

9101-00

First Street to be vacated is described as Bendix Dr. from the South Right-of-way of the first East/West alley South of Calvert Street.



Office of the City Clerk

Loretta J. Duda, City Clerk

9101-00

APRIL 14, 2000

MEMORANDUM

TO: Area Plan Commission
Board of Public Works
Building Department
Division of Engineering
Fire Department
Northern Indiana Public Service Company
Police Department
Street Department
Bureau of Traffic & Lighting

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9101-00 for the vacation of the following property:

THE FIRST STREET TO BE VACATED IS DESCRIBED AS BENDIX DRIVE FROM THE SOUTH RIGHT-OF-WAY OF THE FIRST EAST-WEST ALLEY SOUTH OF CALVERT STREET TO THE SOUTH RIGHT-OF-WAY OF DELAWARE STREET FOR A DISTANCE OF APPROXIMATELY 398 FEET AND A WIDTH OF 60 FEET. THE SECOND STREET TO BE VACATED IS DESCRIBED AS DELAWARE STREET FROM THE WEST RIGHT-OF-WAY OF BENDIX DRIVE TO THE EAST RIGHT-OF-WAY OF VACATED KALEY STREET FOR A DISTANCE OF 250 FEET AND A WIDTH OF 60 FEET. BOTH STREETS ARE LOCATED IN THE RICHLAND 2ND ADDITION, CITY OF SOUTH BEND, SAINT JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi

455 County-City Building • South Bend, Indiana 46601 • 219/235-9221 • Fax 219/235-9173 • TDD 219/235-5567

Sandra Parmerlee
Chief Deputy

Janice Talboom
Deputy

Dee Priebe
Ordinance Violation Clerk

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
March 27, 2000

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

RE: Vacation of Public Property

Dear Council Members:

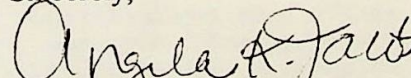
In accordance with Municipal Code Section 18-53.8, **favorable recommendation** is submitted to the Common Council concerning the following vacation:

Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana.

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, subject to any utility easements that may be required.

Therefore, the Board submits to you a **favorable recommendation** concerning this vacation.

Sincerely,


Angela K. Jacob, Clerk

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana.

APPROVED
Board of Public Works

MAR 27 2000

M. C. ...
...
Carl Chittick

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 street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana.

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 34 Richland 1st Addition	18-8110-4174	G&M Properties 14299 Day Rd., Mishawaka, IN. 46545
Lot 36 Richland 1st Addition	18-8110-4176	G&M Properties 14299 Day Rd., Mishawaka, IN. 46545
Lot 35 Richland 1 st Addition	18-8110-4175	City of South Bend, Board of Works Room 1346, 227 West Jefferson Blvd. County City Bldg., South Bend, IN. 46601
Lot 355 Homeland 3 rd Addition	18-8108-4074	John Mazall C/O Frank J. Mazall 29449 New Road, North Liberty, IN. 46554
Lot 356 Homeland 3 rd Addition	18-8108-4075	John Mazall C/O Frank J. Mazall 29449 New Road, North Liberty, IN. 46554
Lot 353 Homeland 3 rd Addition	18-8108-4002	Jerry and Carolyn Lax 529 S. Bendix Dr., South Bend, IN. 46619
Lot 354 Homeland 3 rd Addition	18-8108-4003	Jerry and Carolyn Lax 529 S. Bendix Dr., South Bend, IN. 46619

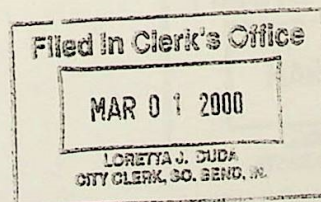
The petitioner Martin Blad Farms, Inc. 58995 Mayflower Rd., South Bend, IN. 46619
owns the following abutting property

Lot 47 Richland 2 nd Addition	18-8121-4557
Lot 48 Richland 2 nd Addition	18-8121-4549
Lot 49 Richland 2 nd Addition	18-8121-4548
Lot 50 Richland 2 nd Addition	18-8121-4547
Lot 51 Richland 2 nd Addition	18-8121-4546
Lot 52 Richland 2 nd Addition	18-8121-4545
Lot 53 Richland 2 nd Addition	18-8121-4544
Lot 54 Richland 2 nd Addition	18-8121-4543
Lot 55 Richland 2 nd Addition	18-8121-4542
Lots 56-61, 63, 205, 206, 239 Richland 2 nd Addition	18-8121-4535
Lot 62 Richland 2 nd Addition	18-8121-4541

SECTION IV. The purpose of the vacation of the real property is that it has been plotted farmland since the early 1920's. It has always been farmed. Kaley Street and Alley to the East have already been vacated with Resolution 8951-98.

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:

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana.

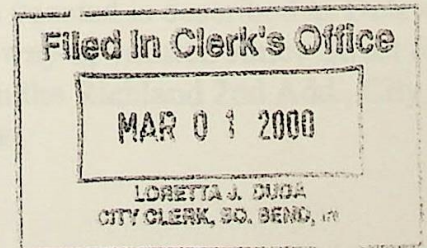
Name	Address	Lot#
<i>Eric Blad agent for</i> Martin Blad Farms, Inc.	58995 Mayflower Rd. South Bend, IN. 46619	47-70, 172-239
<i>Michelle M. Banks agent for</i> G&M Properties	14299 Day Rd. Mishawaka, IN. 46545	32, 33, 34, 36, 37, 38

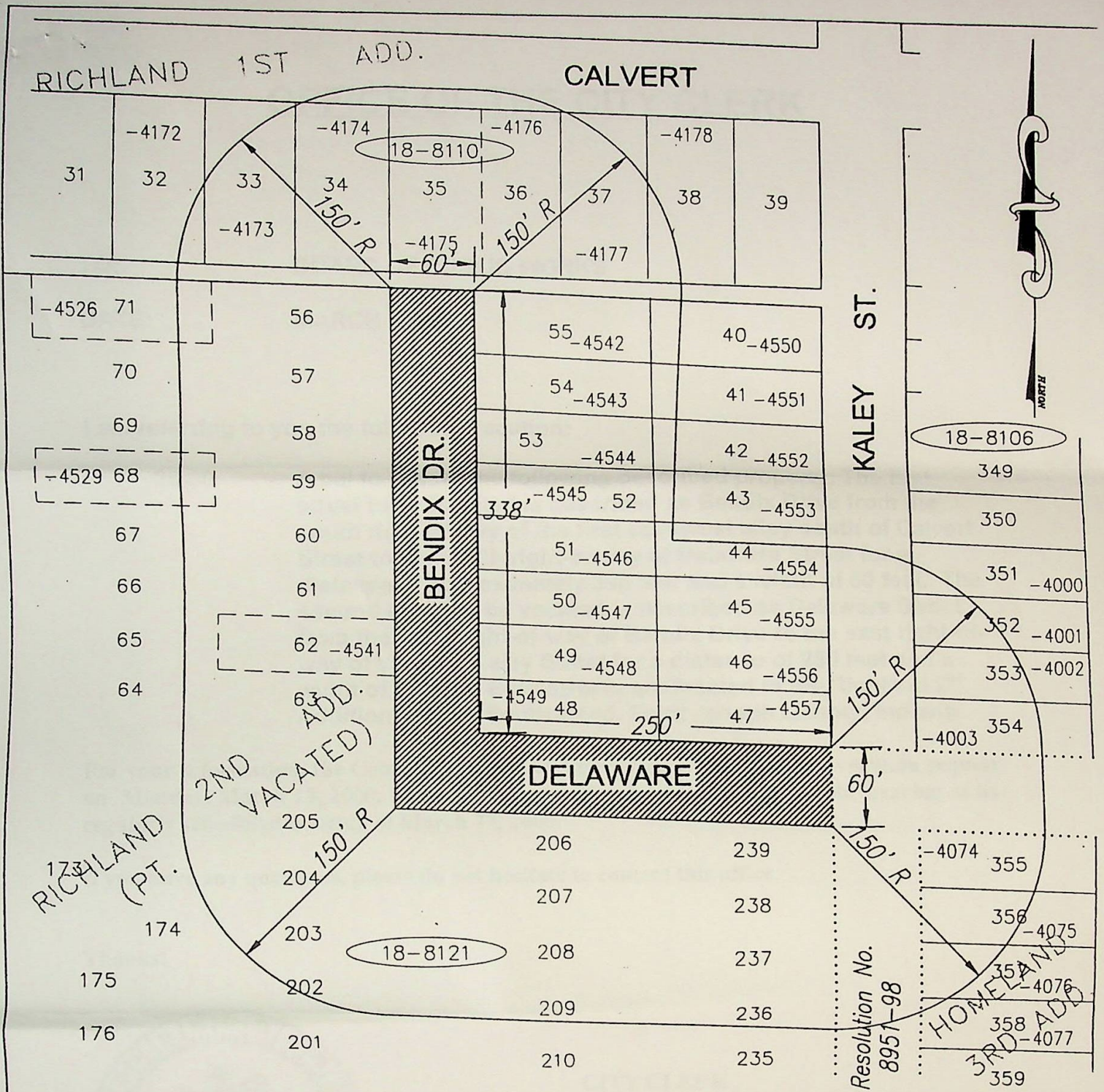
Contact persons:

Wayne Blad	58995 Mayflower Rd. South Bend, IN. 46619	219-234-7271
Eric Blad	58995 Mayflower Rd. South Bend, IN. 46619	219-234-7271

Return to:

Office of the City Clerk
Loretta J. Duda, City Clerk
Room 455, County-City Building
South Bend, IN. 46601
219-235-9221





STREET VACATION

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Add., City of South Bend, St. Joseph County, Indiana.

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 3, 2000

I am referring to you the following vacation:

26-00

A bill to vacate the following described property: The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana

For your information, the Common Council will have first reading on this vacation request on Monday, March 13, 2000. I assume the council will set this bill for public hearing at its regularly scheduled meeting of March 27, 2000.

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

Thanks!



CITY CLERK
LORETTA J. DUDA

DEPUTY

Jane Talboom

RECEIVED

MAR 6 2000

CITY OF SOUTH BEND
DIV. OF ENGINEERING

**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
- Lt. Joseph S. Markovich, Police Traffic Department
- Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000

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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this alley closure by **March 22, 2000**.

COMMENTS & RECOMMENDATIONS:

No objection.

BY:

Carl R. Littrell

DATE:

3/6/2000

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

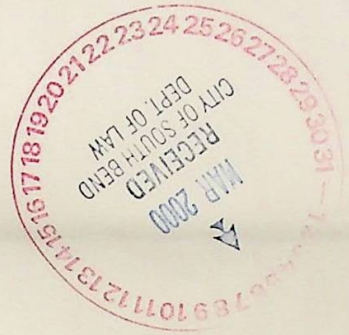
TO:

- 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
- Lt. Joseph S. Markovich, Police Traffic Department
- Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000



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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this alley closure by **March 22, 2000**.

COMMENTS & RECOMMENDATIONS:

Done

BY:

APC

DATE:

3/7/00

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
 - Lt. Joseph S. Markovich, Police Traffic Department
 - Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000

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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this alley closure by **March 22, 2000**.

COMMENTS & RECOMMENDATIONS:

_____ *ANGIE* _____

_____ *No objections* _____

BY: *[Signature]*
_____ *SBFD* _____

DATE: *3-8-00* _____

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

P-15E

- 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
 - Lt. Joseph S. Markovich, Police Traffic Department
 - Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000

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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

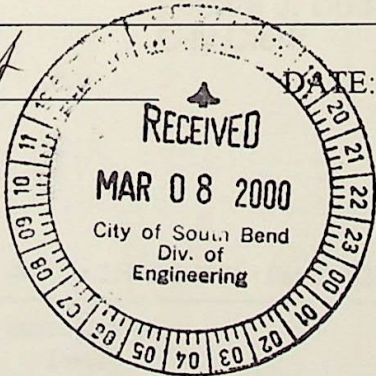
It is important that I receive your comments and recommendation concerning this alley closure by **March 22, 2000.**

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: *Jon R. Hunt*

DATE: 03.08.00





Office of the City Clerk

Loretta J. Duda, City Clerk

March 16, 2000

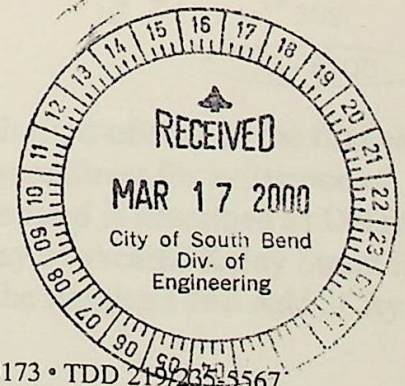
NOTICE

You are hereby notified that a Public Hearing will be held at **7:00 p.m.** on the **27th** day of **March, 2000** in the Council Chambers, 4th Floor County-City Building, South Bend, Indiana, for the purpose of hearing all interested persons concerning the vacation of the following described property:

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, Saint Joseph County, Indiana

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

Loretta J. Duda
City Clerk

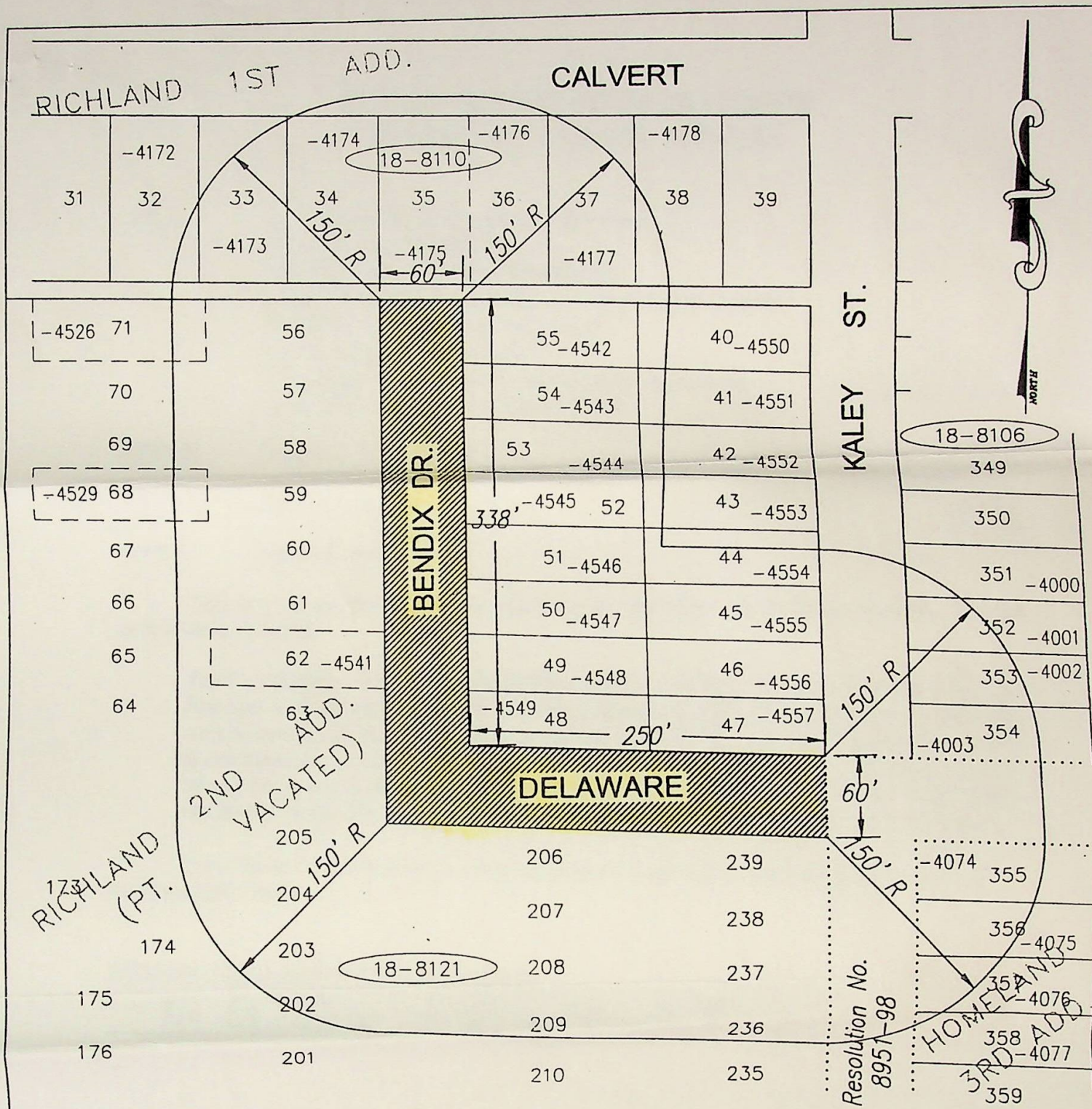


455 County-City Building • South Bend, Indiana 46601 • 219/235-9221 • Fax 219/235-9173 • TDD 219/235-5567

Sandra Parmerlee
Chief Deputy

Janice Talboom
Deputy

Dee Priebe
Ordinance Violation Clerk



STREET VACATION

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Add., City of South Bend, St. Joseph County, Indiana.

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
- Lt. Joseph S. Markovich, Police Traffic Department
- Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000

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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this alley closure by March 22, 2000.

COMMENTS & RECOMMENDATIONS:

No Objections or Recommendations

BY: Lt Joseph Markovich

DATE: 3-14-00

FAXED

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

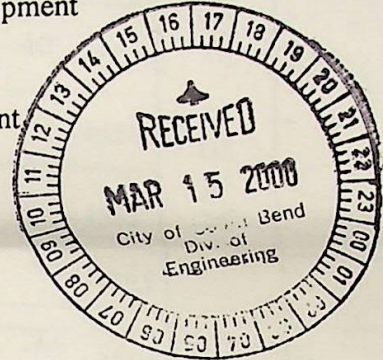
TO:

- 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
- Lt. Joseph S. Markovich, Police Traffic Department
- Michelle Engel, City Attorney's Office

FROM: Angela K. Jacob, Clerk

RE: Property Vacation

DATE: March 4, 2000



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

The First street to be vacated is described as Bendix Drive from the south right of way of the first east west alley south of Calvert Street to the south right of way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right of way of Bendix Drive to the east right of way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Addition, City of South Bend, St. Joseph County, Indiana.

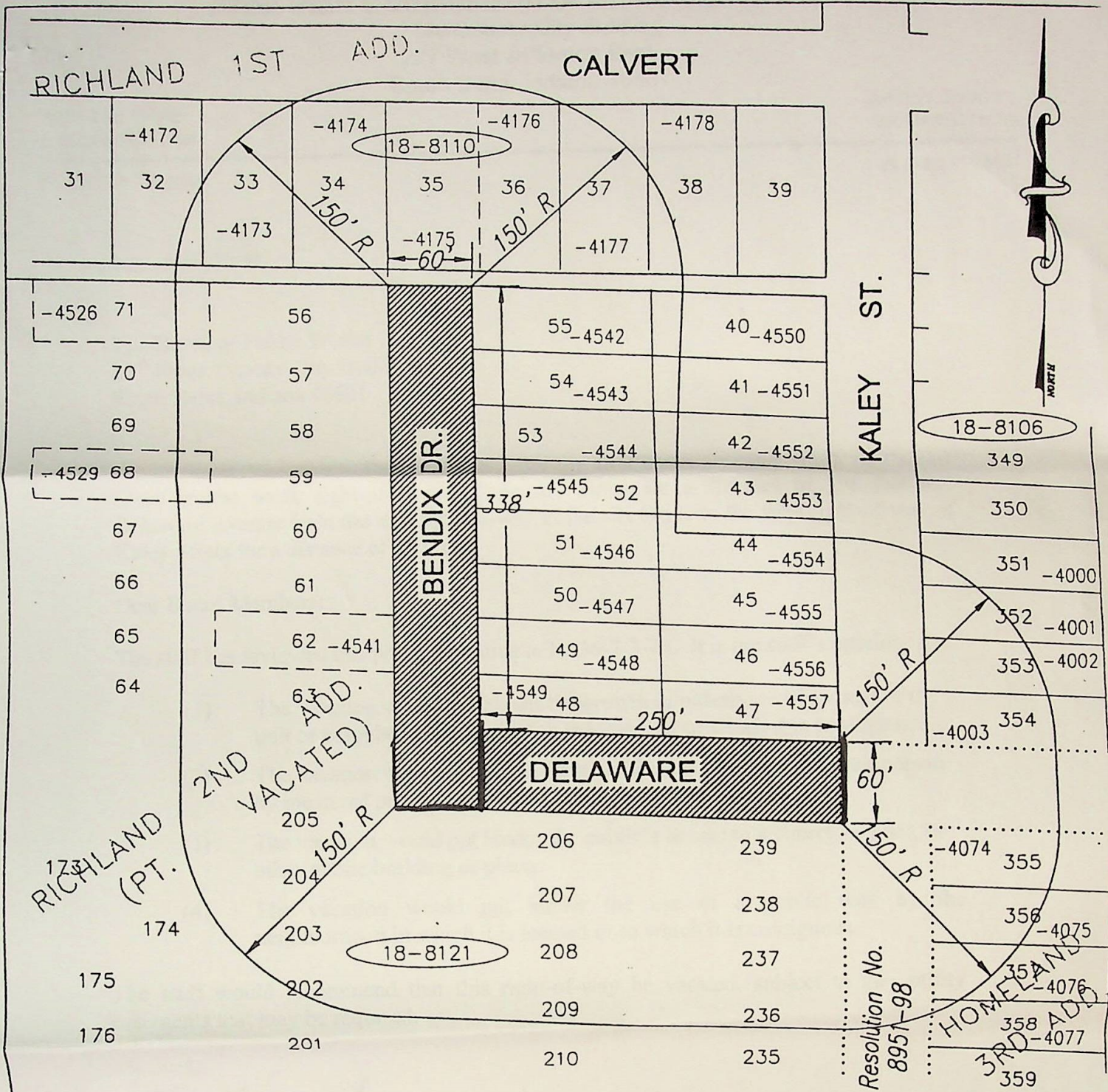
It is important that I receive your comments and recommendation concerning this alley closure by **March 22, 2000**.

COMMENTS & RECOMMENDATIONS:

Solid waste are in favor of this request.

BY: *Alonzo F Adams*

DATE: *3-14-00*



STREET VACATION

The first street to be vacated is described as Bendix Drive from the south right-of-way of the first east-west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of approximately 398 feet and a width of 60 feet. The second street to be vacated is described as Delaware Street from the west right-of-way of Bendix Drive to the east right-of-way of vacated Kaley Street for a distance of 250 feet and a width of 60 feet. Both streets are located in the Richland 2nd Add., City of South Bend, St. Joseph County, Indiana.

east

west

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

March 21, 2000

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

RE: Street Vacation – Bendix Drive from the first east/west alley south of Calvert Street to the south right-of-way of Delaware Street for a distance of 398 feet and Delaware Avenue from the east right-of-way of Bendix Drive to the west right-of-way of Kaley Street for a distance of 250 feet

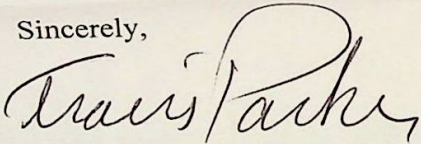
Dear Board Members:

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.

Sincerely,



Travis Parker
Planner

