seconded to adopt Ordinance 2025-10.

McClellan presented Ordinance 2025-10 which closed out old, unused bond funds and moved the remaining funds to the city’s general fund. There were four funds whose bonds had been fully paid, but had leftover funds. There would not be new spending. There was discussion clarifying interest received by the funds.

McLellan highlighted that there had not been any expenditures from the four funds for many years. Since the fund existed in 2025, it would be included in reports, and would then be closed.

The motion to adopt Ordinance 2025-10 received a roll call vote of Ayes: 7, Nays: 0, Abstain: 0.

8. ADDITIONAL PUBLIC COMMENT [7:01pm]

Marc Haggerty spoke against the encroaching fascism and oligarchy with the new federal government.

Gerhard Glomm thanked those who made the winter shelter possible and spoke about its successes.

Aron Nakino, Exodus Refugee Immigration Bloomington, Director, spoke about the nonprofit organization and the assistance to refugees. She urged council to take action in support of refugees.

9. COUNCIL SCHEDULE [7:02pm]

Stosberg noted the receipt of the Bloomington Redevelopment Commission's written annual report, that it was published in the meeting packet, and that the verbal report would be scheduled when staff was available. She noted the upcoming council schedule. Piedmont-Smith announced the upcoming Sidewalk Committee meeting. Daily stated that she would be postponing her upcoming constituent meeting.

10.ADJOURNMENT [7:13pm]

Stosberg adjourned the meeting.

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

APPROVE:

ATTEST:

Hopi Stosberg, COUNCIL PRESIDENT

City Clerk Nicole Bolden

Clerk’s Note: The above minutes summarize the motions passed and issues discussed rather than providing a verbatim account of every word spoken.

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CLERK NICOLE BOLDEN

CITY OF BLOOMINGTON

401 N Morton St, Ste. 110
Bloomington, IN 47404

OFFICE OF THE CITY CLERK

812.349.3408
clerk@bloomington.in.gov

To: Members of the Common Council

From: Clerk Nicole Bolden

Date: 30 July 2025

Re: Interview Committee Recommendations for Board and Commissions

The Common Council interview committees have made recommendations for appointment to the following boards and commissions:

Interview Committee Team A Recommendations:

- For the Board of Housing Quality Appeals - to appoint Navdeep Badhni to seat C-1 and Zoe Zollman to seat C-2.

Contact

Clerk Nicole Bolden, 812-349-3408, clerk@bloomington.in.gov

Jennifer Crossley, Deputy Clerk of Communications and Outreach, 812-349-3403, jennifer.crossley@bloomington.in.gov

ORDINANCE 2025-25
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment and Use Specific Standards- “Storage, self-service”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on July 14, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on July 21, 2025; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-19-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-25 is a true and complete copy of Plan Commission Case Number ZO-19-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative
Zoning Change	Investments	Change
New Fees	Annexation	Short-Term Borrowing
		Other

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 amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units. This ordinance is in accordance with Indiana Code 36-7-4-600.

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.)

Case # ZO-19-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Storage, self-service”.

The Plan Commission heard case ZO-19-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Use Specific Standards of 20.03.030 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Storage, self-service”.

This amendment would reduce the zoning districts where the use “Storage, self-service” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district and Mixed-Use Student Housing (MS) districts only. A new use specific condition has been proposed that would only allow this use in the MS district if there are more than 20 dwelling units.

20.03.020 Allowed Use Table

Table Error! No text of specified style in document.-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section Error! Reference source not found..

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		
Vehicle fleet operations, large											P					P		
Vehicle fuel station										P*	P*	P*		P*		P*		
Vehicle impound storage																P*		
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			
Vehicle repair, major											P*					P*		
Vehicle repair, minor									C*	P*	P*			P*				
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		
EMPLOYMENT USES																		
Manufacturing and Processing																		
Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		
Storage, Distribution, or Warehousing																		
Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)
Resource and Extraction																		
Gravel, cement, or sand production																C*		

Use Specific Standards 20.03.030(e)(2)

(2) Storage, Self-Service

- (A) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
- (B) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- (C) The use of power tools, paint sprayers, or the servicing, repair or fabrication of furniture, boats, trailers, motor vehicles, lawn mowers, appliances, and other similar equipment within a storage unit is prohibited.
- (D) The storage of hazardous materials is prohibited.
- (E) Security fencing shall not include razor wire or barbed wire.
- (F) Where the site is adjacent to a Residential zoning district or a portion of a PUD zoning district designated for single-family residential uses:
 - i. Loading docks are prohibited on the side of the facility facing the residentially zoned land;
 - ii. A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 20.04.080(m)(Screening);
 - iii. Public access shall only be permitted between 6:00 a.m. and 10:00 p.m.
- (G) All storage shall be contained within a fully enclosed structure that:
 - i. Is at least a two-story structure with a defined use on the upper floor(s) and if storage units are provided on the upper floors, then access to the units shall be from interior hallways.
 - ii. Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.
- (H) **The maximum footprint allowed for this use on a property shall be 1,500 square feet or 20% of the property, whichever is less.**
- (I) **Within the MS district, this use is allowed as an Accessory Use only if there are more than 20 dwelling units on the property.**

ORDINANCE 2025-26
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Fraternity or sorority house”; “Artist Studio or workshop”;
“Vehicle Fleet Operations, Large and Small”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on July 14, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on July 21, 2025; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-20-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

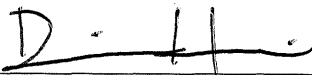
This amendment would propose the following changes to the Unified Development Ordinance and include the following:

- **Fraternity or sorority**- This amendment would remove the asterisk that is currently shown associated with the use “fraternity or sorority” that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.
- **Artist Studio or workshop**- This proposed amendment would add the use “artist studio or workshop” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office**- This proposed amendment would add the use “office” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations**- This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-26 is a true and complete copy of Plan Commission Case Number ZO-20-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative
Zoning Change	Investments	Change
New Fees	Annexation	Short-Term Borrowing
		Other

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 amendment would propose the following changes to the Unified Development Ordinance and include the following:

- **Fraternity or sorority**- This amendment would remove the asterisk that is currently shown associated with the use “fraternity or sorority” that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.

- **Artist Studio or workshop-** This proposed amendment would add the use “artist studio or workshop” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office-** This proposed amendment would add the use “office” as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations-** This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

This ordinance is in accordance with Indiana Code 36-7-4-600.

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.)

Case # ZO-20-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the uses “Fraternity or sorority”; “Artist studio or workshop”; “Office”; and “Vehicle Fleet Operations”.

The Plan Commission heard case ZO-20-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the following uses-

- **Fraternity or sorority-** This amendment would remove the asterisk that is currently shown associated with this use that referenced use specific standards that were removed in 2023, however the asterisk could not be removed at that time since that would require an amendment to the Use Table.
- **Artist Studio or workshop-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Office-** This proposed amendment would add this use as a permitted use in the Mixed-Use Student Housing (MS) district.
- **Vehicle Fleet Operations-** This amendment would add an asterisk to the use table to reference use specific standards that were introduced and approved earlier this year. However, the asterisk could not be added at that time since that would require an amendment to the Use Table.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home							P*											20.03.030(b)(8)
Manufactured home park							P*											20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P=P					P=P					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care home, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house					P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Art gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Cemetery or mausoleum													P					
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office								P	P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P*	P*					P*		
Vehicle fleet operations, large											P*					P*		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)
EMPLOYMENT USES																		
Manufacturing and Processing																		
Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		
Storage, Distribution, or Warehousing																		
Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)
Resource and Extraction																		
Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		
UTILITIES AND COMMUNICATION																		

ORDINANCE 2025-27
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Vehicle Fuel Station”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on July 14, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on July 21, 2025; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-21-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would reduce the zoning districts where the use “vehicle fuel station” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-27 is a true and complete copy of Plan Commission Case Number ZO-21-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

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

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 amendment would reduce the zoning districts where the use “vehicle fuel station” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced. This ordinance is in accordance with Indiana Code 36-7-4-600.

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.)

Case # ZO-21-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Vehicle fuel station”.

The Plan Commission heard case ZO-21-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Use Specific Standards of 20.03.030 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Vehicle fuel station”.

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This amendment would also remove several use specific conditions since this use is proposed to no longer be allowed in those districts referenced.

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

[illegible]

Use Specific Standards 20.03.030(d)(14)

(14) Vehicle Fuel Station

- (A) ~~In the MM, MD, and ME zoning districts, the use shall be limited to a total of four metered fuel dispenser units. For the purpose of this section, each hose shall count as one fuel dispenser unit.~~
- (B) ~~In the MM, MD, and ME zoning districts, major overhaul, body and fender work, upholstery, welding and spray painting shall be prohibited as an accessory use of a vehicle fuel station.~~
- (C) ~~In the MM, MD, MC, and ME zoning districts, all activities other than vehicle fueling shall be conducted within a completely enclosed building.~~
- (D) ~~In the MM, MD, MC, and ME zoning districts, no outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.~~
- (E) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (F) All structures including fuel canopies shall be similar in appearance to the surrounding development with respect to architectural style, color, and materials.
- (G) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.
- (H) At least 50 percent of the total number of dispenser units shall provide alternative fuels including, but not limited to biodiesel, electricity, majority ethanol blend, hydrogen or natural gas.

ORDINANCE 2025-28
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment- “Vehicle Wash”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on July 14, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on July 21, 2025; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-22-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

This amendment would reduce the zoning districts where the use “Vehicle wash” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-28 is a true and complete copy of Plan Commission Case Number ZO-22-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025

David Hittle
David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

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

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 amendment would reduce the zoning districts where the use “Vehicle wash” would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only. This ordinance is in accordance with Indiana Code 36-7-4-600.

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.)

Case # ZO-22-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Use Table Amendments to Unified Development Ordinance for the use “Vehicle Wash”.

The Plan Commission heard case ZO-22-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Vehicle Wash”.

This amendment would reduce the zoning districts where this use would be allowed. The proposed amendment would allow this use as a permitted use in the Mixed-Use Corridor (MC) zoning district only.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home							P*											20.03.030(b)(8)
Manufactured home park							P*											20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P+P					P+P					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care home, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house					P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Art gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Cemetery or mausoleum													P					
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office								P	P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P*	P*					P*		
Vehicle fleet operations, large											P*					P*		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		

UTILITIES AND COMMUNICATION

****Amendment Form****

Ordinance #: 2025-28
Amendment #: Am 01
Submitted by: Cm. Piedmont-Smith
Date: August 1, 2025

Proposed Amendment:

1. The Attachment A of Ordinance 2025-28 shall be deleted and replaced with the following as its Attachment A:

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		
Vehicle fleet operations, large											P					P		
Vehicle fuel station										P*	P*	P*		P*		P*		20.03.030(d)(14)
Vehicle impound storage																P*		20.03.030(d)(15)
Vehicle parking garage					A	A		A		P	P	P	A	P*	C			20.03.030(d)(16)
Vehicle repair, major											P*					P*		20.03.030(d)(17)
Vehicle repair, minor									C*	P*	P*			P*				20.03.030(d)(17)
Vehicle sales or rental										P	P	P						
Vehicle wash										P*	P*					P*		20.03.030(d)(18)

EMPLOYMENT USES

Manufacturing and Processing

Commercial laundry										P	P					P		
Food production or processing										C	C	C				C		
Manufacturing, artisan									P	P	P	C		P		P		
Manufacturing, light												P		C		P		
Manufacturing, heavy																C		
Salvage or scrap yard																C		

Storage, Distribution, or Warehousing

Bottled gas storage or distribution																P		
Contractor's yard											P	C				P		
Distribution, warehouse, or wholesale facility											C	C				P		
Storage, outdoor													P*			P*	A*	20.03.030(e)(1)
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*		20.03.030(e)(2)

Resource and Extraction

Gravel, cement, or sand production																C*		20.03.030(e)(3)
Quarry																C*		20.03.030(e)(3)
Stone processing																P		

UTILITIES AND COMMUNICATION

Communication facility	C*										C*	C*	P	C*	C*	P		20.03.030(f)(1)
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Synopsis

This amendment replaces the Attachment A with the correct table.

08/06/25 Regular Session Action: Pending

ORDINANCE 2025-29
TO AMEND TITLE 20 (UNIFIED DEVELOPMENT ORDINANCE)
OF THE BLOOMINGTON MUNICIPAL CODE –
Re: Use Table Amendment and Definitions- “Tattoo or piercing parlor”

WHEREAS, the Common Council, by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect on March 21, 2018; and

WHEREAS, thereafter the Plan Commission initiated and prepared a proposal to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (“UDO”); and

WHEREAS, on December 18, 2019, the Common Council passed Ordinance 19-24, to repeal and replace the UDO; and

WHEREAS, on January 14, 2020, the Mayor signed and approved Ordinance 19-24; and

WHEREAS, on April 15, 2020, the Common Council passed Ordinance 20-06 and Ordinance 20-07; and

WHEREAS, on April 18, 2020, the Unified Development Ordinance became effective; and

WHEREAS, on July 14, 2025, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

WHEREAS, the Plan Commission certified this amendment proposal to the Common Council on July 21, 2025; and

WHEREAS, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) the Comprehensive Plan;
- 2) current conditions and character of current structures and uses in each district;
- 3) the most desirable use for which land in each district is adapted;
- 4) the conservation of property values throughout the jurisdiction; and
- 5) responsible development and growth;

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

SECTION I. Title 20, entitled “Unified Development Ordinance”, is amended.

SECTION II. An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
 - (A) ZO-23-25 (hereinafter “Attachment A”)
 - (B) Any Council amendment thereto (“Attachment B”)

SECTION III. The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section II into a single text document for codification.

SECTION IV. Severability. 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 V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

SECTION VI. The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2025.

HOPI STOSBERG, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this __ day of _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this __ day of _____, 2025.

KERRY THOMSON, Mayor
City of Bloomington

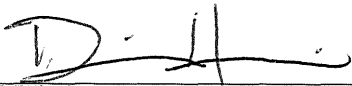
SYNOPSIS

This amendment would reclassify how the use “Tattoo or piercing parlor” is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed.

****ORDINANCE CERTIFICATION****

In accordance with IC 36-7-4-604 I hereby certify that the attached Ordinance Number 2025-29 is a true and complete copy of Plan Commission Case Number ZO-23-25 which was given a recommendation of approval by a vote of 5 Ayes, 0 Nays, and 0 Abstentions by the Bloomington City Plan Commission at a public hearing held on July 14, 2025.

Date: July 21, 2025


David Hittle, Secretary
Plan Commission

Received by the Common Council Office this _____ day of _____, 2025.

Nicole Bolden, City Clerk

Appropriation Ordinance #	Fiscal Impact Statement Ordinance #	Resolution #
_____	_____	_____

Type of Legislation:

Appropriation	End of Program	Penal Ordinance
Budget Transfer	New Program	Grant Approval
Salary Change	Bonding	Administrative
Zoning Change	Investments	Change
New Fees	Annexation	Short-Term Borrowing
		Other

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 amendment would reclassify how the use “Tattoo or piercing parlor” is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed. This ordinance is in accordance with Indiana Code 36-7-4-600.

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.)

Case # ZO-23-25 Memo

To: Bloomington Common Council

From: Eric Greulich, Development Services Manager

Date: July 21, 2025

Re: Amendments to Unified Development Ordinance for the use “Tattoo or piercing parlor”.

The Plan Commission heard case ZO-23-25 on July 14, 2025 and voted to send the petition to the Common Council with a positive recommendation with a vote of 5-0.

The Planning and Transportation Department proposes an amendment to *Table 03-1: Allowed Use Table* within Section 20.03.020 and Definitions under Section 20.07.010 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code for the use “Tattoo or piercing parlor”.

This amendment would reclassify how this use is regulated and would include this as a use associated with the use “Personal service”. This amendment would remove this specific use from the use table and other related references and standards since it would be allowed anywhere that the use “Personal service” is allowed.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an * = use-specific standards apply

Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Entertainment and Recreation																		
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P		P	P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office									P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				
Retail sales, big box											P					P		

20.03.010(e)(3)(C)(ii)

(C) University Village Character Area

- i. The following use is prohibited in the University Village Character Area: Vehicle fuel station.
- ii. The following uses are prohibited in the Restaurant Row area: Assisted living facility; financial institution; personal services (except in spaces of 700 square feet or less) ; community center; adult or child day-care center; hotel/motel; liquor or tobacco sales; club or lodge; medical clinic; park; pawn shop; pet grooming; public or private school; trade or business school; ~~tattoo or piercing parlor~~; transportation terminal; utility substation and transmission facility; and veterinary clinic.

20.04.060

Table 04-10 Maximum Vehicle Parking Allowance

Office, Business, and Professional Services	
Artist studio or workshop	1 space per 1,000 sq. ft. GFA
Check cashing	4 spaces per 1,000 sq. ft. GFA
Financial institution	4 spaces per 1,000 sq. ft. GFA
Fitness center, small	4 spaces per 1,000 sq. ft. GFA
Fitness center, large	4 spaces per 1,000 sq. ft. GFA
Office	3.3 spaces per 1,000 sq. ft. GFA
Personal service, small	3.3 spaces per 1,000 sq. ft. GFA
Personal service, large	3.3 spaces per 1,000 sq. ft. GFA
Tattoo or piercing parlor	3.3 spaces per 1,000 sq. ft. GFA

20.07.010 Definitions

Personal Services

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, **tattoo and piercing parlor**, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include "Commercial Laundry."

Personal Service, Small

A facility with not more than 7,500 square feet of gross floor area.

Personal Service, Large

A facility with more than 7,500 square feet of gross floor area.

~~Tattoo or Piercing Parlor~~

~~An establishment whose principal business activity is the practice of one or more of the following:~~

- ~~1) The placement of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin;~~
- ~~2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.~~



MEMO FROM COUNCIL ADMINISTRATOR/ATTORNEY ON:

Ordinance 2025-30 – To Vacate Public Parcel – Re: A 12-Foot Public Alley Adjacent to 909 E. University Street (Veronika Bardonner, Petitioner)

Synopsis

The Petitioner, Veronika Bardonner, requests vacation of an alley right-of-way to her that is enclosed by fencing and not currently utilized for any form of access. The alley is oriented along the northern boundary of 909 E University Street.

Relevant Materials

- Ordinance 2025-30
- Memorandum of Planning Review from Jackie Scanlan, AICP Planning and Transportation Assistant Director
- Petition for Vacation of Public Right-of-Way and Attached Exhibits
- List of Abutting Property Owners

Summary

Ordinance 2025-30 proposes the vacation of the 12-foot Public alley right-of-way. The packet materials describe the nature and background of this proposed vacation. The memorandum from Planning and Transportation Assistant Director, Jackie Scanlan, recommends denial of the vacation. The role of the Council is to determine if the vacation complies with Indiana law and the City's Criteria, described below.

Indiana Law

Vacations of rights-of-way are governed by procedures contained in [IC § 36-7-3 et seq.](#) This chapter of the Indiana Code creates a process whereby the Council as legislative body may vacate a public right-of-way. The process is robust, as Council's decision potentially affects rights regarding utilities and street access, among other things, of abutting property owners and of the public. The process begins with the filing of a Petition by the property owner with the Council as the legislative body pursuant to Section [36-7-3-12](#). The Petition must state the "circumstances of the case", must specifically describe the property to be vacated, and must provide the names and addresses of the abutting property owners. It appears that the Petition meets these requirements. Supporting documentation may be found in the documents attached to the Petition.

The Council shall hold a hearing on the Petition within 30 days of its receipt. The hearing currently is scheduled on August, 2025, within 30 days of Council's receipt of the Petition. The Clerk shall give notice of the Petition and of the time and place of the hearing in the manner prescribed in [IC§ 5-3-1](#) and by certified mail to each owner of land that abuts the property proposed to be vacated.



Pursuant to [IC 36-7-3-13](#), at the hearing on August 6, 2025, any person aggrieved by the proposed vacation may object to it, but only on one (1) or more of the following grounds:

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Additionally, Council must deny the Petition if:

- (1) the lands of the aggrieved person do not abut any other public way other than the public way to which the vacation petition applies; or
- (2) the vacation of the public way would cause the lands of the aggrieved person to become landlocked with no other convenient or reasonable means of ingress or egress via another public way.

These are factors for the Council to review during the hearing on August 6, 2025.

After the hearing on the Petition, the Council may, by ordinance, vacate the public way. The Clerk shall furnish a copy of the ordinance to the County Recorder for recording and to the County Auditor. Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to Monroe County's Circuit Court. The court may award damages.

Local Law

In addition to state law requirements above, Bloomington has adopted local procedures and a criteria for public right-of-way vacations. The Criteria are identified in Public Right of Way Vacations: Procedure and Criteria for Common Council Review, adopted by Council in [Resolution 87-2](#), below.

The vacation process typically begins with a pre-petition review of an application submitted to the Planning and Transportation Department. Pre-petition materials submitted by the petitioner are reviewed, and all utility services, safety services, and the Board of Public Works are notified of the proposed action. Upon completion of the pre-petition review, staff will make a recommendation on the request. Jackie Scanlan has provided a memo recommending that the Council deny the petitioner's request to vacate the right-of-way.



Hearing

In response to the receipt of the Petition by the Council's Office, a hearing has been scheduled on August 6, 2025 during Council's regular meeting beginning at 6:30pm. Remonstrances and objections must be heard then.

Under [IC 36-7-3-13](#), objections or grounds for remonstrance are generally limited to questions of access, use of public ways, and the orderly development of the neighborhood or unit as a whole.

Criteria

The Council's action to vacate a right-of-way must be done in the public interest. In [Resolution 87-02](#), the Council adopted the following criteria to guide its review of a request for right-of-way vacation:

1. Current Status – Access to Property: the current utilization of the right-of-way in question – as a means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.
2. Necessity for Growth of the City:
 - a. Future Status – the future potential for public utilization, possible future need for the right-of-way due to future changes in land use;
 - b. Proposed Private Ownership Utilization – the proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to the orderly growth of the City);
 - c. Compliance with regulations – the effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change of use?);
 - d. Relation to Plans – the relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

The Planning and Transportation Staff recommend denial of the right-of-way vacation in the attached Memo, citing the need to preserve future public use.

Contact

Jacqueline Scanlan, Assistant Director Planning and Transportation,
scanlanj@bloomington.in.gov, (812) 349-3423

ORDINANCE 2025-30

TO VACATE PUBLIC PARCEL

**Re: A 12-Foot Public Alley Adjacent to 909 E. University Street
(Veronika Bardonner, Petitioner)**

WHEREAS, Indiana Code § 36-7-3-12 authorizes the Common Council to vacate public ways and places upon petition by persons who own or are interested in lots contiguous to such public ways, provided that the vacation is determined to be in the public interest; and

WHEREAS, the Petitioner, Dr. Veronika Bardonner, proposes the vacation to her of the 12-foot-wide public alley, encompassing approximately 715 square feet (0.016 acre), located adjacent to her property, and intends to continue serving as a responsible owner of the area by preserving a healthy landscape, removing debris from the existing fence, and constructing a new “in-kind” replica of the original fence in accordance with the Elm Heights Historic District Design Guidelines; and further agrees to assume property tax obligations, thereby generating revenue for the City and mitigating municipal liability; and

WHEREAS, the Petitioner, Dr. Veronika Bardonner, has obtained a survey and legal description of the alley, which has been provided by Bynum Fanyo & Associates, Inc., requesting to be vacated which is 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 public hearing on this matter, which will be held during the Common Council Regular Session meeting on Wednesday, August 6, 2025, at 6:30 p.m. in the Council Chambers, Room 115, of City Hall, 401 North Morton Street, Bloomington, Indiana; 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, one (1) City owned property shall be vacated to Veronika Bardonner, as described below:

All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning. Containing 715 square feet (0.016 acre), more or less.

SECTION 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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 3. 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 6th day of August, 2025.

HOPI STOSBERG, Council 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 _____, 2025.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of May, 2025.

KERRY THOMSON, Mayor
City of Bloomington

SYNOPSIS

The Petitioner, Veronika Bardonner, requests vacation of an alley right-of-way to her that is enclosed by fencing and not currently utilized for any form of access. The alley is oriented along the northern boundary of 909 E University Street.

Memorandum of Planning Review

To: Bloomington Common Council

From: Jackie Scanlan, AICP Planning and Transportation Assistant Director

Date: July 23, 2025

Re: Bardonner Alley Right-of-Way Vacation Request

Daniel Cyr, on behalf of Dr. Veronika Bardonner, requests a vacation of a portion of the 12 foot wide platted alley right-of-way located north of 909 East University Street. The alley right-of-way runs west/east for a maximum length of 59.13 feet between 909 East University Street and 910 East 2nd Street.

The Planning and Transportation Department notified and requested comments from utilities of the right-of-way vacation application. Utilities are allowed to remain in place pursuant to Indiana Code 36-7-3-16. Responses from utilities will be accepted until July 31, 2025, and any received will be forwarded to the staff of the Common Council.

The petitioner is requesting vacation and full ownership of the vacated 12 foot right-of-way. Typically, vacation of a right-of-way results in the equal split of the right-of-way between adjacent property owners. A representative for the owners of 912 E 2nd Street has submitted a letter indicating that if the alley is vacated, they would prefer to receive 6 feet of the right-of-way, as is the common practice. Otherwise, they oppose the request.

Approval of the vacation would allow an accessory structure to be built five feet from the northern line of what is now the alley, 12 feet closer to the existing garage at 912 East 2nd Street than is currently allowed. Additionally fencing could also be installed 12 feet closer to the 912 E 2nd Street garage than is currently allowed. Per the image on page 5 of the petitioner's letter, the owner of 912 E 2nd Street has a fence structure encroaching into the existing alley right-of-way that would presumably have to be removed if the vacation is granted.

The removal of the Black Walnut tree was approved through COA-23-55, after much discussion with City staff, as the type of tree is normally desirable. With COA-23-57, Dr. Bardonner requested to replace a pre-existing encroaching fence with a similarly designed fence in the same location, but was required by the Bloomington Historic Preservation Commission to locate the new fence on her own property.

As the applicant points out, encroachment into this particular alley right-of-way is common on this block. At this time, the City has not had reason to require the removal of the encroaching improvements, but public retention of the right-of-way allows for future public use if necessary. The Department recommends denial of the vacation of the alley.



Christine Chang <yunjung.chang@bloomington.in.gov>

Alley Right-of-Way Vacation: Request for Comment

2 messages

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thu, Jul 31, 2025 at 12:24 PM

To: Lisa Lehner <lisa.lehner@bloomington.in.gov>, City Council <council@bloomington.in.gov>, David Hittle <david.hittle@bloomington.in.gov>, Christine Chang <yunjung.chang@bloomington.in.gov>

Lisa and all,

This email from Katherina Zaiger was the only response that I have received from the utility contacts re: the ROW vacation north of 909 E University.

Thank you,
Jackie Scanlan, AICP
Assistant Director

----- Forwarded message -----

From: **Katherine Zaiger** <katherine.zaiger@bloomington.in.gov>
Date: Thu, Jul 24, 2025 at 4:36 PM
Subject: Re: Alley Right-of-Way Vacation: Request for Comment
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Jackie,

We have reviewed this and CBU does not support this petition. Please let me know if you need any additional information.

Thank you,
Kat

On Wed, Jul 23, 2025 at 10:28 AM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:

Good morning,

The City of Bloomington has received a request to vacate a portion of a 12-foot alley right-of-way north of 909 E. University Street, south of 910 E. 2nd Street. The request is being made by the property owner of 909 E. University Street, Dr. Veronika Bardonner, for full ownership of the 12-foot area. The owners of 910 E. 2nd Street object unless they receive half of the right-of-way.

The packet submitted by the petitioner is attached.

If you have comments, please send them to me by Thursday July 31, 2025 at noon.

Thank you,
Jackie Scanlan, AICP
Assistant Director

--

**Jackie Scanlan, AICP**

Assistant Director
Planning and Transportation
Direct: 812-349-3524
Office: 812-349-3423

Alley Vacation - Abutting Property Owners

	Parcel Number	Property Owner	Address
1	53-08-04-110-017.000-009	Thompson, Jon Christopher and Danielle M	629 S Woodlawn Ave, Bloomington, IN 47401
2	53-08-04-110-008.000-009	Thompson, Lyndsi and Justin	623 S Woodlawn Ave, Bloomington, IN 47401
3	53-08-04-100-075.000-009	Bryan Rental, Inc.	1440 S Liberty Dr, Bloomington, IN 47403 Property Address: 911 E University St, Bloomington, IN 47401
4	53-08-04-100-089.000-009	Solomon, Bruce, and Swartz, Susan H.	912 E 2nd St, Bloomington, IN 47401
5	53-08-04-110-013.000-009	Mueller, Timothy A. and Virginia	910 E 2nd St, Bloomington, IN 47401

TO: Planning Department and Common Council Members

FROM: Daniel Cyr, Paganelli Law Group on behalf of Dr. Veronika Bardonner

DATE: July 9, 2025

SUBJECT: Vacation of 12-Foot Public Alley Adjacent to 909 E. University Street

Dear Planning Department and Common Council Members:

We respectfully request that the Bloomington Common Council support this petition submitted on behalf of Dr. Veronika Bardonner (“Dr. Bardonner”), residing at 909 E. University Street, Bloomington, Indiana 47401, for the vacation of the 12-foot public alley located along the northern boundary of her property.

This request is submitted in accordance with, and is fully supported by, the criteria established in City of Bloomington Resolution 87-02 (**Exhibit A**) and the applicable provisions of Indiana Code §§ 36-7-3 et seq., including but not limited to IC 36-7-3-12.

Indiana state law (IC 36-7-3-12) empowers the legislative body of a municipality to vacate public ways upon petition by an owner of a contiguous lot, granting complete ownership of the vacated space. The statute provides that a right-of-way may be vacated “if it is in the public interest” to do so. Under IC 36-7-3-12(d), upon vacation, Dr. Bardonner would enable to legally maintain an area she has historically and responsibly cared for.

Since the adoption of City of Bloomington Resolution 87-02, the Bloomington Common Council has passed multiple ordinances titled “To Vacate a Public Parcel” in favor of property owners. A few relevant examples are listed below:

Ordinance	Status	Petitioner	Exhibit
87-39	Passed	Susan McDonald	Exhibit B
87-57	Passed	Barry Elkins	Exhibit C
88-44	Passed	L.D.Axsom	Exhibit D
89-18	Passed	J. William Baus	Exhibit E
91-11	Passed	Tim J. Henke	Exhibit F
91-28	Passed	John I Byers	Exhibit G

96-30	Passed	Charles R. Short	Exhibit H
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Legal Description of 12-foot Public Alley

Please refer to **Exhibit I** for a survey and legal description of the alley between lots 17 and 18 of Merker's Addition, which has been provided by Bynum Fanyo & Associates, Inc. For convenience, the complete legal description of the alley is included as follows:

All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning. Containing 715 square feet (0.016 acre), more or less.

Adjacent Property Owners

Please refer to the following list containing the names and addresses of all property owners whose parcels abut the area proposed for vacation:

Parcel Number	Property Owner and Address
53-08-04-110-017.000-009	Thompson, Jon Christopher and Danielle M: 629 S Woodlawn Ave, Bloomington, IN 47401
53-08-04-110-008.000-009	Thompson, Lyndsi and Justin: 623 S Woodlawn Ave, Bloomington, IN 47401

53-08-04-100-075.000-009	Bryan Rental, Inc. 1440 S Liberty Dr, Bloomington, IN 47403 Property Address: 911 E University St, Bloomington, IN 47401
53-08-04-100-089.000-009	Solomon, Bruce, and Swartz, Susan H.: 912 E 2nd St, Bloomington, IN 47401
53-08-04-110-013.000-009	Mueller, Timothy A. and Virginia: 910 E 2nd St, Bloomington, IN 47401

In accordance with the City of Bloomington Resolution 87-02, the Pre-Petition Review Process commenced on March 13, 2025, upon submission of a formal petition to vacate the public right-of-way. The petition was delivered via electronic mail and FedEx to both the Public Improvement Manager and the Board of Public Works, formally requesting their review of the proposed vacation.

Recipients of the Petition:	
Maria McCormick Public Improvement Manager Engineering Department City Hall 401 N. Morton Street, Suite 120 Bloomington, IN 47404 Email: maria.mccormick@bloomington.in.gov	Board of Public Works Public Works Department City Hall 401 N. Morton Street, Suite 120 Bloomington, IN 47404 Email: public.works@bloomington.in.gov

Resolution 87-02 sets forth the Council's criteria for evaluating petitions to vacate public rights-of-way, including but not limited to the current status of the property, accessibility, and the necessity of the right-of-way for the continued growth and development of the City.

Current Status/Access to Property

The Bardonner property is bounded on the south by East University Street, on the west by a 15-foot public alley, and on the north by a 12-foot public alley (**Exhibit J**).

The property located at 910 East Second Street, Bloomington, Indiana, which is situated to the north of Dr. Bardonner's property, is bounded on the south by a 12-foot public alley, on the west by a 15-foot public alley, and on the north by East Second Street (**Exhibit J**).

Neighboring properties utilize the 15-foot public alley, East University Street, East Second Street, and South Woodlawn Avenue for ingress, egress, and access to parking areas and garages.

The 15-foot public alley facilitates various modes of transit:

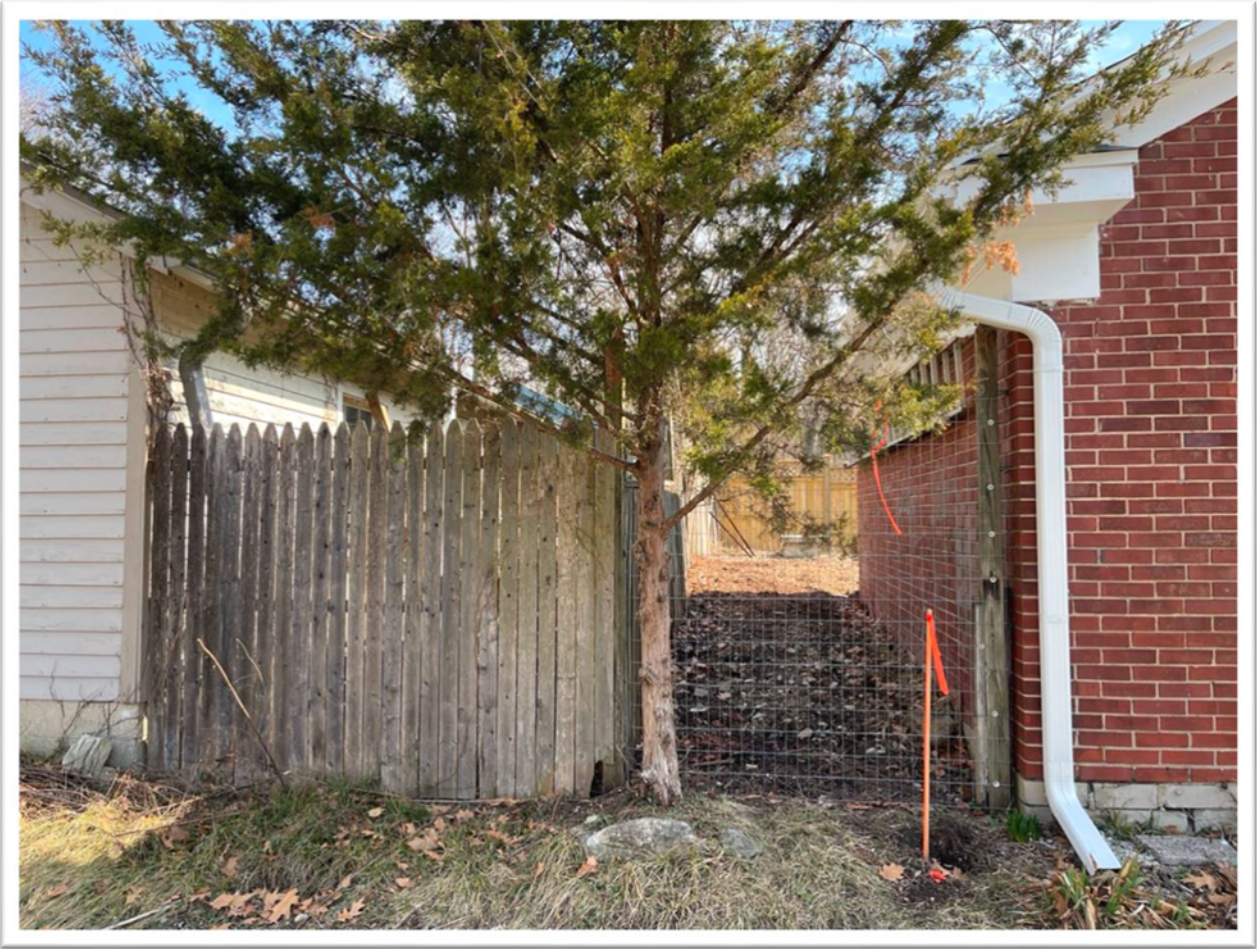
- Pedestrian Transit: serves as walkways for pedestrians.
- Bicycle Transit: accommodates bicycles.
- Service Vehicles: facilitates access for delivery trucks and maintenance vehicles.
- Emergency Access: provides critical access for emergency vehicles like fire trucks or ambulances.
- Parking Access: provides entry to parking spaces and garages.

Adjacent to the 12-foot-wide public alley, Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana, make use of the 15-foot-wide public alley as a means of access to their designated parking areas (**Exhibit J**).

The 12-foot public alley, situated to the north of Dr. Bardonner's property and to the south of the neighboring property located at 910 East Second Street, Bloomington, Indiana, has been enclosed by fencing for several decades and is not currently utilized for any form of access.

Not only is the 12-foot public alley not utilized for transit purposes, but it is also actively used by neighboring properties situated to the east of the 15-foot public alley, extending all the way to South Hawthorne Drive, for personal purposes and has remained enclosed by fencing for several decades.

Please refer to the enclosed 12-foot-wide public alley situated to the east of the 15-foot-wide public alley. This alley is bordered by a screen fence extending from Dr. Bardonner's brick garage to the old fence pole, as well as a wooden fence that leads to the wooden garage of the neighboring property, located at 910 East Second Street (Image below).



Date Taken: February 21, 2024

In 2023, Dr. Bardonner undertook substantial investments in various improvements to her property.

Acknowledging and respecting the equal importance of preserving historic buildings, structures, fences, walls, and landscapes, efforts to safeguard the historic integrity of Dr. Bardonner's property in the Elm Heights neighborhood necessitated the removal of trees. These trees posed significant risks, including structural damage to the historic buildings and structures, such as the house, garage, and limestone retaining wall. The tree roots threatened the foundation and walls, potentially leading to water penetration and flooding in the full basement.

In 2023, Dr. Bardonner undertook the removal of a black walnut tree, measuring thirty-two inches in diameter, which was located directly in the center of the 12-foot public alley, approximately five feet from each detached garage of Dr. Bardonner and the residents of 910 East Second. This action was executed with the

approval of two permits issued by City of Bloomington authorities: Haskell Smith, Urban Forester, the Department of Parks and Recreation, and the Historic Preservation Commission, the Department of Housing and Neighborhood Development (Certificate of Appropriateness, No. COA 23-55).

To alleviate financial burdens on the City of Bloomington, Dr. Bardonner covered the full cost of the walnut tree's removal. This decision was based on consultations with three qualified arborists, Haskell Smith, Kerry Bridges, and Mat Baldwin, whose expertise confirmed the necessity of the removal to safeguard tree health. Driven by a commitment to the preservation of the Elm Heights Historic District's architectural significance and the retention of its historical integrity, Dr. Bardonner acted to prevent the City of Bloomington from incurring future liabilities stemming from potential terminal damage caused by the black walnut tree to the historic structures in proximity to the alley Street (see 2023 inspection reports provided by Baker Stone Work (**Exhibit K and Exhibit L**) and Equity Building Roofing (**Exhibit M**)). The removal expense, totaling \$6,563.27, was paid in full by Dr. Bardonner (**Exhibit N**).

The wooden fence installed by a previous owner of Dr. Bardonner's property around 1990 deteriorated over time, becoming rotten and ultimately collapsing. In 2023, Dr. Bardonner sought to obtain a fence work permit from the Historic Preservation Commission, the Department of Housing and Neighborhood Development, City of Bloomington, in order to remove the debris from the old fence and replace it with a new, "in-kind" replica of the original fence. However, the Historic Preservation Commission advised her that the prior fence line could not be grandfathered, and she was only permitted to construct the new fence beginning at the north corner of her garage (**Exhibit O**).

This restriction presents a practical issue, as limiting the fence to the corner of the garage makes it impossible for Dr. Bardonner to adequately clean her detached garage gutters and properly maintain the portion of her property extending beyond the northern wall of the garage (**Exhibit P**).

Presented below is an image depicting the new, "in-kind" replica of the original fence that Dr. Bardonner has already installed in conjunction with the adjoining old fence. Notably, the old fence situated along the 12-foot public alley has recently experienced structural failure, with two panels collapsing: one during strong nighttime winds on April 3, 2025, and the other during daytime hours on April 13, 2025.



Date Taken: April 13, 2025

Dr. Bardonner implemented all enhancements to ensure the preservation and protection of the architectural integrity and historical importance of the Elm Heights Neighborhood. They were executed in strict adherence to the “Elm Heights Historic District Design Guidelines” and the provisions set forth in “The City of Bloomington Tree Care Manual” (2017). Furthermore, all improvements were deemed appropriate and fully compliant with the applicable codes and ordinances of the City of Bloomington, as well as the directives and approvals of relevant City authorities, including, the Urban Forestry, Department of Parks and Recreation, and the Historic Preservation Commission, Department of Housing and Neighborhood Development (**Exhibit Q**).

Payment of Property Taxes

Dr. Bardonner has consistently paid her property taxes in full and on time (**Exhibit R**), demonstrating responsible ownership and contributing to the City's property tax revenues. In contrast, the property owners to the north, 910 East Second

St., have incurred tax delinquencies (**Exhibit S**), showing a pattern of non-compliance with property tax obligations and creating uncertainty regarding their commitment to property stewardship.

The portion of the 12-foot public alley proposed for vacation by Dr. Bardonner constitutes the full width of the alley, measuring approximately 12 feet, containing 715 square feet (0.016 acre), more or less. The proposed vacation seeks to comprehensively address and manage ongoing maintenance concerns, including the preservation of a healthy landscape, the removal of obsolete fence debris, the installation of an in-kind replica of the original fence, and the payment of property taxes—thereby creating an opportunity to generate meaningful revenue for the City. In addition, the vacation would mitigate potential liability exposure for the City by transferring responsibility for the alley's condition and upkeep to the adjoining property owners.

Necessity for the Growth of the City of Bloomington

1. **No Current or Future Public Use:** The City of Bloomington has not identified any current or future public use for the 12-foot public alley, supporting its suitability for vacation.

2. **Non-Utilization as a Public Right-of-Way:** The 12-foot public alley has been enclosed by fencing for decades and is not used for any form of transit, as supported by enclosed surveys and images. Neighboring properties to the east of the 15-foot-wide public alley (up to South Hawthorne Dr.) use the 12-foot public alley for personal purposes, keeping it fenced and indicating it no longer serves a public transit function. Vacating the alley formalizes its long-standing non-public use, reducing confusion over its status and aligning city records with the practical reality of its fenced-off, private use by adjacent property owners.

3. **Access Routes:** Neighboring properties utilize the 15-foot-wide public alley, as well as East University Street, East Second Street, and South Woodlawn Avenue, for ingress, egress, and access to parking areas and garages. Adjacent to the 12-foot-wide public alley, Dr. Bardonner and residents at 910 East Second Street also use the 15-foot-wide public alley to access their designated parking areas.

4. **Proposed Private Ownership Utilization:** Dr. Bardonner is petitioning to vacate a portion of the public alley measuring approximately 12 feet in width and encompassing an area of roughly 715 square feet (0.016 acre). This section represents the full width of the alley. The intent of the proposed vacation of a non-functional public right-of-way is to effectively resolve ongoing maintenance issues by ensuring the preservation of a well-maintained landscape, clearing outdated fence remnants, reconstructing the original fence with an in-kind replacement, and assuming responsibility for property tax obligations. These actions would not only

create a potential revenue source for the City but also reduce municipal liability by transferring maintenance and legal responsibility for the area to Dr. Bardonner.

5. **Demonstrated Commitment:** Dr. Bardonner has consistently maintained the alley, providing professional assessments, complying with local regulations, securing necessary approvals, and investing financially in the Elm Heights Historic District's integrity, showcasing her dedication to community standards.

6. **Preservation of Historic Integrity:** Incorporating the alley into Dr. Bardonner's lot would preserve the historic facade per city historic district guidelines and maintain the fair market value of adjacent properties.

7. **Improved Compliance:** Vacating the alley would bring non-compliant fences and garages into compliance with city setback requirements reducing safety concerns and clarifying boundaries, improving property aesthetics and functionality. Approving the vacation would ensure these structures meet applicable regulations.

Future Plans

Dr. Bardonner will bear all costs associated with the vacation process, including but not limited to advertising, surveying, and recording fees.

Vacating the subject alley would bring existing non-compliant fences and garages into compliance with the City of Bloomington's setback requirements.

Upon approval of the vacation, Dr. Bardonner expresses interest in purchasing the 12-foot-wide parcel, comprising approximately 715 square feet (0.016 acre), for a price to be determined by the appropriate City of Bloomington authorities and subject to any preexisting utility easements. In addition to a one-time contribution for the purchase of the parcel, Dr. Bardonner will continue to contribute to the City's property tax revenues on an annual basis.

Dr. Bardonner will remove the debris from the existing fence and replace it with a new "in-kind" replica of the original fence, in accordance with the Elm Heights Historic District Design Guidelines. This effort will include preserving and maintaining landscaping that aligns with the character of the historic district, thereby ensuring the protection of the architectural integrity and historical significance of the Elm Heights neighborhood. These improvements will also support the preservation of historic facades in accordance with the City's historic district guidelines and help maintain the fair market value of adjacent properties.

Granting this vacation will enable the proper maintenance of the vacated alley segment and relieve the City of its ongoing maintenance responsibilities. It will also

reduce municipal liability by transferring maintenance obligations and legal responsibility for this area to Dr. Bardonner.

If this petition is approved by the Bloomington Common Council, it may continue line of precedents that significantly reduces municipal expenditures by eliminating the costs associated with maintaining fenced and underutilized public alleys. These costs—accumulated over decades—represent a substantial financial burden. The current approach to managing such alleys has remained largely unchanged for over a century, despite shifts in urban development and land use. Furthermore, private ownership of land such as this could generate meaningful revenue, which may be reinvested in the improvement and upkeep of public alleys that fulfill a demonstrable and high-intensity public use, thereby advancing the City's broader infrastructure and planning objectives.

Conclusion

For all the reasons detailed above—including the absence of public use, the longstanding physical enclosure and private maintenance of the alley, the demonstrated commitment by Dr. Bardonner to the preservation and upkeep of the property in accordance with applicable City regulations noted above, and the certainty to relieve the City of Bloomington from financial and legal burdens—we respectfully urge the Bloomington Common Council to approve the petition to vacate the subject 12-foot public alley adjacent to 909 E. University Street.

Approval of this petition would not only align with the criteria set forth in City of Bloomington Resolution 87-02 and Indiana Code § 36-7-3-12, but would also serve the public interest and promote the general welfare of the City of Bloomington. Moreover, the Bloomington Common Council has passed multiple ordinances titled "To Vacate a Public Parcel" in favor of property owners, reflecting a precedent for granting such requests when justified by the circumstances. By reducing municipal liabilities, improving land use efficiency, supporting historic preservation, and generating meaningful revenue, this vacation will contribute positively to the City's long-term planning objectives and the overall well-being of the community.

We thank the Council for its attention to this matter and respectfully request favorable consideration of this petition.

Very Truly Yours,



Daniel M. Cyr
Paganelli Law Group

Enclosures:

Exhibit A	Resolution 87-2 by the Bloomington City Common Council
Exhibit B	Ordinance 87-39
Exhibit C	Ordinance 87-57
Exhibit D	Ordinance 88-44
Exhibit E	Ordinance 89-18
Exhibit F	Ordinance 91-11
Exhibit G	Ordinance 91-28
Exhibit H	Ordinance 96-30
Exhibit I	Plat of Survey of 12-foot Public Alley Vacation, 6.23.2025
Exhibit J	12-foot Public Alley Sketch
Exhibit K	Inspection Report by Baker Stone Work, 2023
Exhibit L	Sketch # 1 of Removed Walnut by Baker Stone Work, 2023
Exhibit M	Inspection report by Equity Builders Roofing, 2023
Exhibit N	Copy of Bluestone Tree Invoice #13303
Exhibit O	Copy of Certificate of Appropriateness, No. COA 23-57
Exhibit P	Plat of Survey of 909 E. University Street, Bloomington, IN, 1.16.2024
Exhibit Q	909 E. University St., Restoration Images
Exhibit R	Property Tax Info for 909 E. University Street, Bloomington, IN
Exhibit S	Property Tax Info for 910 E. 2nd St., Bloomington, IN

To Approve Procedures and Criteria for Public Right of Way Vacations
by the Common Council

WHEREAS, Under recent amendments to Indiana Code, the Plan Commission no longer reviews Petitions for Vacation of Right of Way prior to consideration and action by the Common Council; and

WHEREAS, the Common Council wishes to establish guidelines and procedures for considering Petitions for Vacation of Public Right of Ways within the City of Bloomington, and desires that the Planning Staff conduct a preliminary review of any such request:

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

The Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations, a copy of which is attached hereto and made a part hereof, is hereby Approved.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4th day of March, 1987.


TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of March, 1987.


PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 5th day of March, 1987.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Resolution approves Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations. Indiana law no longer requires Plan Commission review of such requests; these guidelines will provide for a pre-application review of such requests by the

Planning Staff prior to consideration of a Petition by the Common Council.

Signal copy:
Planning Dept

PUBLIC RIGHT-OF-WAY VACATIONS

PROCEDURE AND CRITERIA FOR COMMON COUNCIL REVIEW

Persons who own or have an interest in any lots or parts of lots contiguous to a public way or place in the City of Bloomington may file a petition for vacation of the public way or place with the Common Council of the City of Bloomington. This information packet contains instructions regarding the procedures and criteria for right-of-way vacation petitions.

The Common Council strongly advises petitioners to utilize the pre-petition review process. Because Indiana statute requires public hearing within thirty (30) days of Petition to the Council, early submittals prior to review and notice to utilities and other owners may subject the Petitioner to unnecessary continuances or denials. These problems can be avoided by the pre-petition review process.

CRITERIA

The criteria which the Common Council utilizes when reviewing a public right-of-way vacation request are as follows:

CURRENT STATUS-ACCESS TO PROPERTY: The current utilization of the right-of-way in question--as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

NECESSITY FOR GROWTH OF THE CITY:

Future Status: The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;

Proposed Private Ownership Utilization: The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to City growth);

Compliance with Regulations: The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);

Relation to Plans: The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

I. Pre-Petition Review by Planning Staff

A. Petitioner should submit the following information to the planning staff:

1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;

2. An accurate legal description of the proposed vacation;

3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;

4. A list of the names and addresses of owners of all property abutting the proposed vacation.

B. The Planning staff will then commence review of the submitted information and will consult with the various utilities (list is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that planning review is completed. Please allow 2-3 weeks for this review. The Petition for Vacation of Right of Way should be filed, by the Petitioner, with the Common Council office following completion of this review by the Planning Staff.

C. If easements for utilities within the right of way to be vacated are needed, the Planning Department will contact the Petitioner so that the documents can be prepared prior to Petition to the Common Council.

II. Common Council Review and Action.

A. The Petitioner should submit the following to the Common Council Office following completion of review by the Planning Staff:

1. A Completed Petition for Vacation of Right of Way;

2. The Planning Staff will forward additional information provided by the Petitioner and the Planning Staff recommendation to the Council Office.

B. Upon submission of the above Petition, the Council Office will set a date for the public hearing. This date will likely be a Committee meeting following first reading of the vacation Ordinance. Following first reading and committee/public hearing, action will be taken at the following Council meeting when the Ordinance is scheduled for second reading and vote. At that meeting, The Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within 30 days of adoption of the Ordinance.

Suggested format of letter to adjacent property owners and specified utilities and City agencies.

BLOOMINGTON COMMON COUNCIL

Notice of Public Hearing

Date: _____

The Bloomington Common Council will hold public hearings at 7:30 p.m. on
Wednesday, _____, and _____
198____, in the Council Chambers of the Bloomington Municipal Building at 220
East Third Street concerning the petition of _____
for the purpose of considering a public right-of-way vacation request for a(n)

for the right-of-way located at _____

and to which you are an adjacent property owner.

Under provisions of Indiana law, you may appear and speak on the merits
of this proposal at the public hearings at the times and dates as set out herein.
If you have any questions concerning this matter, you may telephone the City
Council Office at 339-2261, ext. 13 or 14.

Bloomington Common Council

Petitioner/Attorney for Petitioner

Address

Phone

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works

339-2261 (Ext. 74)

Director

P.O. Box 100

Bloomington, IN 47402

Fire & Ambulance

332-9763

Fire Chief

P.O. Box 100

Bloomington, IN 47402

Indiana Gas

332-1443

Superintendent

205 South Madison

Bloomington, IN 47401

Public Service Indiana

336-6371

Manager

P.O. Box 1028

Bloomington, IN 47402

Utilities Department

339-1444 (Ext. 206)

Utility Engineer

P.O. Box 100

Bloomington, IN 47402

Police Department

339-4477

Chief of Police

P.O. Box 100

Bloomington, IN 47402

Monroe Cable TV

332-9486

Manager

1600 West 3rd Street

P.O. Box 729

Bloomington, IN 47402

ORDINANCE 87-39

To Vacate a Public Parcel

Re: East and West alley running from Maple Street west for 132 feet between Eleventh Street and the Louisville & Nashville Railroad (Susan McDonald, Petitioner)

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 has filed a petition to vacate a parcel of City property more particularly described below:

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, to-wit the east and west alley running from Maple Street west for 132 feet and lying between Eleventh Street and the Louisville & Nashville Railroad shall be vacated. The property is more particularly described as follows:

LEGAL DESCRIPTION FOR THE EAST/WEST
ALLEY BETWEEN LOTS #24 & #25 IN
MAPLE HEIGHTS 1st ADDITION TO THE
CITY OF BLOOMINGTON

A part of Maple Heights 1st Addition to the City of Bloomington, Indiana as recorded in Plat Book 1, page 35, Office of the Recorder, Monroe County, Indiana, being more particularly described as follows:

Beginning at the Southeast corner of Lot 24 of said Maple Heights 1st Addition; thence South 12 feet to the Northeast corner of Lot 25 of said addition; thence West along the North line of said Lot 25 for 132 feet, more or less, to the Northwest corner of said Lot 25; thence North 12 feet to the Southwest corner of Lot 24 of said addition; thence East along the South line of said Lot 24 for 132 feet, more or less, to the point of beginning, containing 0.036 acres, more or less.

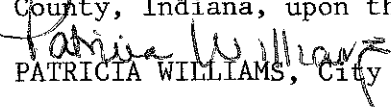
SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

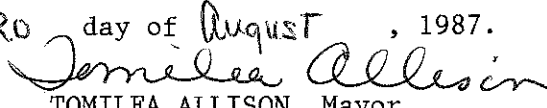
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19 day of August, 1987.


TIMOTHY MAYER, President
Bloomington Common Council

Attest:

PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of August, 1987.

PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 20 day of August, 1987.

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates the east and west alley running from Maple Street west for 132 feet and lying between Eleventh Street and the Louisville & Nashville Railroad. The Petitioner is Susan McDonald.

Copies to:
Planning
Petitioner
Recorder

REYNOLDS, SUSAN
AUG. 19 HEARIN

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1987:
08/09

Leah Leahy

Subscribed and sworn to before me on 08/09, 1987.

Mary Buckner
Notary Public or Clerk

My commission expires 8-21-89

Publication Fee \$8.50

ORDINANCE 87 - 57

To Vacate a Public Parcel

RE: a 82' X 12' portion of an alley north of 14th St.
(Barry Elkins)

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, Barry Elkins, has filed a petition to vacate a parcel of City property, a portion of the north/south alley between Lots #2 & #3 in Thomas D. Alexander Addition;

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

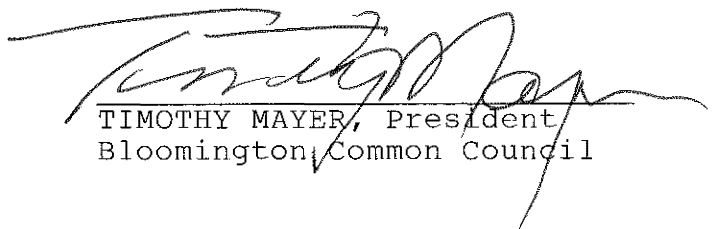
SECTION I. Thorough the aauthority of IC 36-7-3-12, a portion of City-owned property in the block bounded by 14th Street, Dunn Street, Indiana Avenue, and 15th Street shall be vacated. The property is more particularly described as follows:

A part of Thomas D. Alexander Addition to the City of Bloomington, Indiana as recorded in Plat Book 2, Page 113, Office of the Recorder, Monroe County, Indinana being more particularly described as follows:

Beginning at the Southwest corner of Lot 3 of said Thomas D. Alexander Addition; thence West 12 feet to the Southeast corner of Lot 2 of said addition; thence North along the East line of said Lot 2 for 82 feet, thence East 12 feet to the West line of Lot 3, thence South along the West line of Lot 3 for 82 feet, more or less, to the pont of beginning, containing 0.0225 acres more or less.

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 16th day of December 1987.


TIMOTHY MAYER, President
Bloomington, Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of December, 1987.


PATRICIA WILLIAMS, City Clerk

Signed copies
to:
Auditor
Recorder
Assessor
Planner
Petitioner

14th

SIGNED and APPROVED by me upon this
day of December, 1987.

Tomilea Allison

TOMILEA ALLISONS, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Barry Elkins, requests vacation of a portion of a north/south alley, north of 14th Street, between Dunn Street and Indiana Avenue. The vacation should allow aggregation of the lots on both sides of the alley for lot area density purposes.

ELKINS APTS.
DEC 2 HEARING

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1987:
11/21

Leah Leahy

Subscribed and sworn to before me on 11/21, 1987.

Mary Buckner
Notary Public or Clerk

My commission expires 8-21-89

Publication Fee \$8.50

ORDINANCE 88-44

To Vacate a Public Parcel re: an East/West alley 12' x 132' along the south line of Lot number 10 in Railroad Park Addition. (L.D. Axsom)

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 has filed a petition to vacate a parcel of City property more particularly described below:

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, to-wit the east and west alley running along the south line of Lot Number 10 in Railroad Park Addition, being 12' x 132', shall be vacated. The property is more particularly described as follows:

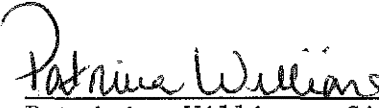
A Twelve (12.00) foot alley running East and West along the South line of Lot No. 10 in Railroad Park Addition in Monroe County, Indiana, described as follows: Beginning at the Southeast corner of Lot No. 10 in Railroad Park Addition thence running South for a distance of 12.00 feet, thence running West for a distance of 132.00 feet, thence running North for a distance of 12.00 feet, thence running East for a distance of 132.00 feet and to the point of beginning. Subject to an easement to Public Service Indiana for access to an existing utility cable.

SECTION II. 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 by the Mayor.

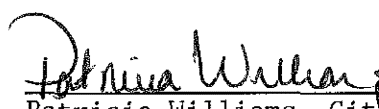
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this 21 day of September, 1988.


Pam Service, President
Bloomington Common Council

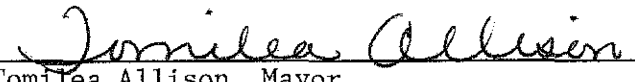
ATTEST:


Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22 day of September, 1988.


Patricia Williams, City Clerk

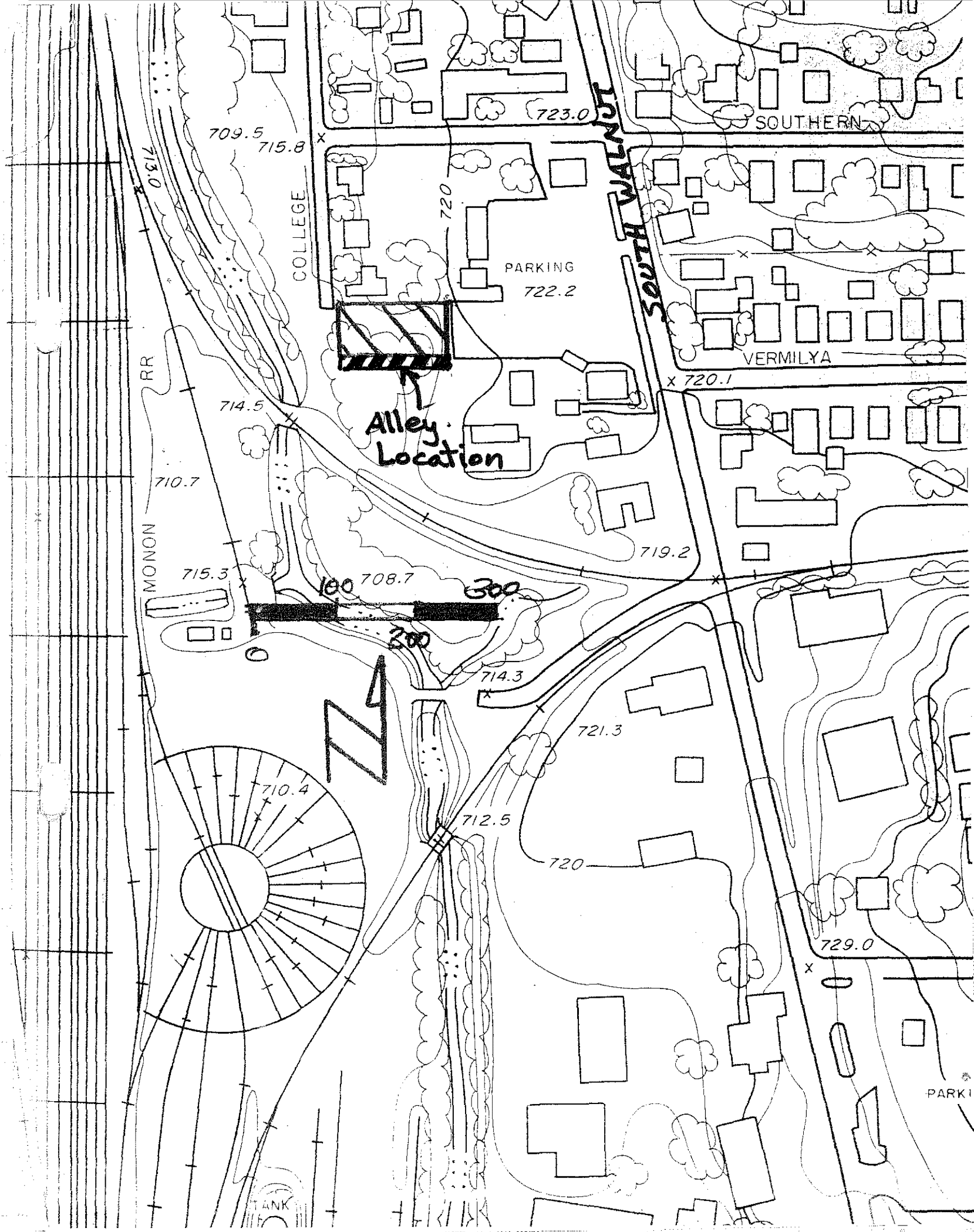
SIGNED and APPROVED by me upon this 22 day of September, 1988.


Tomilea Allison, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates the east/west alley running along the south line of 1611 S. College (Lot Number 10, Railroad Park Addition). The petitioner is L. D. Axsom.

*Signed copies 9/27/88
planning
petitioner*



L.D. AXSOM
1611 S. COLLEGE

HERALD-TELEPHONE
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy being duly sworn on oath, says that she is billing clerk of Herald-Telephone, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

SEPTEMBER 11, 1988

Leah Leahy

Subscribed and sworn to before me on OCTOBER 6, 1988.

John D. Hodge

Notary Public or Clerk

My commission expires _____
JOHN D. HODGE
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY
MY COMMISSION EXP JAN. 10, 1992

Publication Fee \$8.50

TO VACATE A PUBLIC PARCEL RE: PORTIONS OF
THE WEST EIGHTH AND MONROE STREET AREAS AND ALLEYS
SURROUNDING GRANDVIEW ADDITION LOT 1
(J. William Baus, Petitioner)

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 has filed a petition to vacate a parcel of City property more particularly described below:

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, to-wit the Monroe Street right of way from 8th Street north to a 30 foot embankment which declines to the railbed (approximately 170' x 40'), AND a 12 foot alley west of the Monroe Street right-of-way and running between the petitioner's Grandview Lot 1 (62.33' x 12' and 132' x 12'), AND a portion of the 8th Street right-of-way running from the end of 8th Street cul-de-sac (60' x 98'), shall be vacated. The property is more particularly described as follows:

Those parts of Section 32, Township 9 North, Range 1, West Monroe County, Indiana, in the City of Bloomington, Indiana, bounded and described as follows:

1. Beginning at a point that is 98.64 feet north of the Southeast corner of Lot Number 2 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence running South for 160.97 feet to the Southeast corner of Lot Number 1 in Grandview Addition, thence East for 40 feet to the Southwest corner of Lot number 69 in Fairview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence north for a distance of 179.92 feet, thence Southwest at a bearing of 244 degrees, 39 minutes, 10 seconds for 44.26 feet to the point of origin.
2. Beginning at the Southeast corner of Lot Number 2 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence West for 144 feet to the West line of Lot Number 8, thence South 62.33 feet, thence East for 12 feet to the Southwest corner of Lot Number 1, thence North for 50.33 feet to the Northwest corner of Lot Number 1, thence East for 132 feet to the Northeast corner of Lot Number 1, thence North for 12 feet to the point of origin.
3. Beginning at the Southwest corner of Lot Number 1 in Grandview Addition to the City of Bloomington, Indiana, as recorded in the office of the Recorder in Monroe County, Indiana, thence East 86 feet, thence South 60 feet to the North line of Lot Number 33 in Grandview Addition, thence West 98 feet, thence North 60 feet to the Southeast corner of Lot Number 8, thence East 12 feet to the point of origin.

SECTION II. 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 by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington,
Monroe County, Indiana, upon this 21 day of June,
1989.

James C. Regester
JAMES C. REGESTER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County,
Indiana, upon this 22 day of June, 1989.

Patricia Williams
PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22 day of June, 1989.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance vacates three segments of right-of-way which are located on West 8th Street. The property under consideration is located at the point west of Elm Street where the 8th Street right-of-way terminates near the railroad and cemetery. The three properties are bounded on all sides by an assemblage of lots the petitioner, J. William Baus, has acquired. The properties, if vacated, would be combined with the assemblage of fractional lots, already owned by the petitioner, to accomodate a new residence, garden and possible storage shed for gardening supplies.

Signed Copies: 6/23/89
Planning
Petitioner

TO VACATE A PUBLIC PARCEL
RE: PORTION OF W. 9TH STREET WEST OF SPRING STREET AND
OAK STREET BETWEEN W. 8TH AND W. 9TH STREETS
(TIM J. HENKE, PETITIONER)

WHEREAS, I.C. 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, Tim J. Henke, has filed a petition to vacate a parcel of City property more particularly described below;

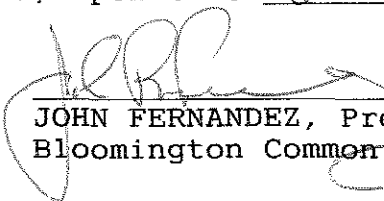
NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Through the authority of I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is more particularly described as follows:

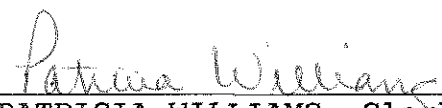
All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and, N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.

SECTION II. 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.

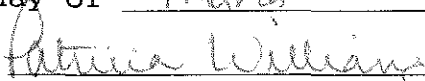
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 10th day of March, 1991.


JOHN FERNANDEZ, President
Bloomington Common Council

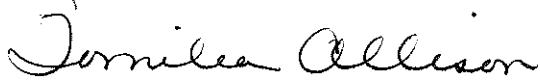
ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 7th day of March, 1991.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 7th day of March, 1991.


TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Tim J. Henke, requests vacation of portion of W. 9th Street west of Spring Street and Oak Street between W. 8th and W. 9th Streets.

*Signed copies to
Petitioner
Certified to M.C. Recorder
Auditor
Assessor*

the input we as residents will have is unclear. However, she felt that this four lane 'improvement' of 5th St. would not just separate, but physically and psychologically divorce the north and south sides of Fairview School district. Ten homes, several businesses and all of the trees along 5th street would have to be sacrificed. This highway would severely restrict local pedestrian traffic and present a formidable barrier to the easy access which we now enjoy to our residential district's facilities, services and resources. 5th street needs improvement but better East/West traffic flow might be achieved by developing App road and 14th St. Funnelling even more traffic through the downtown area should be strongly discouraged. A Traffic Committee was formed to consider all West Side traffic related matters - **Wayne Young**, Chair.

A Nominating Committee was also created to prepare nominations for Association elections in April, **Mike Kelsey**, Chair.

830 W. 6th St., Garage Conversion - S. Clothier
Rental Rehab developer **Bill Woods** inadvertently obtained redevelopment funds and a building permit for a garage conversion on the premise that this garage had already been used as a living unit. After having begun 'remodeling' the apt./garage, the City realized its zoning mistake and placed a stop work order on the project. Mr. Woods is presently circulating a petition to allow him to continue work. The Association voted to discourage higher residential density. After hearing the testimonials of some of the longstanding residents who unequivocally denounced Mr. Woods' assertion that historically the garage had been used as an apartment, the Association voted to oppose conversion. Subsequently, Mr. Woods attended the February Special Meeting of the NWSNA and was invited to argue his case. The original vote was reaffirmed and stands. A letter has been drafted and mailed to those concerned. **Sandra Clothier** has volunteered to represent the Association's view at the second Board of Zoning Appeals meeting on this issue scheduled for the middle of March.

The City Master Plan - Bill Land

A goal of the Master Plan process is to strengthen neighborhood identity and promote a coalition of neighborhoods which will encourage Bloomington residents to holistically evaluate any and all proposed changes to City infrastructure. There can be no change without trade-offs. Good things have their down side. Historically it is our neighborhood which shoulders the downside of Bloomington's urban development pressure. Mr. Land assured us however, that over the next 20 years capital dollars will be directed away from fostering urban sprawl and attention will be focused on enhancing the center of town. Identifying a list of NWS neighborhood priorities and keeping the lines of communication with the City open will

help to ensure that these funds are spent appropriately on things we need and want i.e. better drainage, sewer systems, parks, lighting, traffic flow and safety. He interpreted a color-coded Master Plan Map and candidly fielded our questions. Copies of the 120 page Master Plan are on sale (\$7) at **Kinko's**.

Special Meeting - City Right-of-Way Vacation.
February 26th, 7 p.m. Westside Community Center.
Approximately 20 residents present.

Leslie and Tim Hinke recently bought two adjoining parcels of land adjacent to the railroad tracks and near Girl's Inc. The Hinke's want the option of building two single family residential homes, one in which they would live and another which they could rent out. The second parcel, however, is not large enough to build on without a vacation of City right-of-way. Such a vacation would add 10,780 sq ft. (**free!**) to their present 16,988 sq.ft. of property and raise its value dramatically. The Association has already identified the brush and tree growth along the convergence of these three railroad lines as a rare inner-city **Wildlife Corridor** and is concerned about green space encroachment, but we are also sympathetic to the lack of affordable housing. A compromise was struck.

*The Association voted to support right-of-way vacation contingent upon:

- 1) the Hinke's donating a portion of land ~~nearest the railroad tracks~~ (Lot 70, Fairview Addition) to **Sycamore Land Trust** as a nature ~~conservancy~~ ^{conservancy};
- 2) attaching a covenant (which would run with the land and be enforceable by neighbors) to his deeds on the three lots restricting development to only two SFR homes with the western-most home being no bigger than 1400 sq. ft.
- 3) Construction on this land would be in accordance with all zoning or land use restrictions without waivers or variances.

We look forward to Leslie and Tim Henke living in the neighborhood.

For Your Information -

The Near West Side Neighborhood Association is a voluntary organization dedicated to:

- Fostering better communication between area residents
- Protecting our Single Family Residential zoning status
- Taking a prepared approach to local representation
- Encouraging neighborhood pride

Persons interested in becoming active in the Association and/or in receiving NWSNA notices should contact a participating neighbor, or attend our next meeting.

Newsletters are distributed free to neighbors.

Donations are gratefully accepted.

Area distribution coordinator **Kay Thorbeck** aided by: Sandra Clothier, Wayne Young, Claire Riggins, Cheryl Brown, Monica Overman, Karen Cherrington, Bill Baus

Patricia Cole, President (339-7219)

Newsletter # 5 - prepared by Michael Connor 2/5/04

IDS FINANCIAL SERVIC
W. 9TH ST. NOT

THE HERALD-TIMES
BLOOMINGTON, INDIANA

PROOF OF PUBLICATION

State of Indiana)
County of Monroe.....) ss

Leah Leahy or Sue May being duly sworn on oath, says that she is billing clerk of The Herald-Times, a public newspaper of general circulation, printed in the town of Bloomington in said county and state; that the notice, of which the annexed is a true copy, was published in regular edition of said paper, issued upon the following dates, to wit:

1991:
02/10

Sue May

Subscribed and sworn to before me on 02/10 /91.

John D. Hodge

Notary Public or Clerk

JOHN D. HODGE
NOTARY PUBLIC STATE OF INDIANA
MONROE COUNTY

My commission expires MY COMMISSION EXP JAN. 10, 1992

Publication Fee \$10.50

NOTICE OF PUBLIC HEARING
The Common Council of the City of Bloomington has been petitioned to hear a request for the approval of vacation of public right of way for the property located at W. 9th Street and more particularly described as follows:
All but the northern 10 ft. of W. 9th Street adjacent to Fairview Addition lots 64, 66, 68, and 70 beginning at the SW corner of lot 70 and going east to the NE corner of lot 64; and N. Oak Street where it runs adjacent to Fairview Addition lots 66 and 68 up to the point it meets W. 9th Street.
Public Hearing will be held on Wednesday, Feb. 20, 1991 at 7:30 P.M. in the Council Chambers of the Municipal Building for the purpose of exchanging information and questioning the petitioner. All persons interested in said proposed vacation may be heard at the time and place as herein set out.
Submitted By:
Patricia Williams, Clerk
City of Bloomington

10

Exhibit G

ORDINANCE 91-28

TO VACATE A PUBLIC PARCEL
RE: PORTION OF PROPERTY ON THE SOUTHEAST CORNER OF SEVENTH AND
ROGERS STREETS
(JOHN I. BYERS, PETITIONER)

WHEREAS, I.C. 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, John I. Byers, has filed a petition to vacate a parcel of City property more particularly described below;

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 I.C. 36-7-3-12, a portion of City owned property shall be vacated. The property is a 2.5 feet by 86 feet strip along Rogers Street and a 4.00 feet by 72.58 feet strip along Seventh Street more particularly described as follows:

Beginning at the Northwest corner of inlot 276 in the City of Bloomington and running thence East along and with the North boundary of said inlot 276 a distance of 66.00 feet to the Northwest corner of inlot 275, thence continuing East along and with the North boundary of inlot 275 a distance of 6.58 feet, thence North 4.00 feet, thence West 72.58 feet, thence South 4.00 feet to the point of the beginning.

Also a strip bounded and described as follows:
Beginning at the Northwest corner of inlot 276 and running thence South along and with the West boundary of said inlot 276 a distance of 82.00 feet, thence West 2.50 feet, thence North 86.00 feet, thence East 2.50 feet, thence South 4.00 feet to the point of the beginning.

SECTION II. 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 5TH day of JUNE, 1991.

John Fernandez
JOHN FERNANDEZ, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, Clerk (DEPUTY)
City of Bloomington Jim McNamara

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6TH day of JUNE, 1991.

Patricia Williams
PATRICIA WILLIAMS, Clerk (DEPUTY)
City of Bloomington Jim McNamara

SIGNED and APPROVED by me upon this 10TH day of JUNE, 1991.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

The petitioner, John I. Byers, requests vacation of two narrow strips of property located at the S.E. corner of Seventh and Rogers Streets.

SIGNED COPIES: Recorder
Petitioner
Assessor
Auditor
Planning
Engineering

ORDINANCE 96-30

TO VACATE A PUBLIC PARCEL

Re: Part of a recorded sewer easement between 1007 and 1013 Countryside Lane
(Charles R. Short, Petitioner)

WHEREAS, the petitioner, Charles R. Short, has filed a petition to vacate a portion of a recorded sewer easement granted to the City of Bloomington Utilities Department and more particularly described below; and

WHEREAS, I.C. 36-7-3-16 authorizes the Common Council to vacate platted easements in the same manner as it vacates public ways and places; and

WHEREAS, the Common Council follows the procedure set forth in I.C. 36-7-3-12 to vacate public ways and places and that procedure commences upon petition of persons who own or are interested in lots contiguous to those public ways and places;

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

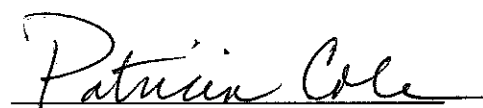
SECTION I. Through the authority of I.C. 36-7-3-12 and I.C. 36-7-3-16, a portion of City owned property shall be vacated. The property, commonly known as a part of a recorded sewer easement between 1007 and 1013 Countryside Lane, is more particularly described as follows:

A part of Lot No. 34 in Rockport Hills Section II (Plat Cabinet "C", Envelope 122) as follows:

Beginning at the Northeast corner of Lot No. 34; thence running North 87 degrees 29 minutes 00 seconds West over and along the North line of Lot No. 34 for 15.00 feet; thence leaving said North line running South 02 degrees 31 minutes 00 seconds West and parallel with the East line of Lot No. 34 for 36.00 feet to the true point of beginning; thence running South 87 degrees 29 minutes 00 seconds East for 3.00 feet; thence running South 02 degrees 31 minutes 00 seconds West and parallel to the East line of Lot No. 34 for 27.00 feet; thence running North 87 degrees 29 minutes 00 seconds West for 3.00 feet; thence running North 02 degrees 31 minutes 00 seconds East for 27.00 feet and to the point of the beginning.

SECTION II. 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 16th day of October, 1996.


PATRICIA COLE, Vice President
Bloomington Common Council

ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17 day of October, 1996.


PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 17 day of October, 1996.

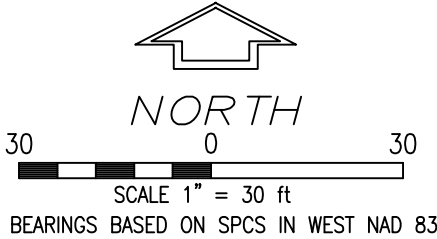
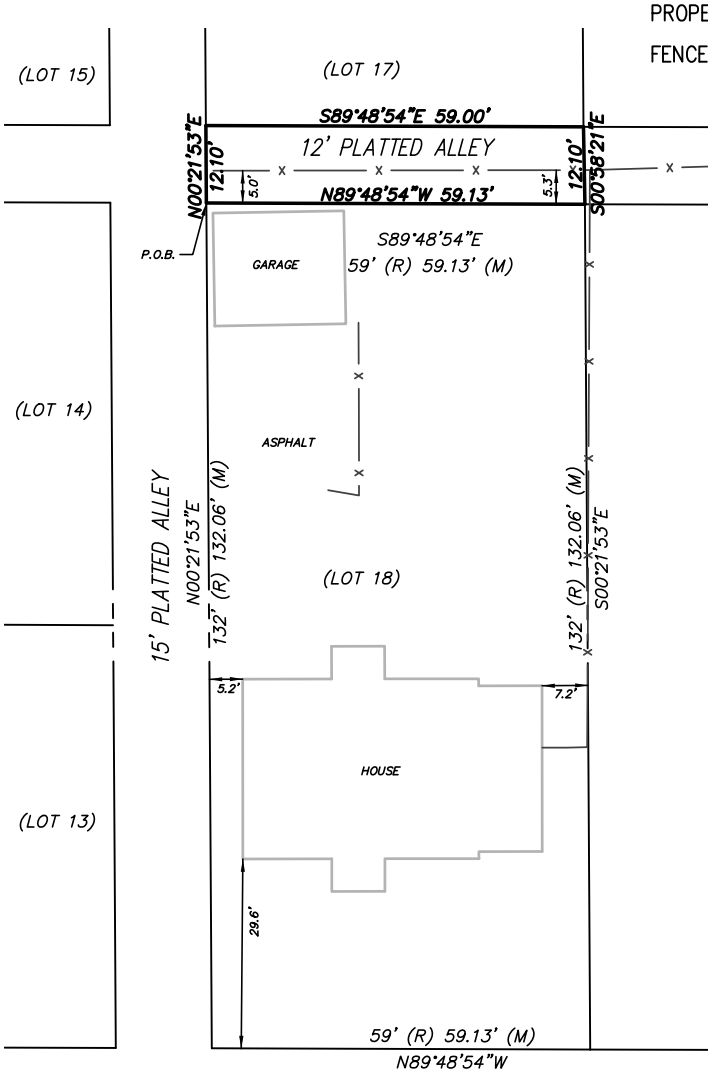

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

The petitioner, Charles R. Short, requests vacation of the public parcel commonly known as a part of a recorded easement between 1007 and 1013 Countryside Lane.

ALLEY VACATION BETWEEN LOTS
17 & 18 MERKER'S ADDITION

RECORDER
STAMP



DESCRIPTION;

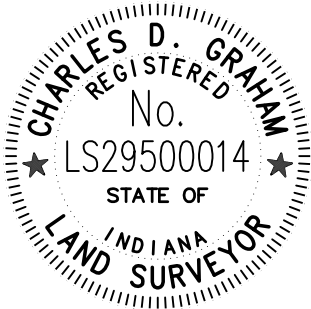
All that part of a recorded 12 foot wide platted alley lying between Lot 17 and Lot 18 in Merker's Subdivision of Seminary Lot 98 recorded in Plat Cabinet B, Envelope 30 in the Office of the Recorder of Monroe County, Indiana and more particularly described as follows:

Beginning at the Northwest corner of said Lot 18; thence along the extension of the West line of said Lot 18, through said platted alley North 00 degrees 21 minutes 53 seconds West (basis of bearing Indiana SPC West Zone) 12.10 feet to the Southwest corner of said Lot 17; thence leaving said extended West line and with the South line of said Lot 17 South 89 degrees 48 minutes 54 seconds East 59.00 feet to the Southeast corner of said Lot 17; thence leaving South line and along the extension of the East line of said Lot 18 through said platted alleyway South 00 degrees 58 minutes 21 seconds East 12.10 feet to the Northeast corner of said Lot 18; thence along the North line of said Lot 18 North 89 degrees 48 minutes 54 seconds West 59.13 feet to the point of beginning. Containing 715 square feet (0.016 acre), more or less.

Prepared by:



Charles D. Graham
Registration No. LS29500014



I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

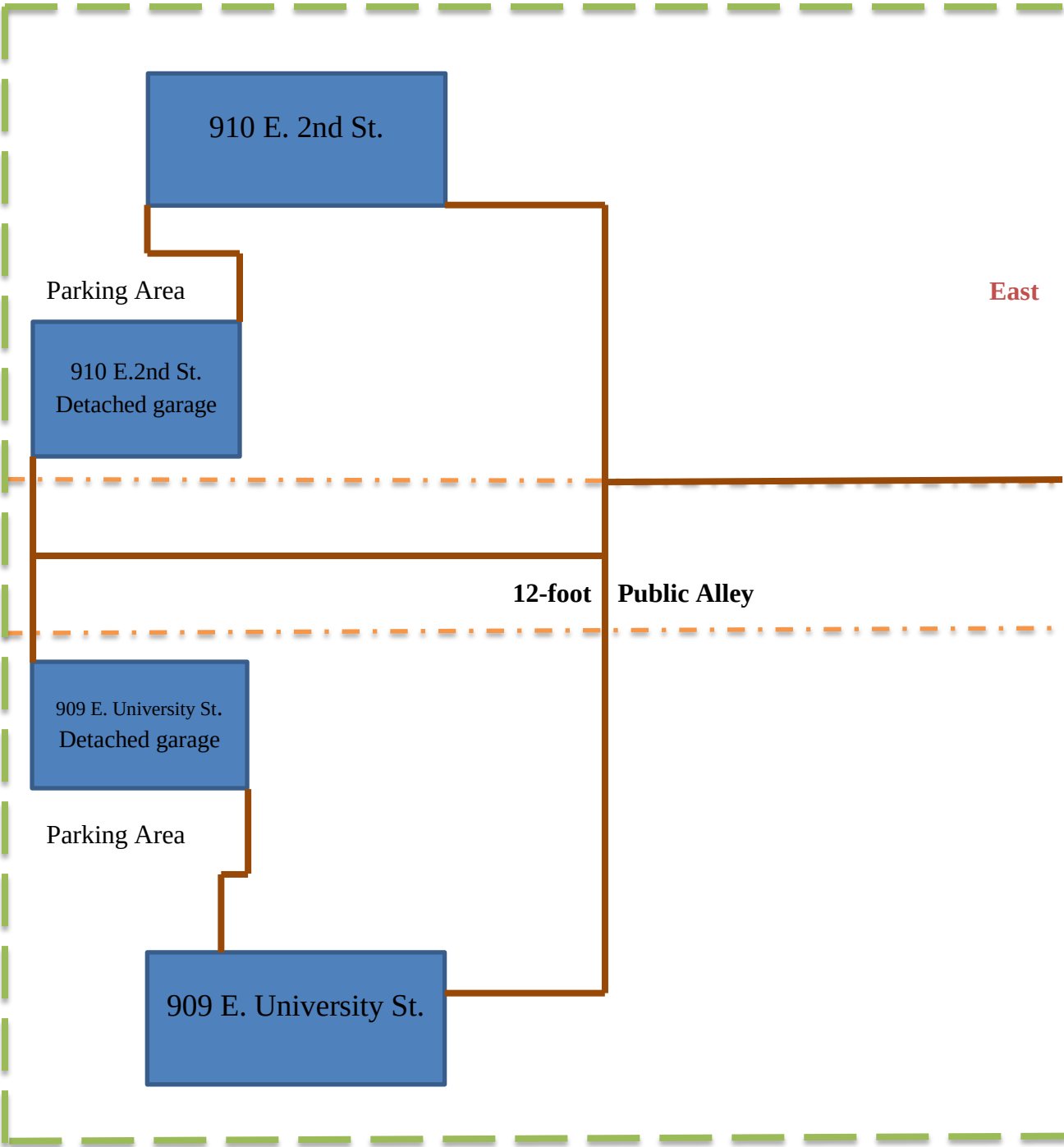
12-foot Public Alley Sketch

North
East Second Street

West

East

15-foot Public Alley



East University Street

South

Legend: brown line – fence line

This sketch is not drawn to scale

BAKER STONE WORK

1545 Hupp Road

Bloomington, IN 47401

812-824-2004

812-824-6500 fax

charley.bakerstonework@gmail.com, 812-327-3242 cell

mike.bakerstonework@gmail.com, 812-327-7977 cell

June 30, 2023

To Whom It May Concern:

Our company has been hired by Veronika Bardonner, 909 E.University St., Bloomington, to inspect and to repair the detached garage, located at the north-western corner of her property and bordering the City property.

Findings:

The north side of the detached garage, 909 E.University St., is bordering the City property. On the City property the black walnut tree grows. This tree is about thirty-two inches in a diameter. It grows next to the north-east corner of the detached garage, 909 E.University St., at approximately five feet distance. This black walnut tree grows at about the same distance of five feet from the neighbor's detached garage, 910 E.2nd St. (See: Sketch # 1).

There are one large and multiple small cracks in the detached garage floor. The diagram of the large crack is on the Sketch # 2. Photo # 1 is a photo of the large crack. This large crack in the floor is about seventeen feet in length. The width of this crack varies from one-fourths of an inch at some places to a half of an inch in others.

In the footer on the east side of the detached garage there are three separate cracks. (See: Sketch #3). One crack on photo # 2 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. Another crack on photo # 3 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. The third crack on photo # 4 is four inches in length, and the width of this crack varies from one-eighths of an inch at some places to three-sixteenths of an inch in others. (Photos of the footer were taken inside of the garage).

Conclusions:

It is our professional opinion that all cracks in the floor and in the footer on the detached garage on 909 E.University St. caused by the root system of the black walnut tree.

We are going to repair the foundation of the detached garage.

We recommend to the owner of the detached garage to find concrete professionals to repair cracks in the floor.

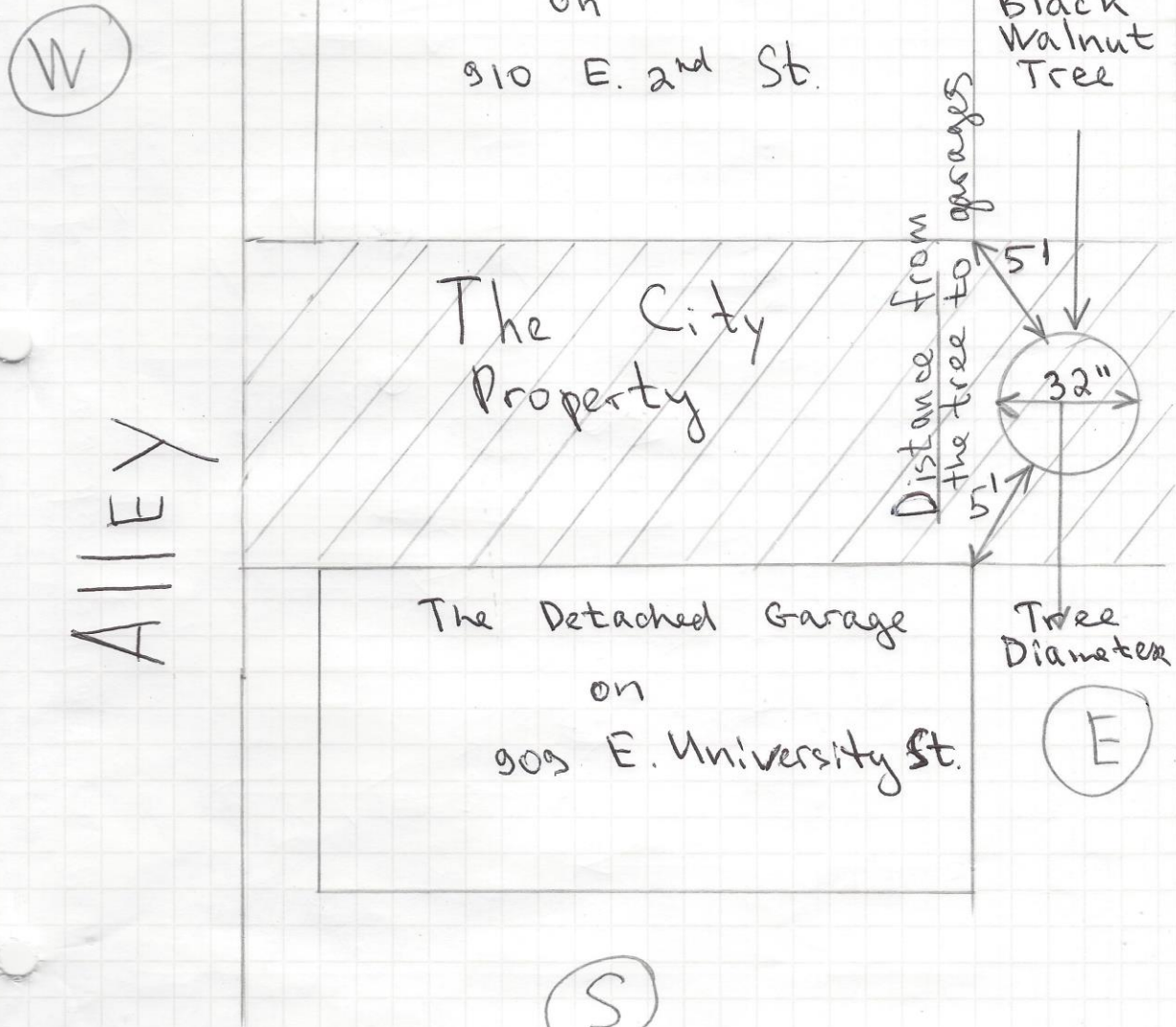
We cannot guarantee that after our repair there would be no more damage to the garage foundation, because the black walnut tree roots could grow further into the detached garage foundation.

Charley Nelson,
Co-Owner of Baker Stone Work



Sketch #1.

The Detached Garage, 909 E. University St.,
and the ~~Black~~ Walnut Tree
Locations



(S)
This sketch has no true scale.



Exhibit M

July 7, 2023

To Whom It May Concern:

Equity Builders Roofing has been hired by Veronika Bardonner, to inspect and repair the roof on the detached garage located on her property located at 909 East University Street, Bloomington, IN. The garage is located in the northwest corner of her property which also borders the City's property.

Upon inspection of the detached garage, one of our sales representatives noted that the tree has caused a significant amount of damage to the roofing system's components on the detached garage. There are branches causing tree rub on the surface of the shingles and granule loss was observed on this roof. In addition, there are torn shingles along the edges of the roof where the tree branches have been rubbing as well as gouges in the shingles from the falling walnuts.

Shingle granules are the exterior coating on asphalt roofing shingles which provide an extra layer of protection. These granules prevent the roof's two underlying layers, the asphalt and fiberglass mat, from being exposed to the elements. They also protect roofing systems from the sun's harmful rays and offer an added layer of fire protection to a structure. A roof becomes more vulnerable to the elements in the areas where there is granule loss and may have accelerated degradation from the sun's UV rays. Powerful wind, rain, and snowstorms may cause leaks inside the structure, and gutters backed up with shingle granules can cause dangerous and expensive damage to a structure's roofing system, siding, and foundation. Additionally, when the number of granules decreases, asphalt shingles are more likely to crack, bend, or break, drastically shortening the lifespan of the entire roofing system.

Veronika Bardonner is planning to replace the roofing system that is currently on her detached garage, however, doing this before attending to the issues with the tree would be unadvised. A new roof under the same tree conditions will also deteriorate, shortening the life span of the roof.

Our recommendation is that the tree be removed, or at the very least, drastically trimmed back and maintained.

Regards,

A handwritten signature in black ink, appearing to read 'Alyssa Dini', is written over a horizontal line.

Roofing Production Manager
Equity Builders Roofing, LLC
1204 W 2nd St.
Bloomington, IN 47403

Invoice Summary #13303

Paid

View Invoice

Billing Address	Invoice Information
Veronika Bardonner 909 E University St Bloomington, IN 47401 812-369-8129	Invoice Date: Sep 08, 2023 Due Date: Terms: Payment is due upon receipt of invoice. Please make checks payable to Bluestone Tree and mail to: PO BOX 345 Clear Creek, IN 47426. We will charge 1.5% interest per month on late payments and \$30.00 on returned checks.

909 E University St 47401 909 E University St Bloomington, IN 47401	Visit Date: Sep 8, 2023
ITEM	AMOUNT
Tree Removal - With Cleanup Black Walnut- Safely dismantle tree. Haul away all debris. Cut stump low. Cleanup final work site.	\$6,251.27
Grind Stump - Leave Chips Grind stump and leave wood chips on site. No clean up. This does not include any grinding of visible surface roots or hauling away wood chips. The stump will be ground a maximum of 4" below nearby ground level. If accepted, Bluestone Tree will call in utility locates to be marked prior to grinding.	\$312.00

Subtotal	\$6,563.27
Sales Tax	\$0.00
Total	\$6,563.27
Payments	- \$6,563.27
Balance	\$0.00

CERTIFICATE OF APPROPRIATENESS

Issued by the Bloomington Historic Preservation Commission

Address of Historic Property:

909 E University St., Bloomington, IN

Summary of Work Approval:

- **Building of a new fence. The new fence must border the property line and end with the detached garage on the north end of the property**

A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-57**.

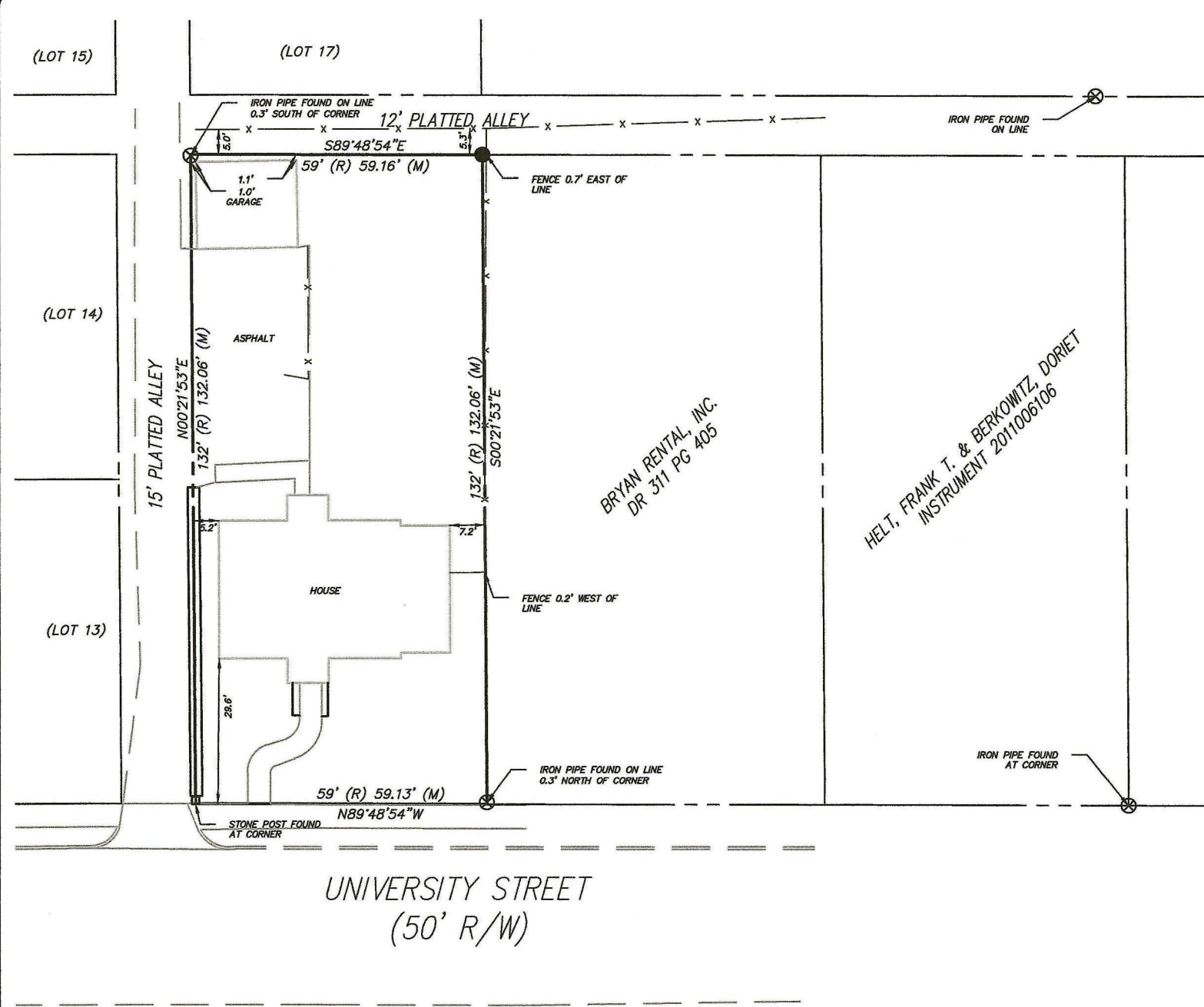
This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.



Gloria M. Colom Braña
Staff

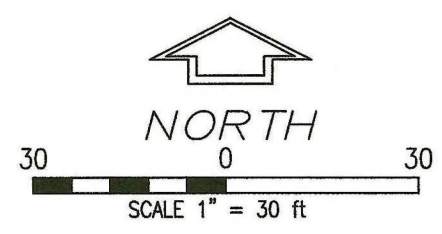
Bloomington Historic Preservation Commission

Issue Date: **August 3, 2023**



BEARINGS BASED ON SPCS IN WEST NAD 83
FIELD DATE: 01/08/2024

PROPERTY LINE	_____
FENCE LINE	_____ X _____ X _____
CURB	=====
RETAINING WALL	=====
REBAR SET 'BFA 9500014'	●
IRON PIPE FOUND	⊗



2024000502 SURVEY2 \$25.00
01/17/2024 10:36:07A 1 PGS
Amy Swain
Monroe County Recorder IN
Recorded as Presented

RETRACEMENT SURVEY OF PARCEL #53-08-04-110-010.000-009
909 E. University Street, Bloomington, IN 47401
Lot 18, Merker's Subdivision of Seminary Lot 98
BARDONNER, VERONIKA

Exhibit P

DESCRIPTION: (Source of Title: Instrument 2017007948)

Lot Number Eighteen (18) in Merker's Subdivision of Seminary Lot Ninety-eight (98) in the City of Bloomington, Indiana, as shown by the recorded plat thereof.

SURVEYOR'S REPORT

According to Indiana Administrative Code (865 IAC1-12-12), the following is the theory of location applied in establishing the lines established this survey:

1. The North line of the subject property was established by using monuments found along the north and south lines of the 12 foot platted alleyway abutting said North line.
2. The South line of the subject property was established by using monuments found along the north right of way of University Street abutting said south line.
3. The East and West lines were established by using monuments found along said lines and the geometric information provided within the recorded plat of Merker's Addition.

The following is a professional opinion of the cause and amount uncertainty in the lines and corners of the surveyed parcel because of the following:

A. Availability and condition of reference monuments.

1. Iron pin found on the north line of the 12' platted alleyway, as shown.
2. Iron pipe found on the north line of University Street at the southeast corner of property described in Instrument 2011006106, as shown.
3. Iron pipe found on the east line of subject property, 0.3' north of the southeast corner, as shown.
4. Iron pipe found on the west line of subject property, 0.3' south of the northwest corner, as shown.
5. Stone post found at the southwest corner of subject property, as shown.
6. The maximum relative positional difference between found monuments and record position = 0.3'

B. Occupation or possession lines

1. Fence line along the east line of the subject property lies between 0.2' west to 0.7' east of said east line, as shown.
2. Fence line lies north of the north line of subject property by 5.0' to 5.3', as shown.
3. Retaining wall along the southern portion of the west line, as shown.
4. The maximum relative positional difference between occupation and/or possession lines and lines established this survey = 5.3'

C. Clarity or ambiguity of record description and adjoiners' record descriptions.

1. No discrepancies or conflicts were discovered when comparing the subject property's description with adjoining property descriptions.

D. Relative Positional Accuracy.

1. The Relative positional accuracy of the measurements is 0.13 feet (40mm) +/- 100 ppm, and is consistent with a 'Suburban Survey' as defined by Indiana Code.

CERTIFICATION;

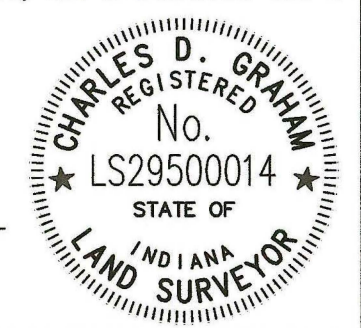
I certify that the survey as shown by the plat was performed wholly under the direction of myself, a registered land surveyor in the State of Indiana, and to the best of my belief and knowledge was executed according to 865 IAC 1-12.

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Prepared by:

Charles D. Graham

Charles D. Graham
Registration No. LS29500014



BYNUM FANYO & ASSOCIATES, INC.
528 North Walnut Street
Bloomington, Indiana 47404
Phone (812)332-8030 Fax (812)339-2990

Project No: 5023100

Date: 01/16/2024

909 E. University St.

Before and After Backyard Restoration Images

Showcasing the View of the 12-foot Public Alley

Before Restoration

(fence was built around 1990)



After Restoration

(April, 2025)





LowTaxInfo



Property taxes were due May 12th, 2025. If you are paying late, please note that there is a Statutory 5% penalty applied that is NOT yet reflected online. If you have questions or concerns about this amount, please contact the Treasurer's Office directly.

909 E University St

Bloomington, IN 47401

Bardonner, Veronika

909 E University St
Bloomington, IN 47401



Spring Due by 05/12/2025: \$0.00

Fall Due by 11/10/2025: \$2,685.00

\$2,685.00

Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

53-08-04-110-010.000-009

Duplicate Number

1091009

Property Type

Real

Tax Unit / Description

9 - Bloomington City Perry Township

Property Class

RESIDENTIAL ONE FAMILY DWELLING ON A PLATTED LOT

Mortgage Company

None

TIF

None

Homestead Credit Filed?

Yes

Over 65 Circuit Breaker?

No

Legal Description

Note: Not to be used on legal documents

015-48200-00 Merkers L18

Section-Township-Range

No Info

Parcel Acres

0.18

Lot Number

18

Block/Subdivision

No info

Billing

Detail

	Tax Bill	Adjustments	Balance
Spring Tax:	\$2,685.00	\$0.00	\$2,685.00
Spring Penalty:	\$0.00	\$0.00	\$0.00
Spring Annual:	\$0.00	\$0.00	\$0.00
Fall Tax:	\$2,685.00	\$0.00	\$2,685.00
Fall Penalty:	\$0.00	\$0.00	\$0.00
Fall Annual:	\$0.00	\$0.00	\$0.00

Delq NTS Tax:	\$0.00	\$0.00	\$0.00
Delq NTS Pen:	\$0.00	\$0.00	\$0.00
Delq TS Tax:	\$0.00	\$0.00	\$0.00
Delq TS Pen:	\$0.00	\$0.00	\$0.00
Other Assess:	\$0.00	\$0.00	\$0.00
Late Fine:	\$0.00	\$0.00	\$0.00
Late Penalty:	\$0.00	\$0.00	\$0.00
Demand Fee:	\$0.00	\$0.00	\$0.00
Jdg Tax/Pen/Int:	\$0.00	\$0.00	\$0.00
Judgement Fee:	\$0.00	\$0.00	\$0.00
Advert Fee:	\$0.00	\$0.00	\$0.00
Tax Sale Fee:	\$0.00	\$0.00	\$0.00
NSF Fee:	\$0.00	\$0.00	\$0.00
Certified to Court:	\$0.00	\$0.00	\$0.00
LIT Credits:	\$145.92	\$0.00	\$145.92
PTRC:	\$0.00	\$0.00	\$0.00
HMST Credit:	\$0.00	\$0.00	\$0.00
Circuit Breaker Credit:	\$0.00	\$0.00	\$0.00
Over 65 CB Credit:	\$0.00	\$0.00	\$0.00
Tax and Penalty:			\$5,370.00
Other Assess (+):			\$0.00
Fees (+):			\$0.00
Cert to Court (-):			\$0.00
Subtotal:			\$5,370.00
Receipts:			\$2,685.00
Total Due:			\$2,685.00
Surplus Transfer:			\$0.00
Account Balance:			\$2,685.00

Payments

Payable Year	Entry Date	Payable Period	Amount Paid	Notes	Property Project
2025	04/25/2025	S	\$2,685.00		N

Tax History

Pay Year	Spring	Fall	Delinquencies	Total Tax	Payments
2025	\$2,685.00	\$2,685.00	\$0.00	\$5,370.00	\$2,685.00
2024	\$2,298.50	\$2,298.50	\$0.00	\$4,597.00	\$4,597.00
2023	\$2,196.08	\$2,196.08	\$0.00	\$4,392.16	\$4,392.16
2022	\$1,980.53	\$1,980.53	\$0.00	\$3,961.06	\$3,961.06
2021	\$2,003.78	\$2,003.78	\$0.00	\$4,007.56	\$4,007.56
2020	\$2,061.42	\$2,061.42	\$0.00	\$4,122.84	\$4,122.84
2019	\$2,015.86	\$2,015.86	\$0.00	\$4,031.72	\$4,031.72
2018					
2017					
2016					

Tax Overview

Current Tax Summary

Tax Summary Item	2024	2025
1. Gross assessed value of property		
1a. Gross assessed value of land and improvements	\$420,400	\$479,100
1b. Gross assessed value of all other residential property	\$0	\$0
1c. Gross assessed value of all other property	\$0	\$0
2. Equals total gross assessed value of property	\$420,400	\$479,100
2a. Minus deductions	(\$196,960)	(\$209,662)
3. Equals subtotal of net assessed value of property	\$223,440	\$269,438
3a. Multiplied by your local tax rate	2.1161	2.0472
4. Equals gross tax liability	\$4,728.21	\$5,515.92
4a. Minus local property tax credits	(\$131.21)	(\$145.92)
4b. Minus savings due to property tax cap	\$0.00	\$0.00
4c. Minus savings due to 65 years & older cap	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00

5. Total property tax liability	\$4,597.00	\$5,370.00
---------------------------------	------------	------------

Assessed Values as of 04/12/2024

Land Value	\$132,600
Improvements	\$346,500

Exemptions / Deductions

Description	Amount
Standard Hmst	\$48,000.00
Supplemental HSC	\$161,662.00
Count: 2	\$209,662.00

Other Assessments

Assessment Name	Billing	Adjustments	Balance
No data			

History

Property

Event	Date	Effective Date	Create Year	Related Parcel Number	Book	Page	Doc Nbr
No data							

Transfer

Transferred From	Transfer Date	Reference Number	Document Number	Book	Page
Bardonner, Kenneth E.	06/09/2017	05/23/2017	2017007948		



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Last Updated June 22, 2025



LowTaxInfo



Property taxes were due May 12th, 2025. If you are paying late, please note that there is a Statutory 5% penalty applied that is NOT yet reflected online. If you have questions or concerns about this amount, please contact the Treasurer's Office directly.

910 E 2nd St

Bloomington, IN 47401

Mueller, Timothy A & Virginia

910 E 2nd St
Bloomington, IN 47401



Spring Due by 05/12/2025: \$3,026.64

Fall Due by 11/10/2025: \$3,329.30

\$6,355.94

Total Due ⓘ

Property Information

Tax Year/Pay Year

2024 / 2025

Parcel Number

53-08-04-110-013.000-009

Duplicate Number

1104043

Property Type

Real

Tax Unit / Description

9 - Bloomington City Perry Township

Property Class

RESIDENTIAL TWO FAMILY DWELLING ON A PLATTED LOT

Mortgage Company

None

TIF

None

Homestead Credit Filed?

Yes

Over 65 Circuit Breaker?

No

Legal Description

Note: Not to be used on legal documents

015-61710-00 Merkers L17

Section-Township-Range

No Info

Parcel Acres

0.18

Lot Number

17

Block/Subdivision

No info

Billing

Detail

	Tax Bill	Adjustments	Balance
Spring Tax:	\$3,026.64	\$0.00	\$3,026.64
Spring Penalty:	\$302.66	\$0.00	\$302.66
Spring Annual:	\$0.00	\$0.00	\$0.00
Fall Tax:	\$3,026.64	\$0.00	\$3,026.64
Fall Penalty:	\$0.00	\$0.00	\$0.00
Fall Annual:	\$0.00	\$0.00	\$0.00
Delq NTS Tax:	\$0.00	\$0.00	\$0.00

Exhibit S

Delq NTS Pen:	\$0.00	\$0.00	\$0.00
Delq TS Tax:	\$0.00	\$0.00	\$0.00
Delq TS Pen:	\$0.00	\$0.00	\$0.00
Other Assess:	\$0.00	\$0.00	\$0.00
Late Fine:	\$0.00	\$0.00	\$0.00
Late Penalty:	\$0.00	\$0.00	\$0.00
Demand Fee:	\$0.00	\$0.00	\$0.00
Jdg Tax/Pen/Int:	\$0.00	\$0.00	\$0.00
Judgement Fee:	\$0.00	\$0.00	\$0.00
Advert Fee:	\$0.00	\$0.00	\$0.00
Tax Sale Fee:	\$0.00	\$0.00	\$0.00
NSF Fee:	\$0.00	\$0.00	\$0.00
Certified to Court:	\$0.00	\$0.00	\$0.00
LIT Credits:	\$84.22	\$0.00	\$84.22
PTRC:	\$0.00	\$0.00	\$0.00
HMST Credit:	\$0.00	\$0.00	\$0.00
Circuit Breaker Credit:	\$0.00	\$0.00	\$0.00
Over 65 CB Credit:	\$0.00	\$0.00	\$0.00
Tax and Penalty:			\$6,355.94
Other Assess (+):			\$0.00
Fees (+):			\$0.00
Cert to Court (-):			\$0.00
Subtotal:			\$6,355.94
Receipts:			\$0.00
Total Due:			\$6,355.94
Surplus Transfer:			\$0.00
Account Balance:			\$6,355.94

Payments

Payable Year	Entry Date	Payable Period	Amount Paid	Notes	Property Project
--------------	------------	----------------	-------------	-------	------------------

No data

Tax History

Pay Year	Spring	Fall	Delinquencies	Total Tax	Payments
2025	\$3,026.64	\$3,026.64	\$302.66	\$6,355.94	\$0.00
2024	\$3,312.78	\$3,312.78	\$331.28	\$6,956.84	\$6,956.84
2023	\$2,929.84	\$2,929.84	\$292.98	\$6,152.66	\$6,152.66
2022	\$2,517.02	\$2,517.02	\$2,420.83	\$7,454.87	\$7,454.87
2021	\$2,316.58	\$2,316.58	\$0.00	\$4,633.16	\$2,432.41
2020	\$2,417.68	\$2,417.68	\$0.00	\$4,835.36	\$4,835.36
2019	\$2,303.86	\$2,303.86	\$4,642.24	\$9,249.96	\$9,249.96
2018					
2017					
2016					

Tax Overview

Current Tax Summary

Tax Summary Item	2024	2025
1. Gross assessed value of property		
1a. Gross assessed value of land and improvements	\$219,600	\$296,800
1b. Gross assessed value of all other residential property	\$213,000	\$144,300
1c. Gross assessed value of all other property	\$0	\$0
2. Equals total gross assessed value of property	\$432,600	\$441,100
2a. Minus deductions	(\$116,640)	(\$141,300)
3. Equals subtotal of net assessed value of property	\$315,960	\$299,800
3a. Multiplied by your local tax rate	2.1161	2.0472
4. Equals gross tax liability	\$6,686.02	\$6,137.50
4a. Minus local property tax credits	(\$60.46)	(\$84.22)
4b. Minus savings due to property tax cap	\$0.00	\$0.00
4c. Minus savings due to 65 years & older cap	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00

5. Total property tax liability

\$6,625.56

\$6,053.28

Assessed Values as of 04/29/2024

Land Value	\$145,700
Improvements	\$295,400

Exemptions / Deductions

Description	Amount
Standard Hmst	\$48,000.00
Supplemental HSC	\$93,300.00
Count: 2	\$141,300.00

Other Assessments

Assessment Name	Billing	Adjustments	Balance
No data			

History

Property

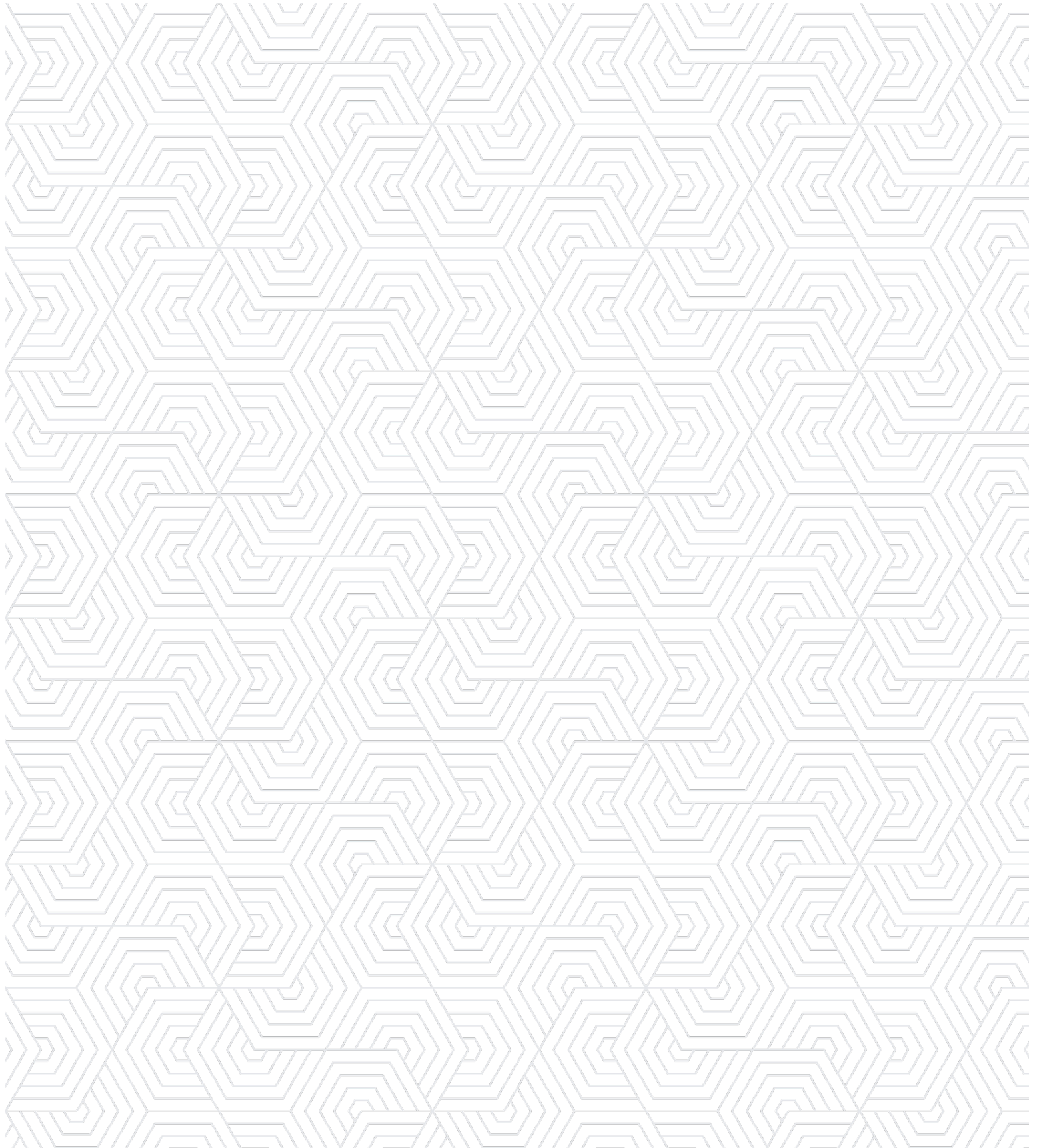
Event	Date	Effective Date	Create Year	Related Parcel Number	Book	Page	Doc Nbr
No data							

Transfer

Transferred From	Transfer Date	Reference Number	Document Number	Book	Page
No data					

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Last Updated June 22, 2025





CLENDENING
JOHNSON
& BOHRER, P.C.

James F. Bohrer

*Attorney at Law
Board Certified Indiana Trust & Estate Lawyer
by the Trust and Estate Specialty Board
jfbohrer@lawcjb.com*

May 14, 2025

Maria McCormick
Public Improvement Manager
Maria.mccormick@bloomington.in.gov

VIA ELECTRONIC MAIL

**RE: Application to Vacate Public Right-of-Way regarding 909 East University Street,
Bloomington, Indiana**

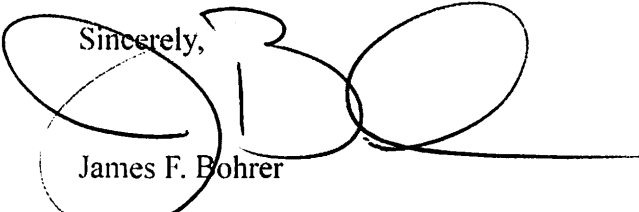
Dear Maria:

My firm, Clendening Johnson & Bohrer, P.C. represents Timothy A. Mueller and Virginia Southern, owners of 910 E 2nd Street (Merkers Lot 17; Parcel No. 53-08-04-110-013.00-009), which adjoins the alley referenced in Veronika Bardonner's application to vacate. My clients have no objection to the vacation of the alley so long as the vacation is completed pursuant to Indiana legal precedent, so my clients receive title to half of the vacated alley. See AmRhein v. Eden, 779 N.E.2d 1197, 1209 (Ind. Ct. App. 2002).

If the vacation of the alley does not result in both adjacent owners (Mueller/Southern and Bardonner) receiving half of the vacated alley way according to established precedent, Timothy A. Mueller and Virginia Southern object to the application to vacate the alley.

Please notify me of any upcoming public meetings concerning Bardonner's alley vacation.

Sincerely,


James F. Bohrer

PC: Daniel Cyr, Esq., Paganelli Law Group; dcyr@paganelligroup.com
Jacqueline Scanlan, Assistant Director of Planning; scanlan@bloomington.in.gov

409 W. PATTERSON DR., SUITE 205, BLOOMINGTON, IN 47403

T 812-332-1000
T 317-269-3409
F 812-332-7601
WWW.LAWCJB.COM



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Easement to the rear 910 E. 2nd

Jenny Southern <southernjenny@yahoo.com>

Sat, May 31, 2025 at 9:17 AM

Reply-To: Jenny Southern <southernjenny@yahoo.com>

To: "scanlanj@bloomington.in.gov" <scanlanj@bloomington.in.gov>

To Jackie Scanlon
Planning Dept.

I recently received notice from a lawyer that my neighbor, Veronica Debonner 909 E. University, is petitioning to vacate the alley at the rear of our properties.

My property is 910 E. 2nd and hers is directly south facing University.

Tim and I have no objections to vacation of the alley but if granted would like 6 feet of the 12 foot alley width deeded to my husband and I, as provided under State law. Anything else would make it impossible for us to maintain the rear of our large wooden garage backing on the proposed vacation.

We have used and maintained the north side of the alley as part of our yard and storage for trash cans, ladders, and garden supplies for the past 40 years.

Observations about this action:

This alley has never been developed and its only use is for overhead power, fiber lines, and the two adjacent owners.

In support of this vacation is the fact that it is a double dead end could only serve 910 E. 2nd and 909 E. University if cleared and paved.

It does not continue to the east past our properties. Instead there is a very old and tumbled, dry lay stone fence behind Bruce Solomon and Sue Schwartz's 1914 home with no alley marked on the plat.

To the west it T's into an East/West alley that servers 2nd and University.

Please let us know if any action is taken by the City about this vacation. We are willing to attend any meetings or consult with you anytime.

Kind Regards,
Jenny Southern and
Tim Mueller
812-219-9563
southernjenny@yahoo.com

April 30, 2025

VIA USPS FIRST-CLASS MAIL

Neighbors of Dr. Veronika Bardonner

Re: Application to Vacate Public Right-of-Way regarding 909 East University Street, Bloomington, Indiana

Dear All:

Our firm has been engaged to represent your neighbor, Dr. Veronika Bardonner, residing at 909 East University Street, Bloomington, Indiana. The purpose of this letter is to respectfully request your support for Dr. Bardonner's proposed application to vacate public-right of way. The facts as we understand them are set forth below.

The Bardonner property is bounded on the south by East University Street, on the west by a 15-foot public alley, and on the north by a 12-foot public alley (Refer to the sketch depicting the 12-foot public alley below).

The property located at 910 East Second Street, Bloomington, Indiana, which is situated to the north of Dr. Bardonner's property, is bounded on the south by a 12-foot public alley, on the west by a 15-foot public alley, and on the north by East Second Street (Refer to the sketch depicting the 12-foot public alley below).

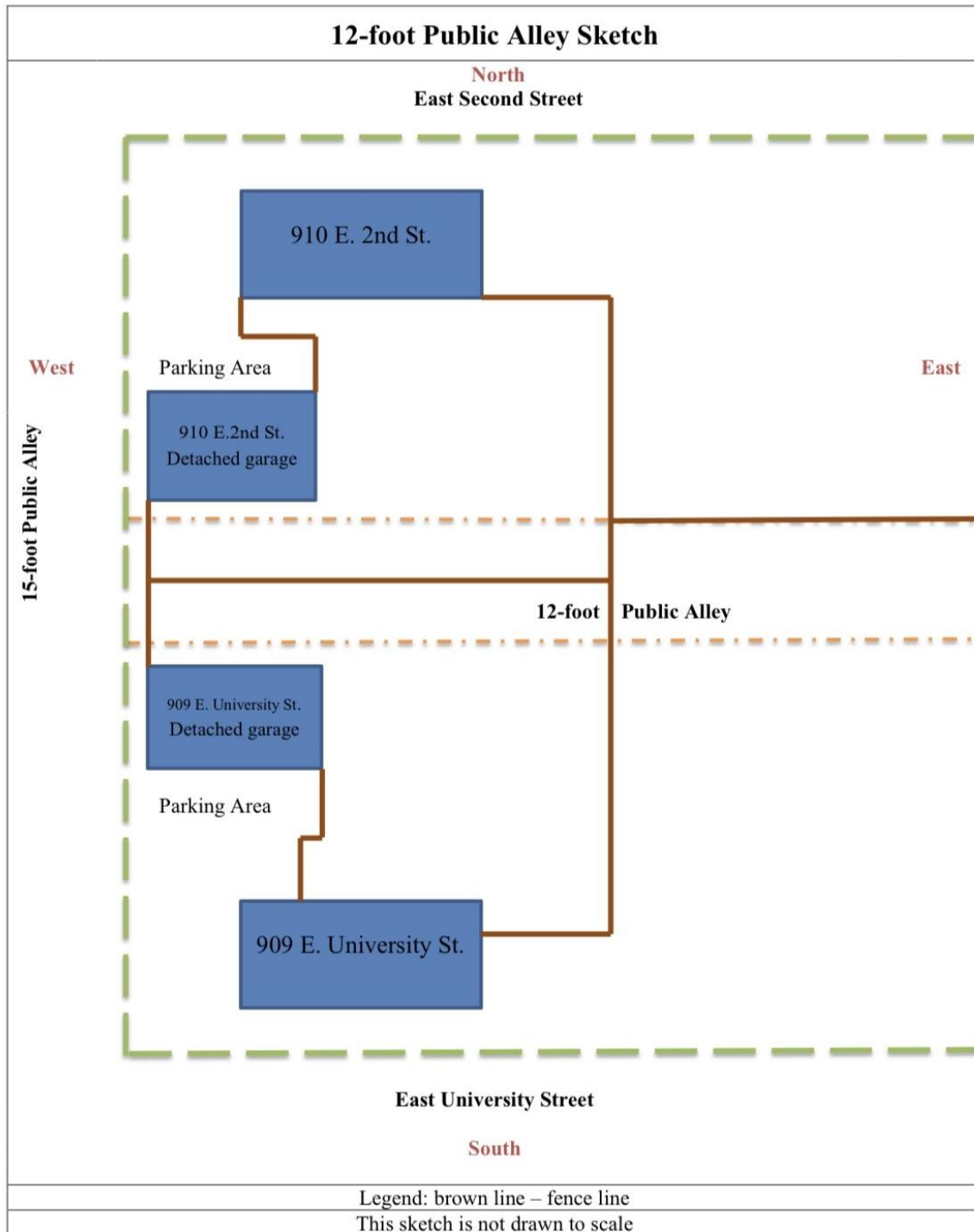
Neighboring properties utilize the 15-foot public alley, East University Street, East Second Street, and South Woodlawn Avenue for ingress, egress, and access to parking areas and garages.

The 15-foot public alley facilitates various modes of transit:

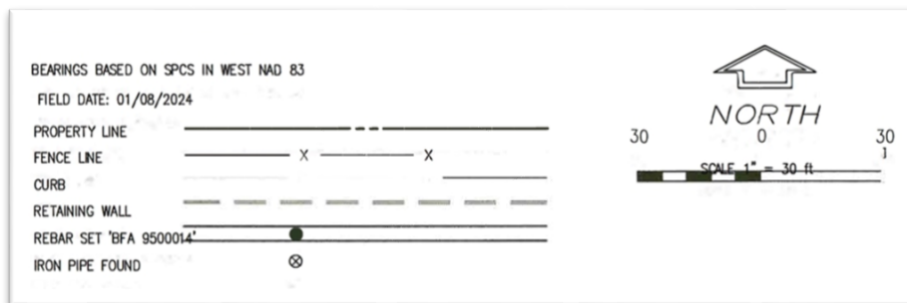
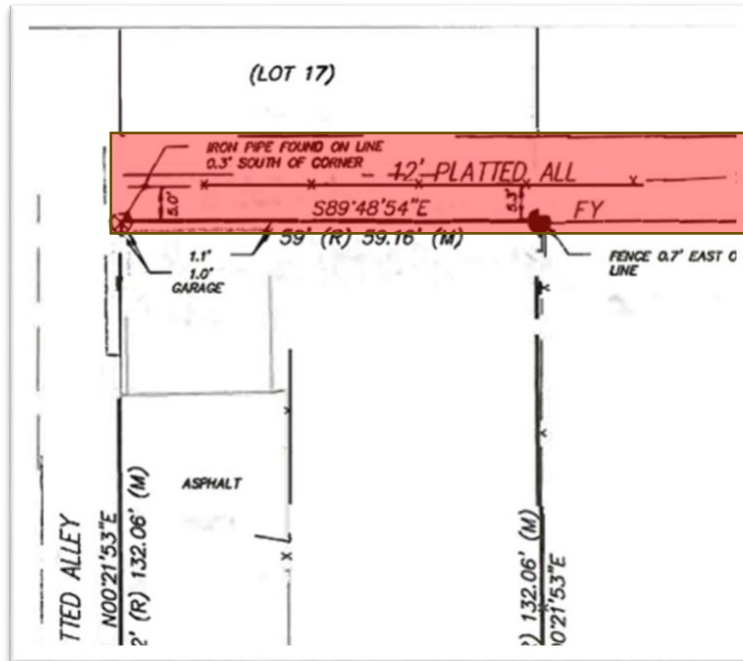
- Pedestrian Transit: serves as walkways for pedestrians.
- Bicycle Transit: accommodates bicycles.
- Service Vehicles: facilitates access for delivery trucks and maintenance vehicles.
- Emergency Access: provides critical access for emergency vehicles like fire trucks or ambulances.
- Parking Access: provides entry to parking spaces and garages.

Adjacent to the 12-foot-wide public alley, Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana, make use of the 15-foot-wide public alley as a means of access to their designated parking areas (Refer to the sketch depicting the 12-foot public alley below).

The 12-foot public alley, situated to the north of Dr. Bardonner's property and to the south of the neighboring property located at 910 East Second Street, Bloomington, Indiana, has been enclosed by fencing for several decades and is not currently utilized for any form of access.



Kindly refer to the accompanying images depicting the alley. Additionally, the legend derived from the survey is provided below for reference. (A full copy of the survey is enclosed.)



Not only is the 12-foot public alley not utilized for transit purposes, but it is also actively used by neighboring properties situated to the east of the 15-foot public alley, extending all the way to South Hawthorne Drive, for personal purposes and has remained enclosed by fencing for several decades.

Please refer to the enclosed 12-foot-wide public alley situated to the east of the 15-foot-wide public alley. This alley is bordered by a screen fence extending from Dr. Bardonner's brick garage to the old fence pole, as well as a wooden fence that leads to the wooden garage of the neighboring property, located at 910 East Second Street, Bloomington, Indiana (Image below).

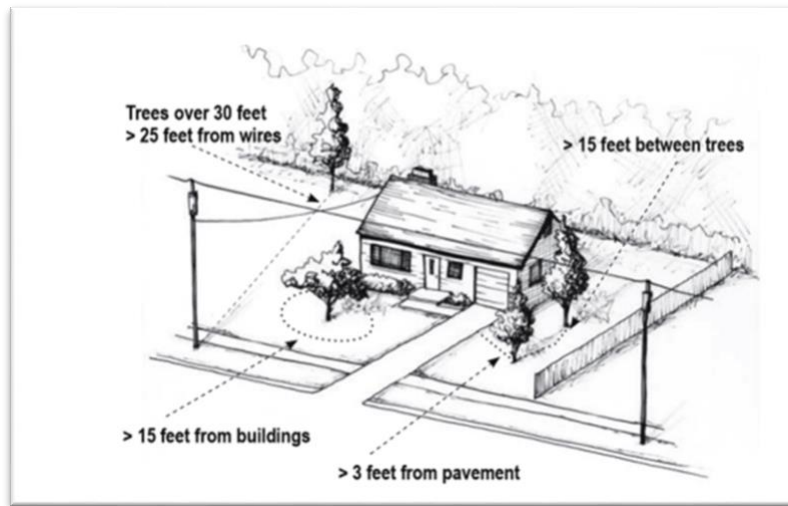


Date Taken: February 21, 2024

In 2023, Dr. Bardonner undertook substantial investments in various improvements to her property.

Acknowledging and respecting the equal importance of preserving historic buildings, structures, fences, walls, and landscapes, efforts to safeguard the historic integrity of Dr. Bardonner's property in the Elm Heights neighborhood necessitated the removal of trees. These trees posed significant risks, including structural damage to the historic buildings and structures, such as the house, garage, and limestone retaining wall. The tree roots threatened the foundation and walls, potentially leading to water penetration and flooding in the full basement.

The City of Bloomington Tree Care Manual (2017) includes a diagram illustrating the recommended planting distances for various types of trees:



According to the Tree Care Manual, the critical root zone (CRZ)—an essential area for sustaining tree health—refers to the underground portion of a tree's structure, which mirrors the size of the tree's aboveground canopy. Additionally, the manual highlights that high-risk trees or tree parts are characterized by a significant likelihood of failure and a substantial risk of causing damage by striking foreseeable targets.

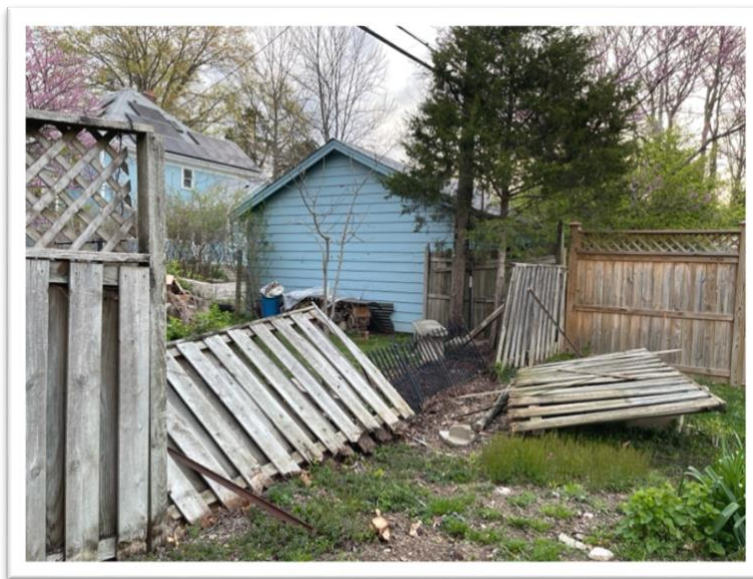
In 2023, Dr. Bardonner undertook the removal of a black walnut tree, measuring thirty-two inches in diameter, which was located directly in the center of the 12-foot public alley, approximately five feet from each detached garage of Dr. Bardonner and the residents of 910 East Second Street, Bloomington, Indiana. This action was executed with the approval of two permits issued by City of Bloomington authorities: Haskell Smith, Urban Forester, the Department of Parks and Recreation (as evidenced by the mark and informational placard placed on the tree), and the Historic Preservation Commission, the Department of Housing and Neighborhood Development (Certificate of Appropriateness, No. COA 23-55).

To alleviate financial burdens on the City of Bloomington, Dr. Bardonner covered the full cost of the walnut tree's removal. This decision was based on consultations with three qualified arborists, whose expertise confirmed the necessity of the removal to safeguard tree health. Driven by a commitment to the preservation of the Elm Heights Historic District's architectural significance and the retention of its historical integrity, Dr. Bardonner acted to prevent the City of Bloomington from incurring future liabilities stemming from potential terminal damage caused by the black walnut tree to the historic structures in proximity to the alley. The removal expense, totaling \$6,563.27, was paid in full by Dr. Bardonner (Refer to the attached Bluestone Tree invoice).

As you may be aware, the wooden fence installed by a previous owner of Dr. Bardonner's property around 1990 deteriorated over time, becoming rotten and ultimately collapsing. In 2023, Dr. Bardonner sought to obtain a fence work permit from the Historic Preservation Commission, the Department of Housing and Neighborhood Development, City of Bloomington, in order to remove the debris from the old fence and replace it with a new, "in-kind" replica of the original fence. However, the Historic Preservation Commission advised her that the prior fence line could not be grandfathered, and she was only permitted to construct the new fence beginning at the north corner of her garage (Refer to the enclosed Certificate of Appropriateness, No. COA 23-57).

This restriction presents a practical issue, as limiting the fence to the corner of the garage makes it impossible for Dr. Bardonner to adequately clean her historic detached garage gutters and properly maintain the portion of her property extending beyond the northern wall of the garage (refer to the enclosed survey).

Presented below is an image depicting the new, "in-kind" replica of the original fence that Dr. Bardonner has already installed in conjunction with the adjoining old fence. Notably, the old fence situated along the 12-foot public alley has recently experienced structural failure, with two panels collapsing: one during strong nighttime winds on April 3, 2025, and the other during daytime hours on April 13, 2025.



Date Taken: April 13, 2025

Displayed below are images illustrating the backyard restoration undertaken by Dr. Bardonner, specifically highlighting the view of the 12-foot public alley, both prior to and following the restoration.

909 E. University St. Before and After Backyard Restoration Images Showcasing the View of the 12-foot Public Alley	
Before Restoration (fence was built around 1990)	After Restoration (April, 2025)
	

Dr. Bardonner implemented these enhancements to ensure the preservation and protection of the architectural integrity and historical importance of the Elm Heights Neighborhood. They were executed in strict adherence to the “Elm Heights Historic District Design Guidelines” and the provisions set forth in “The City of Bloomington Tree Care Manual” (2017). Furthermore, all improvements were deemed appropriate and fully compliant with the applicable codes and ordinances of the City of Bloomington, as well as the directives and approvals of relevant City authorities, including, the Urban Forestry, Department of Parks and Recreation, and

the Historic Preservation Commission, Department of Housing and Neighborhood Development.

The portion of the 12-foot public alley proposed for vacation by Dr. Bardonner constitutes approximately the entire width of the alley, measuring 12 feet. This proposal aims to effectively address and manage all maintenance issues, including the removal of old fence debris and the installation of an 'in-kind' replica of the original fence.

Dr. Bardonner's proposed vacation of the 12-foot public alley, when evaluated alongside the City of Bloomington's established criteria for alley vacation, underscores that the 12-foot public alley adjoining Dr. Bardonner's property is exceptionally well-suited for vacation. The application aligns with several key criteria, confirming that the request complies with applicable local policies. Some of the key criteria that Dr. Bardonner's application meets are as follows:

1. **Non-Utilization as a Public Right-of-Way:** The 12-foot public alley has been enclosed by fencing for decades and is not used for any form of transit, as supported by enclosed surveys and images. Neighboring properties to the east of the 15-foot-wide public alley (up to South Hawthorne Dr.) use the 12-foot public alley for personal purposes, keeping it fenced and indicating it no longer serves a public transit function. Vacating the alley formalizes its long-standing non-public use, reducing confusion over its status and aligning city records with the practical reality of its fenced-off, private use by adjacent property owners.
2. **Access Routes:** Neighboring properties utilize the 15-foot-wide public alley, as well as East University Street, East Second Street, and South Woodlawn Avenue, for ingress, egress, and access to parking areas and garages. Adjacent to the 12-foot-wide public alley, Dr. Bardonner and residents at 910 East Second Street also use the 15-foot-wide public alley to access their designated parking areas.
3. **No Planned City Use:** The City of Bloomington has not identified any current or future public use for the 12-foot alley, supporting its suitability for vacation.
4. **Reduction of City Liability and Maintenance Costs:** Dr. Bardonner's removal of a hazardous 32-inch black walnut tree (\$6,563.27, fully funded by her) mitigated risks of damage to historic structures, sparing the city potential liability for future repairs or incidents. Dr. Bardonner may undertake the removal of old fence debris, the installation of an 'in-kind' replica of the original fence, and the upkeep of a healthy landscape in accordance with the "Elm Heights Historic District Design Guidelines" and

“The City of Bloomington Tree Care Manual” (2017). The vacation of the alley would absolve the city of any responsibilities, liabilities, and costs associated with maintaining a non-functional public right-of-way.

5. **Demonstrated Commitment:** Dr. Bardonner has consistently maintained the alley, providing professional assessments, complying with local regulations, securing necessary approvals, and investing financially in the Elm Heights Historic District’s integrity, showcasing her dedication to community standards.
6. **Preservation of Historic Integrity:** Incorporating the alley into Dr. Bardonner’s lot would preserve the historic facade per city historic district guidelines and maintain the fair market value of adjacent properties.
7. **Improved Compliance:** Vacating the alley would bring non-compliant fences and garages into compliance with city setback requirements, improving property aesthetics and functionality. Approving the vacation would ensure these structures meet applicable regulations.

Documents are enclosed for reference, as follows:

1. Copy of the plat of survey – 1 page
2. Copy of Certificate of Appropriateness, No. COA 23-57 – 1 page
3. Image of the permit pertaining to the removal of the walnut tree
4. Copy of Bluestone Tree Invoice #13303 – 1 page

Dr. Bardonner respectfully seeks your support in applying to the City of Bloomington to approve the vacation of this alley. Should you have any questions or concerns regarding this matter, please do not hesitate to contact me directly.

Very Truly Yours,



Daniel M. Cyr

CC:

Maria McCormick, Public Improvement Manager
City of Bloomington, Engineering Department,
maria.mccormick@bloomington.in.gov



CERTIFICATE OF APPROPRIATENESS

Issued by the Bloomington Historic Preservation Commission

Address of Historic Property:

909 E University St., Bloomington, IN

Summary of Work Approval:

- **Building of a new fence. The new fence must border the property line and end with the detached garage on the north end of the property**

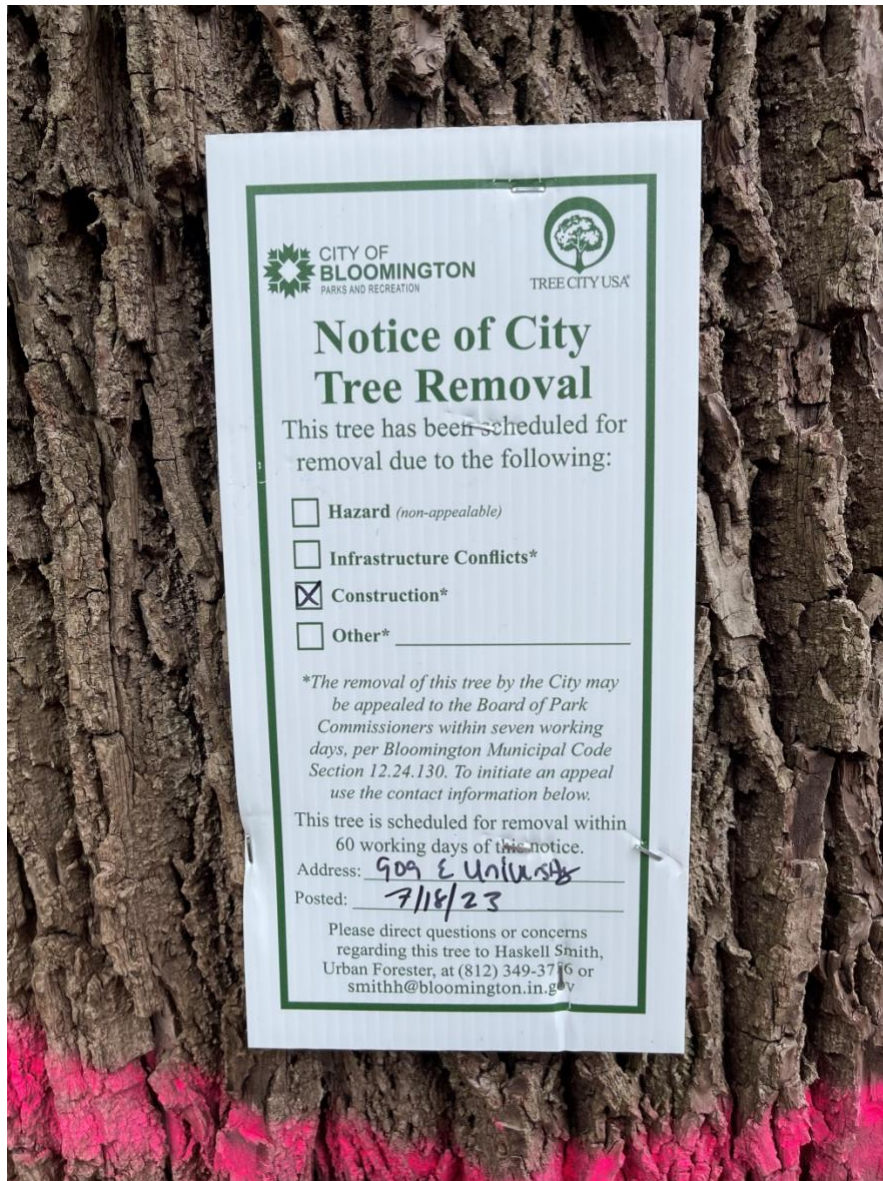
A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-57**.

This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

A handwritten signature in cursive script, reading "Gloria M. Colom Braña".

Gloria M. Colom Braña
Staff
Bloomington Historic Preservation Commission

Issue Date: **August 3, 2023**



Invoice Summary #13303 Paid

[View Invoice](#)

Billing Address

Veronika Bardonner
909 E University St Bloomington, IN
47401
812-369-8129

Invoice Information

Invoice Date: Sep 08, 2023

Due Date:

Terms: Payment is due upon receipt of invoice. Please make checks payable to Bluestone Tree and mail to: PO BOX 345 Clear Creek, IN 47426. We will charge 1.5% interest per month on late payments and \$30.00 on returned checks.

909 E University St 47401

909 E University St Bloomington, IN 47401

Visit Date: Sep 8, 2023

ITEM

AMOUNT

Tree Removal - With Cleanup

\$6,251.27

Black Walnut- Safely dismantle tree. Haul away all debris. Cut stump low. Cleanup final work site.

Grind Stump - Leave Chips

\$312.00

Grind stump and leave wood chips on site. No clean up. This does not include any grinding of visible surface roots or hauling away wood chips. The stump will be ground a maximum of 4" below nearby ground level. If accepted, Bluestone Tree will call in utility locates to be marked prior to grinding.

Subtotal

\$6,563.27

Sales Tax

\$0.00

Total

\$6,563.27

Payments

- \$6,563.27 

Balance

\$0.00

PO Box 345 Clear Creek, IN 47426 | BluestoneTree.com | 812-824-3335 | bloomington@bluestonetree.com