

9164-00

Resolution No.: 9164-00

Description: The first East/West alley North of Fisher Street from the West R/W line of Webster Street to the West lot line of lot 18, Peck's 2nd Subdivision of part bank outlots 01 and

Assessed Filed: 11/05/2001

Type: Vacated



Office of the City Clerk

Loretta J. Duda, City Clerk

NOVEMBER 19, 2001

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 - Mark
Community & Economic Development
County Auditor - Melinda

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9164-00 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY NORTH OF FISHER STREET FROM THE WEST RAW LINE OF WEBSTER STREET TO THE WEST LOT LINE OF LOT 18, PECK'S 2ND SUBDIVISION OF PART BANK OUTLOTS 01 AND 02 FOR A DISTANCE OF 210 FEET. BEING A PART OF SAID PECK'S 2ND SUBDIVISION TO 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

November 27, 2000

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

RE: Alley Vacation

Dear Council Members:

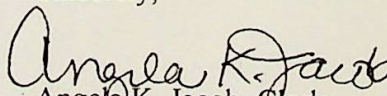
In accordance with Municipal Code Section 18-53.8, an **unfavorable recommendation** is being submitted to the Common Council concerning the following vacation:

The first east/west alley north of Fisher Street from the west R/W line of Webster Street to the west lot line of Lot 18, Peck's 2nd Subdivision of Part Bank Outlots 01 and 02 for a distance of 210 feet. Being a part of said Peck's 2nd Subdivision to 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, and the Department of Economic Development, subject to any utility easements that may be required. **The Division of Engineering has stated that this vacation would create a dead end alley. The relief to this situation is the traffic outlet that the church desires to eliminate. Area Plan stated that St. Casimir Church is built over an alley that was never vacated. The vacation would also need to be subject to a turning radius easement at the eastern extent of the alley for alley traffic from the east. Solid Waste did not give a recommendation, however, trash would need to be picked from the front of the residences, rather than in this alley.**

Therefore, the Board submits to you an **unfavorable recommendation** concerning this vacation.

Sincerely,


Angela K. Jacob, Clerk

Attachments

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: NOVEMBER 1, 2000

I am referring to you the following vacation:

106-00 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO VACATED IS THE FIRST EAST/WEST ALLEY NORTH OF FISHER STREET FROM THE WEST R/W LINE OF WEBSTER STREET TO THE WEST LOT LINE OF LOT 18, PECK'S 2ND SUBDIVISION OF PART BANK OUTLOTS 01 AND 02 FOR A DISTANCE OF 210 FEET. BEING A PART OF SAID PECK'S 2ND SUBDIVISION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, November 13, 2000. I assume the council will set this bill for public hearing at its regularly scheduled meeting of November 27, 2000.

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

Thanks!

CITY CLERK
LORETTA J. DUDA


DEPUTY

Quinn Talbot

**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: November 3, 2000

RECEIVED
NOV - 6 2000
CITY OF SOUTH BEND
DEPARTMENT OF LAW

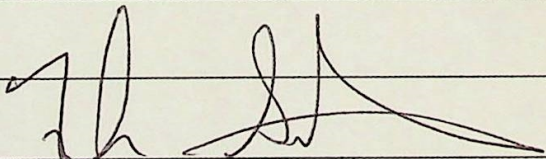
This is a request for your recommendation on the following alley vacation. The full ordinance is attached.

The first east/west alley north of Fisher Street from the west R/W line of Webster Street to the west lot line of Lot 18, Peck's 2nd Subdivision of Part Bank Outlots 01 and 02 for a distance of 210 feet. Being a part of said Peck's 2nd Subdivision to the City of South Bend, St. Joseph county, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by **November 22, 2000**. The Common Council has set this for public hearing on **November 27 2000**.

COMMENTS & RECOMMENDATIONS:

NO LEGAL PROBLEMS!

BY: 

DATE: 11-6-00

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: NOVEMBER 1, 2000

I am referring to you the following vacation:

106-00 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO VACATED IS THE FIRST EAST/WEST ALLEY NORTH OF FISHER STREET FROM THE WEST R/W LINE OF WEBSTER STREET TO THE WEST LOT LINE OF LOT 18, PECK'S 2ND SUBDIVISION OF PART BANK OUTLOTS 01 AND 02 FOR A DISTANCE OF 210 FEET. BEING A PART OF SAID PECK'S 2ND SUBDIVISION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, November 13, 2000. I assume the council will set this bill for public hearing at its regularly scheduled meeting of November 27, 2000.

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

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

Janis Tallon

**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: November 3, 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 Fisher Street from the west R/W line of Webster Street to the west lot line of Lot 18, Peck's 2nd Subdivision of Part Bank Outlots 01 and 02 for a distance of 210 feet. Being a part of said Peck's 2nd Subdivision to the City of South Bend, St. Joseph county, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by **November 22, 2000**. The Common Council has set this for public hearing on **November 27, 2000**.

COMMENTS & RECOMMENDATIONS:

I recommend denial. This creates a dead end alley. The relief to this situation is the traffic outlet that the Church desires to eliminate.

BY: Carl B. Littrell

DATE: 11/7/00

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 *AKJ*

RE: Alley Vacation

DATE: November 3, 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 Fisher Street from the west R/W line of Webster Street to the west lot line of Lot 18, Peck's 2nd Subdivision of Part Bank Outlots 01 and 02 for a distance of 210 feet. Being a part of said Peck's 2nd Subdivision to the City of South Bend, St. Joseph county, Indiana.

It is important that I receive your comments and recommendation concerning this vacation by November 22, 2000. The Common Council has set this for public hearing on November 27 2000.

COMMENTS & RECOMMENDATIONS:

Solid Waste are in favor of this alley vacation

BY: *Alonzo Adams*

DATE: *11-27-00*

Post-it [®] Fax Note	7671	Date	11/27	# of pages	1
To	ANGIE	From	Alonzo ADAMS		
Co./Dept.		Co.	Solid Waste		
Phone #		Phone #			
Fax #	235-9171	Fax #			

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to vacated is the first East/west alley North of Fisher Street from the West R/W line of Webster Street to the West lot line of lot 18, Peck's 2nd subdivision of Part Bank outlots 01 and 02 for a distance of 210 Feet. Being a part of said Peck's 2nd Subdivision to 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:

The alley to vacated is the first East/west alley North of Fisher Street from the West R/W line of Webster Street to the West lot line of lot 18, Peck's 2nd subdivision of Part Bank outlots 01 and 02 for a distance of 210 Feet. Being a part of said Peck's 2nd Subdivision to the City of 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.

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

Lot numbers 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18: Saint Casimir's Catholic Church.

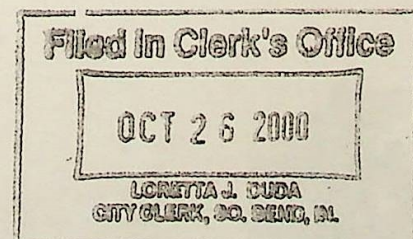
is Section IV. The purpose of the vacation of the real property

because the east end of this alley and its egress to Webster Street was blocked in 1925 when the present St. Casimir Church was built. The alley under the church was never vacated. Traffic from the east end of the alley currently egresses through parish grounds to the north of the alley. This traffic through parish property creates hazards for people using parish facilities and liability concerns for the parish. The parish wishes to stop public traffic through the parish grounds without creating a dead end for the alley in the middle of the parish grounds. This ordinance vacates the length of the alley which parish property abuts on both sides.

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



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

November 22, 2000

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

RE: Bill No. 106-00 – Alley Vacation – The first east/west alley north of Fisher Street from the west R/W line of Webster Street to the west line of Lot 18, Peck's 2nd Subdivision of Part Bank Outlots 01 and 02 for a distance of 210 feet. Being a part of said Peck's 2nd Subdivision in the City of South Bend, St. Joseph County, Indiana.

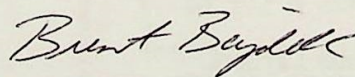
Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

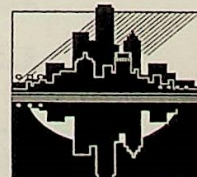
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Although, the staff would not normally encourage the creation of a "dead end" alley, it is the staff's recommendation that this right-of-way be vacated, subject to any utility easements that may be required, given the situation that the existing St. Casimir Church was built over an alley that was never vacated. The vacation will also need to be subject to a turning radius easement at the eastern extent of the alley for alley traffic from the east.

Sincerely,



Brent Bajdek
Planner



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 OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

The alley to vacated is the first East/west alley North of Fisher Street from the West R/W line of Webster Street to the West lot line of lot 18, Peck's 2nd subdivision of Part Bank outlots 01 and 02 for a distance of 214 Feet. Being a part of said Peck's 2nd Subdivision to the City of South Bend, St. Joseph County, Indiana.

NAME (signed & printed)	ADDRESS	LOT #
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St. Casimir Catholic Church,	1308 West Dunham Street South Bend, Indiana 46619	6 through 18 inclusive
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Father Thomas J. Lemos, C.S.C.
 Father Thomas Lemos, C.S.C.
 Pastor

Filed in Clerk's Office

OCT 26 2000

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

CONTACT PERSON (S)

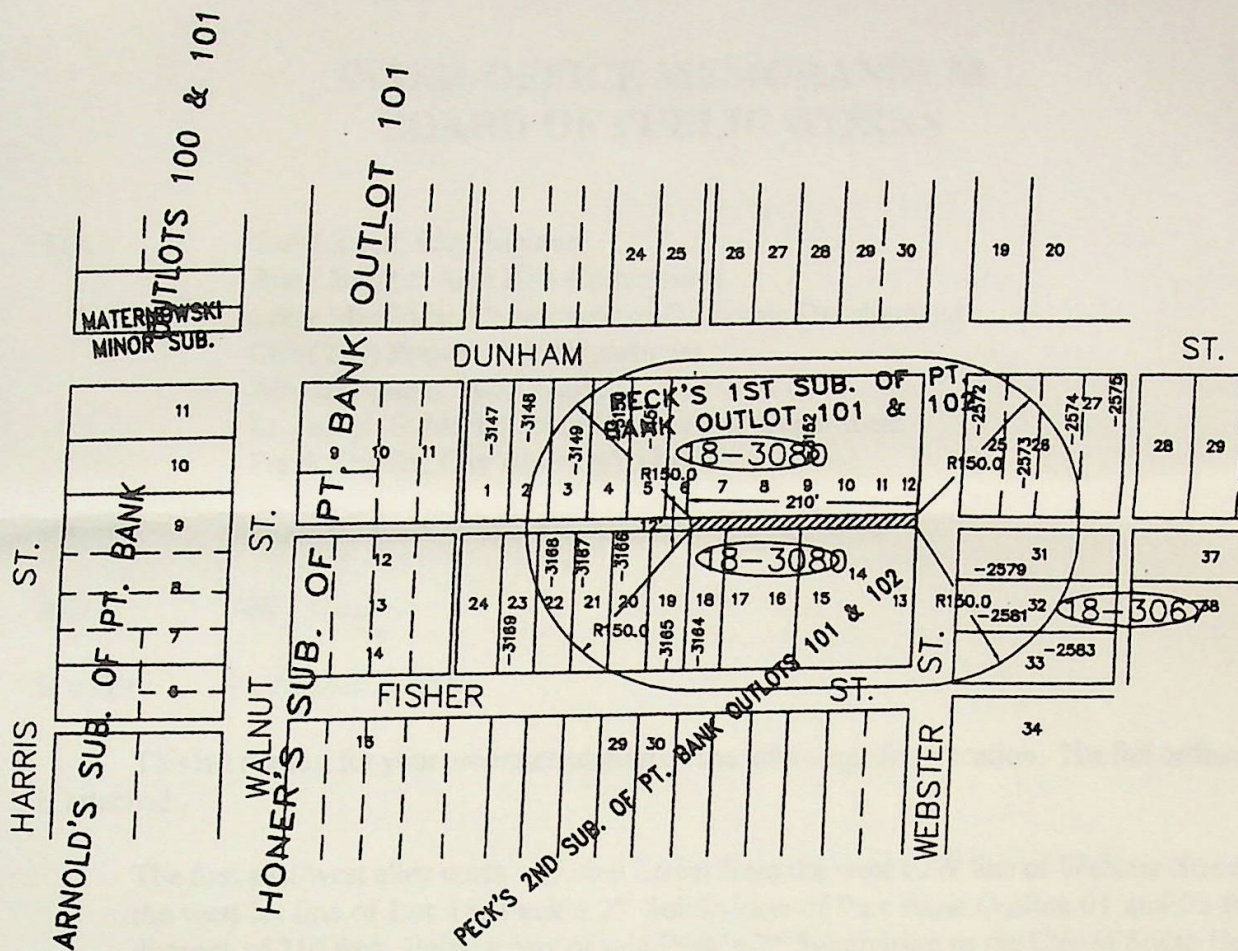
NAME: PAUL FUJAWA

ADDRESS: 1121 WEST GRACE STREET
SOUTH BEND, IN 46619

PHONE: 219-288-4640 (work)

RETURN TO:

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



ALLEY VACATIONS

The alley to be vacated is the first East/west alley North of Fisher Street from the West R/W line of Webster Street to the West lot line of lot 18, Peck's 2nd subdivision of Part, Bank outlots 01 and 02 for a distance of 210 Feet. Being a part of said Peck's 2nd Subdivision to the City Of South Bend, St. Joseph County, Indiana

Filed In Clerk's Office


OCT 26 2000

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

**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: November 3, 2000

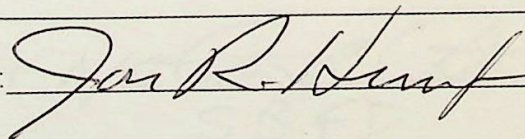
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It is important that I receive your comments and recommendation concerning this vacation by November 22, 2000. The Common Council has set this for public hearing on November 27 2000.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: 

DATE: 11-15-00

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: NOVEMBER 1, 2000

I am referring to you the following vacation:

106-00 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO VACATED IS THE FIRST EAST/WEST ALLEY NORTH OF FISHER STREET FROM THE WEST R/W LINE OF WEBSTER STREET TO THE WEST LOT LINE OF LOT 18, PECK'S 2ND SUBDIVISION OF PART BANK OUTLOTS 01 AND 02 FOR A DISTANCE OF 210 FEET. BEING A PART OF SAID PECK'S 2ND SUBDIVISION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

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

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

Janice Talbot

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
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FROM: Angela K. Jacob, Clerk *AKJ*

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It is important that I receive your comments and recommendation concerning this vacation by November 22, 2000. The Common Council has set this for public hearing on November 27, 2000.

COMMENTS & RECOMMENDATIONS:

ANGIE

NO OBJECTIONS

BY: *[Signature]*
SBFD

DATE: 11-9-00