

#2837

Alley Vacation - First north/south alley east of  
Michigan Street from Navarre to Bartlett for a distance  
of 586 feet and a width of 14 feet. Being a part of  
Rockstroh Brothers Subdivision.

ORD #9363-02



# 2837

# Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 12, 2002

## 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 - Mark  
Community & Economic Development - Larry Magliozzi  
County Auditor - Melinda  
Ed Herman - Water Works - North Station

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9363-02 for the vacation of the following property:

THE FIRST NORTH/SOUTH ALLEY EAST OF MICHIGAN STREET FROM NAVARRE STREET TO BARTLETT STREET FOR A DISTANCE 586 FEET AND A WIDTH OF 14 FEET. BEING A PART OF ROCKSTROH BROTHERS SUBDIVISION IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

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



PHONE 574/ 235-9251  
FAX 574/ 235-9171  
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

**BOARD OF PUBLIC WORKS**  
October 28, 2002

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

RE: Alley Vacation

Dear Members of the Council:

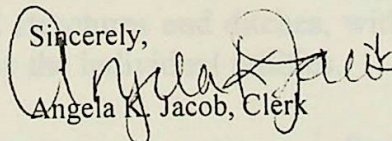
In accordance with Municipal Code Section 18-53.8, a favorable recommendation is being submitted to the Common Council concerning an alley vacation on the following:

The first north/south alley east of Michigan Street from Navarre Street to Bartlett Street for a distance of 586 feet and a width of 14 feet. Being a part of Rockstroh Brothers Subdivision in the City of South Bend, St. Joseph County, Indiana.

Favorable recommendations concerning this Vacation Petition were received from the Area Plan Commission, Police Department, Sanitation, Department of Economic Development and the Department of Public Works. The Fire Department stated they would need to see future plans for development in conjunction with fire and safety protection. Area Plan stated that by the information provided on the petition, it is unclear whether or not the petitioner owns at least 50 percent of the land adjacent to the alley. Also, many of the properties along the alley need the alley to gain access to either parking areas and/or the rear of their buildings. If the alley is vacated then some of the adjacent property owners will not have sufficient access to their property. Area Plan recommends that a cross-access easement be created for all potentially aggrieved property owners. If adequate access to these properties is not obtained through such an easement, Area Plan recommends denial of the petition to vacate the alley. **In addition, it is recommended that utility easements be created as necessary. Engineering concurs with Area Plan.**

**Therefore, the Board submits to you a favorable recommendation concerning this vacation, subject to any utility easements that may be necessary.**

Sincerely,



Angela K. Jacob, Clerk

Attachments

c: Rosemary Mandrici, Assessor's Office  
Melinda Stopczynski, Auditor's Office

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

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

*The first North/South alley East of Michigan Street from Navarre Street to Bartlett Street for a distance of 586 feet and a width of 14 feet. Being a part of Rockstroh Brothers Subdivision in the City of South Bend, St. Joseph County, Indiana*

**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 North/South alley East of Michigan Street from Navarre Street to Bartlett Street for a distance of 586 feet and a width of 14 feet. Being a part of Rockstroh Brothers Subdivision in the City of South Bend, St. 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.

APPROVED  
Board of Public Works

OCT 28 2002  
George A. Billet  
Nancy E. Spahr  
C. V. Little

**SECTION III.** The following property may be injuriously or beneficially affected by such vacating:

A. Lots 5, 6 and 13 in Dinan's Subdivision and Lots 30, 31, 32, 34, 35 and 36 in Rockstroh's 2<sup>nd</sup> Addition, abutting the East side of the Alleyway.

B. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Rockstroh Bros. Subdivision abutting the West side of the Alleyway.

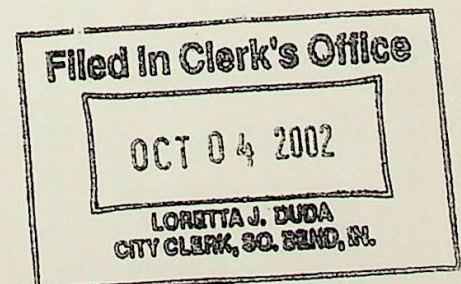
**SECTION IV.** The purpose of the vacation of the real property is to:

Facilitate the development of property on the East and West sides of the alleyway.

**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



## OFFICE OF THE CITY CLERK

**TO: BOARD OF PUBLIC WORKS**

**DATE: OCTOBER 8, 2002**

I am referring to you the following vacation:

77-02      A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
THE FIRST NORTH/SOUTH ALLEY EAST OF MICHIGAN STREET  
FROM NAVARRE STREET TO BARTLETT STREET FOR A  
DISTANCE OF 586 FEET AND A WIDTH OF 14 FEET. BEING A  
PART OF ROCKSTROH BROTHERS SUBDIVISION IN THE CITY  
OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, October 14, 2002. I assume the council will set this bill for public hearing at its regularly scheduled meeting of October 28, 2002.

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

Thanks!

**CITY CLERK  
LORETTA J. DUDA**

**DEPUTY**

*Janice Talboom*

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

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

DATE: October 4, 2002

THE UNDERSIGNED PROPERTY OWNER PETITIONS YOU TO VACATE:

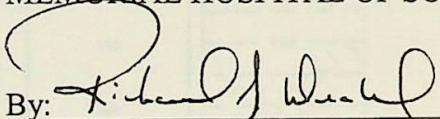
THE FIRST NORTH/SOUTH ALLEY EAST OF MICHIGAN STREET FROM NAVARRE STREET TO BARTLETT STREET FOR A DISTANCE OF 586 FEET AND A WIDTH OF 14 FEET. BEING A PART OF ROCKSTROH BROTHERS SUBDIVISION IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

The undersigned submits this Petition to Vacate the alley described above in order to facilitate the development of the property on the East and West sides of such alley. The undersigned Petitioner requests approval of this Petition.

<u>NAME (signed &amp; printed)</u>	<u>ADDRESS</u>	<u>PROPERTY (Owned by Petitioner Abutting Alley)</u>
MEMORIAL HOSPITAL OF SOUTH BEND, INC.	615 N. Michigan Street South Bend, Indiana 46601	Lots 7, 8, 9, 10, 11 and 12 in Rockstroh Bros. Subdivision (among other property)

MEMORIAL HOSPITAL OF SOUTH BEND, INC.

By: \_\_\_\_\_

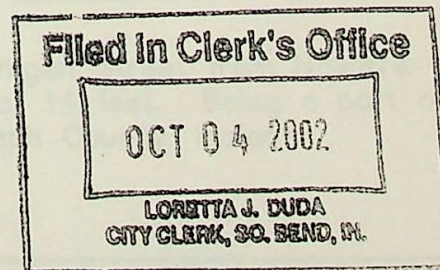
  
Richard J. Deahl, Barnes & Thornburg  
Legal Counsel

RETURN TO:

OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
(574) 235-9221

CONTACT PERSON(S):

Bruce R. Bancroft, Esq.  
Richard J. Deahl, Esq.  
Barnes & Thornburg  
100 N. Michigan Street, 6<sup>th</sup> Floor  
South Bend, Indiana 46601  
(574) 233-1171



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

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

DATE: October 4, 2002

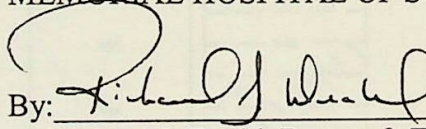
THE UNDERSIGNED PROPERTY OWNER PETITIONS YOU TO VACATE:

THE FIRST NORTH/SOUTH ALLEY EAST OF MICHIGAN STREET FROM NAVARRE STREET TO BARTLETT STREET FOR A DISTANCE OF 586 FEET AND A WIDTH OF 14 FEET. BEING A PART OF ROCKSTROH BROTHERS SUBDIVISION IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

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MEMORIAL HOSPITAL OF SOUTH BEND, INC.

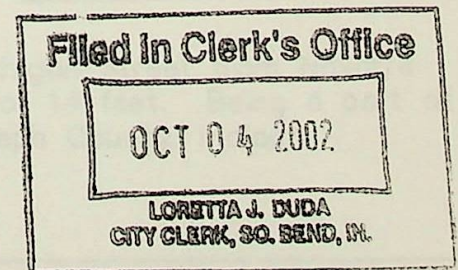
By:   
Richard J. Deahl, Barnes & Thornburg  
Legal Counsel

RETURN TO:

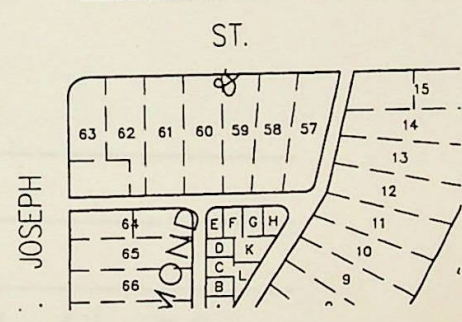
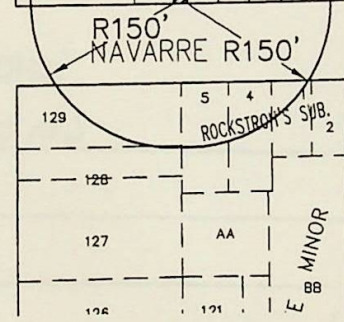
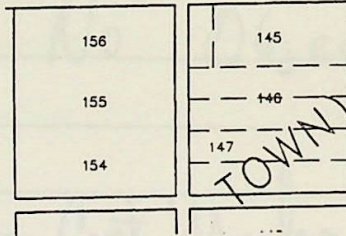
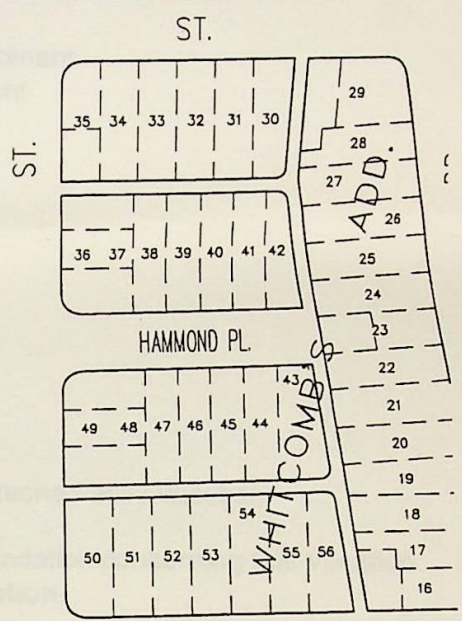
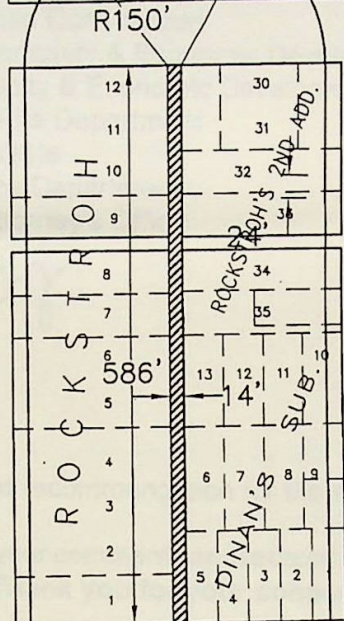
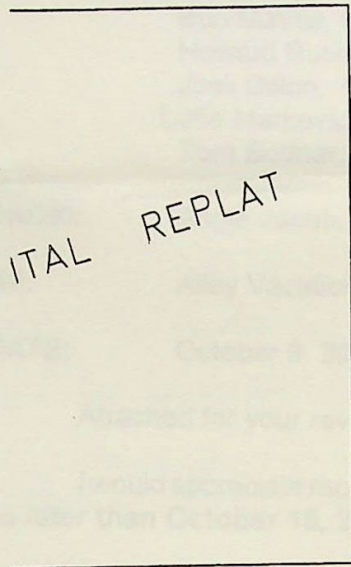
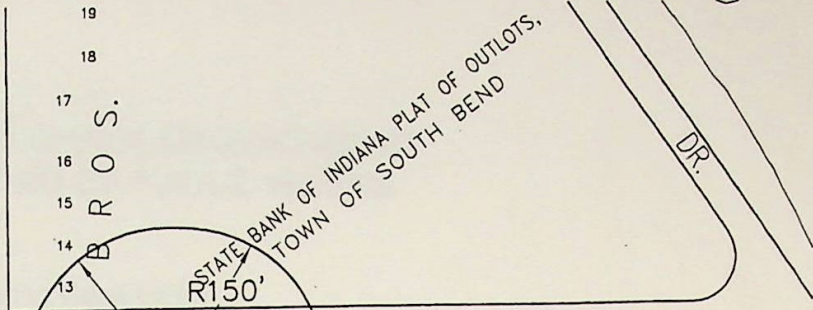
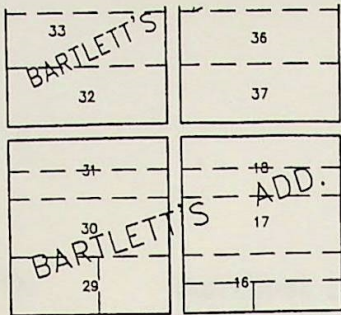
OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
(574) 235-9221

CONTACT PERSON(S):

Bruce R. Bancroft, Esq.  
Richard J. Deahl, Esq.  
Barnes & Thornburg  
100 N. Michigan Street, 6<sup>th</sup> Floor  
South Bend, Indiana 46601  
(574) 233-1171







Filed in Clerk's Office  
 OCT 08 2002  
 LORETTA J. GUDA  
 CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

The alley to be vacated is the first North/South alley East of Michigan Street from Navarre Street to Bartlett Street for a distance of 586 feet and a width of 14 feet. Being a part of Rockstroh Brothers Subdivision in the City of South Bend, St. Joseph County, Indiana.



### INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department  
 John Byorni, Area Plan Commission  
 Larry Magliozzi, Community & Economic Development  
 Bob Mathia, Community & Economic Development  
 Howard Buchanon, Fire Department  
 Jack Dillon, Solid Waste  
 Joe Markovich, Police Department  
 Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation

DATE: October 9, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than October 18, 2002. Thank you for your cooperation.

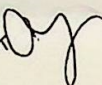
COMMENTS & RECOMMENDATIONS:

No Objections

BY: Capt Markovich DATE: 10-14-02

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

**TO:** Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
✓ Bob Mathia, Community & Economic Development  
Howard Buchanon, Fire Department  
Jack Dillon, Solid Waste  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

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**RE:** Alley Vacation

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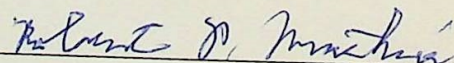
\_\_\_\_\_

\_\_\_\_\_

Attachment to Inter-Office Memorandum from Angie Jacob dated October 9, 2002

Comments & Recommendations:

I have conferred with Jon Hunt on the proposed alley vacation in the attached memo. The proposed vacation is part of Memorial Hospital's planned development in the area. It is included as part of the City's development agreement with the Hospital. We strongly support the proposed vacation and recommend its approval.

BY:  DATE: 10/14/02



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

**TO:** Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
Bob Mathia, Community & Economic Development  
Howard Buchanon, Fire Department  
✓ Jack Dillon, Solid Waste  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

**FROM:** Angie Jacob, Clerk *Angie*

**RE:** Alley Vacation

**DATE:** October 9, 2002

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 18, 2002**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*No problem for Solid Waste*

**BY:** JACK DILLON **DATE:** 10-16-02

# 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 574 235-9571

Fax 574 235-9813

October 18, 2002

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

RE: 77-02: The first north/south alley east of Michigan Street from Navarre Street to Bartlett Street for a distance on 586' and a width of 14'. Being a part of Rockstroh Brothers Subdivision in the City of South Bend, St. Joseph County, Indiana

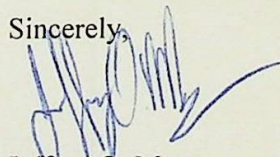
Dear Board Members:

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

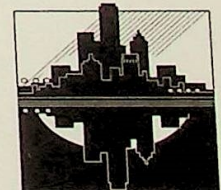
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would not 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.

By the information provided on the petition, it is unclear whether or not the petitioner owns at least 50 percent of the land adjacent to the alley. Also, many of the properties along the alley need the alley to gain access to their parking areas and/or the rear of their buildings. It is the Staff's opinion that if the alley is vacated that some of the adjacent property owners will not have sufficient access to their property. Therefore, the Staff recommends that a cross-access easement be created for all potentially aggrieved property owners. If adequate access to these properties is not obtained through such an easement, the Staff recommends denial of the petition to vacate the alley because it will not satisfy item 2 as noted in the paragraph above. Also, the staff recommends that utility easements be created as necessary.

Sincerely,



Jeffrey O. Myers  
Planner





### INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

**TO:** Carl Littrell, Engineering Department  
 John Byorni, Area Plan Commission  
 Larry Magliozzi, Community & Economic Development  
 Bob Mathia, Community & Economic Development  
 ✓ Howard Buchanon, Fire Department  
 Jack Dillon, Solid Waste  
 Joe Markovich, Police Department  
 Tom Bodnar, City Attorney's Office

**FROM:** Angie Jacob, Clerk *AJ*

**RE:** Alley Vacation

**DATE:** October 9, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than October 18, 2002. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

Fire objects safety & fire protection

Fire Needs to see future plans for development

BY: *Howard Buchanon* DATE: 10-18-02

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

**TO:** ✓ Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
Bob Mathia, Community & Economic Development  
Howard Buchanon, Fire Department  
Jack Dillon, Solid Waste  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

**FROM:** Angie Jacob, Clerk *AJ*

**RE:** Alley Vacation

**DATE:** October 9, 2002

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**COMMENTS & RECOMMENDATIONS:**

*No objection. Further, I recommend the City of South Bend release the rights and easements to construct water, sewer, surface water control structures and ditches, within the vacated right of way.*

BY: Carl P. Littrell DATE: 10/11/02

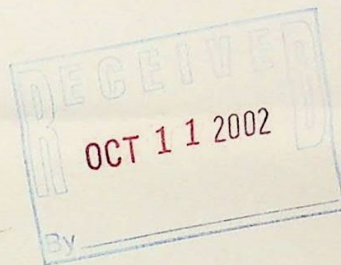
INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
✓ Larry Magliozzi, Community & Economic Development  
Bob Mathia, Community & Economic Development  
Howard Buchanon, Fire Department  
Jack Dillon, Solid Waste  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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DATE: October 9, 2002



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COMMENTS & RECOMMENDATIONS:

① IT IS ASSUMED THAT THE HOLLADAY + MEMORIAL/HOLLADAY OWNERSHIPS ARE IN AGREEMENT WITH VACATION REQUEST. ② KAGEL OWNERSHIPS AT NW CORNER OF ALLEY AND NAVARRE SHOULD BE ASKED IF VACATION WOULD COMPROMISE ACCESS TO THEIR PROPERTY

BY: *Larry Magliozzi* - DATE: 10-16-02

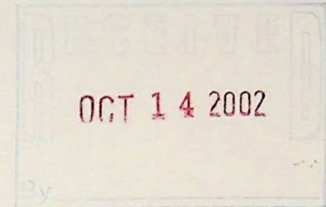
RECOMMENDATION APPROVAL  
BY: *Jon R. Hunt* - DATE: 10.16.02

NOTE - ITEM 1 IS SATISFIED  
NOTE - ITEM 2 KAGEL PROPERTY TO BE PURCHASED BY HOSPITAL  
*JRH*  
10.17.02



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

**TO:** Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
✓ Bob Mathia, Community & Economic Development  
Howard Buchanon, Fire Department  
Jack Dillon, Solid Waste  
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**DATE:** October 9, 2002

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**COMMENTS & RECOMMENDATIONS:**

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Attachment to Inter-Office Memorandum from Angie Jacob dated October 9, 2002

**Comments & Recommendations:**

I have conferred with Jon Hunt on the proposed alley vacation in the attached memo. The proposed vacation is part of Memorial Hospital's planned development in the area. It is included as part of the City's development agreement with the Hospital. We strongly support the proposed vacation and recommend its approval.

**BY:** *Robert J. Mathia* **DATE:** *10/14/02*

INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

*Mich Navarre*

TO: Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
✓ Bob Mathia, Community & Economic Development  
Howard Buchanan, Fire Department  
✓ Jack Dillon, Solid Waste  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

OCT 18 2002

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation

DATE: October 9, 2002

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 18, 2002**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

*No objections from Solid Waste*

BY: *John Dillon* DATE: *10-24-02*