

5/13/02

#9324-02

Vacated Alley

All proceedings with reference to Ordinance No. 9324-02 for the vacation of the following property:

THE FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, INDIANA



Office of the City Clerk

Loretta J. Duda, City Clerk

JULY 2, 2002

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
Ed Herman - Water Works - North Station

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9324-02 for the vacation of the following property:

THE FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi

BPW

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

April 18, 2002

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

RE: Alley Vacation

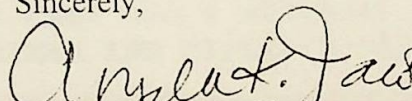
Dear Members of the Council:

In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following alley/street vacations:

The first east/west alley north of State Road 23 from the east right of way line of North Burns Street to the west right of way line of the first north/south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

The Board of Public Works submits to you a favorable recommendation concerning these vacations, subject to any utility easements that may be necessary.

Sincerely,


Angela K. Jacob, Clerk
Board of Public Works

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

Substitute Bill No. 54-95

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, 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 FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, 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:

93, 94, 95, 96

APPROVED
Board of Public Works

APR 18 2002
Gary A. Carlot
Paul B. Feltner
Donald E. Schur

Substitute Bill No. 54-95

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

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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 EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, 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:

93, 94, 95, 96

APPROVED

Board of Public Works

APR 18 2002

Gary A. Galot
Paul B. [unclear]
Donald E. [unclear]

SECTION IV. The purpose of the vacation of the real property is to stop cars from speeding down the alley and foster a safer environment for neighborhood residents.

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

Roland Kelly
Member of the Common Council

1st READING 9-11-95
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

APR 03 2002

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

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

DATE: 3-19-02

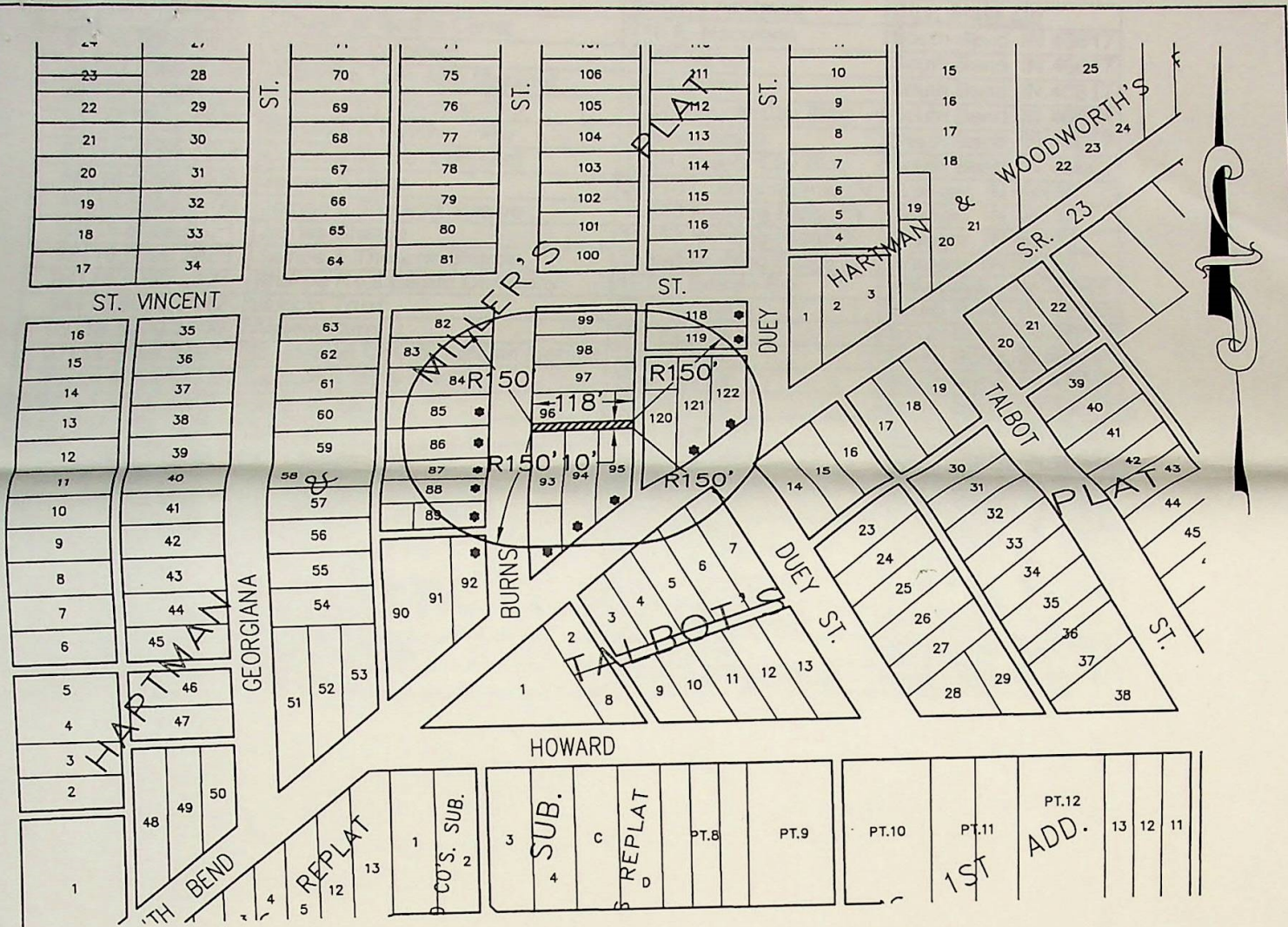
WE, THE UNDERSIGNED PROPERTY OWNERS, PETITION TO VACATE:

A. THE ALLEY DESCRIBED AS: The first east-west alley north of State Road 23 from the east right-of-way line of N. Burns Street to the west right-of-way line of the first north-south alley east of N. Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

NAME (signed and printed)	ADDRESS	LOT #
Michael Curry N. Wayne Curry Jr.	1050 Burns Ave	96
Wynne Curry		
Betty Karinski	1056 Burns Ave	97+98
Betty Karinski		
Jeff	1215 South Bend Ave	120
JEFFREY OLSON (POA Michael P. Olson)		
Ronald L. Lunt	1022 Burns Ave	93

CONTACT PERSON (S)
 NAME: Angela M. Furore
 ADDRESS: 1200 County-City Bldg
South Bend, IN 46601
 PHONE: 235-5885

APR 03 2002



LEGAL DESCRIPTION

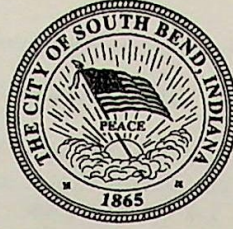
The alley to be vacated is described as the first East/West alley North of State Road 23 from the East right-of-way line of North Burns Street to the West right-of-way line of the first North/South alley East of North Burns Street For a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

APR 03 2002

Lot	Tax ID	Owner	Mailing Address	City, State Zip
82	18.5099.3486	Church of God in Christ	710 E. Napoleon	South Bend, IN 46617
83	18.5099.3492	Veronica Woodard	1055 Burns	South Bend, IN 46617
84	18.5099.3496	William & Lucy Ann Marshall	1051 Burns	South Bend, IN 46617
85	18.5099.3499	Community Development	1200 County City Bldg.	South Bend, IN 46601
86	18.5099.3502	Kenneth & Cynthia Petty	129 Napoleon	South Bend, IN 46617
87	18.5099.3504	Community Development	1200 County City Bldg	South Bend, IN 46601
88	18.5099.3506	James Sharpe	53170 County Murray Dr	Granger, IN 46530
89	18.5099.3509	James & Theresa Sharpe	15386 Hunting Ridge Tr	Granger, IN 46530
92	18.5099.3521	James Sharpe	15386 Hunting Ridge Tr	Granger, IN 46530
93	18.5099.3523	James & Theresa Sharpe	15386 Hunting Ridge Tr	Granger, IN 46530
94	18.5099.3524	Sharpe Real Estate Company	16776 Edison Rd	Mishawaka, IN 46545
95	18.5099.3512	Lincoln Trust	PO Box 4205	South Bend, IN 46634
96	18.5099.3500	Wayne Curry	1050 Burns	South Bend, IN 46617
97	18.5099.3497	St. Joseph County Affiliate Habitat	108 N. Main	South Bend, IN 46601
98	18.5099.3493	Samuel & Betty Kariuki	1056 Burns	South Bend, IN 46617
99	18.5099.3489	Huey Hudson	1060 Burns	South Bend, IN 46617
118	18.5099.3490	Dell Owens	1115 Fremont	South Bend, IN 46628
119	18.5099.3494	Dell Owens	1115 Fremont	South Bend, IN 46628
120	18.5099.3513	Michael Olvin	PO Box 6481	South Bend, IN 46601
121	18.5099.3515	Dell Owens	1115 Fremont	South Bend, IN 46628
122	18.5099.3516	Dell Owens	1115 Fremont	South Bend, IN 46628
	18.5099.3514	Michael Olvin	PO Box 6481	South Bend, IN 46601
5	18.5095.3335	Kenneth & Carol Ecker	50877 US 31 North	South Bend, IN 46637
6	18.5095.3336	David Urbach	1230 Black Oak Dr	South Bend, IN 46617
7	18.5095.3337	Housing Authority	501 S. Scott	South Bend, IN 46613
14	18.5095.3344	Doris Garner	1228 South Bend Ave	South Bend, IN 46617

APR 03 2002

1200 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 219/ 235-9371
FAX 219/ 235-9021
TDD 219/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR
COMMUNITY & ECONOMIC DEVELOPMENT

JON R. HUNT
EXECUTIVE DIRECTOR

April 3, 2002

Roland Kelly, President
South Bend Common Council
455 County City Building
South Bend, IN 46601

Dear Mr. Kelly:

The enclosed petition is related to an alley vacation that was submitted in the fall of 1995. It is unclear as to why the petition was not completed at the time, and there is no indication in the file that suggests a reason for withdrawing the original request. The residents of the area have been operating under the assumption that the alley was vacated in 1995, thus would like to resubmit and carry through on the original request. All the information and signatures have been updated to reflect current conditions. The Division of Community Development is resubmitting the petition on behalf of the neighboring property owners, and would like to recommend the approval of the ordinance.

If you have any questions, please contact me at 235-5885.

Thank you.

Sincerely,

Angela M. Furore

Angela M. Furore
Neighborhood Planner

APR 03 2002

COMMUNITY DEVELOPMENT
PAMELA C. MEYER
219/235-9660
FAX: 219/235-9697

ECONOMIC DEVELOPMENT
DONALD E. INKS
219/235-9371

FINANCIAL & PROGRAM
MANAGEMENT
ELIZABETH LEONARD
219/235-9371

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING PROPERTY

The alley to be vacated is described as the first east-west alley north of State Road 23 from the east right-of-way line of N. Burns Street to the west right-of-way line of the first north-south alley east of N. Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, 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 hereby determines that it is desirable to vacate said property.

The alley to be vacated is described as the first east-west alley north of State Road 23 from the east right-of-way line of N. Burns Street to the west right-of-way line of the first north-south alley east of N. Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

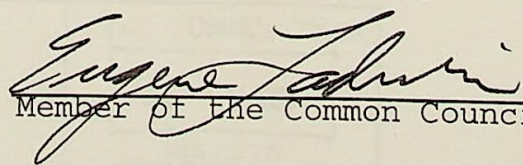
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and 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: Lots: 82, 83, 84, 85, 86, 87, 88, 89, 93, 94, 95, 96, 97, 98, 99, 118, 119, 120, 121, 122.

SECTION IV. The purpose of the vacation of the real property is to: 1. Stop cars from speeding down the alley. 2. Positively add to impact of public works activities in the neighborhood. 3. Foster a safer environment for neighborhood residents.

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.

- 1st READING 9-11-95
- PUBLIC HEARING
- 3rd READING
- NOT APPROVED
- REFERRED
- PASSED


 Member of the Common Council

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

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

DATE 3/3/95

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

A. THE ALLEY DESCRIBED AS:

The (1st/2nd) (east-west/north-south) ALLEY (east/west/north/south) of
STATE ROAD 23 STREET, RUNNING (east/west/north/south) FROM RIGHT-OF-WAY LINE OF
N. BURNS STREET, FOR A DISTANCE OF APPROXIMATELY 118 FEET

TO: THE WEST RIGHT OF WAY LINE OF THE FIRST NORTH -
SOUTH ALLEY EAST OF N. BURNS STREET

ALL IN HARTMAN AND (insert subdivision name) MILLER'S PLAT

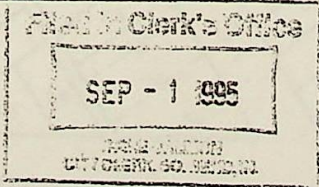
B. THE STREET DESCRIBED AS:

____ STREET, FROM _____ STREET,
RUNNING (east/west/north/south) TO _____ STREET, FOR A
DISTANCE OF APPROXIMATELY _____ FEET.

NAME (printed and signed)	ADDRESS	LOT #
<u><i>[Signature]</i></u>	<u>1050 Burns Ave</u>	<u>910</u>

IRENE GAMMON
CITY CLERK
ROOM 455
COUNTY-CITY BUILDING
SOUTH BEND, IN 46601

CONTACT PERSON:
Name CARLA SPRADLIN FOR NENC, INC.
Address 1200 CC BUILDING
SB IN 46601
Phone 235-9660



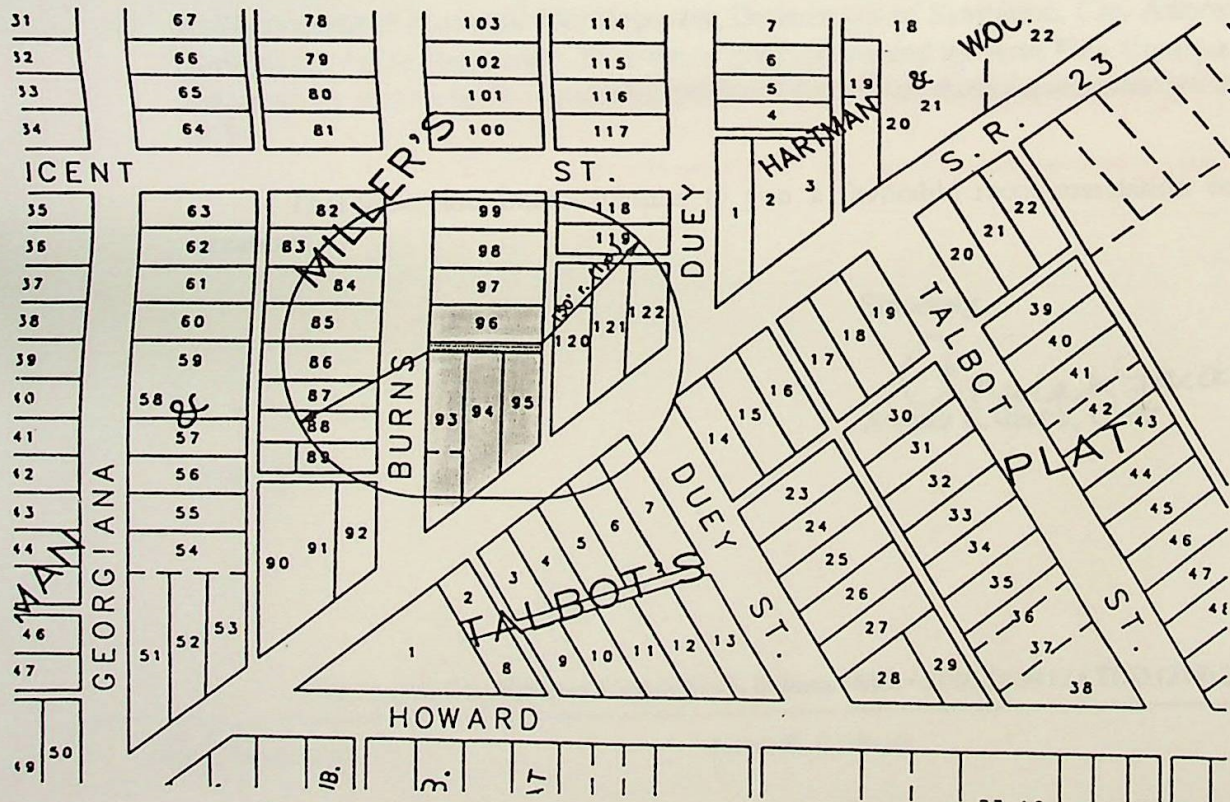
25 15

February 6, 1995

ALLEY VACATION

The alley to be vacated is described as the first east-west alley north of State Road 23 from the east right-of-way line of N. Burns Street to the west right-of-way line of the first north-south alley east of N. Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

Filed in Clerk's Office
SEP - 1 1995
THE CLERK
CITY CLERK, SOUTH BEND, IN.





City of South Bend

Joseph E. Kernan, Mayor

Board of Public Works

September 25, 1995

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

RE: Vacation of Alley

Dear Members of the Council:

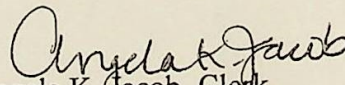
In accordance with Municipal Code Section 18-53.8, a favorable recommendation is being submitted to the Common Council concerning the Vacation of an Alley on the following:

the first east-west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north-south alley east of North Burns Street for a distance of approximately 118 feet and width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

For your information, the Board of Public Works received favorable recommendations from the Department of Economic Development, Department of Sanitation, City Attorney's Office, Fire Department, Police Department, Division of Engineering and the Area Plan Commission concerning this vacation. Copies of the recommendations received from these departments are attached for your review.

Therefore, the Board submits to you a favorable recommendation concerning these vacations.

Sincerely,


Angela K. Jacob, Clerk

Attachments

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

RECEIVED
SEP 14 1995

TO: - Carl Littrell, Engineering Department
 - Duane Nodine, Area Plan Commission
 ✓ - Larry Magliozzi, Department of Economic Development
 - Chief Luther Taylor, Fire Department
 - Alonzo Adams, Solid Waste
 - Captain Larry Blume, Police Traffic Department
 - Anne Bruneel, City Attorney's Office

FROM: Angela K. Jacob, Clerk *AKJ*

RE: Alley Vacation

DATE: September 13, 1995

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

The first east-west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north-south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this alley vacation- no later than Wednesday, September 20, 1995.

COMMENTS & RECOMMENDATIONS:

ALLEY VACATION WILL NOT BLOCK LEGAL ACCESS TO ADJACENT
PROPERTIES. RECOMMEND APPROVAL

BY: _____

Jon R. Hunt

DATE: _____

9-15-95

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

TO: - Carl Littrell, Engineering Department
- Duane Nodine, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Luther Taylor, Fire Department
- Alonzo Adams, Solid Waste
✓ Captain Larry Blume, Police Traffic Department
- Anne Bruneel, City Attorney's Office

FROM: Angela K. Jacob, Clerk *AJ*

RE: Alley Vacation

DATE: September 13, 1995

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

The first east-west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north-south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this alley vacation- no later than Wednesday, September 20, 1995.

COMMENTS & RECOMMENDATIONS:

NO OBJECTIONS!!!!!!

BY: Capt Larry C. Blume #147 *LB* DATE: 9/15/95

AREA PLAN COMMISSION of ST. JOSEPH COUNTY, IN

RICHARD S. JOHNSON Executive Director

ROBERT W. SANTE Assistant Director

1140 COUNTY-CITY BUILDING, SOUTH BEND, IN. 46601 (219) 235-9571 FAX (219) 235-9813

September 19, 1995

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

*is
Access
thru
Back
alley*

RE: Alley Vacation - The first east-west alley north of S.R. 23 from east right-of-way line of North Burns St. for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Joseph County, Indiana.

Dear Board Members:

The Staff has reviewed this petition relative to IC 36-7-3-13, and offers the following comments:

The vacation makes access to the lands of the aggrieved person by means of public way difficult or inconvenient. Upon field inspection, it appears that the property owner of Lot 93, Hartman and Miller's Plat, uses this alley to gain access to their property. There are no other curb cuts to access this property other than the alley curb-cut. If the alley is vacated, and this property is given one-half of the alley, that will leave 5-feet of access to the property. A five-foot access is clearly not wide enough for a vehicle.

The Staff recommends denial of the vacation, unless an access easement is created for the above mentioned lot, also subject to any utility easements that may be required.

Sincerely,

Andy Nevin
Andy Nevin
Planner

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

RECEIVED
SEP 17 1995

OFFICE OF THE FIRE CHIEF
CITY OF SOUTH BEND, IN.

TO: - Carl Littrell, Engineering Department
- Duane Nodine, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
✓ Chief Luther Taylor, Fire Department
- Alonzo Adams, Solid Waste
- Captain Larry Blume, Police Traffic Department
- Anne Bruneel, City Attorney's Office

FROM: Angela K. Jacob, Clerk *AKJ*

RE: Alley Vacation

DATE: September 13, 1995

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

The first east-west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north-south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this alley vacation- no later than Wednesday, September 20, 1995.

COMMENTS & RECOMMENDATIONS:

ANGIE

NO OBJECTIONS

BY: *A/C [Signature]* DATE: *9-19-95*
SBFD

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

TO: - Carl Littrell, Engineering Department
 - Duane Nodine, Area Plan Commission
 - Larry Magliozzi, Department of Economic Development
 - Chief Luther Taylor, Fire Department
 ✓ Alonzo Adams, Solid Waste
 - Captain Larry Blume, Police Traffic Department
 - Anne Bruneel, City Attorney's Office

FROM: Angela K. Jacob, Clerk *AKJ*

RE: Alley Vacation

DATE: September 13, 1995

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

The first east-west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north-south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this alley vacation- no later than Wednesday, September 20, 1995.

COMMENTS & RECOMMENDATIONS:

OK with us

BY: _____

John Dillon

DATE: _____

9-20-95

INTER-OFFICE MEMORANDUM

DIVISION OF ENGINEERING

September 20, 1995

TO: Angela K. Jacob, Clerk
Board of Public Works

FROM: Larry D. Spradlin Sr., Engineer
Division of Engineering

RE: VACATION OF PUBLIC ALLEY

The first east-west alley north of State Road 23 from the east right-of-way line of N. Burns Street to the west right-of-way line of the first north-south alley east of N. Burns Street.

The City has no water or sewer lines located in this alley.
A check with local utilities is as follows:

N.I.P.S.CO. - No Gas in the described alley.

AMERITECH - No response.(unknown).

INDIANA/MICHIGAN POWER CO - No response.(unknown)

This department recommends approval subject to : 1) all easements and utilities. 2) Removal of the approach to the alley at N. Burns Street and install curbing to close the approach.

9-25-95

I talked to Pam Meyer - she
asked that you continue 54-95
& 55-95 until the next
Council meeting.

Thanks

Carole

**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 Howard Buchanon, Fire Department
- Jack Dillon, Solid Waste
~~- Joe Markovich, Police Department~~
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AY*

RE: Alley Vacation

DATE: April 5, 2002

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

The first east/west alley north of State Road 23 from the east right of way line of North Burns Street to the west right of way line of the first north/south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 17, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt. Mackenel* DATE: *4-10-02* *FAR*

APR - 5 2002

**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 Howard Buchanon, Fire Department
- Jack Dillon, Solid Waste
- Joe Markovich, Police Department
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AY*

RE: Alley Vacation

DATE: April 5, 2002

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

The first east/west alley north of State Road 23 from the east right of way line of North Burns Street to the west right of way line of the first north/south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 17, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

OK

BY:

Jack Dillon

DATE:

4-12-02

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: APRIL 3, 2002

I am referring to you the following vacation:

54-95 THE FIRST EAST-WEST ALLEY NORTH OF STATE ROAD 23 FROM THE EAST RIGHT-OF-WAY LINE OF N. BURNS STREET TO THE WEST RIGHT-OF-WAY LINE OF THE FIRST NORTH-SOUTH ALLEY EAST OF N. BURNS STREET FOR A DISTANCE OF APPROXIMATELY 118 FEET AND A WIDTH OF APPROXIMATELY 10 FEET. PART SITUATED IN HARTMAN AND MILLER'S PLAT IN THE CITY OF SOUTH BEND, INDIANA

For your information, the Common Council has already had first reading on this bill in 1995, it is now being reintroduced at the April 8th, 2002 Common Council meeting, I will assume the Council will set this for the April 22, 2002 meeting.

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

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

Jamie Tallon

**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 Howard Buchanon, Fire Department
 - Jack Dillon, Solid Waste
 - Joe Markovich, Police Department
 - Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AY*

RE: Alley Vacation

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COMMENTS & RECOMMENDATIONS:

No objection Angie

BY: *A/c Howard Buchanon* _____ DATE: *4/16/02*

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 574 235-9571

Fax 574 235-9813

April 16, 2002

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

RE: The first east/west alley north of State Road 23 from the east right-of-way line of North Burns Street to the west right-of-way line of the first north/south alley east of North Burns Street for a distance of approximately 118 feet and a width of approximately 10 feet. Part situated in Hartman and Miller's Plat in the City of South Bend, Indiana.

Dear Board Members:

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

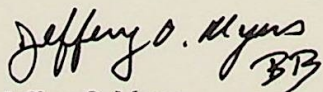
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would not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

The Staff recommends denial of this alley vacation. Allowing this alley to be vacated will make access to lot 94 (having tax-key # 18-5099-3511) difficult. When developed, this residentially zoned lot should take access from the proposed vacated alley rather than directly off South Bend Avenue. By allowing access from the rear of lots along high traffic roads, the aesthetics, functionality and safety of such residential areas can be achieved and maintained. However, if the alley is vacated it should be done so subject to creating any needed utility easements and a cross access easement for all adjacent parcels.

The Staff would also like to point out that the 1995 letter from the Board of Public Works to the Common Council appears to incorrectly indicate the Area Plan Commission recommended approval of the vacation. The original letter from the Area Plan Commission on this vacation recommends denial. The staff defers to the original letter for its reasoning in that recommendation.

Also, the supplied list of surrounding property owners is inaccurate. The lot numbers and tax-key numbers for several parcels are mixed up, and the owners of the aforementioned lot 94 do not appear on the list despite being immediately adjacent to the proposed vacation.

Sincerely,



Jeffrey O. Myers
Planner



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: APRIL 3, 2002

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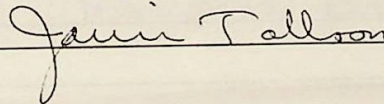
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Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

A handwritten signature in cursive script, appearing to read "Jamie Tallon", is written over a horizontal line.

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

TO: -Tony Molnar, Engineering Department
- Carl Littrell, Engineering Department
- John Byorni, Area Plan Commission
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COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: _____ DATE: _____

INTER-OFFICE MEMORANDUM
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COMMENTS & RECOMMENDATIONS:

BY: _____ DATE: _____

Carl OK