

3450

2-HOLER

CREST MANOR

SEC. 2

on abalone  
of Benthic

Assessment Roll No. 2983

Crest Manor, Section 2

On Abshire & Berkshire Street

From

To

under Improvement Resolution No. 3450

adopted on the 7th day of

November

1977, and

recorded in Record Book #7 Page 387

Contract signed on the 30th day of

December

1977

Contractor Taylor Construction

Net Amount, \$ 3,377.00

Assessment Roll Filed July 17, 1978

Assessment Roll Hearing July 31, 1978

Assessment Roll Confirmed July 31, 1978

Final Estimate Allowed

Date of Acceptance

Notices sent

Assessment Roll



BOARD OF PUBLIC WORKS

INTER-OFFICE MEMO

*Pay file* ✓  
DATE: August 1, 1978

To: Dave Wells - Bureau of Design & Administration  
From: Board of Public Works  
Re: Assessment Roll #2983

The attached Assessment Roll #2983 for the Crest Manor Section 2 Sanitary Sewers was approved by the Board of Public Works on July 31, 1978 with no changes.

BOARD OF PUBLIC WORKS

*Patricia DeClercq*  
Patricia DeClercq, Clerk

mp  
Att.

*Page A*

RECEIVED

AUG 30 1978

CITY OF SOUTH BEND  
DEPARTMENT OF ENGINEERING

August 30, 1978

*Gate  
"2 Hobs"*

Description: Crest Manor, Section 2, Sanitary Sewer on Abshire and Berkshire Streets

Resolution No. 3450

Assessment Roll No. 2983

Date of Adoption: November 7, 1977

Contract Date: December 30, 1977

Date of Acceptance: July 31, 1978

Rate of Interest: 6%

Recorded: Book 7 Page 387

Contractor: Taylor Construction Corp.

The following is a correct statement of Cash Collections, Waivers Signed and Unpaid Assessments made by the Barrett Law Department for the Crest Manor, Section 2, Sanitary Sewer on Abshire and Berkshire Streets.

Paid in Cash.....	-0-
Waivers Signed.....	1741.35
Unpaid.....	<u>1687.89</u>
Total.....	3429.24

5 Year Plan  
General Improvement Fund

Ex-Officio Treasurer, City of  
South Bend, Indiana

To: Charles Leone  
cc: Peter H. Mullen  
Patrick McMahon

By

This is to certify that the following Cash Plan Barrett Law Assessment for the  
Crest Manor, Section 2, Sanitary Sewer on Abshire and Berkshire Streets, under Resolution  
No. 3450, Assessment Roll No. 2983, has not been paid and no agreement has been made to pay  
same by installments before the expiration of thirty (30) days after the confirmation of  
the assessments by the Board of Public Works and Safety of South Bend, Indiana.

Dated this 30th day of August, 1978

Ex-Officio Treasurer, City of  
South Bend, Indiana

By \_\_\_\_\_

5 Year Plan

General Improvement Plan

City of South Bend, Indiana

\$ 1,687.89

To: Charles Leone  
cc: Peter H. Mullen  
Patrick McFahon

The total frontage assessed for pavement is.....feet, at.....per front foot.....  
 The total frontage assessed for pavement is.....feet, at.....per front foot.....  
 The total frontage assessed for pavement is.....feet, at.....per front foot.....  
 " " area " " sewer is 34,270 sq. ft. @.049587102' " sq. foot .....  
 " " area " " sewer is.....sq. ft....." sq. foot .....  
 " " frontage " " grade is.....feet at.....per front foot.....  
 " " frontage " " curb is.....feet at.....per front foot.....  
 " " frontage " " cement walk is.....feet at.....per front foot.....  
 The total cost of the Improvement is \$ 3,482.70 Amount assessed to City \$ 1,741.35

And in the following tabular statement is given the name of each property owner on that part of the street so improved; the number of front feet owned by the respective owners; the amount of the cost of such improvement assessed upon each lot or parcel of ground bordering thereon; the full description, together with the owner's name, of each lot or parcel of ground bordering on said part of said street so improved; the amount of allowance made to each owner on account of former improvements, and the net amount due from the owner of 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; W. for West; 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 lots contained in the State Bank of Indiana's 1st, 2nd and 3rd Plats of Out-Lots to the Town of South Bend, which lots are numbered consecutively through the several plats, from 1 in 1st plat to 130 in 3rd plat; Add. for addition; Sub. for subdivision; L. for Lowell; T. S. B. for Town of South Bend; C. S. B. for City of South Bend.

Description of Real Estate

ASSESSMENT

Bordering on the Improvement		No. of feet front	NAME OF OWNER	ASSESSMENT			
PART OF LOT	Name of Addition or Sub-Div.			AREA ASSM'T	SPECIAL CHARGE	TAP	TOTAL
No. of Lots				\$ Cts.	\$ Cts.	\$ Cts.	\$
CREST MANOR SECTION TWO							
Lot 42	18,225		James S. Gutknecht & Darlene G. 1227 Berkshire Drive	889 83	13 89	21 00	924.72
Lot 43	16,045		Richard A. & Sharon K. Finley, 5633 Abshire	783 40	12 23	21 00	816.63

**APPROVED**  
BOARD OF PUBLIC WORKS

JUL 21 1978  
*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*

Total amount due the Contractor for the Improvement, \$ 3,377.00

Respectfully submitted this ..... day of ..... 19.....

*[Handwritten signature]* Civil Engineer

*all done*



Assessment Roll No. 2983  
 Crest Manor, Section 2  
 On Abshire & Berkshire Street  
 From .....  
 To .....  
 under Improvement Resolution No. 3450  
 adopted on the 7th day of  
 November, 1977, and  
 recorded in Record Book #7 Page 387  
 Contract signed on the 30th day of  
 December, 1977  
 Contractor Taylor Construction  
 Net Amount, \$ 3,377.00  
 Assessment Roll Filed July 17, 1978  
 Assessment Roll Hearing July 31, 1978  
 Assessment Roll Confirmed July 31, 1978  
 Final Estimate Allowed  
 Date of Acceptance  
 Notices sent  
 1962 Ideal Press

Total Construction	\$ 3,377.00	
Advertising	53.46	
Special Charges	<u>52.24</u>	
	\$ 3,482.70	
Area Assessment (0.049587102) & Special Charges	1,699.35	
Tap Charge	<u>42.00</u>	
	1,741.35	
Due from City	1,741.35	
Prepaid Advertising	<u>53.46</u>	
Actual due from City	\$ 1,687.89	
TOTAL RECEIPTS:		
Assessments	\$ 1,741.35	
City	<u>1,687.89</u>	
TOTAL		\$ 3,429.24
DISBURSEMENTS:	\$ 3,377.00	
Special Charges	<u>52.24</u>	
Total		\$ 3,429.24





CITY of SOUTH BEND  
PETER J. NEMETH, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

Patrick M. McMahon, P.E.  
Director, Public Works

Reply To:

Division of  
Engineering

November 14, 1977

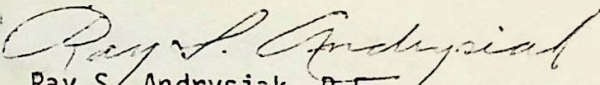
Richard A. & Sharon K. Finley  
5633 Abshire Drive  
South Bend, Indiana 46614

Dear Mr. & Mrs. Finley:

Enclosed you will find two (2) copies of Easement and Right Of Way.

Please have James S. & Darlene G. Gutknecht sign page 2 on both. The Gutnechts' are to keep one copy for themselves and mail the other one to me.

Very truly yours,

  
Ray S. Andrysiak, P.E.  
Engineer

RSA/mkm

Enclosures/2

*2 holes*



To have and to hold the said easement and right-of-way unto the Civil City of South Bend, Indiana, and unto its successors and assigns forever.

And the said Grantors hereby covenant with the Civil City of South Bend, Indiana, that they are lawfully seized and possessed of the aforescribed tract or parcel of land; that they have a good and lawful right to sell and convey; that it is free from all encumbrances; and that they will warrant and forever defend the title in quiet possession thereto against the lawful claims of all persons whomsoever.

And as a further consideration for the payment of the purchase price, above stated, the grantors hereby release all claims for damage, from whatsoever cause, incidental to the exercise of any of the rights herein granted, from the beginning of the world until this date.

It is understood and agreed by the parties hereto, that wherever in the foregoing instrument the singular number is used, it will be read as plural, if and when necessary, and that wherever words of neuter gender are employed, they will likewise apply to the masculine gender, whenever the contract requires.

\_\_\_\_\_  
\_\_\_\_\_

ST. JOSEPH COUNTY )  
STATE OF INDIANA ) SS:

Before me, a Notary Public, in and for said County and State,  
personally appeared James S. and Darlene G. Gutknecht, 1227 Berkshire Drive,  
South Bend, Indiana 46614

\_\_\_\_\_, who acknowledged the execution of the above  
and foregoing instrument and right-of-way as \_\_\_\_\_ free and voluntary  
act and deed this \_\_\_\_\_ day of \_\_\_\_\_,

My commission expires :

\_\_\_\_\_

\_\_\_\_\_  
Notary Public



# CITY of SOUTH BEND

PETER J. NEMETH, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

Patrick M. McMahon, P.E.  
Director, Public Works

219/284-9251

Bureau of  
Design & Administration

October 13, 1977

Bonnie Mengel, 5616 Raleigh Drive  
Doc R. & Mary Frances Capps, 5624 Raleigh Drive  
Joseph M. & Katherine M. Kirwan, 5638 Raleigh Drive  
Victor J. & Stella E. Jagmin, 5644 Raleigh Drive  
Edward J. & Patricia A. Fogarty, Jr., 1219 Berkshire Drive  
James S. & Darlene G. Gutknecht, 1227 Berkshire Drive  
Richard A. & Sharon K. Finley, 5633 Abshire Drive  
Lloyd Cantwell, 2625 Abshire Drive  
Jack Hickey & Associates, Inc., 60735 U. S. 31 South

Dear Crest Manor Residents:

I had hoped to be able to meet with you informally before the public hearing on the proposed sewer improvement in your area. Unfortunately, this meeting was not scheduled and as a result, I am taking this letter approach as a poor substitute for meeting you personally and discussing this matter informally with you.

First of all, what got this matter started? There are essentially three reasons. First, this is the last and only area in Crest Manor that is not sewered at this time. Secondly, there is no assurance that the program whereby the City pays for half the cost of the sewer will go on indefinitely. For fairness, we would like to at least offer this program to all the current property owners in the City. Finally, serious consideration is being given by Mr. Jack Hickey to extending a sewer from a different direction to serve a house currently under construction. If this sewer construction was done, Mr. Hickey or the subsequent owner would not participate in sharing the costs on this project. In addition, the house directly behind the house Mr. Hickey is building would not participate either. As a result, it is our opinion, that if this project is not approved this Monday, that the costs to you when and if sewers are installed will be considerably higher.

ATTEST:

\_\_\_\_\_  
Clerk

The second matter is one of cost. Briefly, the procedure we follow is this:

- Design the project
- Estimate the total construction cost
- Add to the construction cost, an estimate for contingencies, engineering and Barrett Law work
- Prorate half of the total cost among each benefitted property owner on the basis of the size of the lot (area).

However, if there are no unexpected contingencies, and since City personnel do the engineering and Barrett Law work, the cost to you could be 30% less than these we have listed. It should be emphasized that under no circumstances will your costs be higher than what we have listed.

The third matter is one of easements. If you have a fence, plantings, a storage shed or other improvements in the easement at the time of construction, the Contractor will remove them as carefully as he can at your risk. They will not be replaced by the City or the Contractor. After the sewer is installed, the Contractor will grade the disturbed area and seed the areas he has disturbed; sod will not be used.

Finally, most contractors are willing to connect your home to the sewer for a fee based on the service he provides. The fee will depend on how far the connection is from in front of your septic tank to the sewer. Approximate costs are of the order of \$6 to \$7 per foot. Additional charges may be expected for seeding, sodding or other restoration if desired and ordered. You are not required to use our Contractor. You are welcome and encouraged to get several estimates from reputable contractors.

This has been a rather lengthy letter and hopefully, sufficiently detailed so that you are able to make intelligent decisions on this matter. We would also pass on some additional thoughts for your consideration:

- > It is our opinion that sooner or later sewers will be required in your area.
- Sewers are for the most part a one-time expense for most properties.
- Septic system repair costs are typically in the \$1,000.00 range; pumping costs are of the order of \$75.00.
- Septic systems fail nationally at median intervals of 8 years.
- By getting either public water or public sewer, public health problems are reduced; having both public water and sewer reduces public health problems to a minimum.

ATTEST:

\_\_\_\_\_  
Clerk

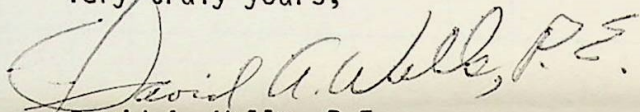


page 3.  
October 13, 1977

- The City and its employees are not financially benefitted by this project one way or the other.

Again, we hope this has been of help. If I may be of help, I may be reached over the weekend at my home where my extension is 288-7579.

Very truly yours,



David A. Wells, P.E.  
Manager

DAW/mkm

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ATTEST:

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Clerk

said real estate bordering on said improvements being in the City of South Bend, St. Joseph County, Indiana.  
 describing said real estate, the following abbreviations are made to-wit: N. for North; S. for South; E. for East; W. for West;  
 et; ex. for except; Sd. for side; Ed. for end; C. for chains; L. for links; O. P. for original; L. for lot contained in  
 Bank of Indiana's 1st, 2nd and 3rd 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 3rd plat; Add. for addition; for additional; for additional; for additional;  
 South Bend; C. S. B. for City of South Bend.

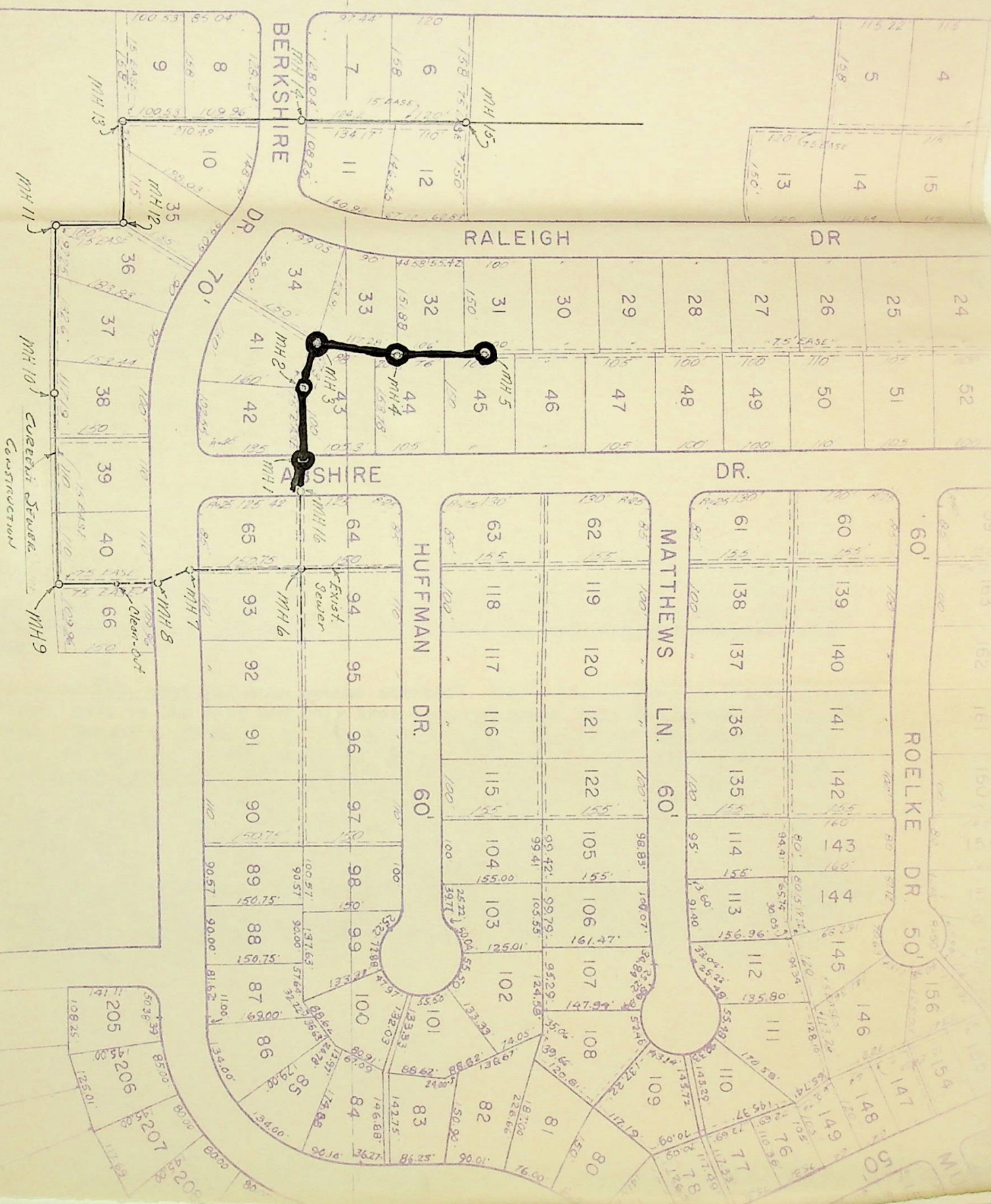
Description of Real Estate			No. of feet front	NAME OF OWNER	ASSESSMENT							
bordering on the Improvement					AREA CHARGE	SPECIAL CHARGE	TAP CHARGE		TOTAL			
T	No. of Lots	Name of Addition or Sub-Div. Square Foot area of Lot		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	
PART OF CREST MANOR SUBDIVISION - SECTION ONE												
t 31		15,000	Bonnie Mengel 5616 Raleigh Drive	762	47	23	39	50	00	835	86	
t 32		15,475	Doc R. Capps & Mary Frances 5624 Raleigh Drive	786	62	24	13	50	00	860	75	
t 33		15,660	Joseph M. Kirwan & Katherine M. 5638 Raleigh Drive	796	02	24	42	50	00	870	44	
t 34		16,570	Victor J. & Stella E. Jagmin, 5644 Raleigh Drive	842	28	25	84	50	00	918	12	
CREST MANOR SECTION TWO												
t 41		15,435	Edward J. Fogarty, Jr. & Patricia A. Fogarty 1219 Berkshire Drive	784	58	24	07	50	00	858	65	
t 42		18,225	James S. Gutknecht & Darlene G. 1227 Berkshire Drive	926	40	28	42	50	00	1004	82	
t 43		16,045	Richard A. & Sharon K. Finley, 5633 Abshire Dr.	815	59	25	02	50	00	890	61	
t 44		15,805	Lloyd Cantwell 2625 Abshire Drive	803	39	24	64	50	00	878	03	
t 45		15,750	Jack Hickey & Associates Inc., 60735 US 31 South	800	59	24	56	50	00	875	15	

ATTEST:

\_\_\_\_\_  
 Clerk



ROAD



PROPOSED SEWER

ATTEST:

BOARD OF PUBLIC WORKS  
CITY OF SOUTH BEND, INDIANA

IMPROVEMENT RESOLUTION

NO. 3450

BE IT RESOLVED, by the Board of Public Works of the City of  
South Bend, Indiana, that it is deemed necessary to improve

BERKSHIRE, ABSHIRE AND RALEIGH DRIVES IN CREST MANOR

by the construction of a local sewer, intended and adapted only for local use by the property owners whose property abuts thereon and not intended or adapted for receiving sewage from collateral drains. Said sewer to be 8" inches in diameter, and said sewer, with all its appurtenances, to be constructed in accordance with the profiles, drawings, plans, general details and specifications of such improvement approved and adopted herewith, and placed on file in the office of the Board of Public Works of said City, and such improvement is now ordered.

The total cost of said improvement, including all incidental costs, such as advertising, abstracting, inspection and engineering, shall be assessed upon the real estate abutting on said street in accordance with applicable statutes. The said improvement is to be financed and paid for as provided in Chapter 40, of the Acts of 1953, as amended (1971 I.C. 18-6-3). Assessments, if deferred, are to be paid in equal installments, with interest at the rate of six (6) per cent per annum.

The 17th day of October, 19 77, at the hour of 9:30 AM o'clock, local time, is hereby fixed as the time and 1308 County City Building, South Bend, Indiana

as the place when and where the board will hear all persons interested, or whose property is or will be affected by the proposed improvement, on the question as to whether the special benefits that will accrue to the property to be assessed, abutting on the line of proposed sewer or drain, will be equal to the estimated cost of the improvement. On the day named, any and all interested persons who may appear before the board shall have a full hearing on the question, and on any matter pertaining to the proposed improvement.

The Clerk of the Board is hereby ordered to give notice by two weekly publications of the time and place of hearing of this resolution, in two newspapers representing the two major political parties, the first publication to be not less than ten (10) days before the date of hearing.

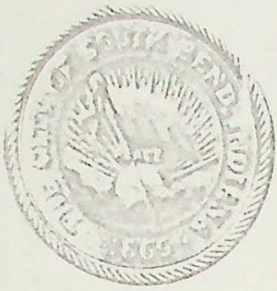
Adopted this 3rd day of October, 19 77.

BOARD OF PUBLIC WORKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk



# CITY of SOUTH BEND

PETER J. NEMETH, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

Patrick M. McMahon, P.E.  
Director, Public Works

Division of Reply To:  
Engineering

October 31, 1977

Board of Public Works  
Rm 1316 - County/City Building  
South Bend, Indiana 46601

Gentlemen:

We request that you reconsider your action of October 24, 1977 of rescinding Improvement Resolution No. #3450. Instead, we would request that you decide:

1. That the benefits did not equal or exceed the costs for the five (5) property owners who objected to the project; and,
2. That without sewer service to the above five (5) properties, sewer service to the two (2) most remote properties is not practicable from this project; and,
3. That for the properties of James S. & Darlene Guthnecht, 1227 Berkshire Drive, South Bend and Richard A. & Sharon K. Finley, 5633 Abshire, South Bend, that the benefits do equal or exceed the assessments.

If you should so decide, then we believe it would be appropriate to confirm Improvement Resolution No. #3450 as amended and reduced in scope.

**APPROVED**  
BOARD OF PUBLIC WORKS

NOV 7 1977  
*[Handwritten signatures and initials over a grid stamp]*