

SEC - 3231

3230

VACATION

FIRST N&S ALLEY EAST
OF HIGH ST SOUTH FROM
PENNSYLVANIA AVE. 188.6' ±

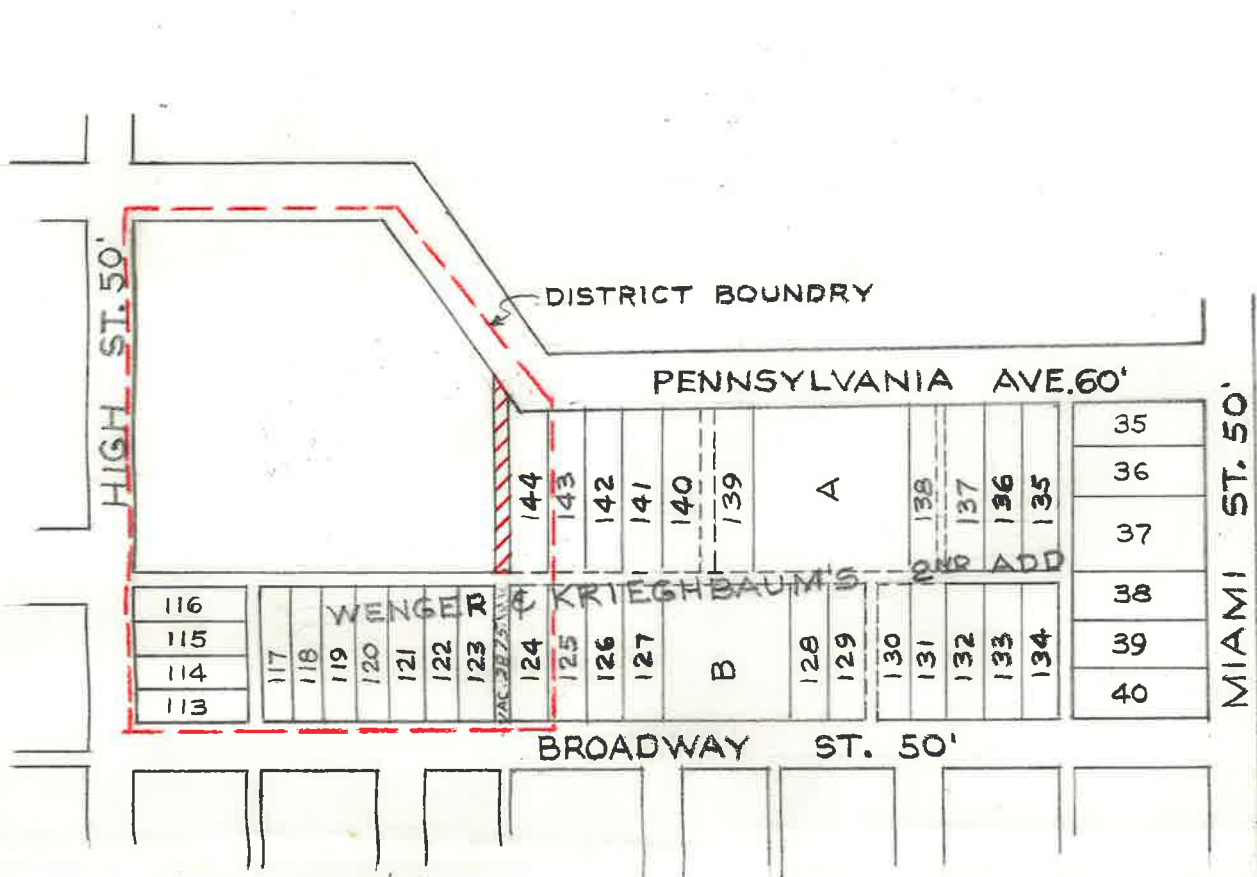
RES. # 3230

HEARING - 1/2/68

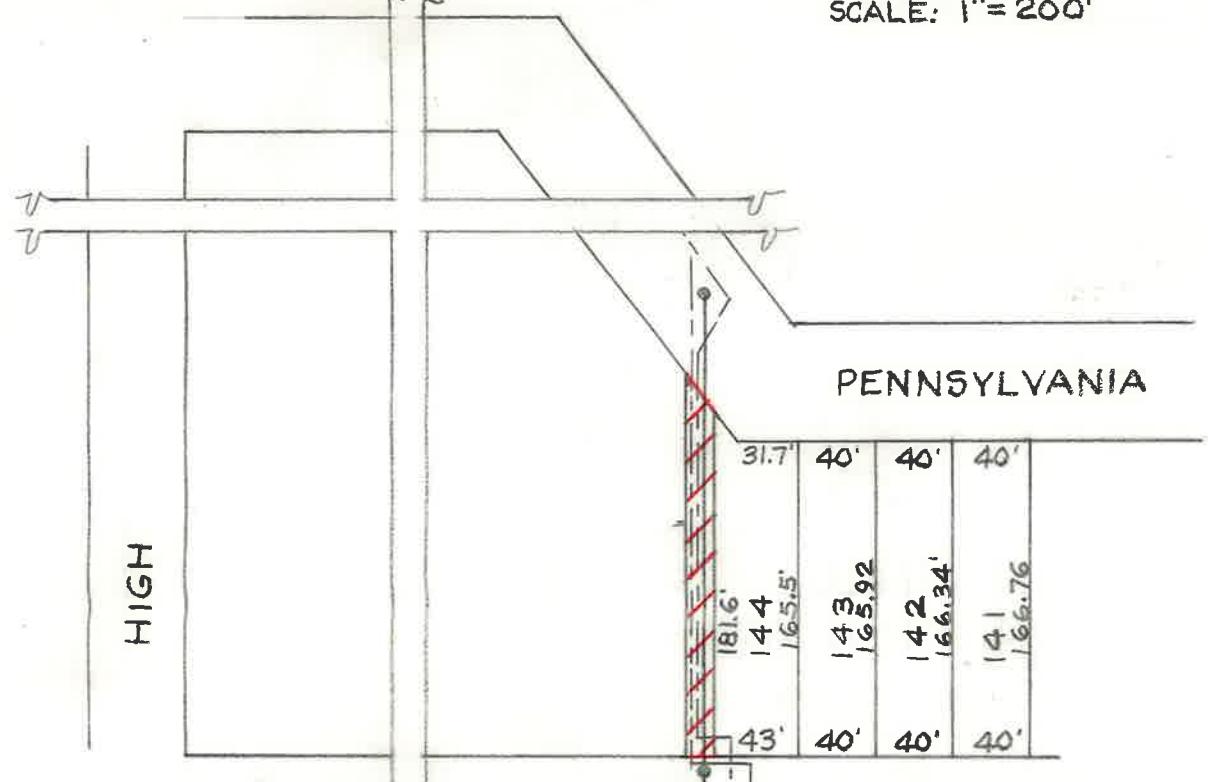
ASSESS HEARING - 3/11/68

PETITION TO VACATE ALLEY.

TO VACATE AN ALLEY BEING THE FIRST ALLEY EAST OF HIGH STREET STREET EXTENDING SOUTHERLY FROM PENNSYLVANIA AVE. A DISTANCE OF APPROXIMATLY 188.6'±, WHICH IS THE TERMINATION OF SAID ALLEY.



SCALE: 1" = 200'



COPY OF VACATION RESOLUTION

NO. 3730, 19 67

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

THE FIRST ALLEY EAST OF HIGH STREET EXTENDING SOUTHERLY FROM PENNSYLVANIA AVENUE A DISTANCE OF APPROXIMATELY 138.6 FEET, MORE OR LESS. WHICH IS TERMINATION OF SAID ALLEY.

RESERVING ALL PUBLIC UTILITY RIGHTS AND THE RIGHTS OF THE MUNICIPAL CITY OF SOUTH BEND TO CONSTRUCT AND MAINTAIN ALL PUBLICLY OWNED UTILITIES AND SURFACE WATER CONTROL STRUCTURES AND DITCHES WITHIN THE VACATED RIGHT-OF-WAY.

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

Lot No. 144 of Wenger & Kriegbaum's 2nd Addition and unplatted land west of the vacated right-of-way.

Notice of this resolution shall be published on the 15 day of Dec and on the 22 day of Dec 1967 in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the 2nd day of Jan 1968 at 7:15 p.m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 11th day of Dec 1967

**AREA PLAN COMMISSION
OF ST. JOSEPH COUNTY, IND.**

J. K. WILSON, EXECUTIVE DIRECTOR
129 W. COLFAX AVENUE, SOUTH BEND, INDIANA 46601
(219) 753-2057

Res 3-30

December 1, 1967

FILED
DEC 4 1967

Board of Public Works & Safety
RICHARD J. DUCK, Clerk

The Honorable Board of
Public Works and Safety
City Hall
South Bend, Indiana

Gentlemen:

The attached alley vacation petitions of Cardinal Bottling Company, Inc. were legally advertised under date of October 7 and 14 and given public hearing on October 17, 1967. The following action was taken on November 21, 1967:

After due consideration it was moved, seconded and unanimously carried that the petitions be recommended favorably to the Board of Public Works and Safety subject to their investigation to determine if all abutting property owners have signed the consent petitions.

Excerpts from the minutes of the meetings are hereby attached and made a part of this report.

Very truly yours,

John K. Wilson,
Executive Director

JKW/cas
Attach.

EXCERPTS FROM THE AREA PLAN COMMISSION MINUTES OF OCTOBER
17, 1967

2. Petition of Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, more or less.
3. Petition of Cardinal Bottling Company, Inc., and Reliable Dairy, Inc. to vacate the first alley east of High Street extending southerly from Pennsylvania Avenue a distance of approximately 188.6 feet, more or less.

Attorney Don Blackmond appeared representing the petitioners on both of the proposed alley vacation petitions. He indicated that there are three residences along the alley which runs north from Broadway but that they have no garages on the alley and that it is not used for ingress or egress.

In response to a question from the Commission; Mr. Blackmond stated that the petitions for vacation were only signed by the petitioners and not by another other abutting property owners but that they had no objection to the vacation petitions.

Mr. Blackmond indicated that they have no plans to build across the alley if it is vacated but that they desire the vacation for control purposes only. On the basis of this there would be no problem in providing the necessary utility easements.

No one further appeared.

Following discussion of the matter it was moved by Mr. Lehman, seconded by Mr. Pavey and unanimously carried that the petitions be tabled until the November 21, 1967 meeting and that the petitioner be advised that he should secure the permission of the abutting property owners in writing and be made aware of the fact that if the alley is closed only half will legally belong to the petitioner.

EXCERPTS FROM THE MINUTES OF THE AREA PLAN COMMISSION
MEETING OF NOVEMBER 21, 1967

3. Petition of Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, more or less as tabled.
4. Petition of Cardinal Bottling Company, Inc., and Reliable Dairy, Inc. to vacate the first alley east of High Street extending southerly from Pennsylvania Avenue a distance of approximately 188.6 feet, more or less, as tabled.

The Plan Commission staff indicated that the attorney for the petitioners has submitted consent petitions signed by the abutting property owners.

During the discussion the following point was raised.

1. Does Schrader Furniture Company have access to this alley and are they an abutting property owner?

After further consideration it was moved by Mr. Taylor, seconded by Mr. Helvie and unanimously carried that the petitions be recommended favorably to the Board of Public Works subject to their investigation to determine if all abutting property owners have signed the consent petitions.

PT. Winger & Kriehbaum 2nd add.

Silwell 79. 147

Bd 7th # 455

52081

GRANT OF EASEMENT

BOOK 709 PAGE 402

THIS EASEMENT made this 19TH day of ~~February~~ ^{JUNE}, 1968, by and between Cardinal Bottling Company, Inc.; Reliable Dairy, Inc.; Northern Indiana Public Service Company; and H. J. Schrader Co., Inc., hereinafter referred to as the "Grantors", and the City of South Bend, Indiana, hereinafter referred to as the "Grantee";

WITNESSETH:

WHEREAS, the Grantors are the owners of real estate adjoining a certain public alley described as the first alley east of High Street extending southerly from Pennsylvania Avenue a distance of approximately 188.6 feet, which alley is being vacated pursuant to Vacation Resolution No. 3230; and

WHEREAS, the Grantors are desirous of executing and giving an easement to the Grantee to construct and maintain all publicly owned utilities and surface water control structures and ditches within said vacated right-of-way.

Now this Grant of Easement,

WITNESSETH:

That the Grantors hereby grant unto the Grantee the full and free right and authority to construct and maintain all publicly owned utilities and such water control structures and ditches within the vacated right-of-way and to agree not to build any buildings or a canopy having a clearance of less than 13 feet on said vacated right-of-way on the real estate hereinbefore described.

IN WITNESS WHEREOF, the Grantors have hereunto caused this Easement to be executed the day and year first above written.

CARDINAL BOTTLING COMPANY, INC.

By Frank Palmer, Jr. President

ATTEST:

Irene M. Kenna Secretary

RELIABLE DAIRY, INC.

By Frank Palmer, Jr. President

ATTEST:

Marion Lambka Secretary

NORTHERN INDIANA PUBLIC SERVICE COMPANY

By John E. Peil

ATTEST:

John E. Peil Secretary



STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Frank Palmer, Jr. and Irene M. Kenna, to me known to be the President and Secretary of Cardinal Bottling Company, Inc.; Frank Palmer, Jr. and Marion Lambka, to me known to be the President and Secretary of Reliable Dairy, Inc.; C. D. Rees and John E. Reil, to me known to be the President and Secretary of Northern Indiana Public Service Company; and F. Kramer and H. R. Goodhew, to me known to be the President and Secretary of H. J. Schrader Co., Inc., who, on behalf of said corporations, acknowledged the execution of the foregoing Grant of Easement, this 18th day of June, 1968.



Carol S. Lynch

Carol S. Lynch, Notary Public

BOOK PAGE
EDWIN A. KALCZYNSKI
RECORDER

JAN 2 10 29 AM '69

FILED FOR RECORD

ST. JOSEPH CO.
INDIANA

This instrument prepared by: Milton A. Johnson
801 Odd Fellows Building
South Bend, Indiana 46601