

9158-00

# Vacation

The street to be vacated is a portion of Ironwood Drive from the South R/W line of Lincoln Way East to the North R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 feet and 84.47 feet and a width of 30 feet in the city of South Bend, St. Joseph County, Indiana.



# Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 27, 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. 9158-00 for the vacation of the following property:

THE STREET TO BE VACATED IS A PORTION OF IRONWOOD DRIVE FROM THE SOUTH R/W LINE OF LINCOLNWAY EAST TO THE NORTH R/W LINE OF THE CONRAIL (NOW NORFOLK AND SOUTHERN) TRACKS FOR A DISTANCE OF 108.14 FEET AND 84.47 FEET AND A WIDTH OF 30 FEET IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi  
Northern Indiana Public Service Company  
South Bend Community School Corporation

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

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

The street to be vacated is a portion of Ironwood Drive from the South R/W line of Lincolnway East to the North R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 feet and 84.47 feet and a width of 30 feet 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:

A part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 37 North, Range 3 East, City of South Bend, St. Joseph County, Indiana described as follows: Beginning at the intersection of the original center line of Ironwood Drive and the north line of Consolidated Rail Corporation (CONRAIL); thence South 88 degrees 43 minutes 35 seconds West 30.01 feet along the north line of CONRAIL to the original west line of Ironwood Drive; thence North 00 degrees 00 minutes 00 seconds East 84.47 feet more or less along the original west line of Ironwood Drive to the back of the retaining wall as shown on the construction plans for St Joseph County Ironwood/CONRAIL Grade Separation Project No. S612-76; thence North 50 degrees 56 minutes 41 seconds East 38.63 feet along the back side of said retaining wall to the original centerline of Ironwood Drive; thence South 00 degrees 00 minutes 00 seconds West 108.14 feet more or less along said original centerline of Ironwood Drive to the point of beginning and containing 2,889 square feet more or less.

hereby determines that 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.

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

Parcel # 18-7079-2899 and Parcel # 16-1212-8132 lot #2

SECTION IV. The purpose of the vacation of the real property is to join together my properties which are now separated by that portion which was formerly Ironwood Drive.

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.

APPROVED  
Board of Public Works

\_\_\_\_\_  
Member of the Common Council

NOV 16 2000  
*George A. Bilot*  
*Wendell E. Miller*

Filed in Clerk's Office  
OCT 13 2000  
LORETTA J. OUDA  
CITY CLERK, SO. BEND, IN.

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 10-13-00

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

THE STREET DESCRIBED AS: A portion of Ironwood Drive from the south R/W line of Lincoln Way East to the north R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 feet and 84.47 feet and a width of 30 feet in the City of South Bend, St. Joseph County, Indiana.

NAME (signed & printed)	ADDRESS	LOT #
<u>Donald J. Kelly</u> DONALD J. KELLY	<u>P.O. Box 526</u> MISHAWAKA, IN 46546	<u>2</u>
<u>Leslie L. Kelly</u> Leslie L. Kelly	<u>P.O. Box 526</u> Mishawaka, IN 46546	<u>2</u>
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)

NAME: DONALD J. KELLY

ADDRESS: P.O. BOX 526  
MISHAWAKA, IN 46546

PHONE: (219) 258-6061

RETURN TO:

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

Filed in Clerk's Office

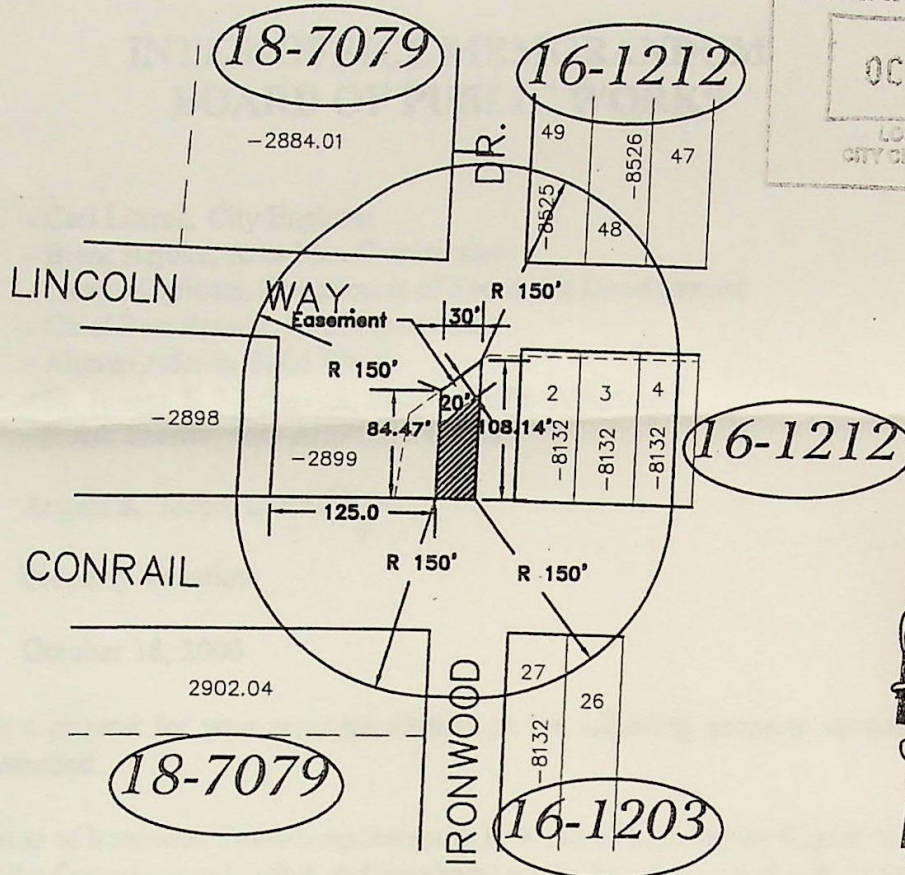
OCT 13 2000

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

Filed in Clerk's Office

OCT 13 2000

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



### STREET VACATION

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### 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:** Property Vacation

**DATE:** October 18, 2000

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

A portion of Ironwood Drive from the south R/W line of Lincolnway East to the north R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 feet and 84.47 feet and a width of 30 feet in the City of South Bend, St. Joseph County, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by November 8, 2000. The Common Council has set this for public hearing on November 13 2000.

**COMMENTS & RECOMMENDATIONS:**

No Objections

**BY:** *Lt. Joseph Markovich*

**DATE:** 10-19-00 **FAXED**

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

**TO:**

- Carl Littrell, City Engineer
- Brent Bajdke, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
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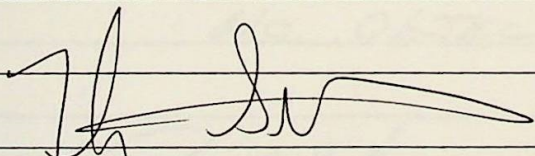
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**COMMENTS & RECOMMENDATIONS:**

*NO LEGAL PROBLEMS!*

BY: \_\_\_\_\_



DATE: \_\_\_\_\_

*10-18-00*

### 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

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DATE:       October 18, 2000

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COMMENTS & RECOMMENDATIONS:

*ANGIE*

*NO OBJECTIONS*

BY: *A. K. Jacob*

DATE: *10-20-00*



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

**TO:**

- Carl Littrell, City Engineer
- Brent Bajdke, Area Plan Commission
- ✓ Larry Magliozzi, Department of Economic Development
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**COMMENTS & RECOMMENDATIONS:**

*No Comment. DEFER TO PUBLIC WORKS. IS THIS  
CITY POW?*

BY: *Jon R. Hunt*

DATE: *10.20.00*

# 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

October 27, 2000

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

RE: Bill No. 98-00 – Street Vacation – A portion of Ironwood Drive from the south R/W line of Lincolnway East to the north R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 and 84.47 feet and a width of 30 feet in the City of South Bend, St. Joseph County, Indiana.

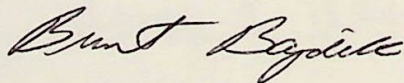
Dear Board Members:

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 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-of-way be vacated, subject to any utility easements that may be required.

Sincerely,



Brent Bajdek  
Planner



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

**TO:**

- Carl Littrell, City Engineer
- Brent Bajdke, Area Plan Commission
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**COMMENTS & RECOMMENDATIONS:**

*Solid Waste are in favor of the Property  
vacation.*

**BY:** *Alonzo Adams*

**DATE:** *10-30-00*

**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

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**COMMENTS & RECOMMENDATIONS:**

*No objection*

**BY:**

*Carl B. Littrell*

**DATE:**

*11/7/00*

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

November 13, 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:

A portion of Ironwood Drive from the south R/W line of Lincolnway East to the north R/W line of the Conrail (now Norfolk and Southern) tracks for a distance of 108.14 feet and 84.47 feet and a width of 30 feet in the City of South Bend, St. Joseph County, Indiana.

For your information, the Board of Public Works received unfavorable recommendations from the Fire Department, Bureau of Sanitation, Division of Engineering, Police Department and the Area Plan Commission concerning this vacation, subject to any utility easements.

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

Sincerely,

A handwritten signature in cursive script that reads 'Angela K. Jacob'.

Angela K. Jacob, Clerk

Attachments

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