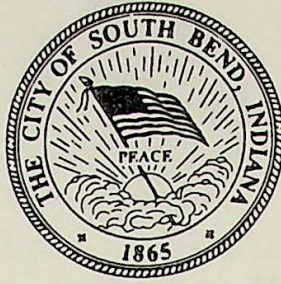


Ord. 9123-00
✓

STREET
~~Alley~~ Vacation
(NAPOLÉON ST)

Northernmost 15' Strip of property
from the Northwest corner of Lot A
in E+M Goerner Replat thence
East along Lots 47, 41 + 35 of
Sorin's 2nd Add., Part Located
in E+M Goerner Replat and
Sorin's 2nd Add., South Bend,
St. Joseph County, Indiana



Office of the City Clerk

Loretta J. Duda, City Clerk

OCTOBER 2, 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

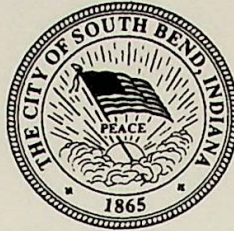
All proceedings with reference to Ordinance No. 9123-00 for the vacation of the following property:

THE NORTHERNMOST 15' STRIP OF PROPERTY FROM THE NORTHWEST CORNER OF LOT A IN E & M GOERNER REPLAT THENCE EAST ALONG LOTS 47, 41 & 35 OF SORIN'S 2ND ADD. PART LOCATED IN E & M GOERNER REPLAT AND SORIN'S 2ND ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi

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

August 14, 2000

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

RE: Vacation of an Alley

Dear Council Members:

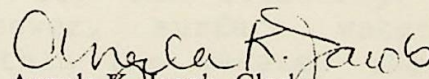
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following vacation:

The northernmost 15' strip of property from the northwest corner of Lot A in E&M Goerner Replat thence east along Lots 47, 41 and 35 of Sorin's 2nd Addition Part located in E&M Goerner Replat and Sorin's 2nd Addition, South Bend, St. Joseph County, Indiana.

For your information, the Board received favorable recommendations concerning this Vacation Petition from the Area Plan Commission, Police Department, Fire Department, Sanitation, Department of Economic Development and the Department of Public Works. Area Plan noted that the legal description is incorrect. The current legal description reads as though the property owners are requesting to vacate their own properties, rather than a proportion of the right of way. Only one of the four homeowners along the right of way has signed the petition. Area Plan would recommend that this right of way is vacated, that it be subject to any utility easements that may be required and also be subject to a public access easement for pedestrian traffic. It appears that the existing sidewalk at 1024 Napoleon Street and 1126 North Frances Street will be on private property if this petition is granted.

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

Sincerely,


Angela K. Jacob, Clerk

Attachments

AUG 14 2000

Gary G. Gilot
Mayor
M. Katherine Poole

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY

The northernmost 15' strip of property from the northwest corner of Lot A in E & M Goerner Replat thence east along Lots 47, 41 & 35 of Sorin's 2nd Add. Part located in E & M Goerner Replat and Sorin's 2nd Add., 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 northernmost 15' strip of property from the northwest corner of Lot A in E & M Goerner Replat thence east along Lots 47, 41 & 35 of Sorin's 2nd Add. Part located in E & M Goerner Replat and Sorin's 2nd Add., South Bend, St. Joseph County, Indiana

determines that it is desirable to vacate said property.

SECTION II. The City of South Bend reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain 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.

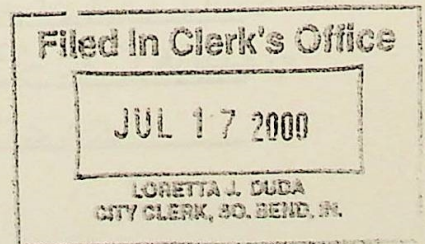
SECTION III. The following properties may be injuriously or beneficially affected by such vacation: Lot(A) 18-5105-3663, Lot(47)18-5105-3663.01, Lot(41)18-5105-3676 and Lot(35)18-5105-3689.

SECTION IV. The purpose of the vacation of the real property is to adjust existing right-of-way which, if executed, would place the actual property line virtually at the front doors of the houses on Lots 47, 41, and 35 and at the side porch of the house on Lot A.

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

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



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

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

DATE: 7-7-00

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

B. THE STREET DESCRIBED AS:

SOUTH SIDE OF NAPOLEON BLVD BETWEEN NOTRE DAME AVE &
EDDY STREET RIGHT-OF-WAY.

NAME (signed & printed)	ADDRESS	LOT #
<u>Edward Cour</u> <u>EDWARD COUR</u>	<u>1024 NAPOLEON BLVD</u>	<u>35</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)
NAME: EDWARD COUR

RETURN TO:
OFFICE OF THE CITY CLERK
LORETTA J. DUDA, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
219-235-9221

ADDRESS: 1024 NAPOLEON BLVD
SOUTH BEND, IN 46617
PHONE: 287-7502

City of South Bend,
Office of the City Clerk
Room 455
County-City Building
South Bend, Indiana 46601

July 17, 2000

To Whom It May Concern:

This letter of explanation is submitted in accordance with guidance graciously provided by your office staff. It addresses a request for vacation of an existing right-of-way along the South side of Napoleon Boulevard between Notre Dame Avenue and Eddy Street. It is submitted at the suggestion of our Council Representative - Karl G. King. While in the neighborhood on another matter Mr. King, along with another Council member and a representative from the City Engineer's Office, discovered that a potential exists for four property owners to lose a significant amount of their property if the current right-of-way were to be invoked. Our residents were alerted and this petition represents the reaction of those of us who choose to petition.

In addition to this explanation I have attached that information which your office requires to support the process to vacate the property.

If there is anything further you may need, please let me know and I will provide it as expeditiously as possible.

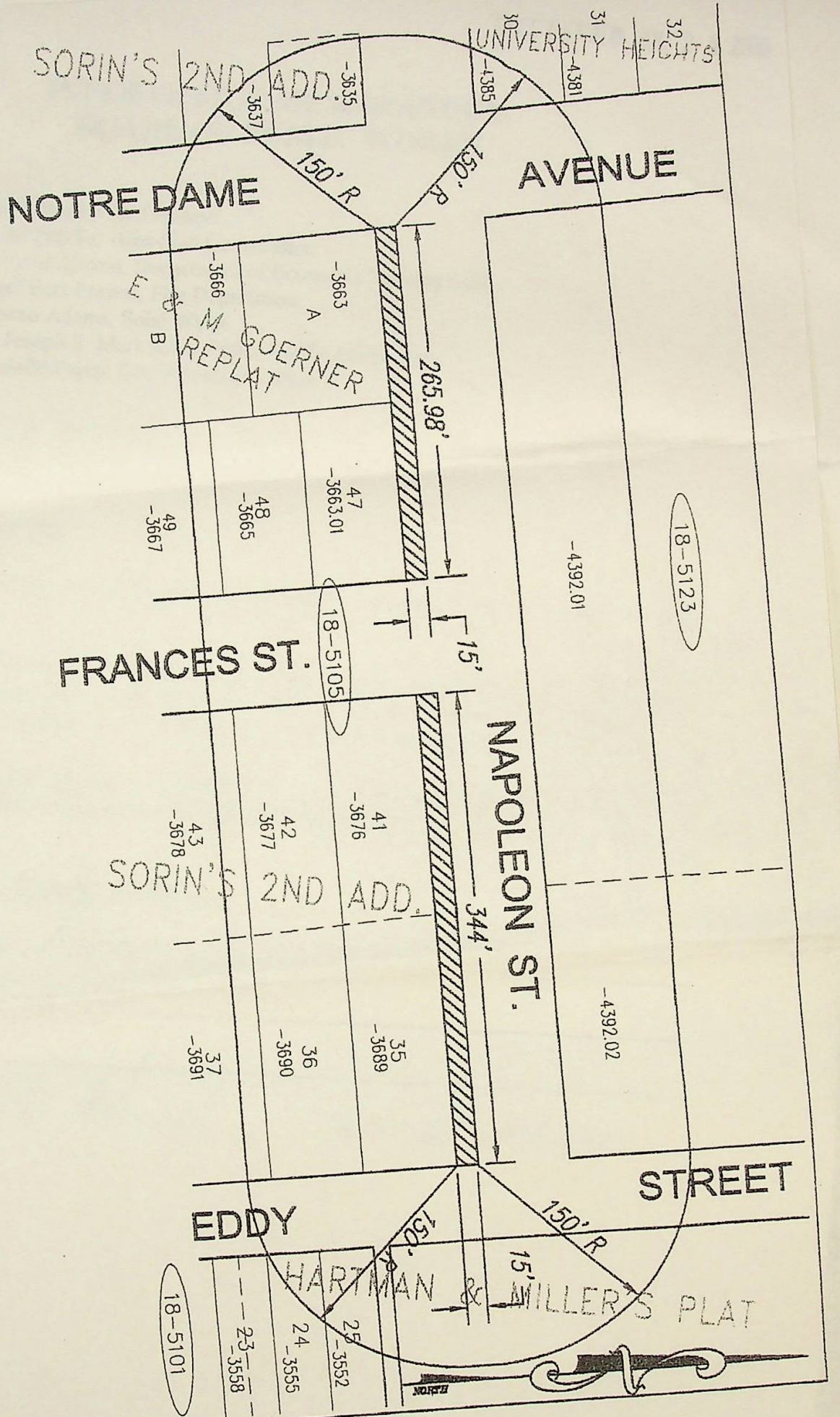
Sincerely,

Edward E. Cour

Edward. E. Cour
P.O. Box 809
Notre Dame, IN 46556-0809

Enclosures:

1. Petition to Vacate
2. Ordinance
3. Envelopes and Postage
4. Filing Fee - Check



RIGHT-OF-WAY VACATION

The right-of-way to be vacated is the northernmost 15' strip of property from the northwest corner of Lot A in E & M Goerner Replat thence east along lots 47, 41 & 35 of Sorin's 2nd Add. Part located in E & M Goerner Replat and Sorin's 2nd Add., South Bend, St. Joseph County, Indiana.

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

TO: - Carl Littrell, City Engineer
- Brent Bajdke, 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: Alley Vacation

DATE: July 24, 2000

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

The northernmost 15' strip of property from the northwest corner of Lot A in E&M Goerner Replat thence east along Lots 47, 41 and 35 of Sorin's 2nd Addition Part located in E&M Goerner Replat and Sorin's 2nd Addition, South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by **August 10, 2000. The Common Council has set this for public hearing on August 14, 2000.**

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY:

Jon R. Humpf

DATE:

07.25.00

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

TO: ✓ Carl Littrell, City Engineer
 - Brent Bajdke, Area Plan Commission
 - Larry Magliozzi, Department of Economic Development
 - Chief Bert Prawat, Fire Department
 - Alonzo Adams, Solid Waste
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COMMENTS & RECOMMENDATIONS:

No objection.

BY: Carl B Littrell

DATE: 7/25/00

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

TO:

- Carl Littrell, City Engineer
- Brent Bajdke, 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 vacation by **August 10, 2000. The Common Council has set this for public hearing on August 14, 2000.**

COMMENTS & RECOMMENDATIONS:

 Solid Waste are in favor of this
 Alley Vacation.

BY: Alonzo S. Adams

DATE: 7-31-00

AUG 09 '00 06:25AM DEPT OF PUBLIC WORKS

Bert K. Joe
I need your recommendations!
As. pay! for
Angie

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

TO: ✓ Carl Littrell, City Engineer
✓ Brent Bajdke, 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

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DATE: July 24, 2000

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COMMENTS & RECOMMENDATIONS:

No problem,

BY: *[Signature]*

DATE: *8/9/00*

9171

AUG 09 '00 06:24AM DEPT OF PUBLIC WORKS

P.1/1

Bert H. Joe

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

*I need your
recommendations!
As fast as you can!
Angie*

TO: Carl Littrell, City Engineer
 Brent Bajdke, 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
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FROM: Angela K. Jacob, Clerk

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It is important that I receive your comments and recommendation concerning this vacation by August 10, 2000. The Common Council has set this for public hearing on August 14, 2000.

COMMENTS & RECOMMENDATIONS:

ANGIE
NO OBJECTION

[Signature]
SBAJ

DATE: *8-10-00*

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

August 7, 2000

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

RE: Right-of-way Vacation – The northernmost 15' strip of property from the northwest corner of Lot A in E&M Goerner Replat thence east along Lots 47, 41 and 35 of Sorin's 2nd Addition part located in E&M Goerner Replat and Sorin's 2nd Addition, South Bend, St. Joseph County, Indiana.

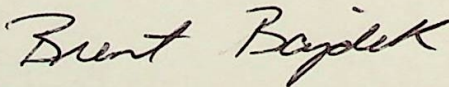
Dear Board Members:

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 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 legal description is incorrect. The current legal description reads as though the property owners are requesting to vacate their own properties, rather than a proportion of the right-of-way. Only one of the four homeowners along the right-of-way has signed the petition. The staff would recommend that if this right-of-way is vacated, that it be subject to any utility easements that may be required and also be subject to a public access easement for pedestrian traffic. It appears that the existing sidewalk at 1024 Napoleon St. and 1126 N. Frances St. will be on private property if this petition is granted.

Sincerely,



Brent Bajdek
Planner

