

9256-01

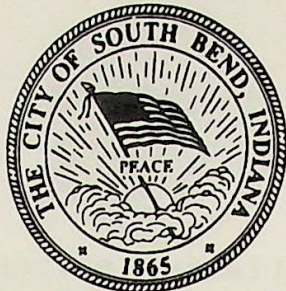
09-10-01

Resolution No.: 9256-01

Description: The first North-South alley West of St. Louis Boulevard from the right of way line of Washington Street to the first East/West alley for a distance of 198 feet and a width of

Assessed Filed: 09/10/2001

Type: Vacated



Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 24, 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. 9256-01 for the vacation of the following property:

THE FIRST NORTH-SOUTH ALLEY WEST OF ST. LOUIS BOULEVARD FROM THE RIGHT OF WAY LINE OF WASHINGTON STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. BEING A PART OF COTTRELL'S ADDITION 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

September 10, 2001

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 an alley vacation on the following:

The first north/south alley west of St. Louis Boulevard from the right of way line of Washington Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana.

Mr. Gilot advised that the Board is in receipt of favorable recommendations concerning this Vacation Petition from the Police Department, Area Plan, Solid Waste, Fire Department, Department of Economic Development and the Department of Public Works. Area Plan noted that the three properties at the southern end of the alley use the alley for access to their properties. The owners of these properties have not signed the petition to vacate this alley. Also, there are utilities present in the alley. Area Plan recommends that if the alley is vacated, that it be done so subject to providing any utility easements, cross-easements and turning radii that may be necessary. The Division of Engineering concurs with this.

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

Sincerely,

A handwritten signature in black ink that reads "Angela K. Jacob" followed by a stylized flourish.

Angela K. Jacob, Clerk

c: Rosemary Mandrici, Assessor's Office
Melinda Stopczynski, Auditor's Office
Attachments

ORDINANCE NO. _____

10
SEP 03 2001
Ray A. Hulot

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH-SOUTH ALLEY WEST OF ST. LOUIS BOULEVARD FROM THE RIGHT OF WAY LINE OF WASHINGTON STREET TO THE FIREST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. BEING A PART OF COTTRELL'S ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

STATEMENT OF PURPOSE AND INTENT

Purseant 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 FIRST NORTH-SOUTH ALLEY WEST OF ST. LOUIS BOULEVARD FROM THE RIGHT OF WAY LINE OF WASHINGTON STREET TO THE FIREST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. BEING A PART OF COTTRELL'S 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 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 171 OF THE PLAT OF SAMUEL L. COTTRELL'S ADD. TO THE CITY OF SOUTH BEND
- LOT 172 OF THE PLAT OF SAMUEL L. COTTRELL'S ADD. TO THE CITY OF SOUTH BEND
- LOT 173 OF THE PLAT OF SAMUEL L. COTTRELL'S ADD. TO THE CITY OF SOUTH BEND
- LOT 179 OF THE PLAT OF SAMUEL L. COTTRELL'S ADD. TO THE CITY OF SOUTH BEND
- LOT 178A OF THE PLAT OF COTTRELL'S FIRST REPLAT

SECTION IV. The purpose of the vacation of the real property is to allow for the the addition to an existing building located on Hill Street. The addition will cross the proposed vacated alley going east to St. Louis Street.

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.

DATE AUGUST 22, 2001

Member of the Common Council

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

Filed in Clerk's Office
AUG 22 2001
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.

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

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

DATE August 21, 2001

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

A. THE ALLEY DESCRIBED AS:

THE FIRST NORTH-SOUTH ALLEY WEST OF ST. LOUIS BOULEVARD FROM THE RIGHT OF WAY LINE OF WASHINGTON STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. BEING A PART OF COTTRELL'S ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

B. THE STREET DESCRIBED AS:

NAME (signed & printed) & ADDRESS

LOT #

J. & J. Leasing
110 S. Hill Street,
South Bend, Indiana 46617

171, 172 Samuel Cottrell's
Addition & Lot 178A of Cottrell's
First Replat

Kenneth & Joyce Clearwater
613 E. Jefferson Blvd.
South Bend, Indiana 46617

173 Samuel Cottrell's
Addition

Kenneth & Joyce Clearwater
613 E. Jefferson Blvd.
South Bend, Indiana 46617

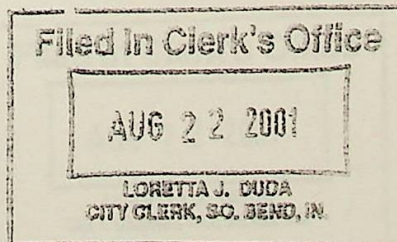
179 Samuel Cottrell's
Addition

CONTACT PERSON (S)

RETURN TO:

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

NAME: Danch, Harner & Associates, Inc.
2422 Viridian Drive, Suite 201
South Bend, Indiana 46628
(219) 234-4003



Alley Vacation

Property Owners
Within 150.0'

J & J Leasing
110 S. Hill St.
South Bend, IN. 46617
Tax Key # 18 5011 0307-0310

J & J Leasing
110 S. Hill St.
South Bend, IN. 46617
Tax Key # 18 5011 032101

Memorial Hospital of South Bend Inc.
615 N. Michigan St.
South Bend, IN. 46601
Tax Key # 18 5011 0322

J & J Leasing
110 S. Hill St.
South Bend, IN. 46617
Tax Key # 18 5011 0321

Kenneth & Joyce Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0311

Kenneth & Joyce Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 031101

Kenneth & Joyce Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0312

Kenneth R. & Joyce J. Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0324

Kenneth & Joyce Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0326

John E. Jr. & Betty A. Grey
17768 E. Cleveland Rd.
South Bend, IN. 46635
Tax Key # 18 5011 0313

Osba Lee Nicks
124 S. Hill
South Bend, IN. 46617
Tax Key # 18 5011 0314

Kenneth R. and Joyce J. Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0315

Lois D. Boyer
1147 Stratford Pl.
South Bend, IN. 46614
Tax Key # 18 5011 0317

Kenneth R. and Joyce J. Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0319

Kenneth R. and Joyce J. Clearwater
613 E. Jefferson
South Bend, IN. 46617
Tax Key # 18 5011 0320

John J. & Dawn A. Brasseur
1643 S. Main St.
Mishawaka, IN. 46544
Tax Key # 18 5011 0329

John J. & Dawn A. Brasseur
1643 S. Main St.
Mishawaka, IN. 46544
Tax Key # 18 5011 0330

Irwin H. & Gertrude Rubin
51288 Golfview Ct.
Granger, IN. 46530
Tax Key # 18 5011 0328

Radiology Realty
720 E. Cedar St.
South Bend, IN. 46617
Tax Key # 18 5011 0327

Northern Electric Co. Inc.
116 N. Hill St.
South Bend, IN. 46617
Tax Key # 18 5006 0159

Northern Electric Co. Inc.
116 N. Hill St.
South Bend, IN. 46617
Tax Key # 18 5006 0160

William C. & Mattie Sue Degroote
213 Edgewood Lane
Laporte, IN. 46350
Tax Key # 18 5006 0169

Betty Ivanovich
619 E. Washington
South Bend, IN. 46617
Tax Key # 18 5006 0170

SW Properties
401 E. Colfax Ave. Ste 108
South Bend, IN. 46617
Tax Key # 18 5006 0171

Filed In Clerk's Office

AUG 22 2001

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



INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: -Tony Molnar, Engineering Department
 - Carl Littrell, Engineering Department
 - John Byorni, Area Plan Commission
 - Larry Magliozzi, Department of Economic Development
 ✓ Chief Bert Prawat, Fire Department
 - Alonzo Adams, Solid Waste
 - Joe Markovich, Police Traffic Department
 - Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *[Signature]*

RE: Property Vacation

DATE: August 27, 2001

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

The first north/south alley west of St. Louis Boulevard from the right of way line of Washington Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this street vacation no later than September 5, 2001. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

ANGIE

no objections

BY: *[Signature]* DATE: 8-29-01
SBFD



INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: -Tony Molnar, Engineering Department
 - Carl Littrell, Engineering Department
 - John Byorni, Area Plan Commission
 - Larry Magliozzi, Department of Economic Development
 - Chief Bert Prawat, Fire Department
 - Alonzo Adams, Solid Waste
 ✓ Joe Markovich, Police Traffic Department
 - Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *aj*

RE: Property Vacation

DATE: August 27, 2001

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

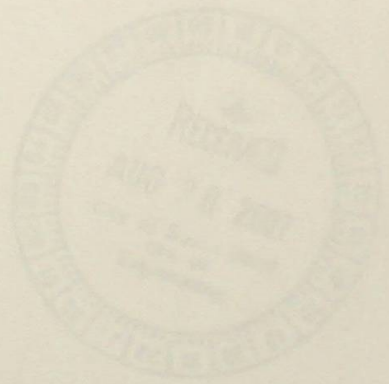
The first north/south alley west of St. Louis Boulevard from the right of way line of Washington Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this street vacation no later than **September 5, 2001**. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

 No Objections

BY: Capt Markovich DATE: 8-30-01



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

TO: - Tony Molnar, Engineering Department
- Carl Littrell, Engineering Department
- John Byorni, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
✓ Alonzo Adams, Solid Waste
- Joe Markovich, Police Traffic Department
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *aj*

RE: Property Vacation

DATE: August 27, 2001

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

The first north/south alley west of St. Louis Boulevard from the right of way line of Washington Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this street vacation no later than September 5, 2001. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

*Solid Waste are in favor of this
property vacation.*

BY: *Alonzo F. Adams* **DATE:** *8-30-01*



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

TO: -Tony Molnar, Engineering Department
- Carl Littrell, Engineering Department
- John Byorni, Area Plan Commission
✓ Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
- Alonzo Adams, Solid Waste
- Joe Markovich, Police Traffic Department
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AY*

RE: Property Vacation

DATE: August 27, 2001

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

The first north/south alley west of St. Louis Boulevard from the right of way line of Washington Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this street vacation no later than September 5, 2001. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL. PLEASE NOTE THAT SEVERAL DRIVEWAYS WOULD BE AFFECTED BY THE ALLEY CLOSURE.

BY: *Jon R. Hunt* DATE: 08.29.01



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

September 5, 2001

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

RE: The first north/south alley west of St. Louis Boulevard from the right-of-way line of Washington Street to the first east/west alley for a distance of 198' and a width of 14'. Being a part of Cottrell's Addition to the City of South Bend, St. Joseph County, Indiana

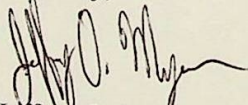
Dear Board Members:

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 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.

Currently, the three properties at the southern end of the alley use the alley for access to their properties. The owners of these properties have not signed the petition to vacate this alley. Also, utilities are present in the alley. The Staff recommends that if the alley is vacated, that it be done so subject to providing any utility easements, cross-access easements and turning radii that may be necessary.

Sincerely,



Jeffrey O. Myers
Planner



