



## Board of Public Works Staff Report

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**Project/Event:** Right-of-Way vacation of two alley segments and two street segments located on the northwest corner of 11th Street and Rogers Street.

**Staff Representative:** J. Lynne Darland

**Petitioner/Representative:** Bill Beggs, attorney representing Duke Energy

**Date:** May 31, 2016

**Report:** The subject area of this right-of-way vacation petition is located in a triangle shaped group of parcels bordered by West 11<sup>th</sup> Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west. Within this triangle shaped group of parcels there are two alley segments and two street segments proposed for vacation. One alley segment runs north/south between lots 59 & 60 for 132.25 feet. The other alley segment runs east/west between lots 57, 58, 59, 60, 61, 62, 63, 64, 65 & 66 in Maple Heights Second Addition for 285.10 feet. Both alley segments are 12 feet wide. The street segment rights-of-way proposed for vacation include a portion of West 12<sup>th</sup> Street and a portion of North Jackson Street. The West 12<sup>th</sup> Street right-of-way segment is bordered by a previously vacated section of West 12<sup>th</sup> Street, S. Rogers Street, Lots 66 & 73 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 feet by 43.99 feet. The North Jackson Street right-of-way segment is bordered by a previously vacated section of North Jackson Street, West 11<sup>th</sup> Street, and Lots 2 & 61 in Maple Heights Second Addition. This segment of right-of-way measures 50.01 by 144.17 feet. The previously vacated parcels were vacated in 1907 for the construction of the railroad.

There are many right-of-ways in the downtown area which are not obvious rights-of-way or alleys as they do not contain a street or alley. These alley and street rights-of-way are used as if they were privately owned and have been developed with a gravel storage yard. The purpose of vacating these two alley and two street segments is to develop an energy transmission substation to serve the growing needs of the downtown area.

The Growth Policies Plan, Certified Technology Park Master Plan, and the Downtown Vision & Infill Strategy Plan support the redevelopment of the downtown area in general. The substation is needed to provide power to the area.

**Recommendation and Supporting Justification:** Staff sent notices to area utilities and other City entities and found no conflicts with vacating these two alley and two street segments. AT&T is requesting easements of equal dimensions as the proposed vacated

right-of-way and that they be reimbursed for any rerouting expenses they incur. No other utilities or service providers had any objections. Staff recommends approval of the right-of-way vacation request.

**Recommend**  **Approval**  **Denial** by \_\_\_\_\_

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

CITY OF BLOOMINGTON  
COMMON COUNCIL

FILE # \_\_\_\_\_  
1<sup>ST</sup> READING \_\_\_\_\_  
COMMITTEE \_\_\_\_\_  
FINAL HEARING \_\_\_\_\_

Office of the Common Council  
P.O. Box 100, Showers City Hall  
Bloomington, IN 47402  
(812) 349-3409

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Address of Property: N.W. Corner 11<sup>th</sup> Street and Rogers Street

Applicant's Name: Duke Energy Indiana, LLC

Address: c/o 226 S. College Avenue, Bloomington, IN 47404 Phone: 812-332-9295

Counsel or Consultant: Bunger & Robertson, William J. Beggs

Address: 226 S. College Avenue, Bloomington, IN 47404 Phone: 812-332-9295

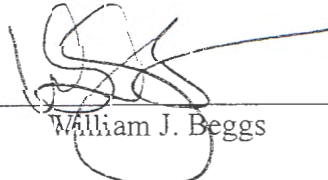
\_\_\_\_\_ This application must be accompanied by all required submittals as stated in the information packet for Vacation of public right-of-way. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.

\_\_\_\_\_ I (we) agree that the applicant will notify all adjacent property owners by certified mail at the applicant's expense.

I (we) further agree that the applicant will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property adjacent to the proposed vacation of public right-of-way, which is the subject of this application.

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Signature:  \_\_\_\_\_  
William J. Beggs



BUNGER &  
ROBERTSON  
ATTORNEYS AT LAW

**William J. Beggs**  
Partner  
Direct: 812-245-6015  
wjbeggs@lawbr.com

April 13, 2016

City of Bloomington  
Planning and Transportation Department  
Attn: Lynne Darland, AICP  
401 N. Morton Street, Suite 160  
Bloomington, IN 47404

**Re: *Petition for Vacation of Public Rights-of-Way***  
***Petitioner: Bender Enterprises, LLC and Ronald K. Druding and Jennifer Druding, Husband and Wife, (Contract Sellers) By Duke Energy Indiana, LLC (Contract Purchaser) (all, DEI)***  
***Location: NW Corner 11<sup>th</sup> Street & Rogers Street, and SE of The Indiana Rail Road Company Railroad Corridor ("Subject Location")***

Dear Ms. Darland:

This shall serve as DEI's written request and submittal of materials in support of its Petition for Vacation of Public Rights-of-Way pursuant to the provisions of I.C. 36-7-3-12. Information requested by your office is as follows:

- A. **Subject Location**: The public rights-of-way to be vacated are: (1) the non-vacated portion of 12<sup>th</sup> Street (west of Rogers Street), (2) the non-vacated portion of Jackson Street (north of 11<sup>th</sup> Street), (3) non-vacated portion of the east-west alley between Rogers Street and the west edge of Jackson Street, and (4) the non-vacated portion of the north-south alley between 11<sup>th</sup> Street and an east-west alley identified in (3) above. The term "non-vacated" is used because each of the locations (1) through (4) are remnants following an ordinance vacating rights-of-way passed by the Common Council on April 2, 1907. DEI's petition seeks to complete the process of vacating the public rights-of-way on the subject site.

A site map showing those public rights-of-way left to be vacated is attached to this letter as **Exhibit 1**. The Subject Location consists of 2.7 acres as depicted on the attached **Exhibit 2** and has been carefully selected by DEI to meet the present and anticipated future needs for electric service in Bloomington, including Indiana University, and thereby help fulfill its statutory duty under I.C. 8-1-2-4 to furnish reasonably adequate service and facilities to its customers. In this regard, DEI has determined a present public need and necessity for a substation at the Subject Location. An overhead photo overlay is attached as **Exhibit 3** to give you a different view of the site and proposed vacations.

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- B. **Explanation of Request:** The purpose of this Petition is to meet the present and future electric service needs of Bloomington's residents and businesses including Indiana University. The current Rogers Street and Dunn Street Substations will not be able to meet this demand for electricity without the addition of the Bloomington 11th Street Substation. The last electric system capacity upgrade for downtown Bloomington was completed by Duke Energy in 2005 at the Dunn Street Substation. In 2016, the Rogers Street and Dunn Street Substations are near their capacities and a new substation interconnected with those two existing substations are necessary in order to meet the needs presented by electricity load growth within the City of Bloomington and the Indiana University campus. These needs are both current and anticipated for Bloomington and IU.

Over the past two years, Bloomington has accounted for the largest increase of Duke Energy customers in the State of Indiana. Bloomington's growth has included the addition of over 432 residential apartment units with more being contemplated, increased commercial business space, new hotels including meeting spaces, and plans for the Certified Tech Park in the immediate vicinity of the Subject Location.

Indiana University's growth has also contributed to the current need. IU has new or renovated buildings at Franklin Hall, Assembly Hall, Kelly School of Business Hodge Hall, School of Informatics & Computing, School of Global & International Studies, and Rose Hall residence hall.

IU Health Bloomington Hospital has announced plans to construct a new hospital campus along the SR 45/46 bypass, which also adds to the necessity for this "Bloomington 11<sup>th</sup> Street Substation" project.

There will be significant and lasting public benefits with the addition of the Bloomington 11<sup>th</sup> Street Substation that justify vacation of the public rights-of-way per this Petition. Reliability of electric service to Bloomington and Indiana University will be enhanced. Capacity will be increased so as to adequately serve the needs of Bloomington and Indiana University. This project will allow reassignment of power from the Dunn Street and Rogers Street Substations which will improve their reliability for Bloomington's residents and visitors. The presence of the Bloomington 11<sup>th</sup> Street Substation will allow flexibility in re-routing power in the event of system outages which, in turn, will reduce the time necessary to restore electric service. Finally, the presence of the Bloomington 11<sup>th</sup> Street Substation will help to prevent power outages during performance of necessary system maintenance.

C. **Right-of-Way Vacation Criteria:**

1. **Current Status-Access To Property.** The public rights-of-way that would be vacated if this Petition is granted have not served a public need for many years. In 1907 the Common Council vacated most of the public rights-of-way on this site. Consistent with these vacations, and presumably because of adjoining railroad corridor, Jackson Street (to the north of 11<sup>th</sup> Street) and 12<sup>th</sup> Street (to the west of



Rogers Street) have not been used for public purposes for many years and/or have already been partially vacated. The two partial alleys at issue, one running east-west and the other running north-south, have similarly not been used for any public purpose for many years. Accordingly, granting this Petition will not cause a loss of use by the public of rights-of-way that provide vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purposes. In fact, the opposite is true in that granting this Petition will have the effect of causing the subject land to be used for a purpose that benefits the public.

## 2. **Necessity For Growth of the City**

- a. **Future Status.** Because of the peculiar shape of this 2.7 acre site, and the presence of the railroad corridor adjoining the northwest boundary of the site, the future potential for public utilization or need is very unlikely. Each right-of-way being requested for vacation is a remnant of a street or alley that has been vacated for 109 years. They lead nowhere. The remaining portions of 12<sup>th</sup> Street and Jackson Street at issue here are not large enough to be used in any viable future development or public facility.
  - b. **Proposed Private Ownership Utilization:** The proposed utilization of the Subject Location will be for the substation described above. Placement of a substation at this location will create benefits for Bloomington and Indiana University that outweigh the need to retain the small pieces of land for the public use.
  - c. **Compliance with Regulations:** Vacation of these rights-of-way, paving the way for placement of the 11<sup>th</sup> Street Substation on the 2.7 acre site, will not create a non-compliance with any existing regulation.
  - d. **Relation to Plans:** Vacation of these rights-of-way does not pose an inconsistency with the Growth Policies Plan, Master Thoroughfare Plan, Unified Development Ordinance, or any neighborhood plan nearby. It is significant that the site is zoned CD and a utility substation is a permitted use within the CD zone.
- D. **Accurate Legal Description of the Proposed Vacation:** Legal descriptions and survey drawings for the rights-of-way to be vacated as part of this Petition are being revised and will be supplied immediately upon receipt. **Exhibit 1** accurately depicts the remnants of public rights-of-way that are the subject of this petition.
- E. **Site Plan or Sketch Map:** See **Exhibit 1** for a Site Plan or Sketch Map showing the portions of right-of-way for which vacation is being requested. Also, please see **Exhibit 3** overhead photo overlay that shows the rights-of-way being requested for vacation.

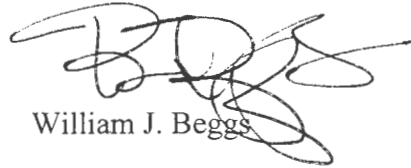


Lynne Darland  
April 13, 2016  
Page 4

F. **Names and addresses of Adjoining Owners**: Names and addresses of adjoining property owners are being submitted separately along with this letter.

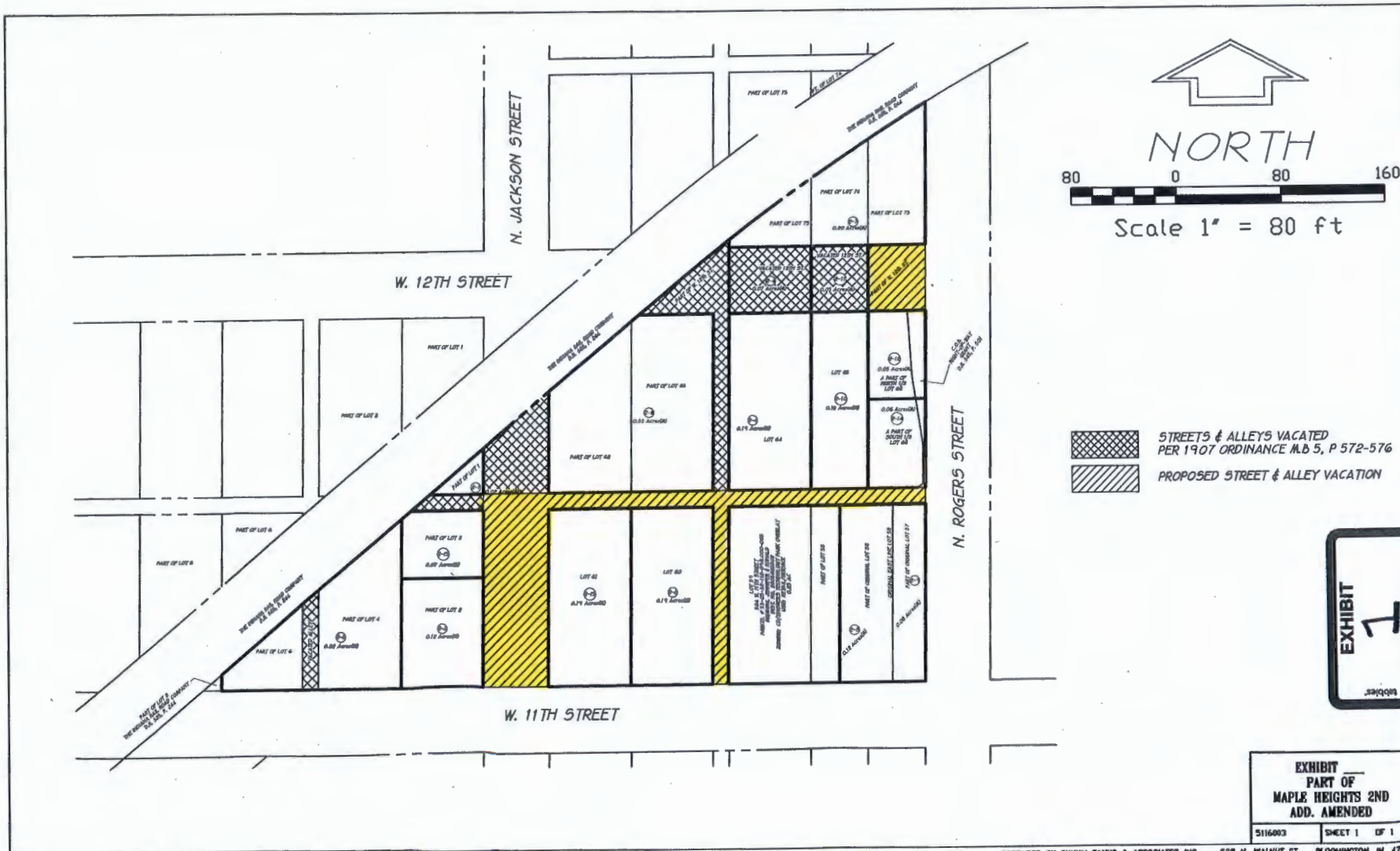
Please let us know if you have any questions or concerns about the contents of this letter.

Sincerely yours,

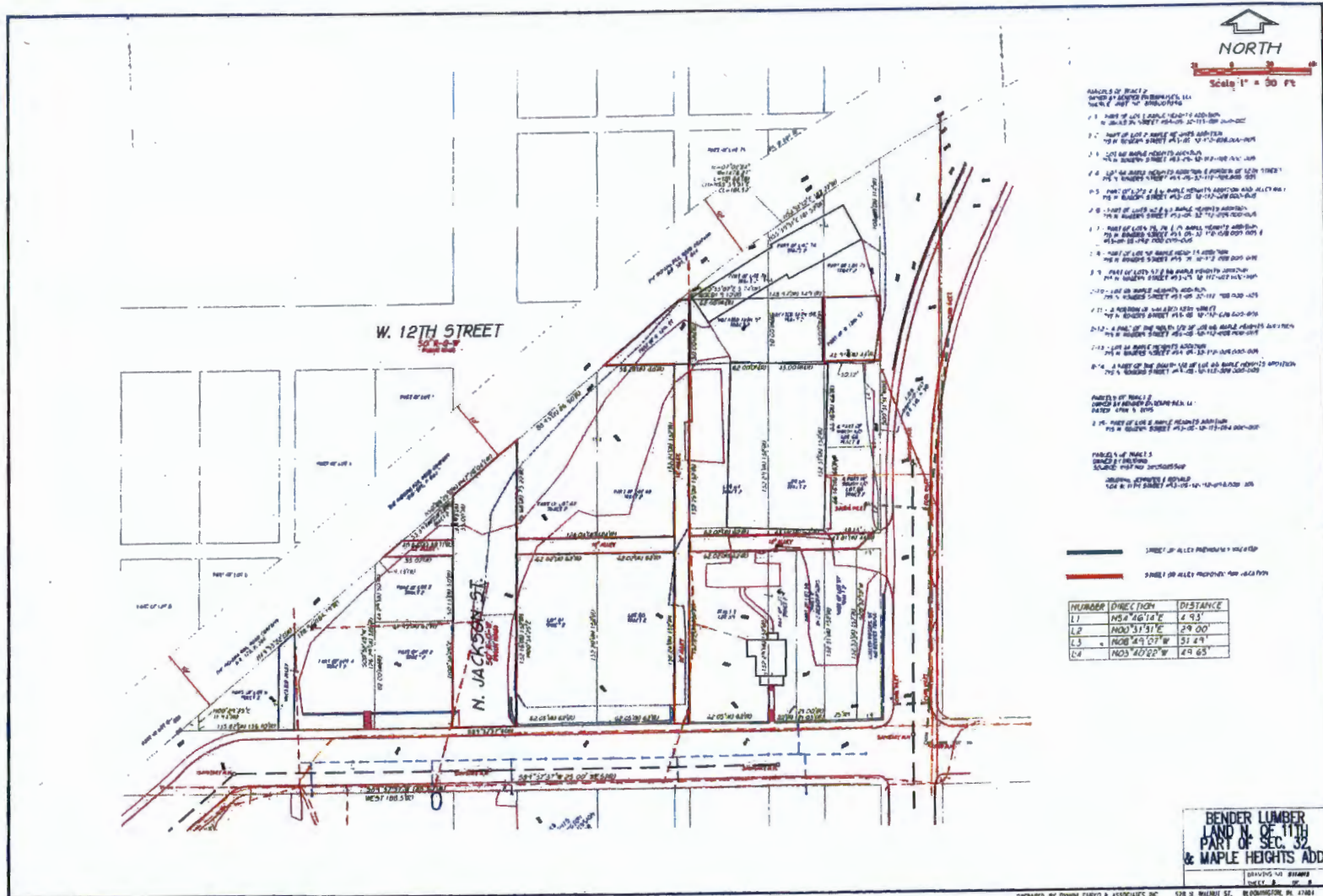
A handwritten signature in black ink, appearing to read 'W. J. Beggs', with a large, stylized flourish extending to the right.

William J. Beggs

WJB:khj  
Enclosures







  
 NORTH  
 Scale 1" = 50 Ft

- PARCELS OF BLOCK 2**  
 BENDER LUMBER COMPANY, LLC  
 PART OF LOT 1 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
1. PART OF LOT 1 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  2. PART OF LOT 2 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  3. LOT 3 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  4. PART OF LOT 4 PUBLIC HEATHS ADDITION & PORTION OF LOT 5  
 PUBLIC HEATHS ADDITION TO BLOCK 2 IN STREET  
 MAP NO. 12-112-000-000
  5. PART OF LOT 4 & 5 PUBLIC HEATHS ADDITION AND ALLY WAY  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  6. PART OF LOT 6 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  7. PART OF LOT 7 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  8. PART OF LOT 8 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  9. PART OF LOT 9 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  10. LOT 10 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  11. A PORTION OF LOT 11 PUBLIC HEATHS  
 ADDITION TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  12. A PART OF THE NORTH 1/2 OF THE PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  13. LOT 14 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000
  14. A PART OF THE SOUTH 1/2 OF LOT 15 PUBLIC HEATHS ADDITION  
 TO BLOCK 2 IN STREET MAP NO. 12-112-000-000

- PARCELS OF BLOCK 3**  
 BENDER LUMBER COMPANY, LLC  
 PART OF LOT 1  
 PART OF LOT 2
1. PART OF LOT 1 PUBLIC HEATHS ADDITION  
 TO BLOCK 3 IN STREET MAP NO. 12-112-000-000
  2. PART OF LOT 2 PUBLIC HEATHS ADDITION  
 TO BLOCK 3 IN STREET MAP NO. 12-112-000-000

**PARCELS OF BLOCK 5**  
 BENDER LUMBER COMPANY, LLC  
 SOURCE: 1987 AND 1988 SURVEYS

BOUNDARY BETWEEN PUBLIC  
 USE & PRIVATE MAP NO. 12-112-000-000

— STREET OF ALLEY PROVISION 10' WIDE  
 — STREET OF ALLEY PROVISION 10' WIDE

NUMBER	DIRECTION	DISTANCE
L1	N52°46'14"E	4.93'
L2	N00°51'51"E	29.00'
L3	N00°49'57"W	51.24'
L4	N03°40'22"W	44.65'

EXHIBIT  
 2  
 BENDER

BENDER LUMBER  
 LAND N. OF 11TH  
 PART OF SEC. 32  
 & MAPLE HEIGHTS ADD.





**William J. Beggs**  
Partner  
Direct: 812-245-6015  
wjbeggs@lawbr.com

April 14, 2016

City of Bloomington  
Planning and Transportation Department  
Attn: Lynne Darland, AICP  
401 N. Morton Street, Suite 160  
Bloomington, IN 47404

**Re: *Petition for Vacation of Public Rights-of-Way***  
***Petitioner: Bender Enterprises, LLC and Ronald K. Druding and Jennifer Druding, Husband and Wife, (Contract Sellers) By Duke Energy Indiana, LLC (Contract Purchaser) (all, DEI)***  
***Location: NW Corner 11<sup>th</sup> Street & Rogers Street, and SE of The Indiana Rail Road Company Railroad Corridor ("Subject Location")***

Dear Ms. Darland:

Enclosed are Exhibits 4A through 7B, showing the legal descriptions and surveys, as supplement to our Petition filed on April 13, 2016. Also enclosed are photos listed as Exhibits 8 through 14, showing the existing and proposed conditions of the property from several viewpoints.

Please let us know if you have any questions or concerns.

Sincerely yours,

A handwritten signature in blue ink, appearing to be 'WJ Beggs', is written over the typed name 'William J. Beggs'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William J. Beggs

WJB:khj  
Enclosures

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PARCEL NO. North - South Alley  
 PROJECT NO. 5015098  
 ROAD NO. W. 11th St.  
 COUNTY: Monroe  
 SECTION: 32  
 TOWNSHIP: T9N  
 RANGE: 1W

OWNER: City of Bloomington  
 DEED RECORD

 PERMANENT VACATION



SCALE: 1" = 40'

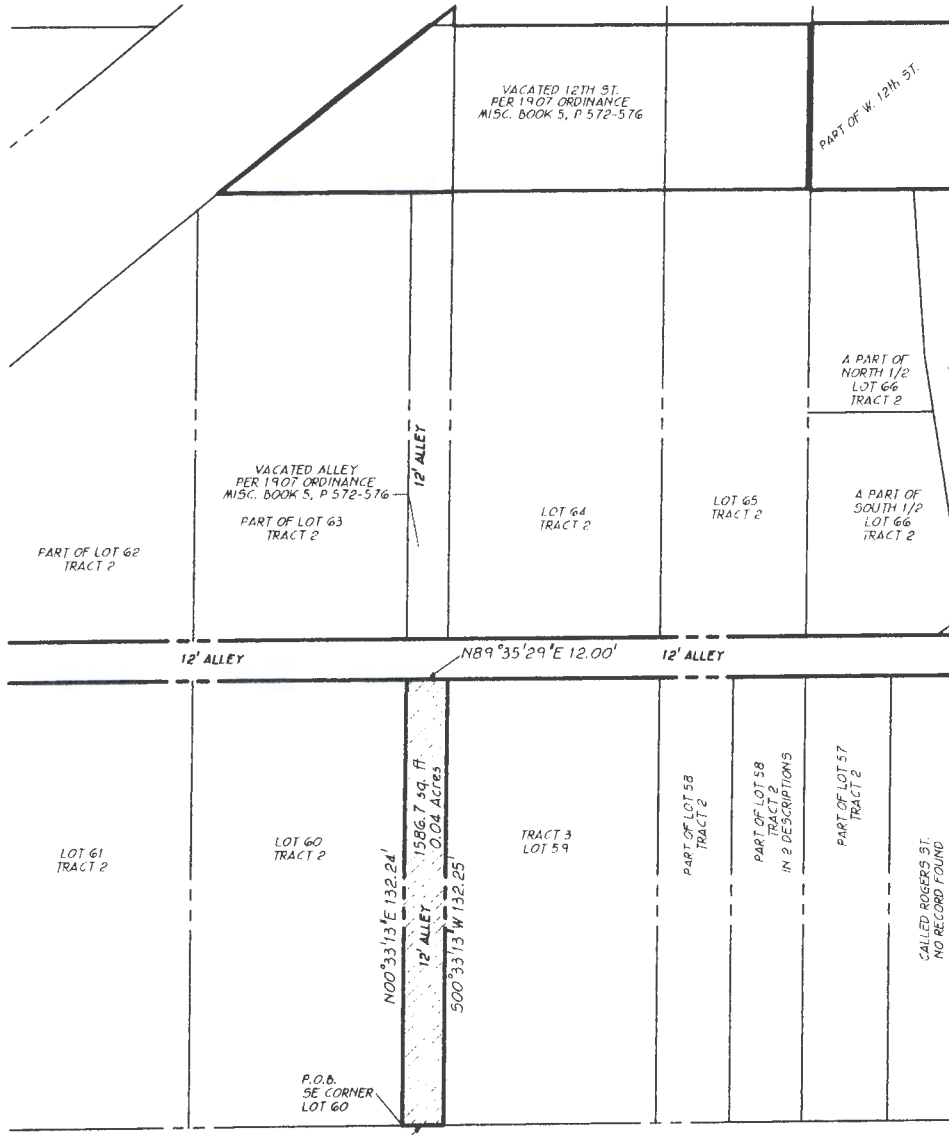


EXHIBIT  
 4A



**PUBLIC RIGHT-OF-WAY VACATION**

A portion of a North/South Alley

Job No. 5015098

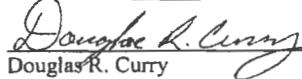
**0.04 ACRES**

An alley that runs north and south between Lots 59 and 60 as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 60 in said Maple Heights and on the north right-of-way line of West 11<sup>th</sup> Street; Thence on the east line of Lot 60 North 00 degrees 33 minutes 13 seconds East 132.24 feet to the south line of an east west alley; Thence leaving said east lines and on said south line North 89 degrees 35 minutes 29 seconds East 12.00 feet to the west line of Lot 59; Thence leaving said south line and on the west line of Lot 59 South 00 degrees 33 minutes 13 seconds West 132.25 feet to the north line of said West 11<sup>th</sup> Street; Thence leaving said west lines and on said north line South 89 degrees 37 minutes 37 seconds West 12.00 feet to the Point of Beginning containing within said bounds 0.04 ACRES (1,586.7 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13<sup>th</sup> day of April, 2016



Douglas R. Curry  
Indiana L.S. 890006  
Bynum Fanyo & Associates, Inc.  
528 N. Walnut St.  
Bloomington, IN 47404  
812-332-8030



PARCEL NO. East - West Alley  
 PROJECT NO. 5015098  
 ROAD NO. W. 11th St.  
 COUNTY: MONROE  
 SECTION: 32  
 TOWNSHIP: T9N  
 RANGE: R1W

OWNER: City of Bloomington  
 DEED RECORD

DRAWN BY:  
 DATED

 PERMANENT  
 VACATION



SCALE: 1" = 40'

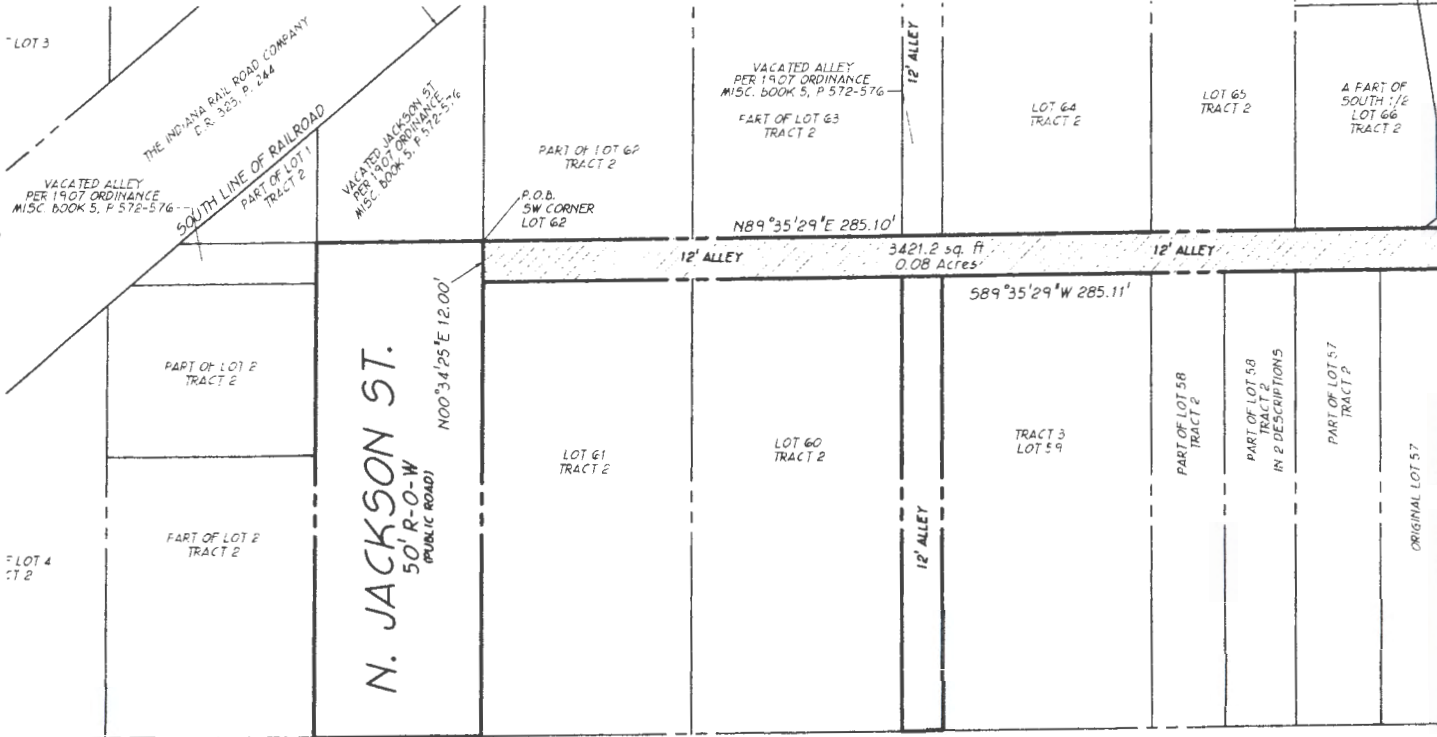


EXHIBIT  
 SA  
 BOOK

50' R-O-W  
 (PUBLIC ROAD)  
 W. 11TH STREET

**PUBLIC RIGHT-OF-WAY VACATION**

A portion of an East/West Alley

Job No. 5015098

**0.08 ACRES**

An alley that runs east and west between Lots 60, 61, 62, 63, 64, 65, 66, 59, 58 and 57 as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

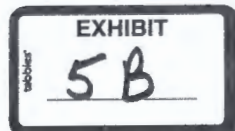
Beginning at the Southwest corner of Lot 62 in said Maple Heights; Thence on the south line of Lots 62, 63, 64, 65 and 66 North 89 degrees 35 minutes 29 seconds East 285.10 feet to the west right-of-way of Rogers Street; Thence leaving said south lines and on said right-of-way South 00 degrees 31 minutes 31 seconds West 12.00 feet to the north line of Lots 57, 58, 59, 60 and 61; Thence on said north line South 89 degrees 35 minutes 29 seconds West 285.11 feet to the Northwest corner of Lot 61; Thence leaving said north lines North 00 degrees 34 minutes 25 seconds East 12.00 feet to the Point of Beginning containing within said bounds 0.08 ACRES (2,421.2 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13<sup>th</sup> day of April, 2016




Douglas R. Curry  
Indiana L.S. 890006  
Bynum Fanyo & Associates, Inc.  
528 N. Walnut St.  
Bloomington, IN 47404  
812-332-8030



PARCEL NO. N. Jackson Street  
PROJECT NO. 5015098  
ROAD NO. W. 11th St.  
COUNTY: Monroe  
SECTION: 32  
TOWNSHIP: T9N  
RANGE: 1W

OWNER: City of Bloomington  
DEED RECORD

 PERMANENT  
VACATION



SCALE: 1" = 40'

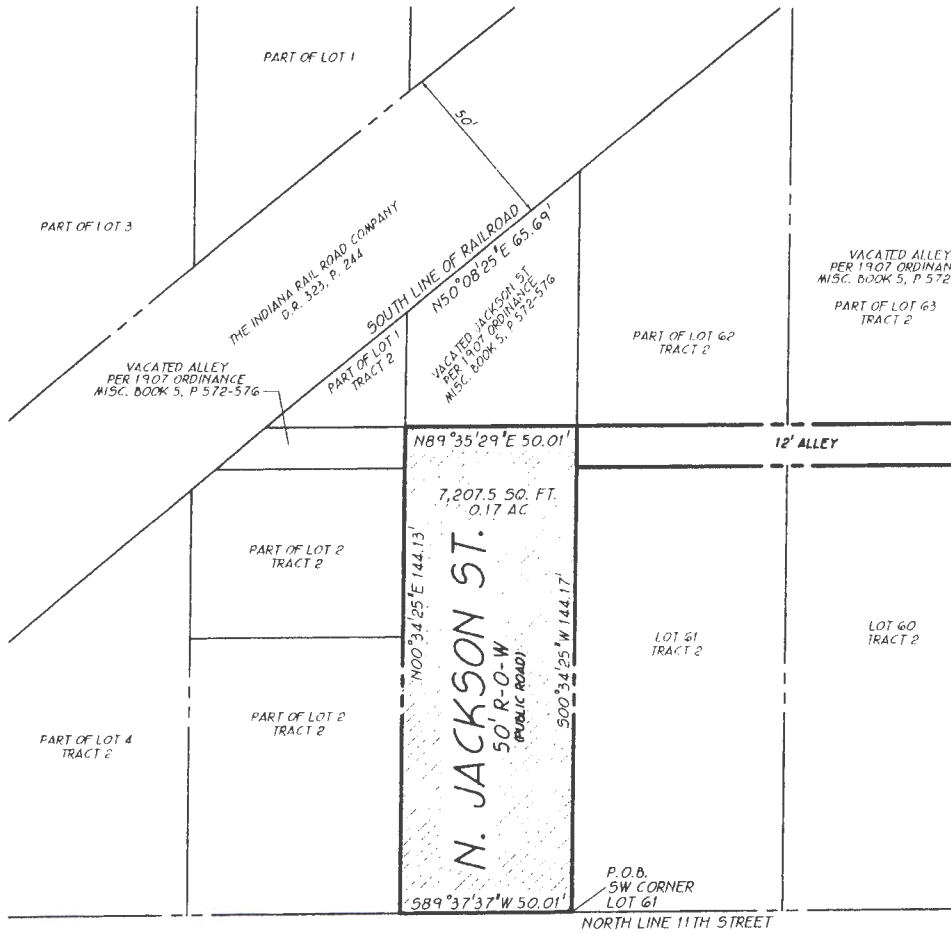


EXHIBIT  
6A



**PUBLIC RIGHT-OF-WAY VACATION**

A portion of North Jackson Street

Job No. 5015098

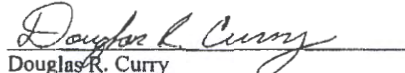
**0.17 ACRES**

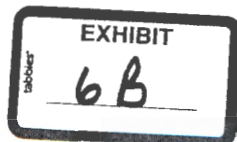
A portion of North Jackson Street as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at the Southwest corner of Lot 61 in said Maple Heights and on the north right-of-way line of West 11<sup>th</sup> Street; Thence on said north line South 89 degrees 37 minutes 37 seconds West 50.01 feet to the Southeast corner of Lot 2 of said Maple Heights; Thence leaving said north line and on the east line of said Lot 2 and Lot 1 North 00 degrees 34 minutes 25 seconds East 144.13 feet to the north line of an east west alley; Thence leaving said east line and on said north line North 89 degrees 35 minutes 29 seconds East 50.01 feet; Thence leaving said north line and on said west line of Lot 61 South 00 degrees 34 minutes 25 seconds West 144.17 feet to the Point of Beginning containing within said bounds 0.17 ACRES (7,207.5 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

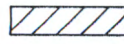
Certified this 13<sup>th</sup> day of April, 2016

  
Douglas R. Curry  
Indiana L.S. 890006  
Bynum Fanyo & Associates, Inc.  
528 N. Walnut St.  
Bloomington, IN 47404  
812-332-8030



PARCEL NO. W. 12th Street  
PROJECT NO. 5015098  
ROAD NO. W. 11th St.  
COUNTY: Monroe  
SECTION: 32  
TOWNSHIP: T9N  
RANGE: 1W

OWNER: City of Bloomington  
DEED RECORD

 PERMANENT  
VACATION



SCALE: 1" = 40'

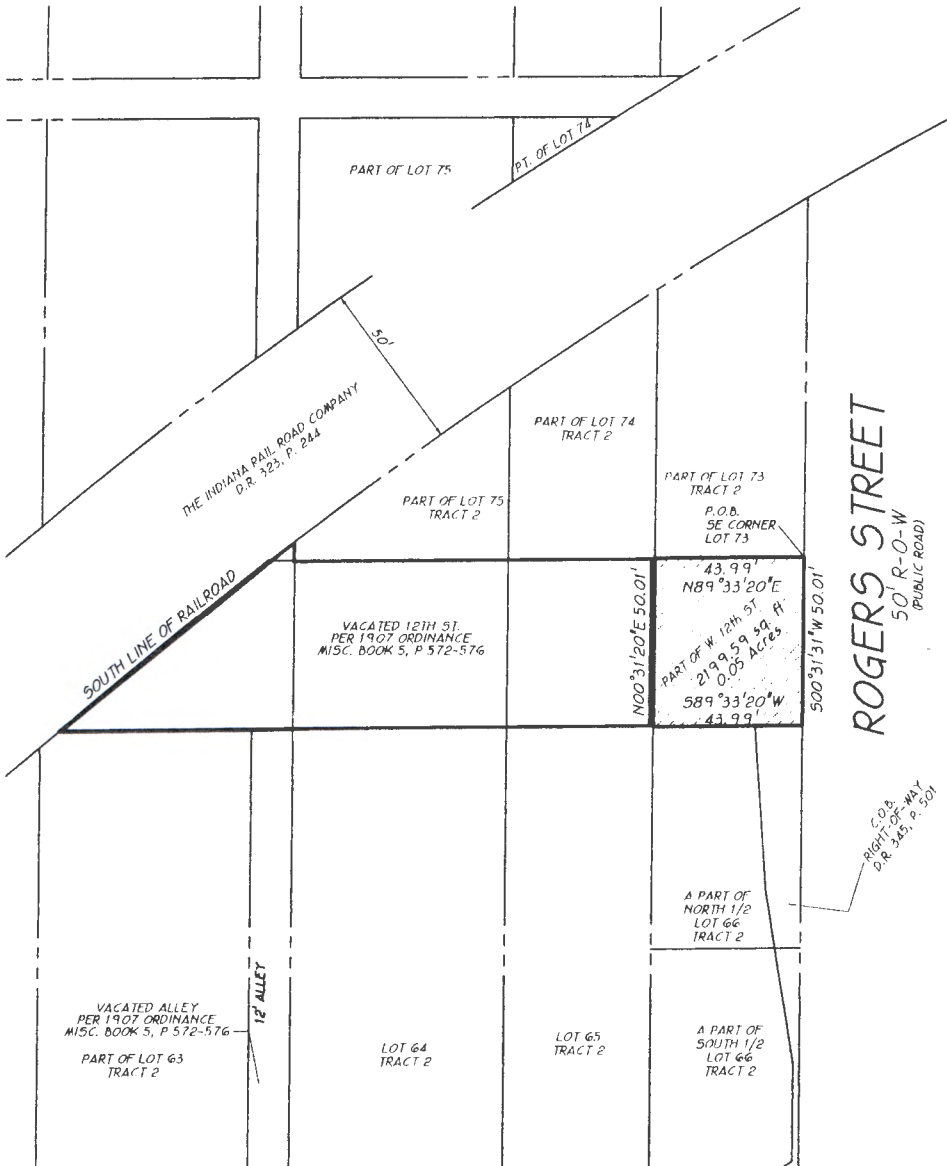


EXHIBIT  
**7A**

**PUBLIC RIGHT-OF-WAY VACATION**

A portion of West 12th Street

Job No. 5015098

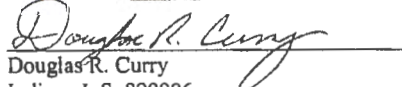
**0.05 ACRES**

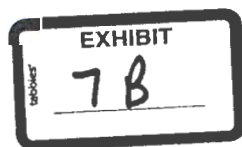
A portion of West 12th Street as shown by the plat of Maple Heights Addition, an addition to the City of Bloomington, Indiana, more particularly described as follows:

Beginning at the Southeast corner of Lot 73 in said Maple Heights and on the west right-of-way line of North Rogers Street; Thence on said west line South 00 degrees 31 minutes 31 seconds West 50.01 feet to the northeast corner of Lot 66; Thence leaving said west line and on the north line of Lot 66 South 89 degrees 33 minutes 20 seconds West 43.99 feet to the northwest corner of said Lot 66; Thence leaving said north line North 00 degrees 31 minutes 20 seconds East 50.01 feet to the southwest corner of said Lot 73; Thence on the south line of said Lot North 89 degrees 33 minutes 20 seconds East 43.99 feet to the Point of Beginning containing within said bounds 0.05 ACRES (2,199.59 sq. ft.) be the same more or less but subject to all rights-of-way and easements according to a survey by Douglas R. Curry, Registered Land Surveyor No. 890006 in April of 2015.

SUBJECT TO all rights-of-way and easements.

Certified this 13<sup>th</sup> day of April, 2016

  
Douglas R. Curry  
Indiana L.S. 890006  
Bynum Fanyo & Associates, Inc.  
528 N. Walnut St.  
Bloomington, IN 47404  
812-332-8030





**City of Bloomington  
Planning and Transportation Department**

DEVELOPMENT REVIEW TRANSMITTAL

Date: April 13, 2016

Type of Request: Right-of-way vacation of two alley segments and two street segments

Project Name: Duke Energy Substation

Petitioner: Duke Energy

Owners: Bender Enterprises, LLC, and Jennifer & Ronald Druding (504 W. 11<sup>th</sup> Street)

Location: The subject area of this right-of-way vacation petition is located in a triangle shaped group of parcels bordered by West 11<sup>th</sup> Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west.

Proposed Use: The proposed use of this property is to develop an energy transmission substation to serve the needs of the downtown area.

Required Approval: Common Council approval

TENTATIVE SCHEDULE

We need your comments by: April 27, 2016

First Common Council hearing: as scheduled

Second Common Council hearing: as scheduled

Final Common Council hearing: as scheduled

SIGNIFICANT ISSUES AND QUESTIONS

The petitioner is seeking right-of-way vacation of two 12 ft. wide strips of alley right-of-way; one running east/west and the other running north/south. They are also asking for vacation of two street segments; N. Jackson Street and W. 12<sup>th</sup> Street. Previously, in 1907, the remaining segments of alley and street right-of-way within this area were vacated for the railroad. This triangle shaped grouping of parcels along with the rights-of-way within the grouping of parcels is required to amass enough ground to construct the proposed Duke substation. This is currently the site of two warehouse type structures and a house used for commercial purposes.

Refer to the enclosed site plans.

Please respond in writing concerning the effect this vacation would have upon your provision of service to this area.

Please reply to: Lynne Darland, AICP  
darlandl@bloomington.in.gov  
Planning & Transportation Department  
City of Bloomington  
P.O. Box 100  
Bloomington, IN 47402





**Duke Energy**  
1100 West Second Street  
Bloomington, IN 47403

4-28-16

Lynne Darland, AICP  
Planning & Transportation Department  
City of Bloomington  
PO Box 100  
Bloomington, IN 47402

Alley Vacation Duke Energy Substation

Lynne,

This letter is in regards to the request for alley vacation petition located in a triangle shaped group of parcels bordered by West 11<sup>th</sup> St to the south, North Rogers St to the east, and the Indiana Railroad to the west. The proposed use is for a new Duke Energy substation.

Duke Energy does not object to the alley vacation for this project.

Respectfully,

A handwritten signature in black ink that reads "Nancy Ashlock".

Nancy Ashlock  
Manager Distribution Design  
Duke Energy  
812-337-3020



Lynne Darland <darlandl@bloomington.in.gov>

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**RE: Duke's request to vacate platted alley ways**

1 message

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Mcartor, Steve <Steve\_Mcartor@cable.comcast.com>

Mon, May 9, 2016 at 9:23 AM

To: Lynne Darland <darlandl@bloomington.in.gov>

Cc: "Urrutia, Jack" <Jack.Urrutia@duke-energy.com>, "Calloway, Bruce" <Bruce.Calloway@duke-energy.com>

Comcast has no problem with the request to vacate the alley way ..

**From:** Urrutia, Jack [mailto:Jack.Urrutia@duke-energy.com]

**Sent:** Monday, May 09, 2016 9:18 AM

**To:** Calloway, Bruce; Mcartor, Steve

**Cc:** Ashlock, Nancy

**Subject:** RE: Duke's request to vacate platted alley ways

Bruce,

I just received a call back from Steve

He said he had been out for a few day. We discussed the petition again (he now has the paper work in front of him). He will process the petition.

He apologized for the delay

Regards,

Jack Urrutia

Senior Engineering Technologist

Duke Energy

1100 W. 2<sup>nd</sup> St

Bloomington, IN 47403

612-337-3033

**From:** Calloway, Bruce

**Sent:** Monday, May 09, 2016 8:46 AM

**To:** steve\_mcartor@cable.comcast.com

**Cc:** Ashlock, Nancy; Urrutia, Jack

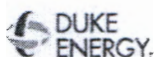
**Subject:** RE: Duke's request to vacate platted alley ways

Steve,

I just left you a voicemail about this petition. Would you please respond to Lynne Darland at the city so we can be placed on the Board of Public Works agenda?

Thank you.

Bruce A. Calloway



Government and Community Relations Manager

Indiana Community Relations & Economic Development

o: 812.337.3034

c: 765.427.5381

f: 512.337.3057

[www.duke-energy.com](http://www.duke-energy.com)

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**From:** Urrutia, Jack  
**Sent:** Friday, May 06, 2016 3:13 PM  
**To:** [steve\\_mcartor@cable.comcast.com](mailto:steve_mcartor@cable.comcast.com)  
**Cc:** Ashlock, Nancy; Calloway, Bruce  
**Subject:** RE: Duke's request to vacate platted alley ways

Steve,

Have you had a chance to review this petition yet?

Please let me know if you have any questions or concerns

Thanks,

Jack Urrutia

Senior Engineering Technologist

Duke Energy

1100 W. 2<sup>nd</sup> St

Bloomington, IN 47403

812-337-3033

**From:** Urrutia, Jack  
**Sent:** Wednesday, April 13, 2016 9:56 AM  
**To:** [steve\\_mcartor@cable.comcast.com](mailto:steve_mcartor@cable.comcast.com)  
**Cc:** Ducker, Kerry B; Ashlock, Nancy; Calloway, Bruce  
**Subject:** RE: Duke's request to vacate platted alley ways

Steve

I need to correct and clarify one statement that I made below. The city is not requiring Duke to contact other utilities. The city has sent the petition out to all utilities for responses. So, Comcast should have received that. My goal is to encourage Comcast to respond in a timely manner so that the City will allow Duke's project to move forward

Thanks,

Jack Urrutia

Senior Engineering Technologist

Duke Energy

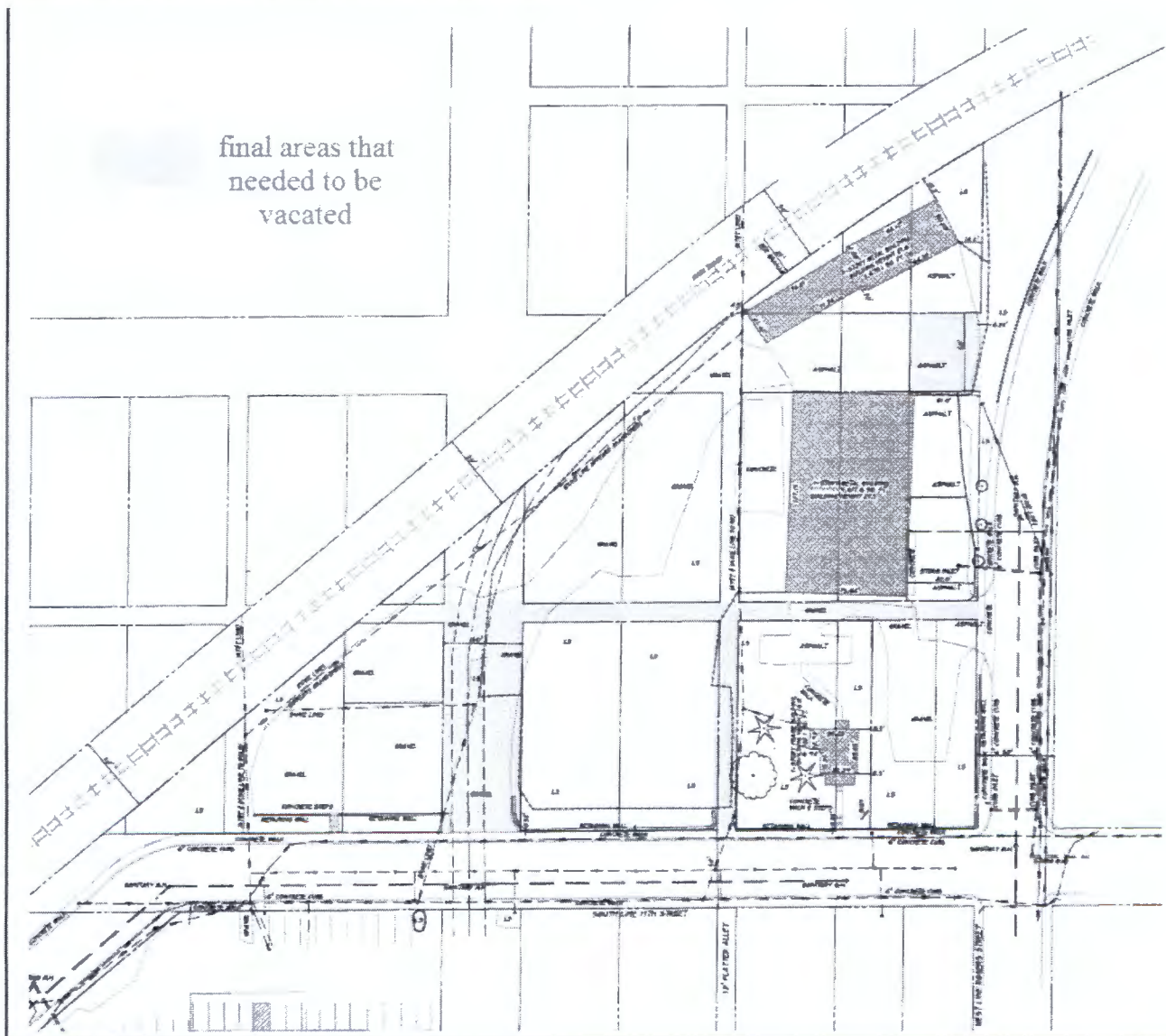
1100 W. 2<sup>nd</sup> St  
Bloomington, IN 47403  
812-337-3033

**From:** Urrutia, Jack  
**Sent:** Wednesday, April 13, 2016 9:42 AM  
**To:** steve\_Mcartor@cable.comcast.com  
**Cc:** Ducker, Kerry B; Ashlock, Nancy; Calloway, Bruce  
**Subject:** Duke's request to vacate platted alley ways

Steve,

I've been asked to help contact some of our utility partners to ensure that everyone is made aware of Duke's request that the City of Bloomington vacate some platted alley ways surrounding the site of our proposed substation at 11<sup>th</sup> and Rogers St. The City is requiring that we contact and inform other utilities of this request. I'll be following this email with a phone call, but I thought it would be helpful to have something in front of you during our discussion.

Please see the image below and the attached pdf showing the areas in question.



Regards,

Jack Urrutia

Senior Engineering Technologist

Duke Energy

1100 W. 2<sup>nd</sup> St

Bloomington, IN 47403

812-337-3033





**CITY OF BLOOMINGTON UTILITIES**  
Engineering Department

4-21-2016

Lynne Darland  
Planning Department  
P.O. Box 100  
Bloomington, In 47402

Lynne Darland,

This is to acknowledge the receipt of the Request for Right-of-Way Vacation of two alley segments and two street segments located in Maple Heights Second Addition, at the northwest corner of 11<sup>th</sup> and Rogers Streets.

The City of Bloomington Utilities Department operates an 8 inch sanitary sewer main in both Rogers and in 11<sup>th</sup> Streets, and a 6 inch water main in 11<sup>th</sup> Street.

504 W. 11<sup>th</sup> and 715 N. Rogers are currently being served by these mains. Any additional service lines required for the proposed Duke Energy Substation would be considered as private.

The City of Bloomington Utilities Department, therefore has no reason to oppose this vacation request.

Could you please be sure that once these other alley and roadway parcels are vacated, that these and the previously vacated portions are duly entered for taxation with the Auditors Office, prior to the transfer to Duke (or Bender Enterprise LLC) so that the county might begin to send tax bills to the owners?

Thank you.

Respectfully,

Michael Carter

City of Bloomington Utilities Dept.

Project Coordinator

Easements/Acquisitions



Lynne Darland &lt;darlandl@bloomington.in.gov&gt;

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## Duke Vacation Request

1 message

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**Michael Carter** <carterm@bloomington.in.gov>  
To: Lynne Darland <darlandl@bloomington.in.gov>

Mon, Apr 18, 2016 at 2:18 PM

Lynn,

I am looking over the packet that you sent last week.  
CBU has no facilities in this area. Our closest are in Rogers Street and 11th Street.

This looks to be a very large area for a substation.  
Are there any preliminary plans for water or sewer use in conjunction with this proposed facility?


Can you check with Monroe County Assessor Office to ask about the pink highlighted parcels on the attached. Although the packet indicates the R/W was vacated in 1907, these appear to still be shown as Public Right-of-Way. Did we miss out on +100 years of property taxes? Looks like the 1.64 acres of undeveloped property owned by Benders is valued at \$100,000 / acre.

I will get you something in writing as an official CBU response.

Thanks,

Mike Carter  
CBU  
812-349-3628

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 **property not on tax rolls.pdf**  
283K



Lynne Darland <darlandl@bloomington.in.gov>

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## Right of way vacation

1 message

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**Michael Diekhoff** <diekhofm@bloomington.in.gov>

Mon, Apr 18, 2016 at 10:19 AM

To: Lynne Darland <darlandl@bloomington.in.gov>

Lynne,

The Police Department is not opposed to the right of way vacation for the Duke Energy Substation in the area of 11th and Rogers.

Michael Diekhoff  
Chief of Police  
Bloomington Police Department  
220 E. 3rd Street  
Bloomington, Indiana 47401  
[812-339-4477](tel:812-339-4477)

"The mission of the Bloomington Police Department is to safeguard life and property while respecting diversity, encouraging civility, solving problems, and maintaining a high standard of individual integrity and professionalism."



Lynne Darland

Planning & transportation Department

City of Bloomington

PO Box 100

Bloomington In 47402

Lynne

This letter is in regards to the vacation of two 12 ft wide alley right of way and two street segments

Located in a triangle shaped group of parcels bordered by West 11<sup>th</sup> Street to the south, North Rogers Street to the east, and the Indiana Railroad to the west.

AT&T has no objections to the request as long as the petitioning party provides AT&T with a utility easement of the same dimensions as the proposed vacated right of way or agrees in writing to reimburse

AT&T for expenses incurred in rerouting or rearranging existing AT&T facilities.

If you have any questions or comments please call me on 812-334-4521

Brent McCabe 

AT&T OSP Engineer

4517 E Indiana Bell Ct

Bloomington In 47408



Lynne Darland <darlandl@bloomington.in.gov>

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## Duke Energy Substation Vacation

1 message

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**Rick Routon** <routonr@bloomington.in.gov>

Tue, Apr 26, 2016 at 9:43 AM

To: Lynne Darland <darlandl@bloomington.in.gov>

Mrs. Darland.

As a representative of the Bloomington Digital Underground and the Assistant Director of Information & Technology Services I will be responding to your letter Dated April 13, 2016 for the Right-of-way vacation of two alley segments and two streets for the Duke Energy Substation Project.

In reviewing the document that you sent from the City of Bloomington Planning Department and the Petitioner requesting the right-of-way vacation. The Bloomington Digital Underground and the City of Bloomington Information & Technology Services has no reservations with this request.

Best Regards,  
Rick Routon

--

**\*Rick Routon\***

*Assistant Director of Information & Technology Services*

P.O. Box 100 Suite 160

401 N. Morton St.

Bloomington, IN 47402

p:812.349.3856 f: 812.349.3487 c: 812.671.0214

--Please consider the environment: Do not print this e-mail unless necessary.





Lynne Darland <darlandl@bloomington.in.gov>

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## Alley Vacation

1 message

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**Tim Clapp** <clappt@bloomington.in.gov>

Wed, May 4, 2016 at 1:41 PM

To: Lynne Darland <darlandl@bloomington.in.gov>

The vacation of the alleys and street segments on west 11th St for the Duke Energy substation will not effect the Fire Department

--

Timothy H Clapp CFEI  
Fire Inspection Officer  
Bloomington Fire Department  
812-349-3889



205 S. Madison St  
Bloomington, In 47403

May 10, 2016

Lynne Darland  
Planning Department  
City of Bloomington  
P.O. Box 100  
Bloomington, IN 47402

Subject: Alley vacation, 504 W. 11<sup>th</sup> Street., located at the corner of W 11<sup>th</sup> Street and N Rogers Street.

Lynne Darland

After reviewing the site plan, Vectren Energy has a 3" mp steel main on the north side of W 11<sup>th</sup> Street, 2" steel mp main running north on the east side of N Rogers Street. Our maps show that we have no facility within the alley right-of-way.

If you have any questions please call or e-mail me.

Sincerely,

Doug Anderson  
*Gas Distribution Engineering Technician-Southeast Division*  
VECTREN ENERGY DELIVERY of INDIANA, INC.  
205 S. Madison Street, Bloomington Indiana 47403  
Office: 812-330-4009  
Fax: 812-330-4057  
Cell: 812-360-3972  
E-mail: [danderson@vectren.com](mailto:danderson@vectren.com)