

Ordinance #

9130-00



Vacation

A Strip of ground commencing  
150 feet North of the South-  
west corner of Lot 165 as shown  
on the Recorded Plat of Myers  
& Funk's Third Plat of Chippewa  
Heights Addition

ACCESS EASEMENT  
FOR TACO BELL



# Office of the City Clerk

Loretta J. Duda, City Clerk

OCTOBER 17, 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. 9130-00 for the vacation of the following property:

A STRIP OF GROUND COMMENCING ONE HUNDRED FIFTY (150) FEET NORTH OF THE SOUTHWEST CORNER OF LOT 165 AS SHOWN ON THE RECORDED PLAT OF MYERS AND FUNK'S THIRD PLAT OF CHIPPEWA HEIGHTS ADDITION TO THE CITY OF SOUTH BEND, INDIANA, AS A POINT OF BEGINNING, THENCE NORTH ALONG THE WEST LINE OF SAID LOT 165, A DISTANCE OF TWENTY-FOUR (24) FEET, THENCE EAST PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID LOT 165 ONE HUNDRED TWENTY-EIGHT AND ELEVEN ONE HUNDREDTHS (128.11) FEET, THENCE SOUTH ALONG THE EAST LINE OF LOT 165 TWENTY-FOUR FEET (24), THENCE WEST PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID LOT 165 ONE HUNDRED TWENTY-EIGHT AND ELEVEN ONE HUNDREDTHS (128.11) FEET TO THE PLACE OF BEGINNING

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

Deborah Zupancic  
Ordinance Violation Clerk

1308 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 SAFETY

August 28, 2000

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

RE: Vacation of Property

Dear Council Members:

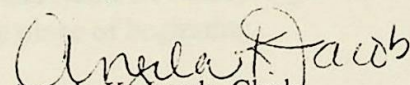
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following vacation:

A strip of ground commencing one hundred fifty (150) feet north of the southwest corner of Lot 165 as shown on the recorded plat of Myers and Funk's Third Plat of Chippewa Heights Addition to the City of South Bend, Indiana, as a point of beginning, thence north along the west line of said Lot 165, a distance of twenty-four (24) feet, thence east parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet, thence south along the west line of Lot 165 twenty-four feet (24), thence west parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet to the place of beginning.

For your information, the Board received favorable recommendations concerning this Vacation Petition from the Police Department, Fire Department, Sanitation, Department of Economic Development and the Department of Public Works. A recommendation was not received by Area Plan.

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

Sincerely,

  
Angela K. Jacob, Clerk

Attachments

---

ELMER L. CARR

JESUSA RODRIGUEZ

THADEUS T. ZAKOWSKI

NO recom. from  
Area Plan

APPROVED  
Board of Public Works

Ordinance No. \_\_\_\_\_

AUG 28 2000

*Gary A. Galot*  
*Norval E. John*  
*M. Catherine Poemes*

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

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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:

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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.

*No recom. from  
Area Plan*

APPROVED  
Board of Public Works

Ordinance No. \_\_\_\_\_

AUG 28 2000

*Gregory A. Galot  
Donald E. Galot  
M. Catherine Poemes*

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

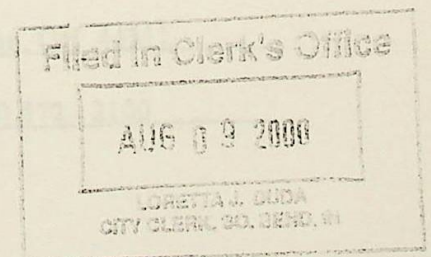
Lot 164, Lot 166, Lot 175, Lot 176, & Lot 177

SECTION IV. The purpose of the vacation of the real property is to eliminate an easement through the property.

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: 8-9-2000

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

A. THE BASEMENT DESCRIBED AS:

A strip of ground commencing one hundred fifty (150) feet north of the Southwest corner of Lot 165 as shown on the recorded plat of Myers and Funk's Third Plat of Chippewa Heights Addition to the city of South Bend, Indiana, as a point of beginning, thence north along the west line of said Lot 165, a distance of twenty-four (24) feet, thence east parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet, thence south along the east line of Lot 165 twenty-four feet (24), thence west parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet to the place of beginning.

NAME (signed & printed)

ADDRESS

LOT #

~~Keith Telton~~  
Keith Telton  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Taco Bell of America  
P.O. Box 35370  
Louisville, KY 40232  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

165  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTACT PERSON (S)

NAME: Angie Wells, P.E.

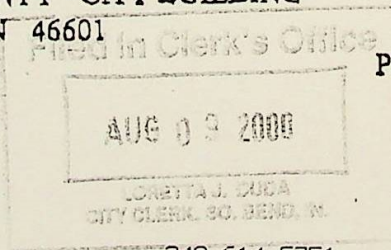
RETURN TO:

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

ADDRESS: 520 S. Main St., Ste 2531

Akron, OH 44311

PHONE: (330) 572-2100



**Adjacent Property Owners – South Bend IN**  
(Certified Tracking Numbers)

Taco Bell of America  
P.O. Box 35370  
Louisville KY 40232  
Z 058 808 521

Stuart Linder  
215 E. Ireland Road  
South Bend IN 46614  
Z 058 808 522

James Husband  
219 E. Ireland Road  
South Bend, IN 46614  
Z 058 808 523

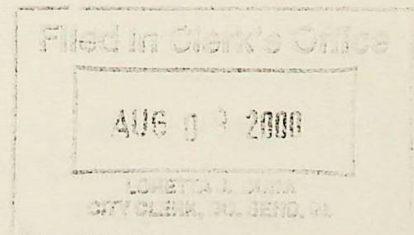
Robert Wilk  
205 E. Norman  
South Bend, IN 46614  
Z 058 808 524

Golden Bear Family Restaurants  
P.O. Box 35370  
Louisville KY 40232  
Z 058 808 525

Madeline Farrington  
234 E. Walters St.  
South Bend IN 46614  
Z 058 808 527

James & Michelle Niespodzany  
323 Ireland Road  
South Bend IN 46614  
Z 058 808 528

Michael & Debbie Speth  
310 E. Walter St.  
South Bend IN 46614  
Z 058 808 526





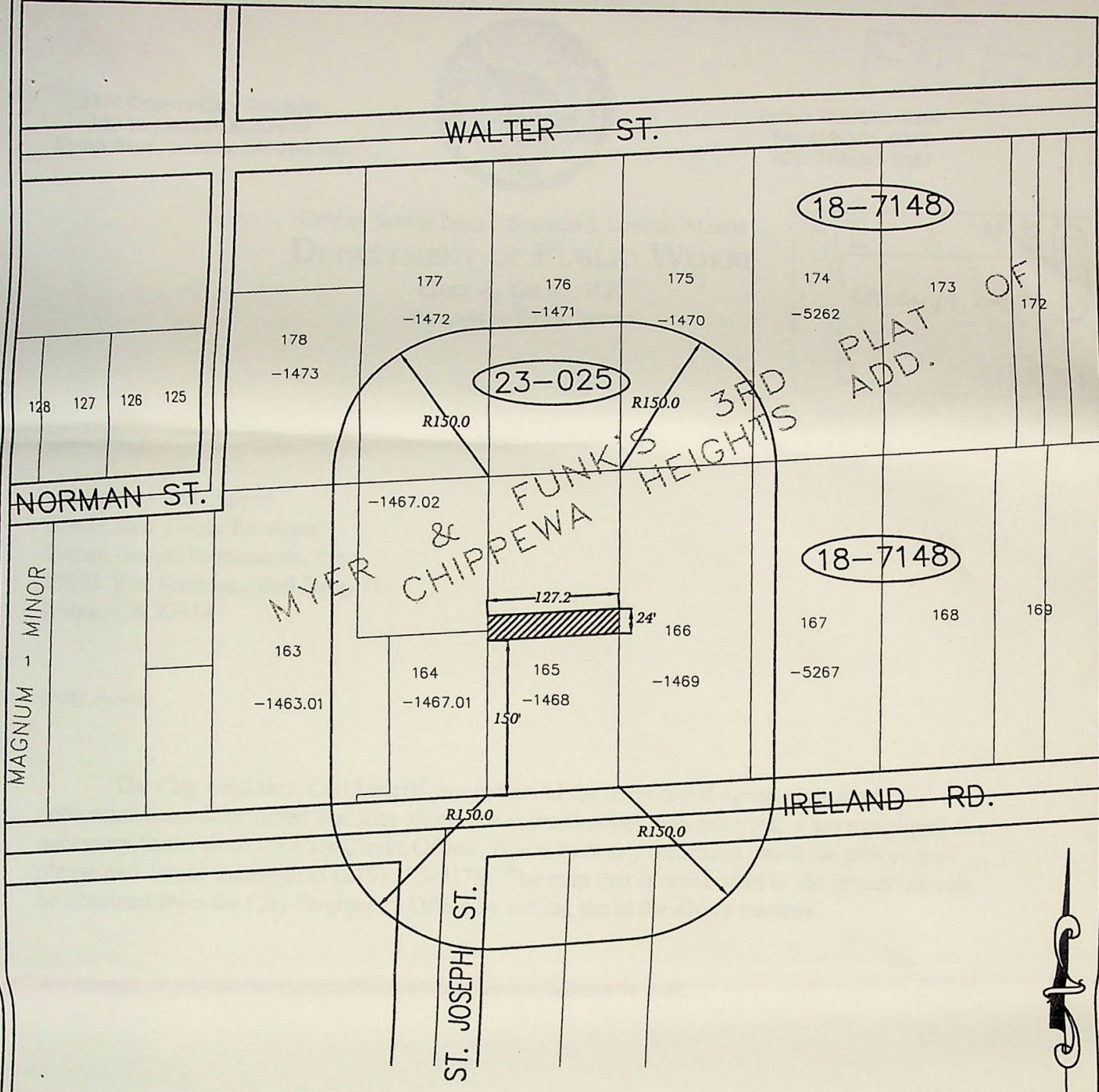
Alice & Wayne Farrington  
222 E. Walter St.  
South Bend, IN 46614  
Z 058 808 518

State Street Bank & Trust Co..  
3111 W. Allegheny Ave.  
Philadelphia PA 19132  
Z 058 808 519

Graber Group  
51453 Laurel Road  
South Bend, IN 46637  
Z 058 808 520

William Dobson  
3733 Locust Road  
South Bend, IN 46614  
Z 058 808 517

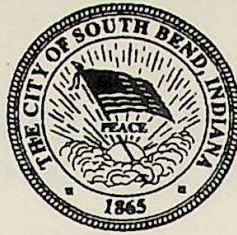
Filed in Clerk's Office  
AUG 9 2000  
LORETTA S. JUDA  
CITY CLERK, SO. BEND, IN



Easment Vacation

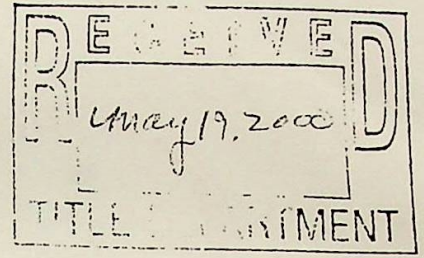
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1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



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

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR  
**DEPARTMENT OF PUBLIC WORKS**  
GARY A. GILOT, P.E.  
DIRECTOR OF PUBLIC WORKS



May 12, 2000

Ms. Anna M. Galuppor  
Senior Real Estate Paralegal  
Tricon Global Restaurants, Inc.  
17901 Von Karman, Mail Drop 711  
Irvine, CA 92614

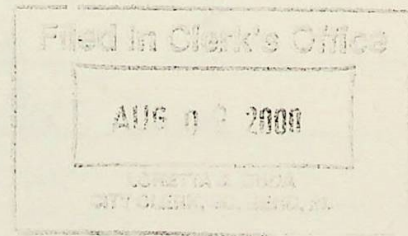
Dear Anna:

The City Engineer, Carl Litterll, has reviewed the ingress and egress easement dedications and determined that they should be vacated rather than released. I have enclosed the necessary forms from the City Clerks Office. If you have any questions about the procedure, please call Janice Talboom at (219) 235-9173. The map that is mentioned in the procedure can be obtained from the City Engineer's Office by calling me at the above number.

As always, if you have any questions please do not hesitate to call.

Sincerely,

Anthony P. Molnar, Engineer  
Division of Engineering  
City of South Bend, Indiana

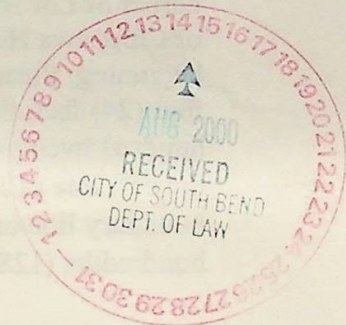



<b>ENGINEERING</b> CARL LITRELL, P.E. 219/235-9251 FAX 219/235-9171	<b>ENVIRONMENTAL SERVICES</b> JOHN J. DILLON, PH.D. 219/277-8515 FAX 219/277-8980	<b>CENTRAL SERVICES</b> MATT CHLEBOWSKI 219/235-9316 FAX 219/235-9007	<b>STREETS</b> SAM HENSLEY 219/235-9244 FAX 219/235-9272	<b>WATER WORKS</b> JOHN F. STANCATI 219/235-9322 FAX 219/235-9728
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**INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**TO:**

- Carl Littrell, Engineering Department
- Brent Bajdke, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Luther Taylor, Fire Department
- Alonzo Adams, Solid Waste
- Lt. Joe Markovich, Police Traffic Department
- ✓ Frank Shaffer, City Attorney's Office



**FROM:** Angela K. Jacob, Clerk 

**RE:** Property Vacation

**DATE:** August 15, 2000

Attached for your review and recommendation is the following property vacation:

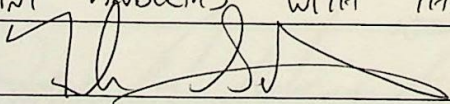
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I would appreciate receiving your comments and recommendation concerning this alley vacations no later than August 23, 2000. Thank you.

**COMMENTS & RECOMMENDATIONS:**

THE CITIES CONCERNS ARE PROTECTED, I DO NOT SEE

ANY PROBLEMS WITH THIS.


BY: 

DATE: 8-16-00

INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO: - Carl Littrell, Engineering Department  
- Brent Bajdke, Area Plan Commission  
✓ - Larry Magliozzi, Department of Economic Development  
- Chief Luther Taylor, Fire Department  
- Alonzo Adams, Solid Waste  
- Lt. Joe Markovich, Police Traffic Department  
- Frank Shaffer, City Attorney's Office

Bill #70-00

FROM: Angela K. Jacob, Clerk 

RE: Property Vacation

DATE: August 15, 2000

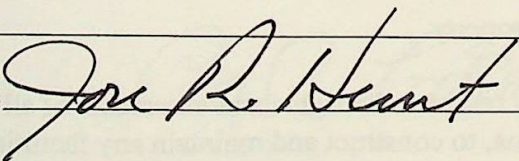
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COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: 

DATE: 08.16.00

Ordinance No. \_\_\_\_\_

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
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BOARD OF PUBLIC WORKS**

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- Chief Luther Taylor, Fire Department  
- Alonzo Adams, Solid Waste  
- Lt. Joe Markovich, Police Traffic Department  
- Frank Shaffer, City Attorney's Office

**FROM:** Angela K. Jacob, Clerk 

**RE:** Property Vacation

**DATE:** August 15, 2000

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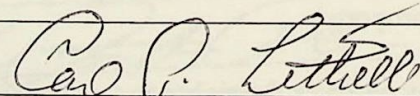
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**COMMENTS & RECOMMENDATIONS:**

*No objection*

---

**BY:** 

**DATE:** 8/15/00

INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO:

- Carl Littrell, Engineering Department
- Brent Bajdke, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Luther Taylor, Fire Department
- Alonzo Adams, Solid Waste
- Lt. Joe Markovich, Police Traffic Department
- Frank Shaffer, City Attorney's Office

RECEIVED  
AUG 15 2000  
OFFICE OF THE FIRE CHIEF  
CITY OF SOUTH BEND, IN.

FROM:

Angela K. Jacob, Clerk *AKJ*

RE:

Property Vacation

DATE:

August 15, 2000

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COMMENTS & RECOMMENDATIONS:

*ANGIE*

*NO OBJECTIONS*

BY:

*[Signature]*  
*SBF*

DATE:

*8-17-00*



### INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO:  Carl Littrell, Engineering Department  
 Brent Bajdke, Area Plan Commission  
 Larry Magliozzi, Department of Economic Development  
 Chief Luther Taylor, Fire Department  
 Alonzo Adams, Solid Waste  
 Lt. Joe Markovich, Police Traffic Department  
 Frank Shaffer, City Attorney's Office

*L.T. Joe -  
Alonzo -*

FROM: Angela K. Jacob, Clerk *AKJ*

RE: Property Vacation

*PLS get your  
recommendations  
to me by 8/23  
As far*

DATE: August 15, 2000

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COMMENTS & RECOMMENDATIONS:

*No Objections*

BY: *A. Joseph Markovich 124*

DATE: *8-23-00*

*FAKED.*

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

**TO:** - Carl Littrell, Engineering Department  
- Brent Bajdke, Area Plan Commission  
- Larry Magliozzi, Department of Economic Development  
- Chief Luther Taylor, Fire Department  
- Alonzo Adams, Solid Waste  
- Lt. Joe Markovich, Police Traffic Department  
- Frank Shaffer, City Attorney's Office

**FROM:** Angela K. Jacob, Clerk *AJ*

**RE:** Property Vacation

**DATE:** August 15, 2000

Attached for your review and recommendation is the following property vacation:

A strip of ground commencing one hundred fifty (150) feet north of the southwest corner of Lot 165 as shown on the recorded plat of Myers and Funk's Third Plat of Chippewa Heights Addition to the City of South Bend, Indiana, as a point of beginning, thence north along the west line of said Lot 165, a distance of twenty-four (24) feet, thence east parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet, thence south along the west line of Lot 165 twenty-four feet (24), thence west parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet to the place of beginning.

I would appreciate receiving your comments and recommendation concerning this alley vacations **no later than August 23, 2000.** Thank you.

**COMMENTS & RECOMMENDATIONS:**

*Solid Waste are in favor of this vacation*

**BY:** *Alonzo P. Adams*

**DATE:** *8-17-00*

Ordinance No. \_\_\_\_\_

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

A strip of ground commencing one hundred fifty (150) feet north of the Southwest corner of Lot 165 as shown on the recorded plat of Myers and Funk's Third Plat of Chippewa Heights Addition to the city of South Bend, Indiana, as a point of beginning, thence north along the west line of said Lot 165, a distance of twenty-four (24) feet, thence east parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet, thence south along the east line of Lot 165 twenty-four feet (24), thence west parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet to the place of beginning.

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:

A strip of ground commencing one hundred fifty (150) feet north of the Southwest corner of Lot 165 as shown on the recorded plat of Myers and Funk's Third Plat of Chippewa Heights Addition to the city of South Bend, Indiana, as a point of beginning, thence north along the west line of said Lot 165, a distance of twenty-four (24) feet, thence east parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet, thence south along the east line of Lot 165 twenty-four feet (24), thence west parallel to the south boundary line of said Lot 165 one hundred twenty-eight and eleven one hundredths (128.11) feet to the place of beginning.

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.