9160-00

Vacation

The alley to be vacated is the first north/south alley west of Brookfield Street from the north right-of-way of Magyar court to the south right-of-way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet.part located in Prairie Avenue Heights Add., 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. 9160-00 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF BROOKFIELD STREET FROM THE NORTH RIGHT-OF-WAY OF MAGYAR COURT TO THE SOUTH RIGHT-OF-WAY OF PRAIRIE AVENUE, FOR A DISTANCE OF APPROXIMATELY 168.3 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN PRAIRIE AVENUE HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi

| ORDINANCE | NO. |  |
|-----------|-----|--|
|-----------|-----|--|

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

THE ALLEY TO BE VACATED IS THE FIRST APPROVED NORTH/SOUTH ALLEY WEST OF BROOKFIELD STREET FROM THE NORTH RIGHT-OF-WAY OF MAGYAR COURT TO THE SOUTH RIGHT-OF-WAY OF PRAIRIE AVENUE, FOR NOV 16 2000 A DISTANCE OF APPROXIMATELY 168.3 FEET AND WIDTH OF 14 FEET. PART LOCATED IN PRAIRIE AVENUE HEIGHTS 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 ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF BROOKFIELD STREET FROM THE NORTH RIGHT-OF-WAY OF MAGYAR COURT TO THE SOUTH RIGHT-OF-WAY OF PRAIRIE AVENUE, FOR A DISTANCE OF APPROXIMATELY 168.3 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN PRAIRIE AVENUE HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

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.

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

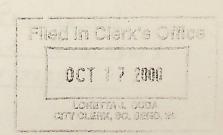
LOT NUMBER 3146 LOT NUMBER 3148 LOT NUMBER 3149

SECTION IV. The purpose of the vacation of the real property is that I would like to stop traffic from going through the alley and make this a private drive.

 $\underline{\text{SECTION }V}.$  This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor.

Member of the Common Council

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

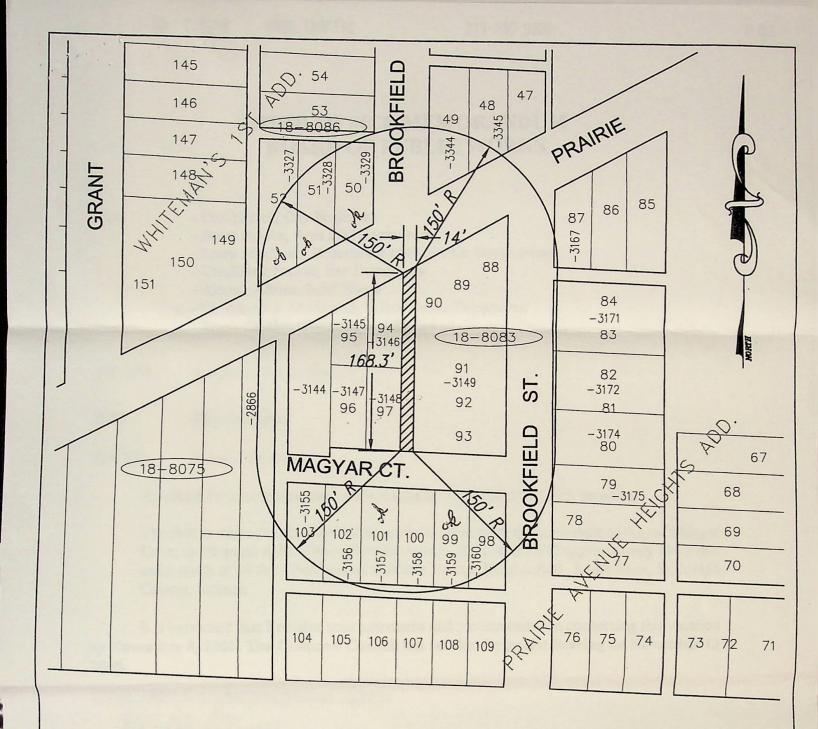


## PETITION TO VACATE PUBLIC RIGHTS-OF-WAY (STREETS/ALLEYS)

| TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA  | DATE:                                       |
|---|---|
| I (WE), THE UNDERSIGNED PROPERTY OWNE   | CR(S), PETITION YOU TO VACATE:              |
| A. THE ALLEY DESCRIBED AS:  |   |
| right-of-way of Magyar  | Ct. to the South right-of-way of Prairie Au |
| B. THE STREET DESCRIBED AS:   |   |
|   |   |
|   |   |
| NAME (signed & printed) ADDRESS   | LOT #                                       |
| Jeseph J. Rolod Zar 2017 P.   | racice avg 3329                             |
| JOSEPH J. KOLOSZAP  |   |
| Michael Fisher 2021 1   | Prairie au - 3328                           |
| MICHAFL FISHER  |   |
| Joseph W. Sependi 2025 Pa   | RAIRIE 10, -3327                            |
| Jaen Joung 2018   | Prairie AU- 3149                            |
| Faron Pours   |   |
| Jaron Joung 2020  | Prairie AU - 3146 + 3148                    |
| Facon hung  |   |
|   | CONTACT PERSON (S)                          |
|   | NAME: Faron Young                           |
| RETURN TO:  OFFICE OF THE CITY CLERK  LORETTA J. DUDA, CITY CLERK  POOM 455-COUNTY-CITY PULL DIVE | ADDRESS: 2018 Prairie AU                    |
| ROOM 455-COUNTY-CITY BUILDING<br>SOUTH BEND, IN 46601<br>219-235-9221                             | So Bend Ind, 46613  PHONE: 219-234-7922     |

| Name (signed a printed)  Da Mulh  DAVID WILKIN | APDress<br>1914 Magyar Court | 20+ #<br>315>         |
|--|------------------------------|-----------------------|
| Camela J. Brunette                             | 1906 Magyar Ct.              | 3/50                  |
|  |                              |                       |
|  |                              |                       |
|  |                              |                       |
|  | Filed In Cla                 | ** TATALAN CONTRACTOR |

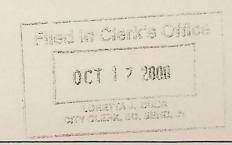
CATY CLERK, SO. DEND, M.



#### **ALLEY VACATION**

The alley to be vacated is the first north/south alley west of Brookfield Street from the north right-of-way of Magyar Court to the south right-of-way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet.

Part located in Prairie Avenue Heights Add., South Bend, St. Joseph County, Indiana.



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:

October 18, 2000

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

The first north/south alley west of Brookfield Street from the north right of way of Magyar Court to the south right of way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., South Bend, St. Joseph County, Indiana.

| COMMENTS & RECOMMENDATIONS: |                |       |
|-----------------------------|----------------|-------|
|                             |                |       |
| BY: It Joseph Markernil     | DATE: 16-19-00 | FAXES |

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:

October 18, 2000

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

The first north/south alley west of Brookfield Street from the north right of way of Magyar Court to the south right of way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., South Bend, St. Joseph County, Indiana.

| COMMENT | S & RECOM | IMENDATIO  | ONS:     |       |           |             |  |
|---------|-----------|------------|----------|-------|-----------|-------------|--|
| _ THE   | LEGAL     | DEPARTMENT | QUESTION | S THE | SAFETY AN | D ACLESS TO |  |
| THE     | ADJACENT  | Loss 1     | F THIS   | 15    | VACATED.  |             |  |
|         | 1.0       | _          |          |       |           |             |  |
| BY:     | A         |            |          | D     | ATE:/     | 00-18-00    |  |

## OFFICE OF THE CITY CLERK

TO:

**BOARD OF PUBLIC WORKS** 

DATE:

**OCTOBER 17, 2000** 

I am referring to you the following vacation:

101-00

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF BROOKFIELD STREET FROM THE NORTH RIGHT-OF-WAY OF MAGYAR COURT TO THE SOUTH RIGHT-OF-WAY OF PRAIRIE AVENUE, FOR A DISTANCE OF APPROXIMATELY 168.3 FEET AND A WIDTH OF 14 FEET. PART LOCATED IN PRAIRIE AVENUE HEIGHTS ADD., SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, October 23, 2000. I assume the council will set this bill for public hearing at its regularly scheduled meeting of November 13, 2000.

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

Thanks!

CITY CLERK LORETTA J. DUDA

DEPUTY

TO:

- Carl Littrell, City Engineer
- Brent Bajdke, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Colhief 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:

October 18, 2000

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

The first north/south alley west of Brookfield Street from the north right of way of Magyar Court to the south right of way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., South Bend, St. Joseph County, Indiana.

| COMMENTS & RECOMMENDATIONS: |               |
|-----------------------------|---------------|
| ANGIE                       |               |
| No objection                | بثرج          |
| BY: A/C PARM                | DATE: 0-20-90 |

### 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: 101-00 Alley Vacation – First north/south alley west of Brookfield Street from the north right-of-way of Magyer Court to the south right-of-way of prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., 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 <u>not</u> 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 <u>would</u> make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would <u>not</u> hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would <u>not</u> 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 and also be subject to an access easement for the property owners to access their property.

Sincerely,

Bant Egglille Brent Bajdek

Planner



THINK HAN TENNA HUHI MI HAIN 

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:

October 18, 2000

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

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| <b>COMMENTS &amp; RECOMMENDATIONS:</b> |       |        |  |
|--|-------|--------|--|
| No objection                           |       |        |  |
|  |       |        |  |
|  |       |        |  |
| BY: Caro Lattill                       | DATE: | "/7/00 |  |

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:

October 18, 2000

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

The first north/south alley west of Brookfield Street from the north right of way of Magyar Court to the south right of way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., 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:** 

| THE DEPONTINENT OF CED HAS A  | FAVORAKLE RECOGNIC WOLLD |
|-------------------------------|--------------------------|
| FOR THIS ACLEY VACATION REQUE | TS).                     |
| BY: Jon R. Hemf               |                          |
| - Jones                       | DATE: 11.08.00           |

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: Alley Vacation

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 alleys, as follows:

The first north/south alley west of Brookfield Street from the north right of way of Magyar Court to the south right of way of Prairie Avenue, for a distance of approximately 168.3 feet and a width of 14 feet. Part located in Prairie Avenue Heights Add., South Bend, St. Joseph County, Indiana.

For your information, the Board of Public Works received favorable recommendations from the Fire Department, Division of Engineering, Department of Community and Economic Development, Area Plan Commission and the Police Department concerning this vacation, subject to any utility easements that may be required. Solid Waste has noted that this alley is used for

Therefore, the Board submits to you a **favorable recommendation** concerning this vacation, subject to any utility easements that may be required.

Sincerely,

Angela K Jacob, Clerk

Attachments