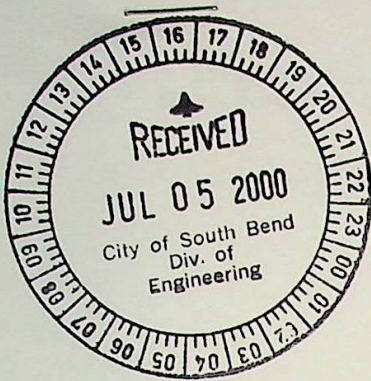


Ord. # 9109-00

Vacation of Property

Description:

East 1/2 of Eclipse Place from
the south right-of-way of Keller
Street to the south right-of-way
of Marquette Blvd.



Office of the City Clerk

Loretta J. Duda, City Clerk

JULY 5, 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

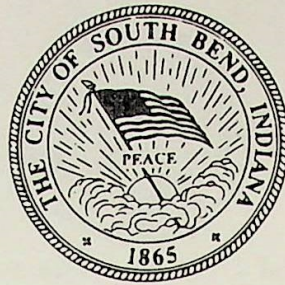
FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9109-00 for the vacation of the following property:

THE FIRST STREET TO BE VACATED IS THE EAST HALF OF ECLIPSE PLACE FROM THE SOUTH RIGHT-OF-WAY OF KELLER STREET TO THE SOUTH RIGHT-OF-WAY OF MARQUETTE BOULEVARD, A DISTANCE OF 672.6 FEET AND A WIDTH OF 30 FEET. PART LOCATED IN THE VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE SECOND STREET TO BE VACATED IS KELLER STREET FROM THE EAST RIGHT-OF-WAY OF ECLIPSE PLACE TO THE WEST RIGHT-OF-WAY OF KALEY STREET FOR A DISTANCE OF 280.5 FEET AND A WIDTH OF 50 FEET. PART LOCATED IN VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF KALEY STREET FROM THE NORTH RIGHT-OF-WAY OF KELLER STREET TO THE SOUTH RIGHT-OF-WAY OF MARQUETTE BOULEVARD FOR A DISTANCE OF 622.6 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN THE VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi
South Bend Community School Corporation



Office of the City Clerk

Loretta J. Duda, City Clerk

JULY 5, 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. 9109-00 for the vacation of the following property:

THE FIRST STREET TO BE VACATED IS THE EAST HALF OF ECLIPSE PLACE FROM THE SOUTH RIGHT-OF-WAY OF KELLER STREET TO THE SOUTH RIGHT-OF-WAY OF MARQUETTE BOULEVARD, A DISTANCE OF 672.6 FEET AND A WIDTH OF 30 FEET. PART LOCATED IN THE VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE SECOND STREET TO BE VACATED IS KELLER STREET FROM THE EAST RIGHT-OF-WAY OF ECLIPSE PLACE TO THE WEST RIGHT-OF-WAY OF KALEY STREET FOR A DISTANCE OF 280.5 FEET AND A WIDTH OF 50 FEET. PART LOCATED IN VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF KALEY STREET FROM THE NORTH RIGHT-OF-WAY OF KELLER STREET TO THE SOUTH RIGHT-OF-WAY OF MARQUETTE BOULEVARD FOR A DISTANCE OF 622.6 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN THE VERNON HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi
South Bend Community School Corporation

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

April 24, 2000

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

RE: Vacation of Property

Dear Members of the Council:

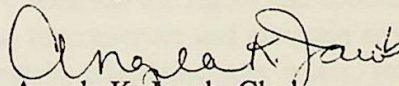
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the Vacation of property, as follows:

The first street to be vacated is the east half of Eclipse Place from the south right of way of Keller Street to the south right of way of Marquette Boulevard, a distance of 672.6 feet and a width of 30 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana. The second street to be vacated is Keller Street from the east right of way of Eclipse Place to the west right of way of Kaley Street for a distance of 280.5 feet and a width of 50 feet. Part located in Vernon Heights Add., South Bend, St. Joseph County, Indiana. The alley to be vacated is the first north/south alley west of Kaley Street from the north right of way of Keller Street to the south right of way of Marquette Boulevard for a distance of 622.6 feet and a width of 14 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana.

For your information, the Board of Public Works received favorable recommendations from *the Fire Department, Bureau of Sanitation, Division of Engineering, Department of Community and Economic Development, Area Plan Commission* and the Police Department concerning this vacation, subject to any utility easements that may be required. The Area Plan Commission noted that the property owner to the west of Eclipse Place should be contacted and the west half of this right of way vacated along with Eclipse Place to the south of the proposed vacation.

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

Sincerely,


Angela K. Jacob, Clerk

Attachments

APR 24 2000

M. Catherine Poeme
Norald E. Sauer
Carl R. Stiles

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY

The first street to be vacated is the east half of Eclipse Place from the south right-of-way of Keller Street to the south right-of-way of Marquette Boulevard, a distance of 672.6 feet and a width of 30 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana. The second street to be vacated is Keller Street from the east right-of-way of Eclipse Place to the west right-of-way of Kaley street for a distance of 280.5 feet and a width of 50 feet. Part located in Vernon Heights Add., South Bend, St. Joseph County, Indiana. The alley to be vacated is the first north/south alley west of Kaley Street from the north right-of-way of Keller Street to the south right-of-way of Marquette Boulevard for a distance of 622.6 feet and a width of 14 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indian Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petition to vacate public ways of 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 the east half of Eclipse Place from the south right-of-way of Keller street the south right-of-way of Marquette Boulevard, a distance of 672.6 feet and a width of 30 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana. The second street to be vacated is Keller Street from the east right-of-way of Eclipse place to the west right-of-way of Kaley Street for a distance of 280.5 feet and a width of 50feet. Part located in Vernon Heights Add., South Bend, St. Joseph County, Indiana. The alley to be vacated is the first north/south alley west of Kaley street from the north right-of-way of Keller Street to the south right-of-way of Marquette Boulevard for a distance of 622.6 feet and an with of 14 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana, hereby determines that it is desirable to vacate said property.

(SEE EXHIBIT A)

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.

4/24/00

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

<u>Key Numbers</u>	<u>Name and Address</u>
18-2097-3684	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3685	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3686	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3687	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3688	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3689	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3836	Joseph Grabill 15039 SR 23 Granger, Indiana 46530
18-2102-3838	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3840	Alberta Carter 2264 Redfield Road Niles, Michigan 49120
18-2102-3842	Alberta Carter 2264 Redfield Road Niles, Michigan 49120

18-2102-3844	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3846	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3848	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3850	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3852	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3854	Raymond & Justine DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2102-3854	Tiffany Williams 1706 N. Kaley St. South Bend, Indiana 46628
18-2105-3918	South Bend Community School Corporation 635 South Main Street South Bend, Indiana 46601
18-2109-4039	Kuert Concrete, Inc. 3402 Lincolnway West South Bend, Indiana 46628

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

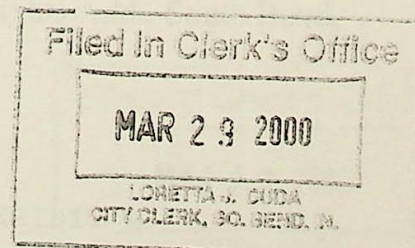
The South Bend, Community School Corporation is petitioning to have the above-described streets, street segments, and alley-ways vacated in accordance with City ordinance. All of the

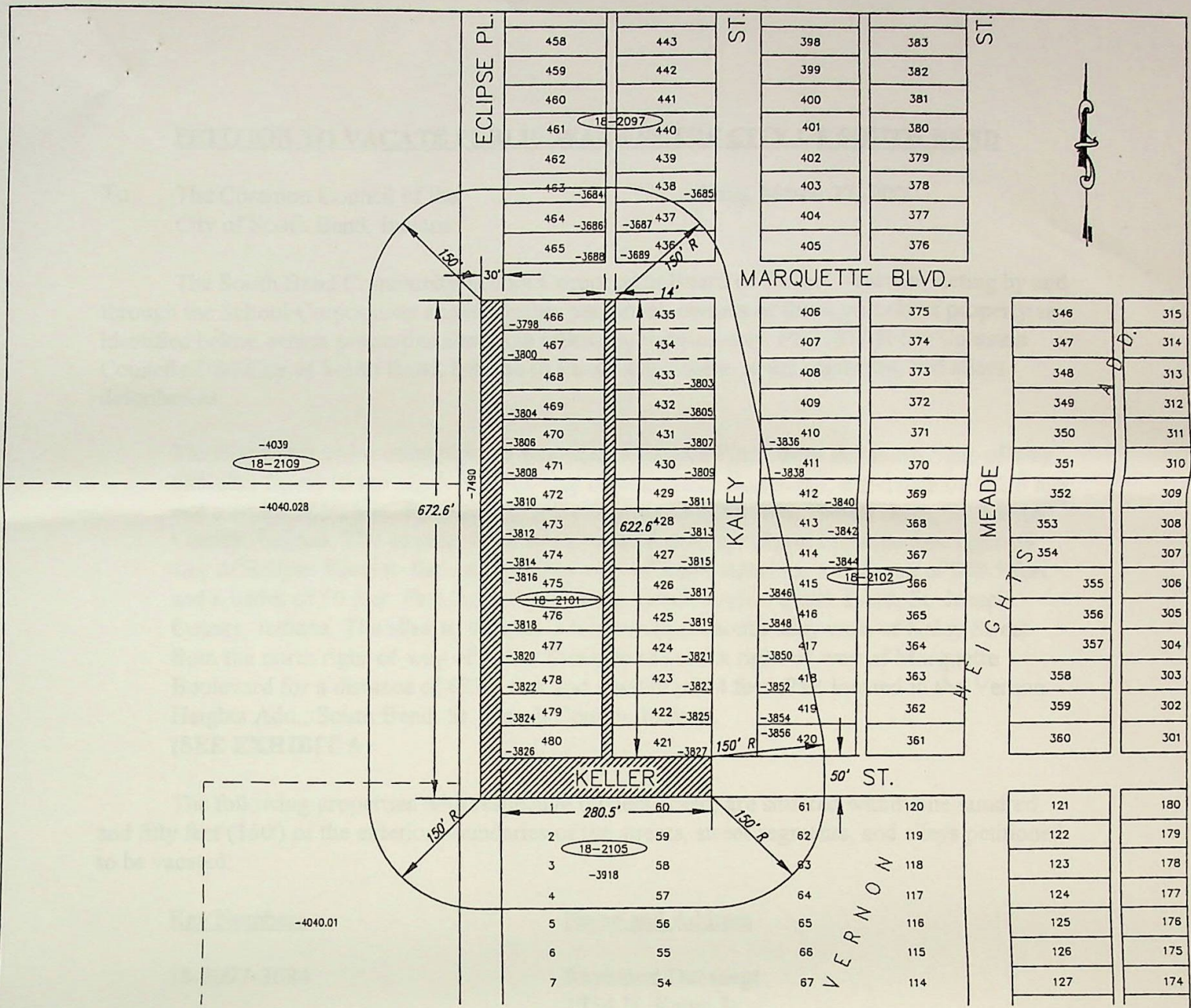
streets and alley-ways included in this petition are in the area designated by the South Bend Community School Corporation as necessary in support of the construction of expanded Athletic Facilities at LaSalle High School. The South Bend Community School Corporation has acquired Lots 421 to 435, and Lots 466 to 480. The closing of the enumerated street and alley-ways will enable the South Bend Community School Corporation to:

- . Provide a contiguous campus arrangement with the LaSalle High School building and the designed layout of the athletic and recreational facilities.
- . Provide students with safe access to the athletic/recreational facilities.

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





STREET AND ALLEY VACATION

The first street to be vacated is the east half of Eclipse Place from the south right-of-way of Keller Street to the south right-of-way of Marquette Boulevard, a distance of 672.6 feet and a width of 30 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana.

The second street to be vacated is Keller Street from the east right-of-way of Eclipse Place to the west right-of-way of Kaley Street for a distance of 280.5 feet and a width of 50 feet. Part located in Vernon Heights Add., South Bend, St. Joseph County, Indiana.

The alley to be vacated is the first north/south alley west of Kaley Street from the north right-of-way of Keller Street to the south right-of-way of Marquette Boulevard for a distance of 622.6 feet and a width of 14 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana.

Filed in Clerk's Office

MAR 29 2000

EXHIBIT A

LORETTA J. RIBA
CITY CLERK, 30.3100, IN

PETITION TO VACATE PUBLIC WAYS IN THE CITY OF SOUTH BEND

To: The Common Council of the
City of South Bend, Indiana

Date: March 27, 2000

The South Bend Community School Corporation Board of School Trustees, acting by and through the School Corporation administrative personnel, owners of those parcels of property as identified below, which properties about the following right-of-way, PETITION the Common Council of the City of South Bend, Indiana to vacate the streets, street segments, and alleys described as:

The first street to be vacated is the east half of Eclipse Place from the south right-of-way of Keller Street to the south right-of-way of Marquette Boulevard, a distance of 672.6 feet and a width of 30 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana. The second street to be vacated is Keller Street from the east right-of-way of Eclipse Place to the west right-of-way of Kaley street for a distance of 280.5 feet and a width of 50 feet. Part located in Vernon Heights Add., South Bend, St. Joseph County, Indiana. The alley to be vacated is the first north/south alley west of Kaley Street from the north right-of-way of Keller Street to the south right-of-way of Marquette Boulevard for a distance of 622.6 feet and a width of 14 feet. Part located in the Vernon Heights Add., South Bend, St. Joseph County, Indiana.

(SEE EXHIBIT A)

The following properties with respective owners noted, are situated within one hundred and fifty feet (150') of the exterior boundaries of the streets, street segments, and alleys petitioned to be vacated:

<u>Key Numbers</u>	<u>Name and Address</u>
18-2097-3684	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3685	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3686	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628
18-2097-3687	Raymond DeMaegt 1754 N. Kaley St. South Bend, Indiana 46628

Filed in Clerk's Office

MAR 29 2000

LORETTA J. BUDA
CITY CLERK, SOUTH BEND, IN

18-2097-3688 Raymond DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2097-3689 Raymond DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3836 Joseph Grabill
15039 SR 23
Granger, Indiana 46530

18-2102-3838 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3840 Alberta Carter
2264 Redfield Road
Niles, Michigan 49120

18-2102-3842 Alberta Carter
2264 Redfield Road
Niles, Michigan 49120

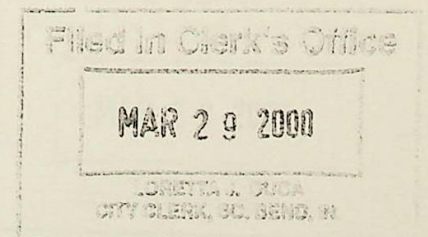
18-2102-3844 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3846 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3848 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3850 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628

18-2102-3852 Raymond & Justine DeMaegt
1754 N. Kaley St.
South Bend, Indiana 46628



18-2102-3854

Tiffany Williams
1706 N. Kaley St.
South Bend, Indiana 46628

18-2102-3856

Tiffany Williams
1706 N. Kaley St.
South Bend, Indiana 46628

18-2105-3918

South Bend Community School Corporation
635 South Main Street
South Bend, Indiana 46601

18-2109-4039

Kuert Concrete, Inc.
3402 Lincolnway West
South Bend, Indiana 46628

South Bend Community School Corporation

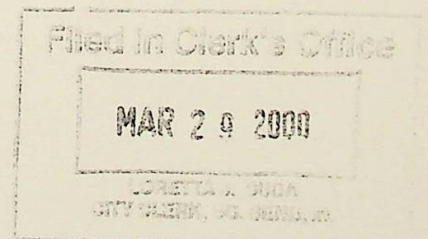
By: _____

Title: _____

Contact Person:
James A. Jasiewicz
Director of Buildings and Grounds
South Bend Community School Corporation
635 South Main Street
South Bend, Indiana 46601
(219) 283-8002

Attest:

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



INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO:

- Carl Littrell, City Engineer
- Travis Parker, Area Plan Commission
- Larry Magliozi, 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 *AJ*

RE: Property Vacation

DATE: March 30, 2000

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

See Attached

It is important that I receive your comments and recommendation concerning this vacation by April 19, 2000.

COMMENTS & RECOMMENDATIONS:

ANGIE -

no objections

BY: *A/C Bert R. Prawat*
S B F D

DATE: *3-31-00*

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

TO: - 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 *AJ*

RE: Property Vacation

DATE: March 30, 2000

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

See Attached

It is important that I receive your comments and recommendation concerning this vacation by April 19, 2000.

COMMENTS & RECOMMENDATIONS:

No Objections or Recommendations

BY: Joseph S. Markovich 124

DATE: 4-10-00 Faxed

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

TO:

- 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 *AKJ*

RE: Property Vacation

DATE: March 30, 2000

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

See Attached

It is important that I receive your comments and recommendation concerning this vacation by **April 19, 2000**.

COMMENTS & RECOMMENDATIONS:

Solid Waste is in favor of this vacation.

BY: *Alonzo P. Adams*

DATE: *4-11-00*

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

TO: - 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 *AJ*

RE: Property Vacation

DATE: March 30, 2000

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

See Attached

It is important that I receive your comments and recommendation concerning this vacation by **April 19, 2000**.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: *Jon R. Neuf*

DATE: *04-14-00*

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

April 18, 2000

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

RE: Street & Alley Vacation – Keller Street from Eclipse to Kaley, the east half of Eclipse Place from Keller to Marquette, and the first north/south alley east of Eclipse between Keller and Marquette.

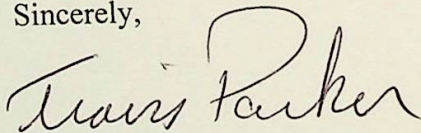
Dear Board Members:

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

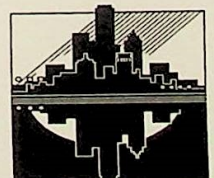
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would 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. The property owner to the west of Eclipse Place should be contacted and the west half of this right-of-way vacated along with Eclipse Place to the south of the proposed vacation.

Sincerely,



Travis Parker
Planner



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

TO: ✓ 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 *AJ*

RE: Property Vacation

DATE: March 30, 2000

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

See Attached

It is important that I receive your comments and recommendation concerning this vacation by **April 19, 2000**.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL.

BY: *A. P. Mohr*

DATE: *4/19/00*