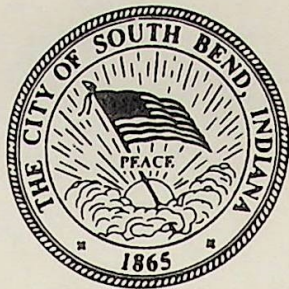


Ordinance No. 9189-01
STREET VACATION +
ALLEY VACATION

VERNON HEIGHTS ADDITION

Eclipse Street from Marquette Blvd
to Hamilton.

The first north/south alley west
of Kaley St. from Marquette Blvd. to
Hamilton St.



Office of the City Clerk

Loretta J. Duda, City Clerk

FEBRUARY, 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
Community & Economic Development

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9189-01 for the vacation of the following property:

THE STREET TO BE VACATED IS A PORTION OF ECLIPSE PLACE BEGINNING AT THE SOUTH LOT LINE OF LOT 464 AND CONTINUING NORTH TO A POINT 20 FEET NORTH OF THE NORTH EAST LINE OF LOT 460 FOR A DISTANCE OF 220 FEET, BEING A PART OF VERNON HEIGHTS ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF KALEY STREET FROM THE NORTH RIGHT OF WAY LINE OF MARQUETTE BLVD. TO A POINT 20 FEET SOUTH OF THE NORTH LOT LINE OF LOT 459 FOR A DISTANCE OF 260 FEET, BEING A PART OF VERNON HEIGHTS ADDITION TO THE CITY OF SOUTH BEND, INDIANA

are closed and this area is vacated.

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

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: Street/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:

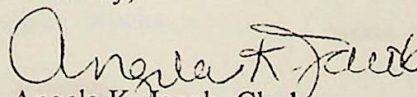
Eclipse Place from the north R /W of Hamilton Street for a distance of 739.2 feet and a width of 30 feet. Part of Vernon Heights Addition to the City of South Bend, St. Joseph County, Indiana.

First north/south alley west of Kaley Street from the north R /W of Marquette Blvd. to the south R/W of Hamilton Street for a distance of 739.2 feet and a width of 14 feet. Part of Vernon Heights Addition 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, Area Plan Commission, Sanitation, 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 to Marquette Boulevard. The petition eliminates access to Lots 483, 482, 481, 451, 452, 453, 454, 455, 456, 457 and 458.**

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

Sincerely,


Angela K. Jacob, Clerk

Attachments

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The Street to be vacated is Eclipse Place from the North R/W of Hamilton Street for a distance of 739.2 Feet and a width of 30 Feet. Part of Vernon Hights Addition to the City of South Bend, St. Joseph County, Indiana.

The alley to be vacated is the first North/South alley West of Kaley Street from the North R/W of Marquette Blvd. to the South R/W of Hamilton Street for a distance of 739.2 Feet and a width of 14 Feet. Part of Vernon Hights Addition 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 the City of South Bend having held a public Hearing on the petition to vacate the following property:

The Street to be vacated is Eclipse Place from the North R/W of Hamilton Street for a distance of 739.2 Feet and a width of 30 Feet. Part of Vernon Hights Addition to the City of South Bend, St. Joseph County, Indiana.

The alley to be vacated is the first North/South alley West of Kaley Street from the North R/w of Marquette Blvd. to the South R/W of Hamilton Street for a distance of 739.2 Feet and a width of 14 Feet. Part of Vernon Hights Addition 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 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 NO. 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 481, 482, 483, 504, 505, AND 506 ALL WITHIN SAID Vernon Hights Addition.

SECTION IV. The purpose of the vacation of the real property is to be able to replat a number of individual lots into 1-3 new lots. The 1-3 Lots would facilitate the construction of a Church, a Recreation facility, and a Parsonage.

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

Also in Clerk's Office
OCT 18 2000
CITY CLERK, SOUTH BEND, INDIANA

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

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

DATE: 10-18-2000

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

A. THE ALLEY DESCRIBED AS:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF KALEY ST. FROM THE N. R/W OF
MARQUETTE BLVD. TO THE S. R/W OF HAMILTON ST. FOR A DISTANCE OF 739.2 FEET AND A WIDTH OF 14 FEET,
PART OF YERMON HIGHTS ADD'N TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA,

B. THE STREET DESCRIBED AS:

ECLIPSE PLACE FROM THE N. R/W OF HAMILTON ST. FOR A DISTANCE OF 739.2 FEET AND A WIDTH OF
30 FEET, PART OF YERMON HIGHTS ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, IND.

NAME (signed & printed)	ADDRESS	LOT #
<u>Charles L King</u> <u>Charles L King</u>	<u>1523 W Washington St</u>	<u> </u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

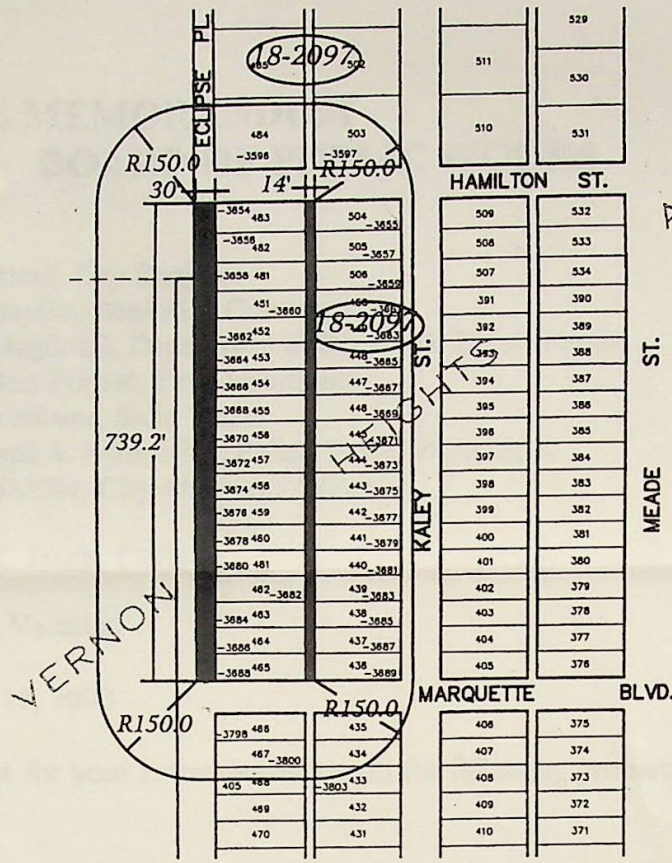
Filed in Clerk's Office
OCT 18 2000
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.

CONTACT PERSON (S)
NAME: Joseph M. PIETRZAK

ADDRESS: 24891 KERN RD
SOUTH BEND, IN. 46614

PHONE: (219) 289-4037

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



STREET & ALLEY VACATION

The Street to be vacated is Eclipse Place from the North R/W line of Marquette Blvd to the South R/W of Hamilton Street for a distance of 739.2 Feet and a width of 30 Feet. Part of Vernon Hights Addition to the City Of South Bend, St. Joseph County, Indiana

The alley to be vacated is the first North/South alley West of Kaley Street from the North R/W of Marquette Blvd to the South R/W of Hamilton Street for a distance of 739.2 Feet and a width of 14 Feet. Part of Vernon Hights Addition to 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: Property Vacation

DATE: October 18, 2000

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

Eclipse Place from the north R/W of Hamilton Street for a distance of 739.2 feet and a width of 30 feet. Part of Vernon Heights Addition to the City of South Bend, St. Joseph County, Indiana; the alley to be vacated is the first north/south alley west of Kaley Street from the north R/W of Marquette Blvd. to the south R/W of Hamilton Street for a distance of 739.2 feet and a width of 14 feet. Part of Vernon Heights Addition 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 8, 2000**. The Common Council has set this for public hearing on **November 13 2000**.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *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
 - 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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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:

ANGIE

NO OBJECTIONS

BY: *[Signature]*
 SBFD

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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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:

RECOMMENDS APPROVAL

BY: *Jon R. Hunt*

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
- Chief Bert Prawat, Fire Department
- Alonzo Adams, Solid Waste
- Lt. Joseph S. Markovich, Police Traffic Department
✓ Frank Shaffer, City Attorney's Office

RECEIVED

OCT 18 2000

CITY OF SOUTH BEND
DEPARTMENT OF LAW

FROM: Angela K. Jacob, Clerk 

RE: Property Vacation

DATE: October 18, 2000

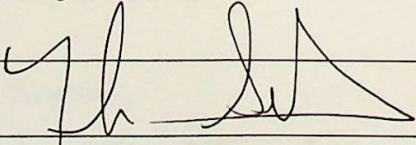
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It is important that I receive your comments and recommendation concerning this vacation by **November 8, 2000**. The Common Council has set this for public hearing on **November 13 2000**.

COMMENTS & RECOMMENDATIONS:

NO PROBLEMS, UNLESS HOMES ARE ON THESE LOTS!
(ASSUMING THIS IS CLEAR PROPERTY)

BY:  _____ DATE: 10-18-00 _____

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
13th Floor, County-City Building
South Bend, Indiana 46601

RE: Bill No. – Street Vacation – Eclipse Place from the north R/W line of Marquette Blvd. to the south R/W of Hamilton Street for a distance of 739.2 feet and a width of 30 feet. Part of Vernon Heights Addition in the City of South Bend, St. Joseph County Indiana.

Alley Vacation – The first north/south alley west of Kaley Street from the north R/W of Hamilton Street for a distance of 739.2 feet and a width of 14 feet. Part of Vernon Heights Addition in the City of South Bend, St. Joseph, Indiana.

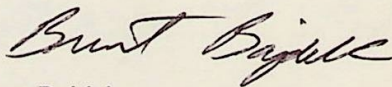
Dear Board Members:

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

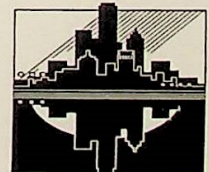
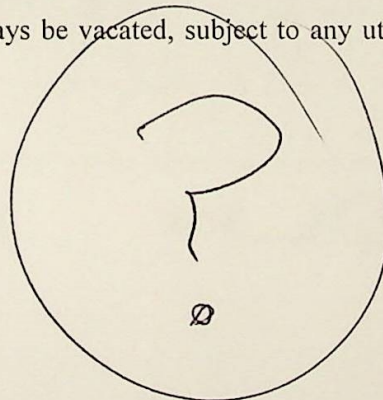
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would 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 recommends that these right-of-ways 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
- 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 *of*

RE: Property Vacation

DATE: October 18, 2000

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

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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.**

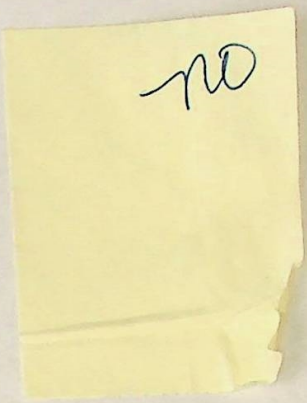
COMMENTS & RECOMMENDATIONS:

*Solid Waste Rec 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
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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:

I recommend denial. It creates a dead end to Marquette Blvd. The petition eliminates access to Lots 483, 487, 481, 451, 452, 453, 454, 455, 456, 457, & 458.

BY: Carl P. Littrell **DATE:** 11/7/00