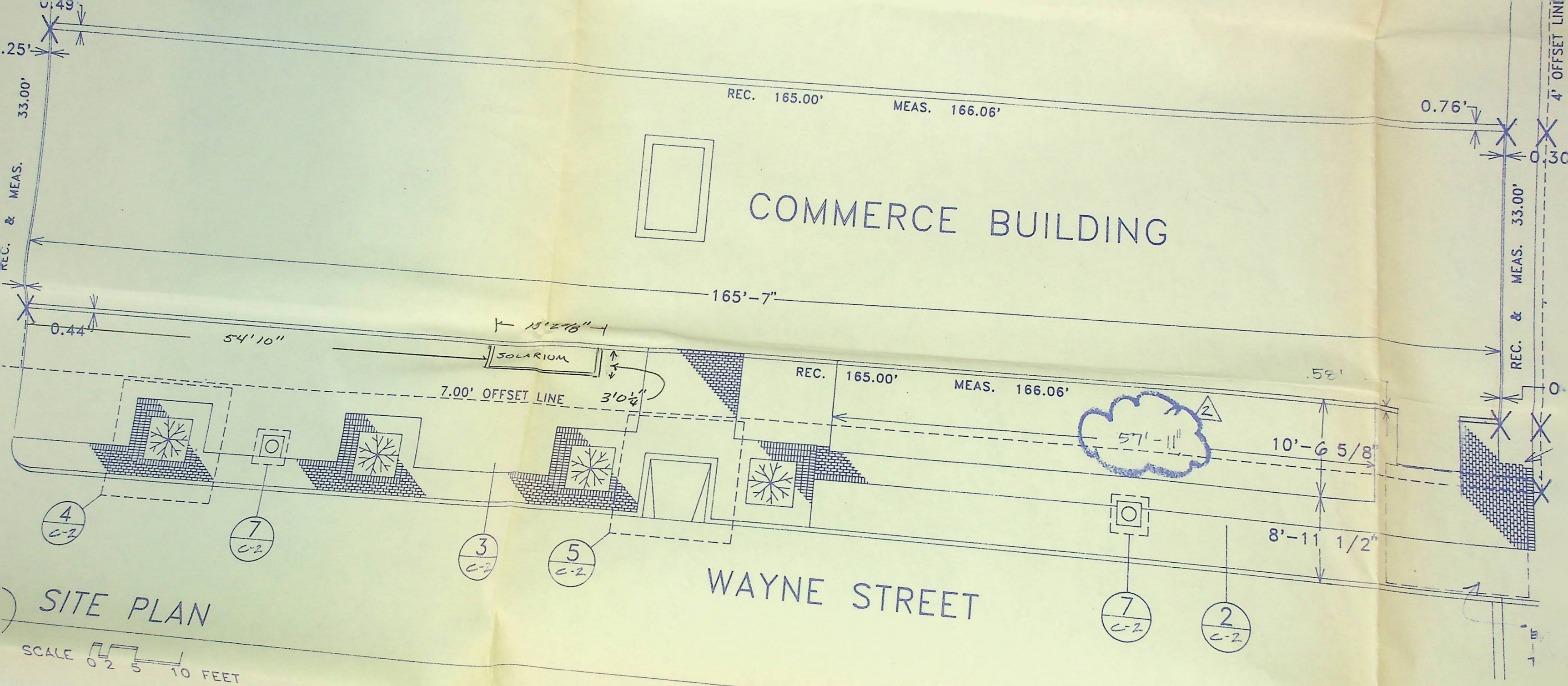


ALLEY VACATION
ORDINANCE NO. 9159-00
Status Vacated

Date 11/13/2000

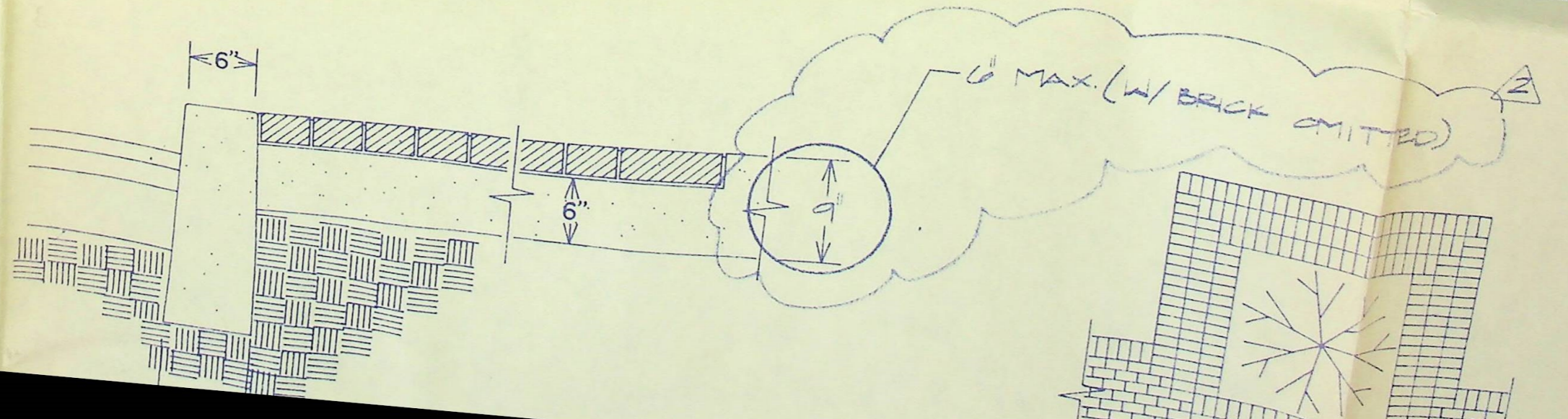
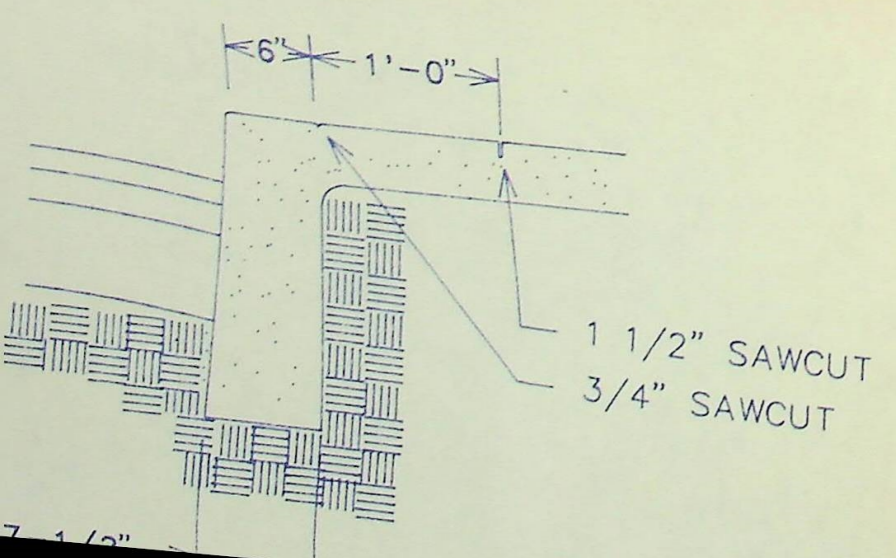
Description:

1st E/W Alley N of Wayne from E ROW of Main to W
ROW of 1st N/S Alley E of Main for 165' and 14' Wide;
1st N/S Alley E of Main from N ROW of 1st E/W Alley
N of Wayne to S ROW of Jefferson for 198' and 14'
Wide

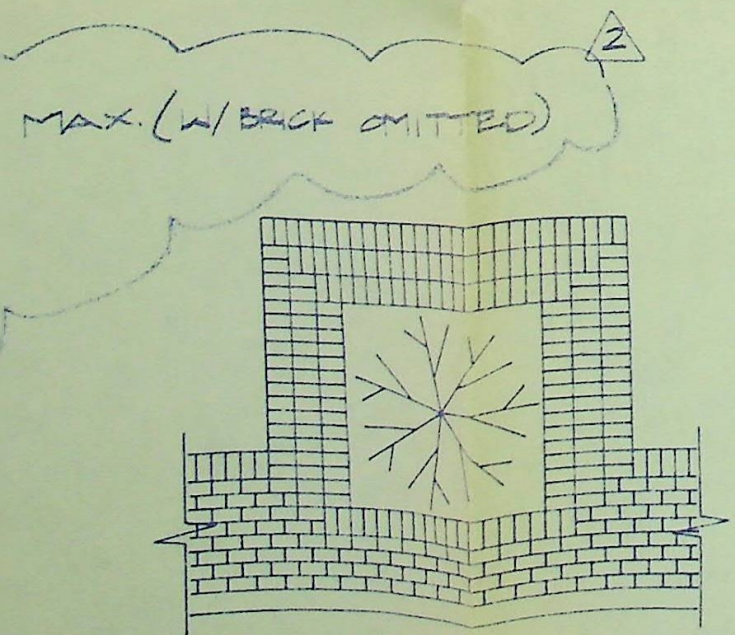
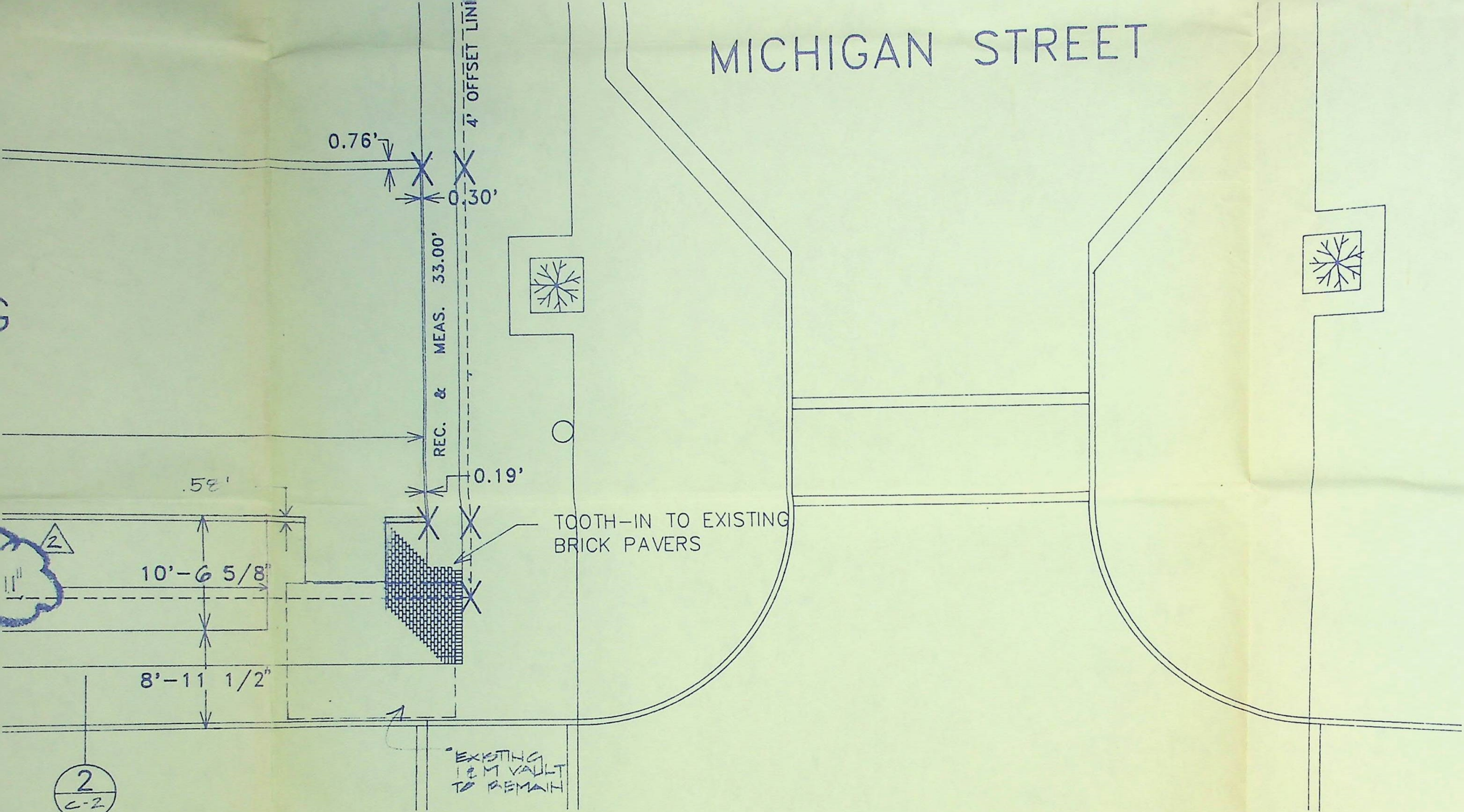


SITE PLAN

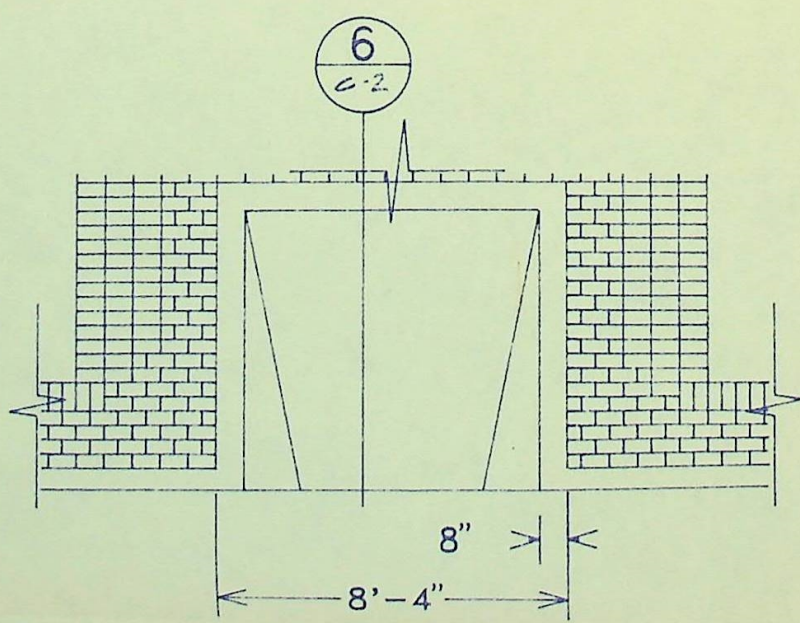
SCALE 0 2 5 10 FEET



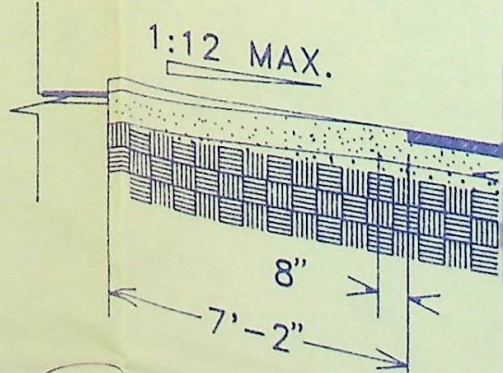
MICHIGAN STREET



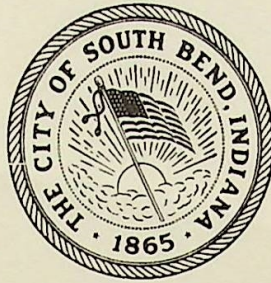
PLANTED DETAIL



DAMP DETAIL



DETAIL



City of South Bend

Joseph E. Kernan, Mayor

Board of Public Works

December 11, 1989

MEMBERS OF THE COMMON COUNCIL
COUNCIL CHAMBERS
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: VACATION OF PUBLIC RIGHT-OF-WAY - PORTION OF THE
SIDEWALK ADJACENT TO 111 W. WAYNE STREET

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 Petition filed Mr. Donald G. Cressy, Wayne Place Limited Partnership, 3930 Edison Lakes Parkway, Suite 200, Mishawaka, Indiana, to vacate the following property:

That part of the West half of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana, being described as: Beginning at the Southwest corner of Lot #288 in the recorded Plat of "Original Plat of South Bend"; thence Easterly along the South line of said Lot and parallel with the Northerly right-of-way of Wayne Street, 55.00 ft. for the true point of beginning; thence Southerly parallel with the Westerly right-of-way of Michigan Street, 4.00 ft.; thence Easterly parallel with the Northerly right-of-way line of Wayne Street, 14.00 ft.; thence Northerly parallel with the Westerly right-of-way line of Michigan Street, 4.00 ft. to the South line of said Lot; thence Westerly along said South line 14.00 ft. to the point of beginning. Containing 0.00128 acres.

For your information, a Public Hearing concerning the Vacation Petition as filed was held by the Board of Public Works on December 11, 1989.

Mr. Donald Ross, Vice-President, Cressy and Everett, was present and spoke in favor of the vacation. There was no one

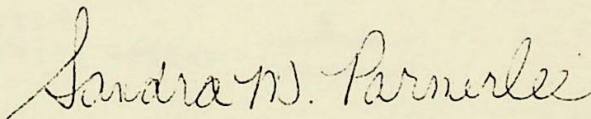
MEMBERS OF THE COMMON COUNCIL
COUNCIL CHAMBERS
December 11, 1989
Page -2-

else present wishing to speak either for or against the proposed vacation and no written objections were filed with the Board. A copy of the minutes of the Public Hearing is attached for your information.

Therefore, the Board favorably recommends the vacation of the above referred to public right-of-way subject to any and all utility easements.

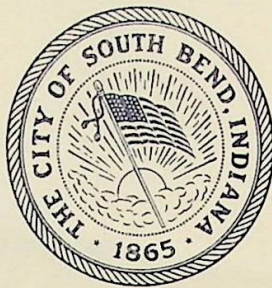
Sincerely,

BOARD OF PUBLIC WORKS

A handwritten signature in cursive script that reads "Sandra M. Parmerlee".

Sandra M. Parmerlee, Clerk

smp
Enc.



City of South Bend

Joseph E. Kernan, Mayor

Department of Economic Development

Jon R. Hunt
Executive Director

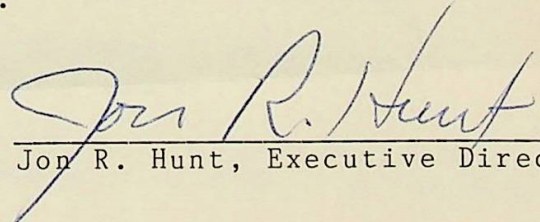
Ann E. Kolata
Deputy Executive Director

TO: BOARD OF PUBLIC WORKS
FROM: DEPARTMENT OF ECONOMIC DEVELOPMENT
RE: VACATION OF A PORTION OF THE SIDEWALK IN THE
PUBLIC RIGHT-OF-WAY ADJACENT TO 111 W. WAYNE
DATE: DECEMBER 5, 1989

Recommendation: Favor Action X
Do Not Favor Action

Comments:

The above mentioned sidewalk is located within the South Bend Central Development Area and we support the vacation of the portion of it for the proposed use.



Jon R. Hunt, Executive Director

JRH:cp

1200 County-City Building • South Bend, Indiana 46601 • 219/284-9371 Fax 219/284-9892

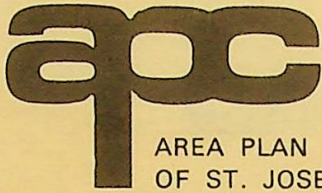
Redevelopment
Ann Kolata
284-9371

Economic Development
& Business Assistance
Donald Inks
284-9335

Housing Rehabilitation
Kathryn Baumgartner
521 Eclipse Place
284-9475

Financial & Program
Management
Elizabeth Leonard
284-9335

Human Rights
Cynthia Love-Bush
284-9355



AREA PLAN COMMISSION
OF ST. JOSEPH COUNTY, IN

RICHARD S. JOHNSON
Executive Director

Room 1140 County-City Building

South Bend, Indiana 46601

(219) 284-9571

December 4, 1989

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

RE: Vacation of a portion of the sidewalk in the public right-of-way
adjacent to 111 W. Wayne Street

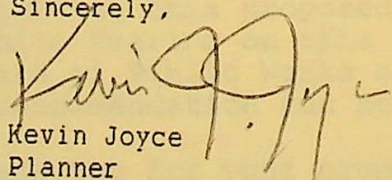
Gentlemen:

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.

Sincerely,


Kevin Joyce
Planner

KJ:sr

107

BOARD OF PUBLIC WORKS

INTER-OFFICE MEMORANDUM

DATE : November 29, 1989

TO: - ENGINEERING DEPARTMENT
- AREA PLAN COMMISSION
- DEPARTMENT OF ECONOMIC DEVELOPMENT

FROM: SANDRA M. PARMERLEE, CLERK *SP*

RE: VACATION OF A PORTION OF THE SIDEWALK IN THE PUBLIC
RIGHT-OF-WAY ADJACENT TO 111 W. WAYNE STREET

Attached for your review and recommendation is a Petition and map for the vacation of the following public right-of-way:

That part of the West half of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana, being described as: Beginning at the Southwest corner of Lot #288 in the recorded Plat of "Original Plat of South Bend"; thence Easterly along the South line of said Lot and parallel with the Northerly right-of-way of Wayne Street, 55.00 ft. for the true point of beginning; thence Southerly parallel with the Westerly right-of-way of Michigan Street, 4.00 ft.; thence Easterly parallel with the Northerly right-of-way line of Wayne Street, 14.00 ft.; thence Northerly parallel with the Westerly right-of-way line of Michigan Street, 4.00 ft. to the South line of said Lot; thence Westerly along said South line 14.00 ft. to the point of beginning. Containing 0.00128 acres.

I would appreciate receiving your comments and recommendation regarding this proposed vacation by FRIDAY, DECEMBER 8, 1989. A Public Hearing on this Petition has been scheduled before the Board of Public Works on Monday, December 11, 1989 in order that a recommendation can be forwarded to the Common Council.

Thank you for your prompt attention to this matter.

12/5

Sandra
no problem
wme

smp
Enc.

BOARD OF PUBLIC WORKS

INTER-OFFICE MEMORANDUM

DATE : November 29, 1989

TO: - ENGINEERING DEPARTMENT
- AREA PLAN COMMISSION
- DEPARTMENT OF ECONOMIC DEVELOPMENT

FROM: SANDRA M. PARMERLEE, CLERK *SP*

RE: VACATION OF A PORTION OF THE SIDEWALK IN THE PUBLIC
RIGHT-OF-WAY ADJACENT TO 111 W. WAYNE STREET

Attached for your review and recommendation is a Petition and map for the vacation of the following public right-of-way:

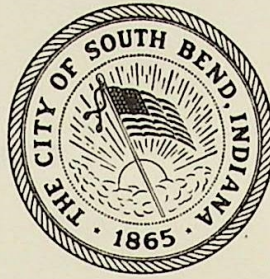
That part of the West half of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana, being described as: Beginning at the Southwest corner of Lot #288 in the recorded Plat of "Original Plat of South Bend"; thence Easterly along the South line of said Lot and parallel with the Northerly right-of-way of Wayne Street, 55.00 ft. for the true point of beginning; thence Southerly parallel with the Westerly right-of-way of Michigan Street, 4.00 ft.; thence Easterly parallel with the Northerly right-of-way line of Wayne Street, 14.00 ft.; thence Northerly parallel with the Westerly right-of-way line of Michigan Street, 4.00 ft. to the South line of said Lot; thence Westerly along said South line 14.00 ft. to the point of beginning. Containing 0.00128 acres.

I would appreciate receiving your comments and recommendation regarding this proposed vacation by FRIDAY, DECEMBER 8, 1989. A Public Hearing on this Petition has been scheduled before the Board of Public Works on Monday, December 11, 1989 in order that a recommendation can be forwarded to the Common Council.

Thank you for your prompt attention to this matter.

i
:
smp
Enc.

CERTIFIED MAIL
P 713 072 682



City of South Bend
Joseph E. Kernan, Mayor

Board of Public Works

November 29, 1989

MR. DONALD G. CRESSY
WAYNE PLACE LIMITED PARTNERSHIP
3930 Edison Lakes Parkway, Suite 200
Mishawaka, Indiana 46545

Dear Mr. Cressy:

This is to advise you that the Petition to vacate the following right-of-way which you filed with the Common Council has been referred to this office for review and recommendation:

That part of the West half of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana, being described as: Beginning at the Southwest corner of Lot #288 in the recorded Plat of "Original Plat of South Bend"; thence Easterly along the South line of said Lot and parallel with the Northerly right-of-way of Wayne Street, 55.00 ft. for the true point of beginning; thence Southerly parallel with the Westerly right-of-way of Michigan Street, 4.00 ft.; thence Easterly parallel with the Northerly right-of-way line of Wayne Street, 14.00 ft.; thence Northerly parallel with the Westerly right-of-way line of Michigan Street, 4.00 ft. to the South line of said Lot; thence Westerly along said South line 14.00 ft. to the point of beginning. Containing 0.00128 acres.

Prior to submitting a recommendation to the Common Council, the Board of Public Works will conduct a Public Hearing for the purpose of hearing all interested persons concerning the vacation of this public right-of-way.

As the Petitioner, you are hereby being notified that your attendance is required at the Public Hearing which the Board will conduct at 9:30 a.m. on MONDAY, DECEMBER 11, 1989, in the Board

1308 County-City Building • South Bend, Indiana 46601 • 219/284-9412

John E. Leszczynski

Patricia E. DeClercq

Katherine Humphreys

MR. DONALD G. CRESSY
WAYNE PLACE LIMITED PARTNERSHIP
November 29, 1989
Page -2-

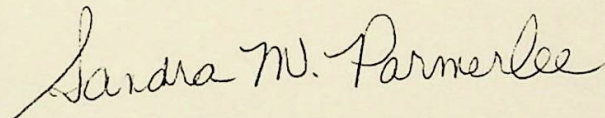
of Public Works and Safety Hearing Room, 1308 County-City Building, South Bend, Indiana. If you cannot attend the Hearing, I would appreciate your sending a representative who can address the Board concerning this matter.

For your information, the Common Council will also conduct a Public Hearing on this matter at a later date and you will be notified.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Sincerely,

BOARD OF PUBLIC WORKS



Sandra M. Parmerlee, Clerk

smp
Enc.

PETITION TO VACATE PUBLIC RIGHT-OF-WAY

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

DATE November 22, 1989

WE, THE UNDERSIGNED PROPERTY OWNER, PETITION YOU TO VACATE:

- A. A portion of the sidewalk in the Public Right-Of-Way adjacent to 111 W. Wayne Street: SEE ATTACHED LEGAL DESCRIPTION

The petitioner proposes to construct a 14' x 4' Greenhouse on the vacated Right-of-Way property.

The petitioner is the only property owner within 50' of the exterior boundaries of the proposed Right-of Way property to be vacated.

The petitioner is the only private property owner affected by this petition.

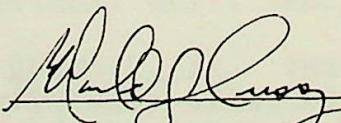
The following list represents the names and addresses of all owners of land that is located within fifty (50) feet of the exterior boundaries of the Right-of-Way property:

Wayne Place Limited Partnership

3930 Edison Parkway
Suite 200
Mishawaka, IN 46545

NAME:

ADDRESS:



Donald G. Cressy

3930 Edison Lakes Parkway, Suite 200
Mishawaka, Indiana 46545

Bill No. 11687

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

A portion of West Wayne Street right-of-way from Lot #288 of the Original Plat of South Bend.

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, subject to the reverter provision set forth below.

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:

That part of the West Half of the Northwest quarter of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, Indiana, being described as: Beginning at the Southwest corner of Lot #288 in the recorded plat of "Original Plat of South Bend"; thence Easterly along the South line of said Lot and parallel with the Northerly right-of-way of Wayne Street, 55.00 ft. for the true point of beginning; thence Southerly parallel with the Westerly right-of-way of Michigan Street, 4.00 ft.; thence Easterly parallel with the Northerly right-of-way line of Wayne Street, 14.00 ft.; thence Northerly parallel with the Westerly right-of-way line of Michigan Street, 4.00 ft. to the South line of said Lot; thence Westerly along said South line 14.00 ft. to the point of beginning. Containing 0.00128 acres.

hereby determines that it is desirable to vacate said property and same is hereby vacated subject to the reverter provision in Section V below.

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: Southwest corner of Lot #288 of the Original Plat of South Bend (commonly known as 111 W. Wayne Street).

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

Allow for the construction of a "greenhouse" area for an adjacent floral shop.

SECTION V. In the event that the vacated property ceases to be used as a "greenhouse" area for the adjacent floral shop, this vacation shall be void and the property shall revert to public right-of-way status.

SECTION VI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Diana Puzello
Member of the Common Council

ml:ord/e

Filed In Clerk's Office

NOV 22 1989

IRENE GAMMON
CLERK, SO. BEND, IN