

ORDINANCE NO. _____

AN ORDINANCE TO AMEND, CORRECT, AND REPLACE ORDINANCE NO. 10431-16 TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH/SOUTH ALLEY EAST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

On April 11, 2016 this Council Passed Ord. No. 10431-16 to vacate an alley right of way. However, the legal description of the described property was subsequently discovered to be incorrect, describing the wrong property to be vacated. This ordinance amends and corrects the legal description by including the correct legal description of the alley to be vacated and it replaces Ordinance No. 10431-16 by vacating the correctly described property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

THE FIRST NORTH/SOUTH ALLEY EAST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

Lot Number	County Parcel ID Number	Current Owner
1 & 2	018-1028-1259	Wadad El- Ammori
3	018-1028-1260	Wadad El- Ammori
3	018-1028-1261	Lincoln Park Development, LLC
4	018-1028-1262	George Kalafat
6	018-1028-1282	Wadad El- Ammori

SECTION IV. The purpose of the vacation of the real property is to allow for the development of such property.

SECTION V. This Ordinance supersedes and replaces Ordinance No. 10431-16.

SECTION VI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, retroactive to April 12, 2016 per the original ordinance 10431-16.

Member of the Common Council

Attest:

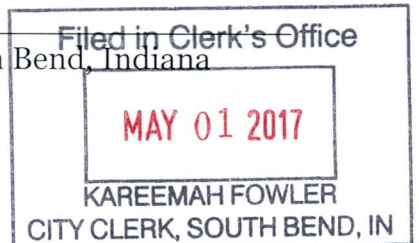
City Clerk


Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____m.


Attest:

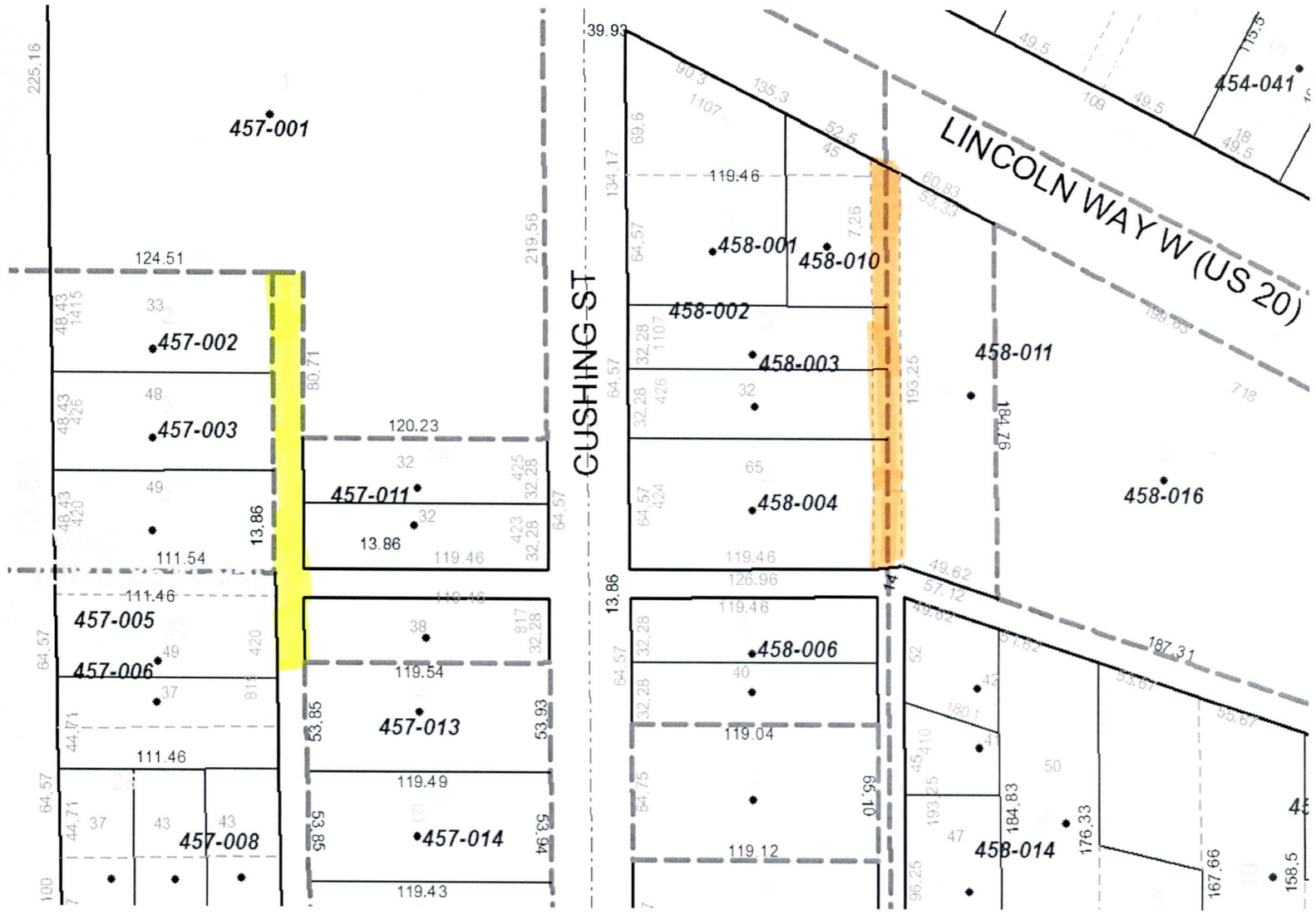
City Clerk

Mayor, City of South Bend, Indiana



 = portion to be vacated if go by the legal description on ord. ("West" of ~~the~~ Cushing)

 = portion to be vacated using the map and tax ids on ord. (should be "east" of Cushing)



W N
S E

EFFECTIVE 2017 TAXES
PAYABLE 2018



018-1028-1259

8-26



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO:

Larry Magliozzi, Area Plan Commission
P. Corblitt Kerr, Board of Public Works
Tony Molnar, Engineering Department
Charles Buiot, Building Department
Federico Rodriguez, Fire Department
Phil Griffin, Northern Indiana Public Service Co.
Lt. Christopher Voros, Police Dept.

Pete Kaminski, Street Department
Ed Gleckler, Traffic & Lighting
Michael Divita, Community Investment
Mark Runnion, County Auditor
Ed Herman, Water Works

FROM: Kareemah Fowler, City Clerk

DATE: May 12, 2016

SUBJECT: Effective Alley Vacation Notice

To Whom it May Concern:

All proceedings with reference to Ordinance No. 10431-16 for the vacation of the following property:

PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated -- effective March 15, 2016. All Common Council proceedings regarding the vacation are public information and available electronically at southbendin.gov, or by hard copy in the City Clerk's Office. Should you have any queries or concerns regarding this property vacation, feel free to contact the City Clerk's Office at your convenience.

Sincerely,

Kareemah Fowler, IAMC
City Clerk, Office of the City Clerk
City of South Bend

455 County-City Building • 227 W. Jefferson Blvd • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY/ CHIEF OF STAFF

ALKFYNA M. ALDRIDGE
DEPUTY/ DIRECTOR OF POLICY

EMILY SEXTON
ORDINANCE VIOLATION CLERK

The "west" should be "east?"