

51

Department of Public Works.

THIS ENVELOPE CONTAINS PAPERS

Under *Vac* Resolution No. *53*

Adopted on the *16* day of *June* 190*8*

For *Vacating an alley*
in Gorske and
off of Tenth St.

From *near Schmitt's property.*

1st alley E of Main

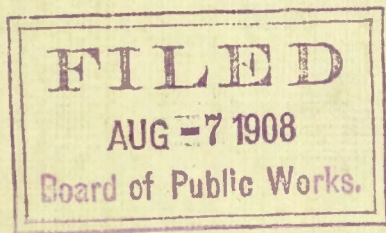
For Proof of Publication see Proof

Record _____ Page _____

In the matter of the vacation of the first alley East of Main St. between Tuth & Sample Streets in the City of South Bend.

To the Board of
Public Works.

Remonstrance.



HARRY R. WAIR,
ATTORNEY AT LAW
SAVINGS BANK BLOCK,
126 N. MAIN STREET,
SOUTH BEND, INDIANA.

IN THE MATTER OF THE VACATION OF THE FIRST ALLEY EAST OF MAIN STREET
BETWEEN TUTT STREET AND SAMPLE STREET IN THE CITY OF SOUTH BEND.

To the Board of Public Works of the City of South Bend, Indiana:

The undersigned, Fred Schafer and Albert Schafer, hereby represent to your Honorable Body, that on the 14th day of July, 1908, a final resolution was passed by your body, vacating the first alley east of Main Street extending from Tutt Street to the first alley south of Tutt Street in the city of South Bend. The undersigned further represent that they were not made a party to said proceedings at the time of the pendency thereof; that they were owners in fee simple of the lot immediately abutting upon the south entrance of said alley; that they were allowed no damages for injuries suffered to said lot nor were they in any manner given an opportunity or notice to remonstrate against said proceedings; that on the 3rd day of August, 1908 they filed an appeal from the final action of this Board in such vacation, in the Circuit Court of St. Joseph County, which proceeding is now pending therein. The undersigned further represent that said proceeding as against themselves, is absolutely void and of no legal effect. They therefore pray your Honorable Body to take such steps as may be right and proper in the premises to properly protect their interests effected by said vacation by way of revocation of said final resolution or such additional or supplemental proceedings as may be necessitated.

The undersigned further represent that they are advised by counsel that the proceedings as against themselves is void and of no effect and that the city of South Bend can be mandated to open up said alley, the said vacation proceedings notwithstanding.

The undersigned further ask that this instrument be considered and deemed a remonstrance against said proceedings and a request for the legal protection of their interests.

..... *Fred Schaler*

..... *Muri Schaler*

By *Harry B. Kauri*
Attorney.

PETITION FOR

Vacation of Alley

in.....

from *Tenth St. South*.....

to *First Alley Running*
East & West.

Ernst Schünke et al.,
Petitioners.

FILED

MAY 5 1908

Board of Public Works.

PETITION.

South Bend, May 4, 1908,

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND:

Gentlemen:

The undersigned owners of

real estate abutting on an alley 12 feet wide running south, from

Tutt street to the first alley running east and west,

respectfully petition for the passage of a resolution declaring for the ~~improvements~~ ^{vacation} noted below. It is understood and agreed by said petitioners that the entire expense of said ~~improvement~~ ^{vacation} is to be borne by the property affected and without expense to the City of South Bend:

Your petitioners represent that petitioner Gottfried Schinke is the owner of the North half, and petitioner Emil Schinke is the owner of the South half of Lot No. 259, and petitioner Isaac Farneman is the owner of Lot No. 260, both Lots in Daniel Garst's Sub-Division of Part of Daniel Garst's first Addition to South Bend City, now a part of the City of South Bend, and that petitioner Laura Lamb is the owner of Lot No. 211 in Daniel Garst's first Addition to South Bend City, now a part of the City of South Bend.

That there is now a public alley running south from Tutt street between said lot 211 on the east side and said lots 259 and 260 on the west side, intersecting with a public ^{alley} running east and west on the south side of said lot 260 and south end of said lot 211.

That said alley is 12 feet wide and is only for the use and benefit of your petitioners said respective lots, which they desire to discontinue, and ask to be vacated. Wherefore your ^{petitioners} pray for the vacation of said alley.

Signed and Sealed this 4th day of May, A.D. 1908,

Gottfried Schinke

Emil Schinke

Laura Lamb

Isaac Farneman

South Bend, Ind.,

August, 6---08.

To the honorable Board of Public Works Of South Bend, Ind.

Gentlemen; We the undersigned farmers, living in the County of St. Joseph, State of Ind., do hereby petition your Honorable Body for the privilege of weighing our produce and the use of the streets and alleys in the marketing of same in the city of South Bend, Ind.

Such privilege we feel that we have been deprived of in the closing of the alley leading south from Tutt St. between Main and Michigan Sts.

~~Respectfully~~ Begging your carefull consideration in this matter we sign.

S. J. Hildebrand.	George Gilmer
J. W. Cook	
W. J. Kelley	Perry C. Hartman
A. A. Cook,	Wm. C. Schaefer.
Perry Donovan	George Schaefer
Charles C. Bennett	Henry Hoctel
Alce Smith	Philip Schaefer Sr.
Wm. Cook	S. J. Hildebrand.
J. W. Hobbs	
F. E. Gilmer	Philip Schaefer, Jr.
George Hoctel	

The total frontage assessed for pavement is..... feet, at per front

“ “ “ “ “ sewer is..... “ “ “ “

“ “ “ “ “ grade, curb and cement walk is..... “ “ “ “

The total cost of the Improvement is \$..... Amount assessed to City \$.....

And in the following tabular statement is given the name of each property owner on that part of the street so improved; the front feet owned by the respective owners; the amount of the cost of such improvement assessed upon each lot or parcel of ground thereon; the full description, together with the owner's name, of each lot or parcel of ground bordering on said part of street improved; the amount of allowance made to each owner on account of former improvements, and the net amount due from each tract of real estate, after deducting the aforesaid allowances.

All of said real estate bordering on said improvements being in the City of South Bend, St. Joseph County, Indiana.

In describing said real estate, the following abbreviations are made to-wit: N. for North; S. for South; E for East; V ft. for feet; ex. for except; Sd. for side; Ed. for end; C. for chains; L for links; O. P. for original plat; B L. for lot in the state Bank of Indiana's 1st, 2nd and 3d Plats of Out-Lots to the Town of South Bend, which lots are numbered consecutively the several plats, from 1 in 1st plat to 130 in 3d plat; Add. for addition; Sub. for sub-division; L. for Lowell; T. S. B for Town of South Bend; C. S. B. for City of South Bend.

Description of Real Estate

Bordering on the Improvement.

PART OF LOT.	No. of Lots.	Name of Addition or Sub-Div.	No of feet front.	NAME OF OWNER.	Amount of Cost Apportioned and Assessed to each lot.		Amount of Allowance
					\$	Cts	
TO BE VACATED.							
<p>Begin at the north west corner of lot 211 in Daniel Garsts Addition to the City of South Bend, Indiana. thence south on on west line of said lot 211 to the south west corner of said lot 211, thence west 12 feet, thence north to the south line of Tutt Street, thence east 12 ft to the place of beginning. being a public alley.</p>							
THE FOLLOWING PROPERTY MAY BE BENEFICIALLY OR INJURIOUSLY EFFECTED							
North $\frac{1}{2}$	259	Daniel Garst Sub-Division of part of Daniel Garsts 1st Addition.		Gottfried Schinke.			
South $\frac{1}{2}$	259	" " "		Emil Schinke			
All	260	" " "		Isaac Farneman.			
All	211	Daniel Garsts 1st Addition.		Louisa Lamb.			

South Bend Oct 6/08.

The honorable Council
of South-Bend. Ind.
Gentlemen:

I am in favor of having the
Alley west of us, which was
recently closed and named now
a private drive way opened
to give the business people in
our end all possible advantage.
an interested Citizen

H. C. Reitzel Esq.
Auguste Reitzel
H. R. Reitzel.

South Bend October 6¹⁹⁰⁸

Dear Sir I as a property
owner on the rear alley on
West 5th Street and a public
ally at that I am in favor
to have the rear alley
opened next to us
E. Behl

REMONSTRANCE.

South Bend, 190.....

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND:

Gentlemen:

The undersigned owners of
real estate abutting on Alley E of Main, from
Intl or to South 1/2 block
respectfully remonstrate against any ~~further~~ action of the Board of Public Works in the
matter of vacating said alley.

F. P. Hartzell
By Horace Hartzell

Yacaliny alley
In East of Main
From Left of South
To

REMONSTRANCE

FILED

FILED
AUG:19 1908
Board of Public Works.

REMONSTRANCE.

South Bend, Aug 18th 1908

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND:

Gentlemen:

The undersigned owners of real estate abutting on Alley East of Main St, from Jutt St. to alley south of Jutt. respectfully remonstrate against any ~~future~~ action of the Board of Public Works in the matter of closing said alley East of Main St.

P. M. Johnson	Transp. & Coal	117 W Sample
Wm J Hobbs	827 So Mich. St	
Brothers & Shaffer	825 So Mich St	
Brothers & Shaffer	819	
Zenger Bros	meats	817 S. Mich
Edw Phillips		815 S. Mich
Edw Phillips		813 S. "
McGurney & Duran		811 " "
Prof Smith		809 " "
Frank S. Andrews		105 West Sample
Frank Whitman		115 West "
Fred. Schafer		814 South. Main St.
Wm. Miller		800 " "
Robert Weststrom		811 " "
Aug. C. Jalunde		807 " "
Alex Smith (owner)		821 " "
E. C. Whitman	By N. H. K.	
A. J. + F. J. Ward		

COPY OF VACATION RESOLUTION.

No. 59, 1908

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA: That it is desirable to vacate the following:

Begin at the north west corner of lot 211 in Daniel Garsts Addition to the City of South Bend, Indiana. thence south on west line of said lot 211 to the south west corner of said lot 211, thence west 12 feet, thence north to the south line of Tutt Street, thence east 12 ft to the place of beginning. being a public alley.

The following property may be injuriously or beneficially effected by such vacation;

- North $\frac{1}{2}$ of lot 259 Daniel Garsts Sub-Division of part of Daniel Garsts 1st Addition Owned by Gottfried Schinke.
- South $\frac{1}{2}$ " " lot 259 " " " " " " " " Emil Schinke.
- All of lot 260 " " " " " " " " Isaac Farneman
- All of lot 211 Daniel Garsts 1st Addition owned by Lousa Lamb.

Notice of this resolution shall be published on the 7th day of June and on the 14th day of June 1908, in the South Bend Daily Tribune. June

This Board, at its office in the City Hall on the 14th day of July 1908 at 2:30 p. m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 16 day of June 1908

BOARD OF PUBLIC WORKS.

W. C. Murray
Pres.

