

907/5-00

The first 12 foot wide north-south alley lying west of Burns Street, bounded on the south by the northerly right-of-way line of South Bend Avenue and bounded on the north by the westerly extension of the north line of lot 90 as shown on the recorded plat of Hartman & Miller's plat as the same is recorded in the office of the recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width east and west and extends 194.2 feet north (as measured along its centerline) from the northerly line of South Bend Avenue to the end of the proposed vacation.

ORDINANCE NO. 9075-00

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY

The first 12 foot wide north-south alley lying West of Burns Street, bounded on the South by the Northerly right-of-way line of South Bend Avenue and bounded on the North by the Westerly extension of the North line of Lot 90 as shown on the recorded plat of Hartman & Miller's Plat as the same is recorded in the office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width East and West and extends 194.2 feet north (as measured along its centerline) from the Northerly line of South Bend Avenue to the end of the proposed vacation.

STATEMENT OF PURPOSE AND INTENT

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 12 foot wide north-south alley lying West of Burns Street, bounded on the South by the Northerly right-of-way line of South Bend Avenue and bounded on the North by the Westerly extension of the North line of Lot 90 as shown on the recorded plat of Hartman & Miller's Plat as the same is recorded in the office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width East and West and extends 194.2 feet north (as measured along its centerline) from the Northerly line of South Bend Avenue to the end of the proposed vacation.

hereby determines that it is desirable to vacate said property.

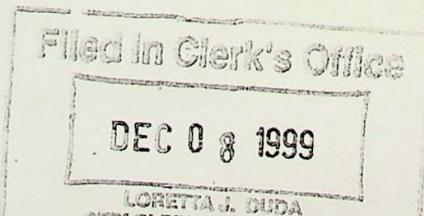
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures 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:
Lots Numbered 53, 54, 55 and 90 of Hartman & Miller's Plat

SECTION IV. The purpose of the vacation of the real property is to create a more desirable property and provide more efficient use of the abutting lots 53, 54, 55 and 90 as they are all owned by the same people.

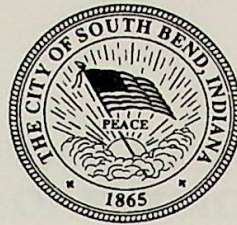
SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

1st READING 12-13-99
PUBLIC HEARING 1-10-00
3rd READING 1-10-00
NOT APPROVED
REFERRED
PASSED 1-10-00



Charles D. Pfeiffer
Member of the Common Council

1316 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251
FAX 219/235-9171
TDD 219/235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

January 5, 2000

Members of the Common Council
Council Chambers
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: Alley Vacation

Dear Council Members:

In accordance with Municipal Code Section 18-53.8, **favorable recommendation, with qualification**, is submitted to the Common Council concerning the following alley vacation:

The first 12 foot wide north-south alley lying west of Burns Street, bound on the south by the northerly right-of-way line of South Bend Avenue and on the north by the westerly extension of the north line of lot 90, as shown on the recorded plat of Hartman & Miller's plat as the same is recorded in the Office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width east and west and extends 194.2 feet north (as measured along its center line) from the northerly line of South Bend Avenue to the end of the proposed vacation.

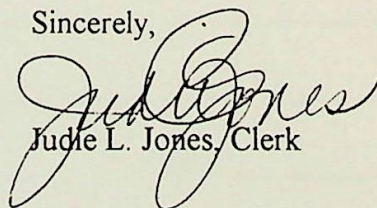
The Board of Public Works received favorable recommendations from the Engineering Department, Area Plan Commission, Department of Economic Development, Fire Department, Solid Waste, Police Traffic Department, and the City Attorney's Office, with conditions from the following:

Engineering - Petitioner must provide a means for southbound large vehicles to turn from the alley to Burns Street.

Solid Waste - Petitioner must have a bubble at the end of the vacated alley so that trucks can turn around.

Area Plan Commission - Approval is subject to any utility easements that may be required; this vacation may also need to be subject to a turning easement for the remaining alley corner.

Sincerely,



Judge L. Jones, Clerk

Attachments

JAMES R. CALDWELL

LEWIS N. POWELL, P.E.

M. CATHERINE ROEMER

PASSED 1/10
108-99

**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

TO: ✓- Larry Spradlin, Engineering Department
 ✓- Carl Littrell, City Engineer
 ✓- Travis Parker, Area Plan Commission
 ✓- Larry Magliozzi, Department of Economic Development
 ✓- Chief Bert Prawat, Fire Department
 ✓- Alonzo Adams, Solid Waste
 ✓- ~~Captain Larry Blume~~, Police Traffic Department Lt. Joseph Markovich
 ✓- Michelle Engel, City Attorney's Office

FROM: Judie L. Jones, Clerk

RE: Alley Vacation

DATE: December 22, 1999

This is a request for your recommendation on the following alley vacation. The full ordinance is attached.

The first 12 foot wide north-south alley lying west of Burns Street, bound on the south by the northerly right-of-way line of South Bend Avenue and on the north by the westerly extension of the north line of lot 90, as shown on the recorded plat of Hartman & Miller's plat as the same is recorded in the Office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width east and west and extends 194.2 feet north (as measured along its centerline) from the northerly line of South Bend Avenue to the end of the proposed vacation.

It is important that I receive your comments and recommendation concerning this alley closure by **January 4, 2000**. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

APPROVED
Board of Public Works

COMMENTS & RECOMMENDATIONS:

JAN 04 2000
[Signature]
Katherine [unclear]

BY: _____

DATE: _____

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: DECEMBER 8, 1999

I am referring to you the following vacation:

108-99 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE FIRST 12 FOOT WIDE NORTH-SOUTH ALLEY LYING
WEST OF BURNS STREET, BOUNDED ON THE SOUTH BY THE
NORTHERLY RIGHT-OF-WAY LINE OF SOUTH BEND AVENUE
AND BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION
OF THE NORTH LINE OF LOT 90 AS SHOWN ON THE
RECORDED PLAT OF HARTMAN & MILLER'S PLAT AS THE
SAME IS RECORDED IN THE OFFICE OF THE RECORDER OF
ST. JOSEPH COUNTY, INDIANA. SAID ALLEY TO BE
VACATED IS 12 FEET IN WIDTH EAST AND WEST AND
EXTENDS 194.2 FEET NORTH (AS MEASURED ALONG ITS
CENTERLINE) FROM THE NORTHERLY LINE OF SOUTH BEND
AVENUE TO THE END OF THE PROPOSED VACATION

For your information, the Common Council will have first reading on this vacation request on Monday, December 13, 1999. I assume the council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

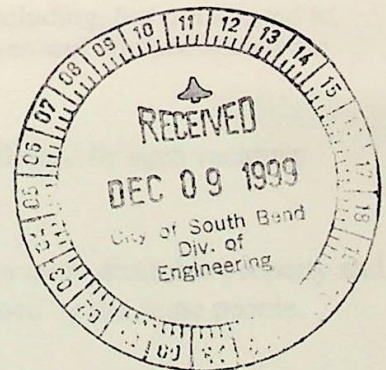
If you have any questions, please do not hesitate to contact this office.

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

Jamie Talboon



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY

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STATEMENT OF PURPOSE AND INTENT

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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:

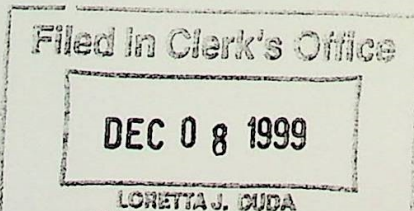
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hereby determines that it is desirable to vacate said property.

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:
Lots Numbered 53, 54, 55 and 90 of Hartman & Miller's Plat

SECTION IV. The purpose of the vacation of the real property is to create a more desirable property and provide more efficient use of the abutting lots 53, 54, 55 and 90 as they are all owned by the same people.

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.



Member of the Common Council

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

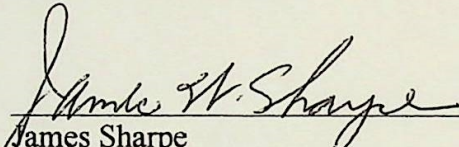
DATE: _____

WE, THE UNDERSIGNED PROPERTY OWNERS, PETITION YOU TO VACATE:

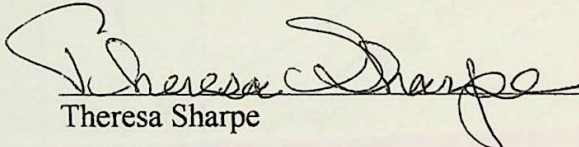
A. THE ALLEY DESCRIBED AS:

The first 12 foot wide north-south alley lying West of Burns Street, bounded on the South by the Northerly right-of-way line of South Bend Avenue and bounded on the North by the Westerly extension of the North line of Lot 90 as shown on the recorded plat of Hartman & Miller's Plat as the same is recorded in the office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width East and West and extends 194.2 feet north (as measured along its centerline) from the Northerly line of South Bend Avenue to the end of the proposed vacation.

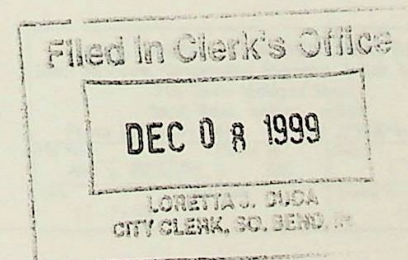
B. THE STREET DESCRIBED AS: (does not apply)

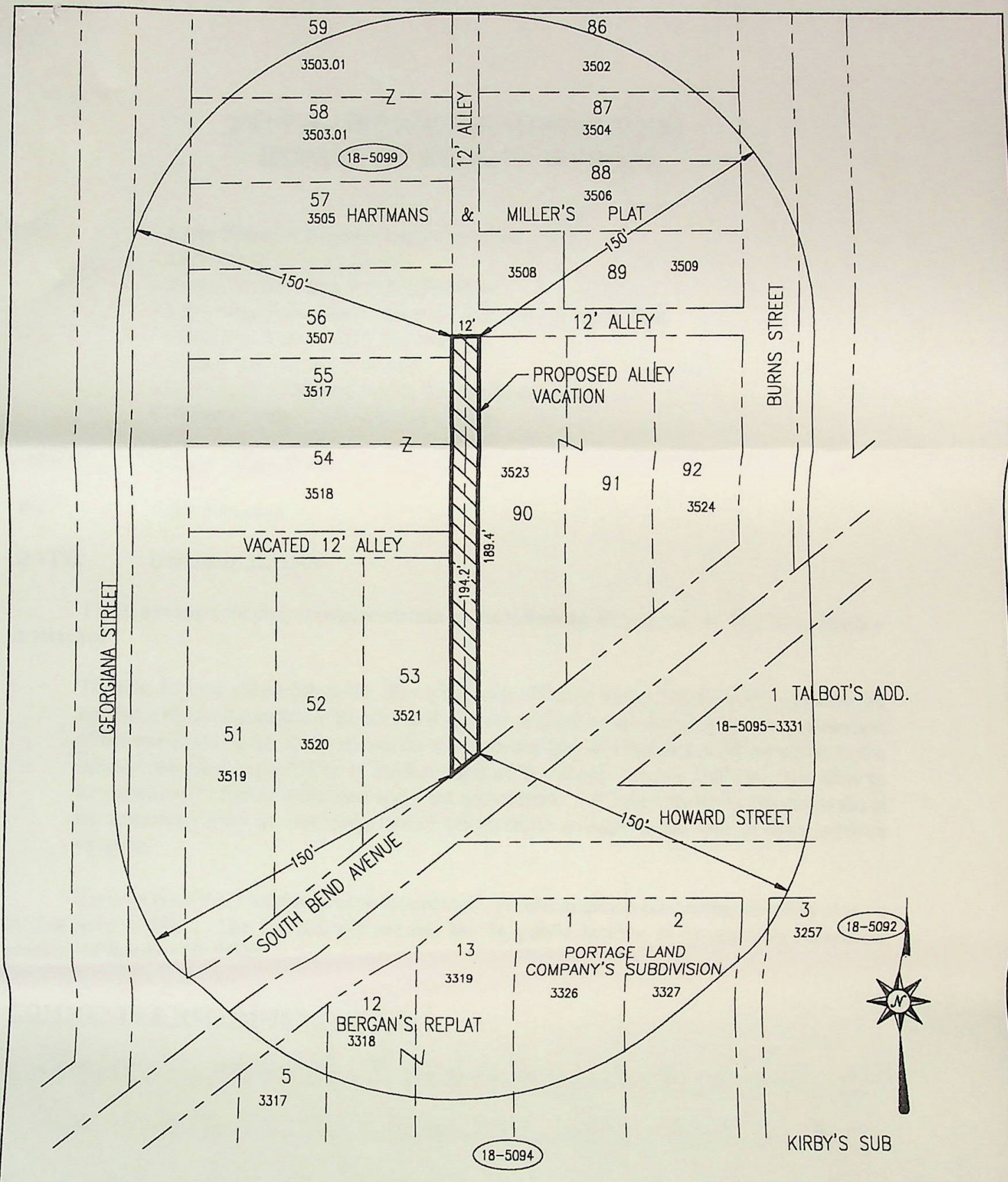

James Sharpe
805 West Edison Road
Mishawaka, Indiana 46545
219-232-1444 (work)

Lots 51, 52, 53, 54, 55, 90, and
91 of Hartman & Miller's Plat


Theresa Sharpe

Contact Person
Lang, Feeney & Associates, Inc.
Terrace D. Lang
715 South Michigan Street
South Bend, Indiana 46601
219-233-1841





The first 12 foot wide north-south alley lying West of Burns Street, bounded on the South by the Northerly right-of-way line of South Bend Avenue and bounded on the North by the Westerly extension of the North line of Lot 90 as shown on the recorded plat of Hartman & Miller's Plat as the same is recorded in the office of the Recorder of St. Joseph County, Indiana. Said alley to be vacated is 12 feet in width East and West and extends 194.2 feet north (as measured along its centerline) from the Northerly line of South Bend Avenue to the end of the proposed vacation.

Lang, Feeney & Associates, Inc.		
Land Surveyors, Construction Engineers & Soil Scientists		
715 South Michigan Street		
South Bend, Indiana 46601		
Phone 219-233-1841		Fax 219-674-0374
File Name	Drawn By	Scale
AAY'S VACATION	JMS	1" = 50'
Date	Rev. Date	Drawing No.
12-7-99		19926

**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

TO: - Larry Spradlin, Engineering Department *LS*
- Carl Littrell, City Engineer
- Travis Parker, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
- Alonzo Adams, Solid Waste
- Captain Larry Blume, Police Traffic Department
- Michelle Engel, City Attorney's Office

FROM: Judie L. Jones, Clerk

RE: Alley Vacation

DATE: December 22, 1999

This is a request for your recommendation on the following alley vacation. The full ordinance is attached.

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It is important that I receive your comments and recommendation concerning this alley closure by **January 4, 2000**. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

COMMENTS & RECOMMENDATIONS:

Vacation is acceptable if petitioner provides a means ~~for~~ south bound large vehicles to turn from the alley to Burns Street.

BY: _____

Carl P. Littrell

DATE: _____

12/30/99

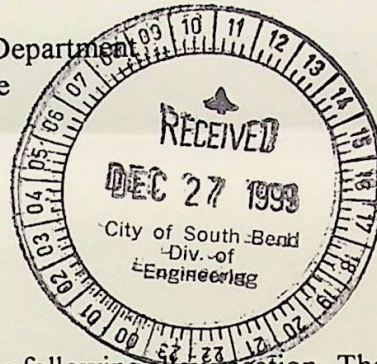
INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

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COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: Jon R. Hunt

DATE: 12/23/99

INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO:

- Larry Spradlin, Engineering Department
- Carl Littrell, City Engineer
- Travis Parker, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
- Alonzo Adams, Solid Waste
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It is important that I receive your comments and recommendation concerning this alley closure by **January 4, 2000**. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

COMMENTS & RECOMMENDATIONS:

 JUDIE

 No objections

BY: A/C [Signature]
 SBF

DATE: 12-23-99

**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

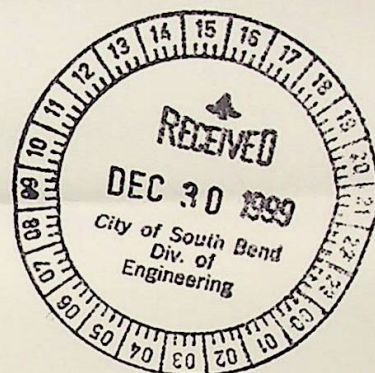
TO:

- Larry Spradlin, Engineering Department
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- Chief Bert Prawat, Fire Department
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It is important that I receive your comments and recommendation concerning this alley closure by **January 4, 2000**. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

COMMENTS & RECOMMENDATIONS:

*We would need a bubble at end of
vacated alley in order for truck to turn around*

BY: *Leroy Knapshy*

DATE: 12-29-99

INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: - Larry Spradlin, Engineering Department
 - Carl Littrell, City Engineer
 - Travis Parker, Area Plan Commission
 - Larry Magliozzi, Department of Economic Development
 - Chief Bert Prawat, Fire Department
 - Alonzo Adams, Solid Waste
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FROM: Judie L. Jones, Clerk

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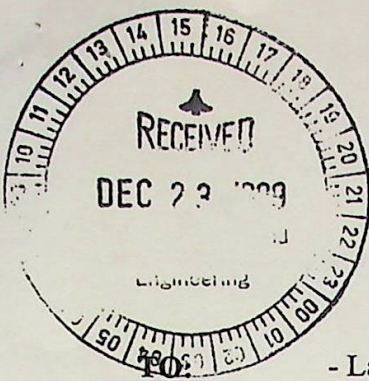
It is important that I receive your comments and recommendation concerning this alley closure by January 4, 2000. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *St Joseph L. Markum*
Traffic Commander

DATE: *12/27/99* FAXED



INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

- Larry Spradlin, Engineering Department
- Carl Littrell, City Engineer
- Travis Parker, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
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It is important that I receive your comments and recommendation concerning this alley closure by **January 4, 2000**. The Council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2000.

COMMENTS & RECOMMENDATIONS:

I have no comments

BY: MJE

DATE: 12/22/99

Area Plan Commission of St. Joseph County

1140 County-City Building
227 West Jefferson Blvd.
South Bend, Indiana 46601

Robert W. Sante
Executive Director

John W. Byorni
Assistant Director

Phone 219 235-9571

Fax 219 235-9813

December 30, 1999

The Board of Public Works
13th Floor, County-City Building
South Bend, Indiana 46601

RE: Alley Vacation — The north/south alley west of Burns Street from the northerly right-of-way of South Bend Avenue to the north line extended of Lot 90 of Hartman and Miller's plat for a distance of 194 feet and a width of 12 feet.

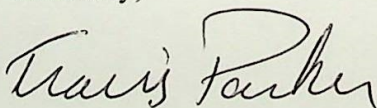
Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

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

The staff would recommend that this right-of-way be vacated, subject to any utility easements that may be required. This vacation may also need to be subject to a turning easement for the remaining alley corner.

Sincerely,



Travis Parker
Planner

