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December 6, 2019

Bloomington Plan Commission  
401 N. Morton Street, Suite 130  
Bloomington, Indiana 47404

RE: Continuation of the New 4th Street Garage Petition

Dear Commissioners:

Thank you for your continued work on the Commission and working with us on our city's vital infrastructure projects. We introduced this petition ahead of a final court ruling on the disposition of the southern parcel because we wanted to engage the community and all of you in the process as early as possible. Simultaneously, it was necessary to demolish the existing garage because it posed a safety risk to parkers, and posed a hazard as long as the building remained unused.

After hearing the concerns of the Commission, the City agreed to continue the consideration of the final garage plan until we have a definitive ruling from the Court on the property acquisition.

The City has been negotiating for over a year to obtain 222 S. Walnut Street. We have diligently followed the legal requirements for acquiring the parcel as quickly as reasonably possible. Here is a brief timeline of the process:

- June 7: The City filed its complaint to acquire 222 S. Walnut Street. This complaint was filed after a formal offer based on two independent appraisals was rejected by the land owner.
- August 8: The City complied with an accelerated timeline for discovery and responded to extensive discovery requests by sharing hundreds of pages of records with the land owner and his attorneys.
- September 12: The Court set a hearing to consider the City's acquisition of the property. The City was ready to proceed with this hearing, but the Court postponed the hearing until October at the land owner's request.
- October 7: The Court conducted a hearing on the acquisition.

Generally, judges issue written rulings within 30 to 60 days following a hearing, but as of today, we have not received a decision from the Court. However, we anticipate that the ruling could be issued at any moment.

In consideration of the imminent Court ruling, the City is requesting that you vote to continue consideration of the plan. Your decision is crucial. If the petition is not continued, the process becomes more complicated: a denial of the City's request for a continuance constitutes a denial of the petition on the merits under the Plan Commission's rules. It has been suggested that the City withdraw the petition, but withdrawal and re-docketing may further delay the consideration of the petition. Under the Commission's rules, if the City withdraws its petition, the City is prohibited from reintroducing the petition for three months unless a majority of the Commission votes to re-docket the petition, which would likely introduce another month's delay.

At this point in the project, any delay in approval delays the garage's completion, which consequently prolongs the community's downtown parking concerns. The City has done everything in its power to move this case forward efficiently. We are asking the Plan Commission to consider the petition as soon as the Court rules. Under the Plan Commission's rules, voting to continue the petition is the most effective way to delay consideration while keeping the project on schedule.

Thank you for your consideration.

Sincerely,



Michael Rouker, City Attorney