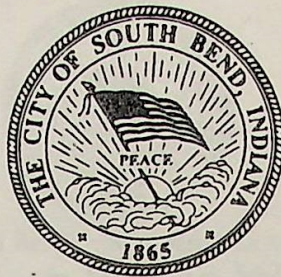


Ord. No.

9144-00

Vacation of Property

First East/West Alley North of  
Dunham Street from west R/W line  
of Walnut Street to the east R/W  
line of Harris Street for a Distance  
of 148.5 Feet and a width of 12  
Feet.



# Office of the City Clerk

Loretta J. Duda, City Clerk

NOVEMBER 28, 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. 9144-00 for the vacation of the following property:

**FIRST EAST/WEST ALLEY NORTH OF DUNHAM STREET FROM THE WEST R/W LINE OF WALNUT STREET TO THE EAST R/W LINE OF HARRIS STREET FOR A DISTANCE OF 148.5 FEET AND A WIDTH OF 12 FEET. PART OF ARNOLD'S SUBDIVISION OF BANK OUT LOT 100-101 IN THE CITY OF 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

September 25, 2000

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

RE: Vacation of Property

Dear Council Members:

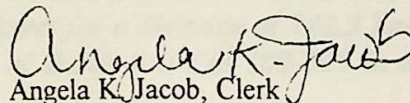
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following vacation:

The first east west alley north of Dunham Street from the west R/W line of Walnut Street to the east R/W line of Harris Street for a distance of 148.5 feet and a width of 12 feet. Part of Arnold's Subdivision of Bank Outlot 100-101 in the City of South Bend, St. Joseph County, Indiana.

For your information, the Board received favorable recommendations concerning this Vacation Petition from the Police Department, Fire Department, Area Plan Commission, Sanitation, Department of Economic Development and the Department of Public Works. Solid Waste noted that residents in this area would need to place their trash out front if the vacation were approved. The Division of Engineering noted that the property owners adjacent to the alley on Walnut and the property owners adjacent to the alley on Harris each depend upon the alley for access to their garages. They should be informed that 1) they need to make improvements obstructing access to the north/south alley; 2) they need to provide cross access easements to each other, then hard surface a portion of the alley which then becomes a shared driveway; or 3) they each need to construct a new driveway on their property and the split that comes to them each by vacation.

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

Sincerely,

  
Angela K. Jacob, Clerk

Attachments

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

SEP 25 2000  
*Bryce Gillet*  
*Donald E. Saker*  
*MC Palmer*

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

*First East/West Alley North of Dunham Street from the West R/W Line of Walnut Street to the East R/W Line of Harris Street for a distance of 148.5 Feet and a Width of 12 Feet. Part of Arnolds Subdivision of Bank Out Lot 100-101 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 1. The Common Council of the City of South Bend having held a public hearing on the petition to vacate the following property:

*First East/West Alley North of Dunham Street from the West R/W Line of Walnut Street to the East R/W Line of Harris Street for a distance of 148.5 Feet and a Width of 12 Feet. Part of Arnolds Subdivision of Bank Out Lot 100-101 in the City of South Bend, St. Joseph County, Indiana.*

hereby determines that it is desirable to vacate said property.

SECTION 11. 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 111. The following property may be injuriously or beneficially affected by such vacating:

KEY NUMBERS

18-3084-3361  
18-3084-3362  
18-3084-3363  
18-3084-3364

LOT NUMBERS

15  
15  
14  
14

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

*My neighbors and I strongly believe that the alley needs to be vacated for a number of reasons. First and most importantly, individuals constantly speed down the alley at all hours- day and night, obviously with no respect for those that live near the alley or the law. Furthermore, there are many school-aged children that live in this area and I, myself have witnessed children walking to the bus stop and almost get hit by these speeding motorists. These motorists travel at a high rate of speed down the alley, and are not paying attention to those children that are crossing the alley for the school bus or chasing their ball while playing. My neighbors and I do not want to wait until a fatal accident occurs before we speak out on this issue. We feel it is imperative that the alley is vacated in order to protect our children and the elderly from harm. In addition, the following is a summary as to why the alley needs to be vacated.*

- *Safety and concern of children, who range in age to as young as eighteen (18) months to adolescent age.*
- *Protect our citizens who are enjoying a leisurely walk or those that are trimming their hedges and lawns.*
- *Uncleanness and the visual offensiveness of the alley, due to littering such as fast food wrappers, bottles etc.*
- *A large amount of dirt and dust collect on the porches of those that are situated the closest to the alley. These individuals are also more prone to dirt coming into their homes during the summer months when they have their windows open because of speeding motorists.*

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

Filed in Clerk's Office

AUG 23 2000

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

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

DATE: August 22, 2000

We, THE UNDERSIGNED PROPERTY OWNERS, PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

*First East/West Alley North of Dunham Street from the West R/W Line of Walnut Street to the East R/W Line of Harris Street for a distance of 148.5 Feet and a Width of 12 Feet. Part of Arnolds Subdivision of Bank Out Lot 100-101 in the City of South Bend, St. Joseph County, Indiana.*

NAMES (signed & printed)	ADDRESS	LOT #
--------------------------	---------	-------

Vivian Lee Borysiak	739 South Walnut, South Bend, IN	14
---------------------	----------------------------------	----

*Vivian Lee Borysiak*

Fernando Delgado	735 South Walnut, South Bend, IN	15
------------------	----------------------------------	----

*Fernando Delgado*

**CONTACT PERSON**

**NAME:** Vivian Lee Borysiak

**ADDRESS:** 739 South Walnut  
South Bend, IN 46619

**PHONE:** (219) 288-4917

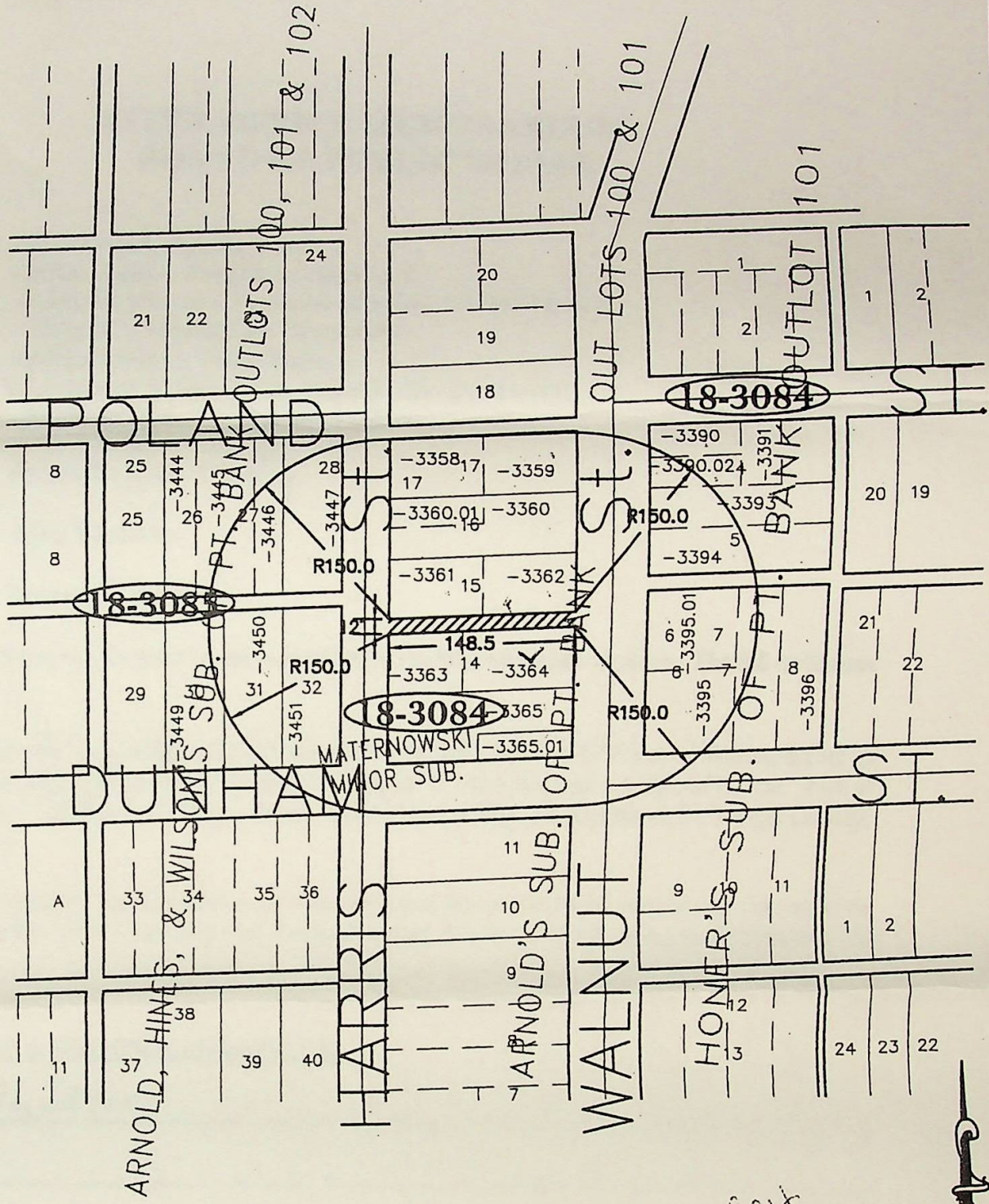
**RETURN TO:**

**OFFICE OF THE CITY CLERK**  
LORETTA J. DUDA, CITY CLERK  
Room 455-COUNTY-CITY BUILDING  
South Bend, IN 46601  
(219) 235-9221

Filed in Clerk's Office

AUG 23 2000

LORETTA J. DUDA  
CITY CLERK, SO. BEND, IN.



**ALLEY VACATIONS**

The alley to be vacated is the <sup>\*</sup>first East/West *alley* North of Dunham Street from the West R/W Line of Walnut Street to the East R/W Line of Harris Street for a distance of 148.5 Feet and a Width of 12 Feet. Part of Arnolds Subdivision of Bank Out Lot 100-101 in the City Of 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  
- Frank Shaffer, City Attorney's Office

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

**RE:** Alley Vacation

**DATE:** September 1, 2000

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

The first east west alley north of Dunham Street from the west R/W line of Walnut Street to the east R/W line of Harris Street for a distance of 148.5 feet and a width of 12 feet. Part of Arnold's Subdivision of Bank Outlot 100-101 in the City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by September 20, 2000. The Common Council has set this for public hearing on September 25, 2000.

COMMENTS & RECOMMENDATIONS:

*No Objections*

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**BY:** *Jt Markovich #124*

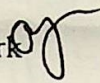
**DATE:** *09-06-00 FAXED*



**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
- Frank Shaffer, City Attorney's Office

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

**RE:** Alley Vacation

**DATE:** September 1, 2000

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It is important that I receive your comments and recommendation concerning this vacation by **September 20, 2000**. The Common Council has set this for public hearing on **September 25, 2000**.

**COMMENTS & RECOMMENDATIONS:**

NO LEGAL PROBLEMS!

BY: 

DATE: 9-5-00

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

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

**RE:** Alley Vacation

**DATE:** September 1, 2000

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

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It is important that I receive your comments and recommendation concerning this vacation by September 20, 2000. The Common Council has set this for public hearing on September 25, 2000.

**COMMENTS & RECOMMENDATIONS:**

*ANGIE*

*NO OBJECTIONS*

**BY:**

*Ak Bert Prawat*  
*S B F D*

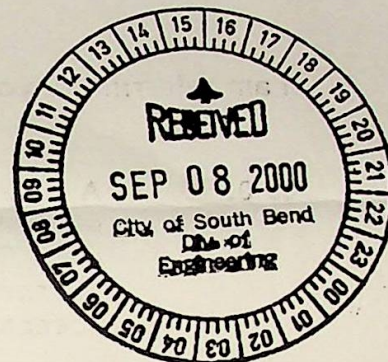
**DATE:**

*9-7-00*

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



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

**RE:** Alley Vacation

**DATE:** September 1, 2000

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

The first east west alley north of Dunham Street from the west R/W line of Walnut Street to the east R/W line of Harris Street for a distance of 148.5 feet and a width of 12 feet. Part of Arnold's Subdivision of Bank Outlot 100-101 in the City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by **September 20, 2000**. The Common Council has set this for public hearing on **September 25, 2000**.

**COMMENTS & RECOMMENDATIONS:**

*Solid Waste will have no problem  
with <sup>this</sup> alley vacation, but ~~we~~ we will have to  
enform several residents to put their trash out front*


BY: Alonzo P. Adams DATE: 9-8-00

8-11E

**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
- Frank Shaffer, City Attorney's Office

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

**RE:** Alley Vacation

**DATE:** September 1, 2000

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It is important that I receive your comments and recommendation concerning this vacation by September 20, 2000. The Common Council has set this for public hearing on September 25, 2000.

**COMMENTS & RECOMMENDATIONS:**

RECOMMEND APPROVAL

BY: 

DATE: 09.14.00

INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

- Brent  
- Carl

Need  
Recommendation

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  
✓ Frank Shaffer, City Attorney's Office

FROM: Angela K. Jacob, Clerk *AKJ*

RE: Alley Vacation

DATE: September 1, 2000

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It is important that I receive your comments and recommendation concerning this vacation by September 20, 2000. The Common Council has set this for public hearing on September 25, 2000.

COMMENTS & RECOMMENDATIONS:

*No objection. The property owners adjacent to the alley on Walnut and the property owners adjacent to the alley on Harris each depend upon the alley for access*

BY: Carl B. Littrell

DATE: 9/19/00

*to their garages. They should be informed that 1. they need to make improvements obstructing access to the north-south alley; 2. they need to provide cross-access easements to each other, then hard surface, <sup>a portion</sup> the alley which then becomes a shared driveway; or 3. They each construct a ~~new~~ driveway on their property and the split that comes to them each by vacating*

# 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

September 20, 2000

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

RE: Alley Vacation – First East/West Alley North of Dunham Street from the West R/W Line of Walnut Street to the East R/W Line of Harris Street for a distance of 148.5 Feet and a width of 12 Feet. Part of Arnolds Subdivision of Bank Outlot 100-101 in the City of South Bend, St. Joseph County, Indiana.

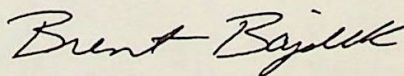
Dear Board Members:

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 since all four properties use this alley for access to garages.
- (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.

Two of the homeowners along the alley have 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 an access easement for the four property owners to access their garages, which are located along the alley.

Sincerely,



Brent Bajdek  
Planner

