

April 18, 2023

City of South Bend  
Common Council  
455 County-City Building  
227 W. Jefferson Boulevard  
South Bend, Indiana 46601

**RE: ALLEY VACATION – 1023 QUIMBY STREET**

To the Council,

On behalf of the Owners of the above referenced property, Elliot Properties, LLC, we request the adjacent alley be vacated. The Owner owns 100% of adjacent properties. They wish to reconfigure the lot layout of these adjacent properties. Therefore, this requested alley vacation shall prove beneficial in new lot line distribution.

If you have further questions regarding this alley vacation, please contact me at the above listed phone number.

Sincerely,

Terance D. Lang, PS  
[tlang@gowightman.com](mailto:tlang@gowightman.com)  
574-233-1841

Filed in Clerk's Office

APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

BILL NO. 22-23

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET.

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STATEMENT OF PURPOSE AND INTENT

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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. The following Ordinance vacates the above described public 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 LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET.

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 16, 1; 18 AND 19 OF LISTER'S SUBDIVISION*

Section IV. The purpose of the vacation of the real property is to eliminate the north south alley and alley approach, install 6" concrete curb and establish a tree lawn in accordance with the City standards and specifications.

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

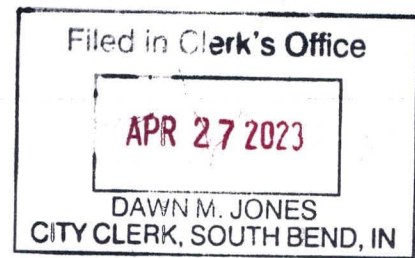
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana



OFFICE OF THE CITY CLERK  
DAWN M. JONES, CITY CLERK

April 12, 20223

**PUBLIC HEARING NOTICE**

To Whom It May Concern:

You are hereby notified that a public hearing will be held at **7:00 p.m.** on **Monday, May 22, 2023** in the **Council Chambers on the 4<sup>th</sup> Floor** of the **County-City Building**, located at 227 W, Jefferson Blvd., South Bend, Indiana, 46601 or available by way of attending virtually using the Microsoft Teams Meeting App. Public access to the meeting can be granted by using the following Microsoft Team Link: <https://tinyurl.com/05222023SBCC>

This is for the purpose of hearing all interested persons concerning the vacation of the following described property:

**BILL NO. 22-23**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET.**

Should you have any questions or concerns regarding this matter, please do not hesitate to contact the City Clerk's Office at 574-235-9221 or email [sbcityclerk@southbendin.gov](mailto:sbcityclerk@southbendin.gov).

Sincerely,

**Dawn M. Jones, MPA**  
City Clerk  
Office of the City Clerk

INTEGRITY | SERVICE | ACCESSIBILITY

VICTORIA A. TRUJILLO  
CHIEF DEPUTY/CHIEF OF STAFF

KENNETH HARDY  
DEPUTY/DIRECTOR OF POLICY

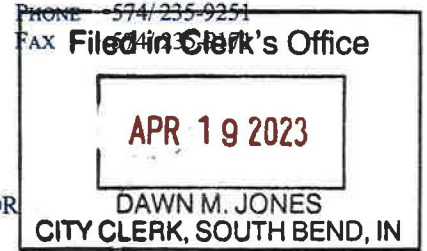
SHAYLA KIMBROUGH  
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | [www.southbendin.gov](http://www.southbendin.gov)



1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



CITY OF SOUTH BEND JAMES MUELLER, MAYOR  
**BOARD OF PUBLIC WORKS**

Elliot Properties, LLC  
615 W. Colfax Ave.  
South Bend, IN 46601  
[B.Emberton@outlook.com](mailto:B.Emberton@outlook.com)

RE: Alley/Street Vacation – Alley at 1023 Quimby St. (Preliminary Review)

Dear Mr. Emberton:

At its March 14, 2023 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a **favorable** recommendation for the vacation of this alley **subject to: 1) removal of the alley approach and installation of 6-inch curb per City standards; 2) no drive access from Eddy Street shall be permitted; and 3) provide a cross access agreement to the 315 S. Eddy Street.** If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications.** These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

*/s/ Theresa Heffner*

Theresa Heffner, Clerk

Enclosures - TH/lh

March 14, 2023



715 South Michigan Street  
 South Bend, Indiana 46601  
 P. 574.233.1841  
[WWW.GOWIGHTMAN.COM](http://WWW.GOWIGHTMAN.COM)

# LETTER OF TRANSMITTAL

Date	04/18/2023	Job No.	226189
Attention	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Filed in Clerk's Office</p> <p><b>APR 19 2023</b></p> <p>DAWN M. JONES          CITY CLERK, SOUTH BEND, IN</p> </div>		
RE:			
	ALLEY VACATION AT 1023 QUIMBY STREET		

TO CITY OF SOUTH BEND  
CITY CLERK  
4<sup>TH</sup> FLOOR

- WE ARE SENDING YOU  ATTACHED
- SEPTIC DESIGN      SEPTIC DESIGN SUBMITTAL FORM      HO PERMIT APPLICATION  
 SOIL BORINGS      SUPPORT DATA SHEET      HOUSE PLANS  
 \_\_\_\_\_  
 Under separate cover via \_\_\_\_\_ the following items:

COPIES	DATE	NO.	DESCRIPTION
1	04/18/2023		BPW Recommendation Packet
			Petition to Vacated
			Ordinance Draft
			Envelopes - 150' Radius - <i>UPDATED ON 04.17.2023</i>
			A Letter of Explanation
			\$150.00 Filing Fee

THESE ARE TRANSMITTED as checked below:

- For approval      Approved as submitted      Resubmit \_\_\_\_\_ copies for approval  
 For your use      Approved as noted      Submit \_\_\_\_\_ copies for distribution  
 As requested      Returned for corrections      Return \_\_\_\_\_ corrected prints  
 For review and comment      \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_ 20 \_\_\_\_      PRINTS RETURNED AFTER LOAN TO US

REMARKS UPDATED 300' RAD. LIST OF OWNERS ATTACHED. 04.17.2023

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COPY TO \_\_\_\_\_

SIGNED: \_\_\_\_\_

If enclosures are not as noted, kindly notify us at once



APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

### Street/Alley Vacation Form

Submission Date: January 26, 2023

Applicant Name: Elliot Properties, LLC  
615 W. Colfax Ave.  
South Bend, Indiana 4601

Phone #: 574-286-7119

Email: B.Emberton@outlook.com

Property Address: alley lying east and adjacent to 1023 Quimby Street

Applicant property information:  Residential  Commercial  Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

The first north-south alley lying west of Eddy Street, bounded on the south by the north right of way line of Quimby Street and bounded on the north by the south right of way line of the first east-west alley lying north of Quimby Street, being approximately 99.99 lineal feet.

- Is your property adjacent to the alley of interest?  Yes  No
- Do you own all adjacent properties to the alley of interest?  Yes  No
- Does the existing alley provide garage access to other property owners?  Yes  No
- Does the alley receive daily traffic excluding your own use?  Yes  No
- Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?  Yes  No

Reason for street/alley vacation and proposed use:

The alley vacation is for the reconfiguration of the 4 adjacent lots. This reconfiguration shall be done through the subdivision process. The existing driveway shall be utilized as is.

#### OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation:  Yes  No

Board of Public Works Authorized Signatures:

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Joseph R. Motnar, Vice President

Gary A. Gilot, Member

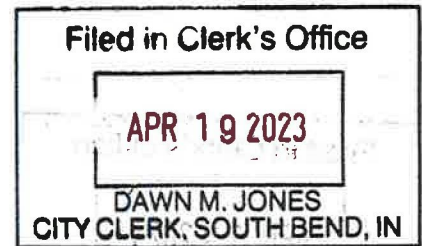
Jordan V. Gathers, Member

Murray L. Miller, Member

Attest: Theresa M. Heffner, Clerk

Date: March 14, 2023





**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** January 26, 2023

**TO:** Matt Longfellow, Public Works  
Zach Hurst, Engineering  
Chris Dressel, Community Investment  
Gerard Ellis, Fire Department  
Brad Rohrscheib, Police Department

**FROM:** Theresa Heffner, Clerk (theffner@southbendin.gov)

**SUBJECT:** REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

**APPLICANT:** Elliot Properties, LLC  
**LOCATION:** 1023 Quimby Street

**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:**

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

**PUBLIC WORKS:** Favorable. Removal of alley approach & install 6-inch curb required. Fill tree lawn to proper grade with top soil and establish grass.

**COMMUNITY INVESTMENT:** Favorable recommendation contingent upon the following:

- Removal of alley approach/ reestablishment of curb and sidewalk on Quimby St.
- No drive access agreement from Eddy Street
- Cross access agreement for center lot (315 S. Eddy St.)

**FIRE:** Favorable

**POLICE:** Favorable recommendation



CITY OF SOUTH BEND

DEPARTMENT OF PUBLIC WORKS  
Filed in Clerk's Office

APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN



227 W. JEFFERSON BOULEVARD  
SUITE 1316 COUNTY-CITY BUILDING  
SOUTH BEND, INDIANA 46601

PHONE 574/ 235-9251  
FAX 574/ 235-9171

### Street/Alley Vacation Form

Submission Date: January 26, 2023

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615 W. Colfax Ave.  
South Bend, Indiana 4601

Phone #: 574-286-7119

Email: B.Emberton@outlook.com

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**OFFICE USE ONLY:**

Board Recommendation for the proposed alley vacation:       Yes       No

Board of Public Works Authorized Signatures: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

018-6006-0153  
331 S EDDY OF INDIANA LLC  
57177 Pine View Dr  
South Bend, IN 46619

018-6108-3859  
BEAM TRAVIS AND JULIA L  
1102 Wayne St  
South Bend, IN 46615

018-6006-0133  
BERNARDO'S PROPERTIES & REMODELING LLC  
1115 Autumn Trail Ct  
Mishawaka, IN 46544

018-6006-0136  
BODINE STEVEN C & JENNIFER L  
310 S Frances St  
South Bend, IN 46617

018-6108-3881  
BRYAN RONALD & CONNIE  
313 Tiger Ct  
New Carlisle, IN 46552

018-6006-0137, 0138  
BUNDY MARY E  
318 Frances St  
South Bend, IN 46617

018-6006-0144  
CORCORAN TIMOTHY JOSEPH  
16812 Edinburg Ln  
South Bend, IN 46635

018-6006-0132  
DMS LIVING TRUST UTD 4/2/2003  
1224 Stanford Ave  
Fullerton, CA 92831

018-6006-0127  
ELI PROPERTIES  
25875 Longwood Ct  
South Bend, IN 46628

018-6006-0145 thru 0149  
ELLIOT PROPERTIES LLC  
615 W Colfax Ave  
South Bend, IN 46601

018-6006-0124  
EMBERTON DEVELOPMENT LLC  
PO Box 1236  
South Bend, IN 46624

018-6006-0154  
FRANTZ JERRY D & BEVERLY D  
1024 Quimby St  
South Bend, IN 46617

018-6006-0158  
HANDLEBAR PROPERTIES LLC  
723 Park Ave  
South Bend, IN 46616

018-6006-0160  
HISCOCK JESSICA L & LORI A  
1008 Quimby St  
South Bend, IN 46617

018-6006-0150  
JACKSON CONWAY L  
329/327 S EDDY ST  
South Bend, IN 46617

018-6006-0156  
MILLER KYLE A  
1012 Quimby  
South Bend, IN 46617

018-6006-0125  
PAPAGIANNIS SUSAN  
16635 Bennington Ct  
Granger, IN 46530

018-6006-0139  
PRINCE SHERRY L  
1009 E Quimby St  
South Bend, IN 46617

018-6111-3975  
RL MADISON LLC  
16001 S 108th Place  
Orland Park, IL 60467

018-6006-016403  
ROBERT HENRY CORPORATION  
404 S Frances St  
South Bend, IN 46617

018-6006-0126  
SALVAGNI RICHARD  
6522 Edgemont Dr  
Huntington Beach, CA 92647

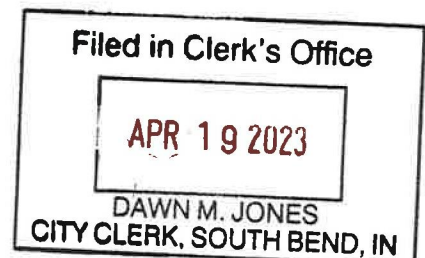
018-6006-0131  
SB221 HOLDINGS LLC  
1920 Ridgedale Rd  
South Bend, IN 46614

018-6006-0129  
SMITH JAMES  
1020 Wayne St  
South Bend, IN 46617

018-6006-0142  
SPEELMAN DONALD RICHARD  
1013 Quimby  
South Bend, IN 46617

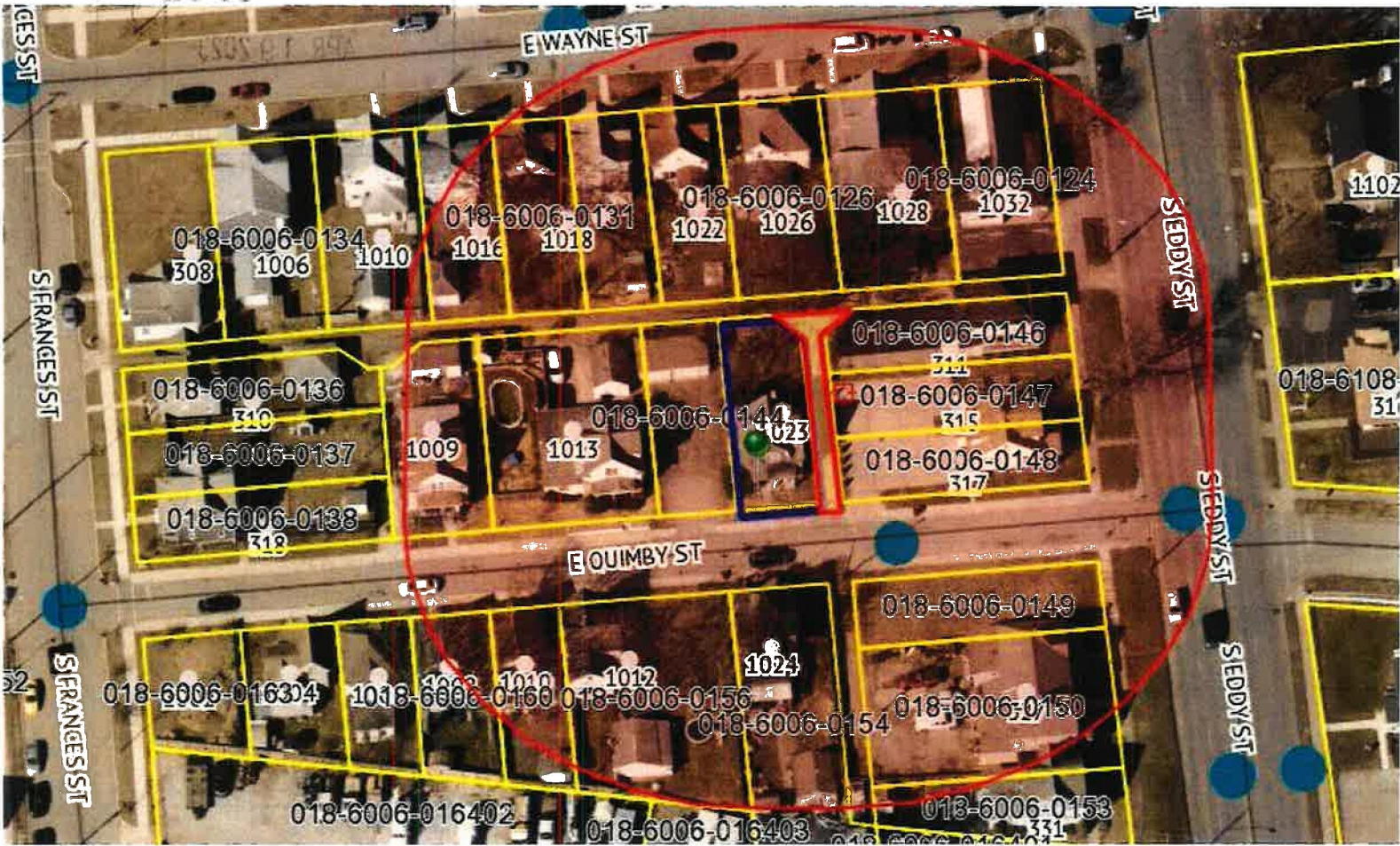
018-6006-0161  
SPEELMAN TONY E  
324 W 13th St  
Mishawaka, IN 46544

018-6006-016402  
THE ROBERT HENRY CORP  
P O Box 1407  
South Bend, IN 46624



Revised List: April 18, 2023





Filed in Clerk's Office  
**APR 19 2023**  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

APR 19 2023

DAWN M. JONES

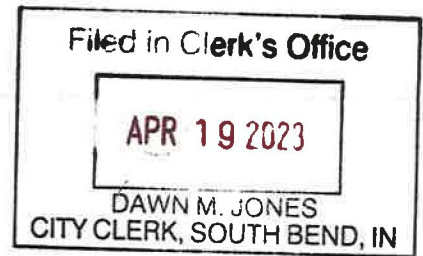
CITY CLERK, SOUTH BEND, IN  
Proper Address

Name	Mailing Address	
Jackson Conway	327/329 Eddy St. South Bend, IN 46617	327 S. Eddy St. Parcel #018-6006-0150
Elliott Properties	PO BOX 1236 South Bend, IN 46624	315 S. Eddy St. Parcel #018-6006-0147
331 S. Eddy of Indiana LLC	57177 Pine View Dr. South Bend, IN 46619	331 S Eddy St. Parcel #018-6006-0153
Jessica & Lori Hiscock	1008 Quimby St. South Bend, IN 46617	1008 Quimby St. Parcel #018-6006-0160
Handlebar Properties LLC	723 Park Ave. South Bend, IN 46616	1010 Quimby St. Parcel #018-6006-0158
Jerry & Beverly Frantz	1024 Quimby St. South Bend, IN 46617	1024 Quimby St. Parcel #018-6006-0154
Sherry Prince	1009 Quimby St. South Bend, IN 46617	1009 Quimby St. Parcel #018-6006-0139
Donald Richard Speelman	1013 Quimby St. South Bend, IN 46617	1013 Quimby St. Parcel #018-6006-0142
Elliott Properties LLC	615 W. Colfax Ave. South Bend, IN 46601	1023 Quimby St. Parcel #018-6006-0145
Elliott Properties LLC	26230 Twin Lakes Tral South Bend, IN 46628	311 S. Eddy St. Parcel #018-6006-0146
Elliott Properties LLC	PO Box 1236 South Bend, IN 46624	317 S. Eddy St. Parcel #018-6006-0148
Bernardo's Properties & Remodeling LLC	1115 Autumn Trail Ct. Mishawaka, IN 46544	1010 E. Wayne St. Parcel #018-6006-0133
DMS Living Trust UTD 4/2/2003 W Shank Donald William Jr. & Margaret Caiedo as Trustees	1224 Stanford Ave. Fullerton, CA 92831	1016 E. Wayne St. Parcel #018-6006-0132
SB221 Holdings LLC	1920 Ridgedale Rd. South Bend, IN 46614	1018 E. Wayne St. Parcel #018-6006-0131
James Smith	1020 Wayne St. South Bend, IN 46617	1020 E. Wayne St. Parcel #018-6006-0129
Eli Properties	25875 Longwood Ct. South Bend, IN 46628	1022 E. Wayne St. Parcel #018-6006-0127
Richard Salvagni	6522 Edgemont Dr. Huntington Beach, CA 92647	1026 E. Wayne St. Parcel #018-6006-0126
Susan Papagiannis	16635 Bennington Ct. Granger, IN 46530	1028 E. Wayne St. Parcel #018-6006-0125
Emberton Development LLC	PO BOX 1236 South Bend, IN 46624	1032 E. Wayne St. Parcel #018-6006-0124
Elliott Properties LLC	PO BOX 1236 South Bend, IN 46624	325 E. Eddy St. Parcel #018-6006-0149
Timothy Corcoran	16812 Edinburg Ln. South Bend, IN 46635	1015 Quimby St. South Bend, IN 46617





January 26, 2023



City of South Bend  
Common Council  
455 County-City Building  
227 W. Jefferson Boulevard  
South Bend, Indiana 46601

**RE: ALLEY VACATION – 1023 QUIMBY STREET**

To the Council,

On behalf of the Owners of the above referenced property, Elliot Properties, LLC, we request the adjacent alley be vacated. The Owner owns 100% of adjacent properties. They wish to reconfigure the lot layout of these adjacent properties. Therefore, this requested alley vacation shall prove beneficial in new lot line distribution.

If you have further questions regarding this alley vacation, please contact me at the above listed phone number.

Sincerely,

Terance D. Lang, PS  
[tlang@gowightman.com](mailto:tlang@gowightman.com)  
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