

IN THE
INDIANA COURT OF APPEALS
CAUSE NO.: 23A-MI-02966

CITY OF BLOOMINGTON,)	Appeal from the Monroe Circuit Court 8,
BOARD OF ZONING APPEALS,)	
)	
Appellant-Respondent,)	Lower Court Cause No. 53C08-2211-MI-002400,
)	
v.)	
)	
CUTTERS KIRKWOOD 123, LLC,)	
)	The Honorable Emily A. Salzmann,
Appellee-Plaintiff.)	Judge.

APPELLANT’S VERIFIED MOTION TO DISMISS APPEAL

Appellant, City of Bloomington Board of Zoning Appeals, by counsel, moves the Court to dismiss the appeal of appellant, and in support states:

1. On November 14, 2023, the trial court issued its Order on Verified Petition for Judicial Review, finding that there was clear error in the standard of law applied by the Board of Zoning Appeals (“BZA”), reversing the BZA’s denial of the proposed variance and remanding back the matter to the BZA.
2. On December 13, 2023, Appellant filed a Notice of Appeal.
3. Under Ind. R. App. Pro 36(A), an appeal may be dismissed on motion of the appellant upon the terms agreed upon by all the parties on appeal.
4. All parties have agreed to a voluntary dismissal of this action.

WHEREFORE, Appellant respectfully requests the Court dismiss this appeal.

Respectfully Submitted,

/s/ Aleksandrina P. Pratt

Aleksandrina P. Pratt
Assistant City Attorney

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VERIFICATION

I affirm under the penalties of perjury that the foregoing representations are true and correct to the best of my knowledge.

/s/ Aleksandrina P. Pratt
Aleksandrina P. Pratt
Assistant City Attorney

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2024, the foregoing document was electronically served upon the following persons via the Indiana E-Filing System (IEFS):

Attorney for the Petitioner:

Christine Bartlett
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/s/ Aleksandrina P. Pratt
Aleksandrina P. Pratt
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