



# OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

Public Works & Property Vacation March 28, 2022 4:45 P.M.

Committee Members Present: Lori Hamman, Henry Davis Jr., Karen White, Sheila Niezgodski

Committee Members Absent: None

Other Council Present: Canneth Lee, Sharon L. McBride, Troy Warner, Eli Wax

Other Council Absent: Rachel Tomas Morgan

Others Present: Dawn Jones, Jason Piontek, Carl Litrell

Presenters: Michael Danch, Jose Arevalo

Agenda: Public Works & Property Vacation  
**Bill No. 10-22** Alley Street/Vacation- Alley at 1200 Block of Howard Street.  
**Bill No. 12-22** Alley Vacation for FNWNA Development  
**Bill No. 13-22** Alley Street Vacation- 1101 King Street

Full audio dialogue of the meeting is available upon request from the City Clerk's Office.

Committee Chair Sheila Niezgodski called to order the Public Works & Property Vacation

Clerk Jones responds with roll call of five (5) present.

Committee Chair Neizgodski states the first order of business is Bill No. 10-22 and calls for presenter Michael Danch.

Michael Danch, Danchharner and Associates 1643 Commence Dr. South Bend, IN There is an existing alley bounded by Dewey St. on the East, Howard on the South in South Bend Avenue. Board of works gave a favorable vote for vacating the alley for development with incorporation of mixed use. Alley is 205 ft long; dissects multiple properties.

Committee Chair Niezgodski inquires of the committee members any additional questions.

Committee Member Hammon responds with asking if the alley uses multiple lots.

Michael Danch responds that developers have already purchased one of the lots from the city. New property will be facing South Bend Ave. and a parking area toward the southeast.

Committee Chair Niezgodski responds for any additional questions.



Citizen Member Carl Litrell inquires if there are any other additional alley vacations for this development.

Michael Danch responds with constructing an alley vacation replot or do an adjustment for the entire lot.

Citizen Member Carl Litrell inquires if Howard Street has a irregular width particularly on the east side

Michael Danch responds with the issue is on the western side at South Bend Avenue. There is enough room on the southeast side where improvements have been done. There will be a site plan when improvement occurs to see if any other additional repairs are needed.

Committee Chair Neizgodski initiates if there are any additional council member questions and the public portion wishing to speak in favor of Bill *No. 10-22*.

Clerk Jones responds with no one from the public is needing to speak in favor of the bill.

Committee Chair Neizgodski inquires if anyone is wanting to speak in opposition of Bill *No. 10-22*. Angela Smith.

Angela Smith, Zoning Administrator responds they will need a re-zoning as a mixed-use property which is additional approval. Current zones U1 and U3 are single and multifamily.

Committee Chair Neizgodski responds any additional statements.

Committee Member Lori Hammon motion for a passage with favorable recommendation to the committee as a whole.

Committee Member Karen seconds.

Committee Chair Neizgodski responds with motion and second with a favorable recommendation to the committee as a whole.

Clerk Jones responds with roll call of 5 ayes.

Committee Chair Neizgodski responds with sent with a favorable recommendation to the committee as a whole.

**Bill No. 12-22**

Committee Chair Neizgodski states Bill No. 12-22 the presenter as Thelma Williams

Clerk Jones states Jose Arevalo is present to speak about Bill No. 12-22.





Citizen Jose Arevalo 3809 Fellows St., South Bend, proposed to the city that new affordable housing in the Near Northwest Neighborhood with allowing the alley to be vacated that affects the development of the duplex(es) in the area.

Committee Chair Neizgodski, any committee members have a question.

Citizen Member Carl Litrell responds without a site plan how will vacating an alley add value.

Jose Arevalo responds with having access to the property is on the street side, the back side of the house is on the alley.

Kara Boyles, City Engineer, 13<sup>th</sup> floor city offices, vacating the alley will allow a curb cut to be made on Meade St. Residents are saying the alley is not safe and would like the entrance to the property in the front having a driveway. The alley would add to the development of the property by using the alley as an access point.

Committee Chair Neizgodski asks is the whole area vacant.

Kara Boyles responds with there is not a lot of reconstruction in that area. If the alley is vacated, they can have a curb cut.

Angela Smith states that if you do that then you limit the property and the others around or future development because the lots are narrow. There will not be enough room for a driveway and a house. The planning staff needs a deeper conversation.

Council Member Lee knows the area; the concern was the garage coming off the alley how the residents feel unsafe.

Angela Smith states we have been looking at a narrow house plan that can be used in those areas. Without alley access it is challenging.

Committee Member Hammon states the neighborhood only owns 4 parcels of the total area and questions will the decision impact all the lots.

Angela Smith responds that it will impact everybody between the two streets...if the vacation gets passed, half of the alley goes to each adjacent lot. They each get 7 extra feet would need a driveway. It may not have a real impact. Its not a high reconstruction area because the homes own the lots besides them.

Committee Chair Neizgodski, states that Kara Boyles can have more time to review.

Committee Chair White states to contact the petitioner for clarity because it has been a while for development...note concerns from public works and zoning and have them outlined for the committee and petitioner.

Committee Chair Neizgodski moves to the public hearing portion with anyone to speak in favor of Bill No. 12-22.

Clerk Jones responds with no one is wishing to express in favor of Bill No. 12-22.



Committee Chair Niezgodski inquires if there are anyone to speak in opposition of Bill No. 12-22.

Committee Member Hammon motions to move the bill to the committee as a whole without a favorable recommendation.

Council Member Warner seconds.

Council Member White clarifies the vote that the motion is without no recommendation but with opportunity to be heard.

Clerk Jones responds without favorable 5 ayes.

Committee Chair Niezgodski, Bill No. 12-22 will be sent to the committee as a whole without a recommendation.

Kara Boyles mentions that the petitioner contacted the city on March 9 and should consider if they wanted a pathway in the alley way it would operate as public right which wasn't the intent initially; it needs clarification.

### **Bill 13-22**

Committee Chair Niezgodski requests the presenter of Bill No. 13-22.

Kory, petitioner 615 Cushing St. South Bend, IN. purchased 1101 King St to renovate for youth and families with Transformation Ministries. Public Works advised them to get the alley vacated between McCartney and King St; the alley is overgrown on the northside; this area is for parking lot and retention area.

Committee Chair Niezgodski inquires questions from the committee.

Committee Chair White questions if the petitioner is asking from the Board of Public works; are you looking at having a written commitment to move forward? They have no objections to the alley but unfavorable for the vacation of King St. because it violates criteria No. 2.

Kory responds after talking to zoning and engineering they recommend the alley not King Street; just the alley between King Street and McCartney.

Committee Chair Neizgodski, responds with any more questions from the committee.

Angela Smith, Zoning Administrator, the legal description of the property in the ordinance is not sufficient enough to properly vacate the alley. I can make a recommendation for a better legal description to help it get it passed...I would like to request an opportunity to get a better description for section No. 1 in the ordinance.

Committee Chair Neizgodski ask if they will be willing to table the bill.

Angela Smith states we can do it as substitute in the full council meeting tonight. I can make a quick edit and send it to you.





Committee Chair Neizgodski requests that the legal description be sent to Angela Smith and petitioner.

Committee Chair Neizgodski asks if there are any more questions from the committee and council members.

Committee Member Hammon states that there is an unfavorable recommendation from the fire department and a favorable recommendation from the police.

Angela Smith states that a fire hydrant is located on King St. but the petitioner only wants the alley way between Kessler and Allen vacated and between McCarney and King St.

Committee Chair Neizgodski states that the fire hydrant will not be an issue because they are not vacating the street.

Committee Chair Neizgodski requests from the public portion of anyone wishing to speak in favor of Bill No. 13-22.

Clerk Jones responds with no one is wishing to speak in favor of Bill No. 13-22.

Committee Chair Neizgodski requests if there is anyone wishing to speak against Bill No. 13-22

Clerk Jones responds with no one is wishing to speak in favor of Bill No. 13-22.

Committee Chair Neizgodsk now entertains a motion for Bill No. 13-22.

Council Member Warner recommends the bill be sent to the committee of a whole with a favorable recommendation and clear legal description of the area.

Committee Member Hammon seconds.

Clerk Jones responds with roll call of 5 ayes.

Committee Chair Neizgodski states that Bill No. 13-22 will be sent to the committee of whole with a favorable recommendation with the description of the vacation premises be within the 2 block alley radius.

Angela Smith states that they are looking to improve the process of vacations. A challenge is the long gap between the public works and the zoning and annexation departments as well as the notification of the committee meetings.

Committee Chair Neizgodski states the committee meeting for Public Works and Property Vacation is now adjourned.

Respectfully Submitted,

Sheila Neizgodski, Committee Chair

