

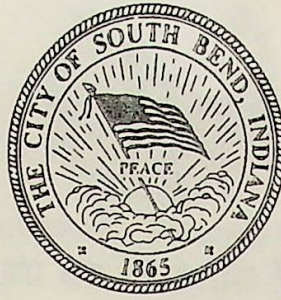
5/13/02

# 9325-02

Vacated Alley

All proceedings with reference to Ordinance No. 9325-02 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST EASTWEST ALLEY SOUTH OF NAPOLEON STREET FROM THE WEST RIGHT OF WAY LINE OF FRANCES STREET WEST TO A POINT FOR A DISTANCE OF 129.71 FEET AND A WIDTH OF 14 FEET. BEING A PART OF SORIN'S 2<sup>ND</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, 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. 9325-02 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY SOUTH OF NAPOLEON STREET FROM THE WEST RIGHT OF WAY LINE OF FRANCES STREET WEST TO A POINT FOR A DISTANCE OF 129.71 FEET AND A WIDTH OF 14 FEET. BEING A PART OF SORIN'S 2<sup>ND</sup> 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

May 9, 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:

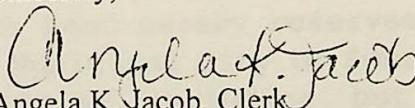
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following alley vacation:

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

The Division of Engineering and the Area Plan Commission noted that vacating this alley would be against the City Council policy of not creating dead-end alleys. Also, the vacation of this alley would take away access to what appears to be a well-used alley. If this alley is vacated, Area Plan recommends that it be done so subject to any cross-access or utility easements that may be necessary.

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

---

ORDINANCE NO. \_\_\_\_\_

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

The alley to be vacated is the first east/west alley south of Napoleon Street from the west right of way line of Frances Street West to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2nd Addition to the City of South Bend, St. Joseph County, Indiana.

APPROVED  
Board of Public Works  
MAY 09 2002  
*Paul B. Fattell*  
*Donald E. John*

**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 east/west alley south of Napoleon Street from the west right of way line of Frances Street West to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2nd 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:

18-5105 3666, 18-5105 3667, 18-5105 3668

Section IV. The purpose of the vacation of the real property is to eliminate through traffic for the safety of the homeowner's children and the security of the property.

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

Filed in Clerk's Office  
APR 16 2002  
LORETTA J. DUDA  
CITY CLERK, SO. BEND, IN.

# OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: APRIL 17, 2002

I am referring to you the following vacation:

27-02 THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY SOUTH OF NAPOLEON STREET FORM THE WEST RIGHT OF WAY LINE OF FRANCES STREET WEST TO A POINT FOR A DISTANCE OF 129.71 FEET AND A WIDTH OF 14 FEET. BEING A PART OF SORIN'S 2<sup>ND</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

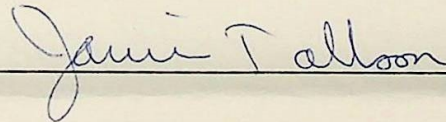
For your information, the Common Council will have first reading on this vacation request on Monday, April 22, 2002. I assume the council will set this bill for public hearing at its regularly scheduled meeting of May 13, 2002.

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

Thanks!

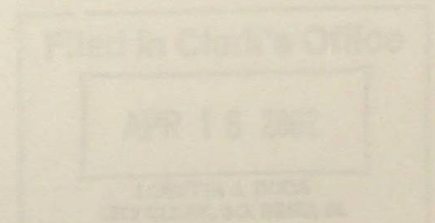
CITY CLERK  
LORETTA J. DUDA

DEPUTY



RETURN TO:  
OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
8008 443-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46617  
574-235-3221

CONTACT PERSON (S)  
NAME, TITLE AND OFFICIAL PHONE  
ADDRESS: 1112 W. Frances St.  
South Bend, IN 46617  
PHONE: 574-232-0177



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

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

DATE April 16, 2002

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

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is the first east/west alley south of Napoleon Street from the west right of way line of Frances Street West to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2nd Addition to the City of South Bend, St. Joseph County, Indiana.

NAME (signed & printed)	ADDRESS	LOT #
<u>Dennis B. and Jessica L. Payne</u> <u><i>Dennis B. Payne</i></u> <u><i>Jessica L. Payne</i></u>	<u>1119 No. Frances St.</u>	<u>18-5105 3667</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)

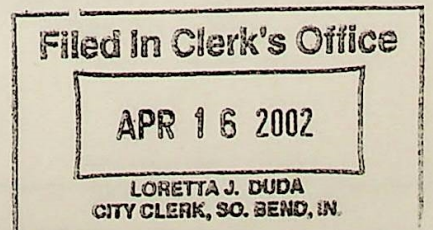
NAME: Dennis and Jessica Payne

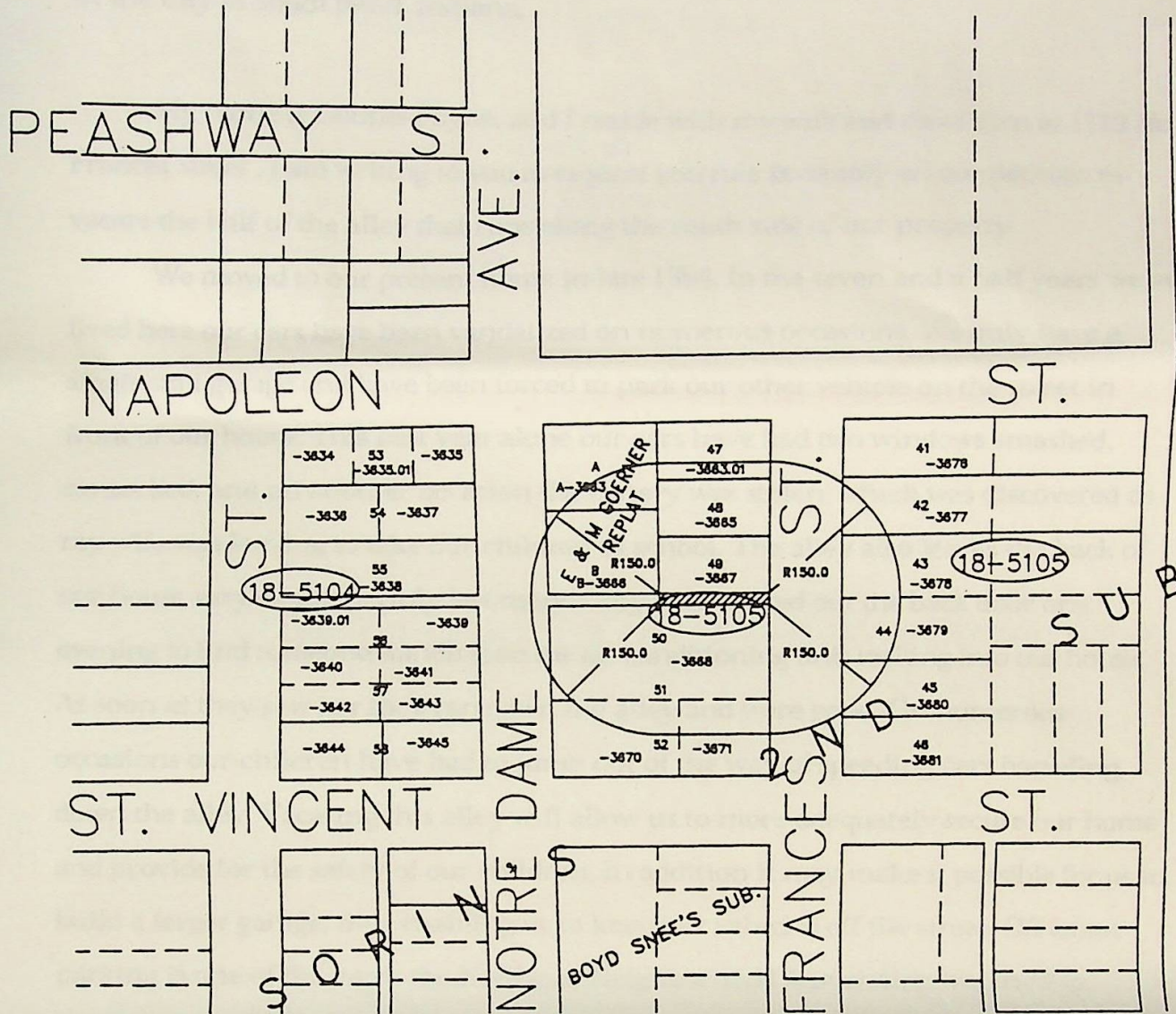
ADDRESS: 1119 No. Frances St.  
South Bend, IN 46617

PHONE: (574) 232-0177

RETURN TO:

OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
574-235-9221





ALLEY VACATION

The alley to be vacated is the first east/west alley south of Napoleon Street from the west right of way line of Francis Street west to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2nd Addition to the City of South Bend, St. Joseph County, Indiana.

Filed In Clerk's Office

APR 16 2002

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



April 16, 2002

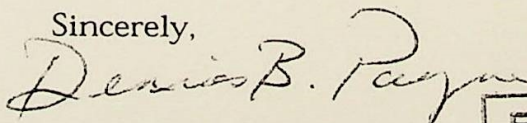
To The Common Council  
Of the City of South Bend, Indiana,

My name is Dennis Payne, and I reside with my wife and three sons at 1119 No. Frances Street . I am writing to you to request you rule favorably on our petition to vacate the half of the alley that runs along the south side of our property.

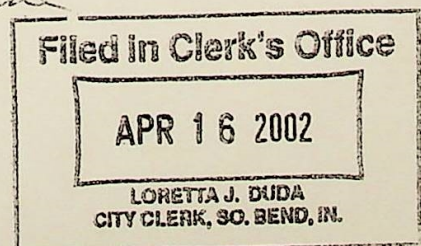
We moved to our present home in late 1994. In the seven and a half years we've lived here our cars have been vandalized on numerous occasions. We only have a single stall garage and have been forced to park our other vehicle on the street in front of our house. This past year alone our cars have had two windows smashed, ransacked, and on another occasion the battery was stolen, which was discovered as my wife was leaving to take our children to school. The alley also leaves the back of our house very exposed. Only last month, my wife walked out the back door one evening to find someone standing on the air-conditioning unit looking into our house. As soon as they saw her they ran down the alley and were gone. On numerous occasions our children have had to jump out of the way of speeding cars barreling down the alley. Vacating this alley will allow us to more adequately secure our home and provide for the safety of our children. In addition it may make it possible for us to build a larger garage, thus enabling us to keep our vehicles off the street. Off street parking is one of the items the Northeast Neighborhood Association has tried to encourage in this area, both for security reasons and to improve the overall appearance of the neighborhood.

We hope that you will give serious consideration to our request. We love our home and it's diverse neighborhood and we wish to stay here for years to come.

Sincerely,



Dennis B. Payne



**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 *Angie Jacob*

**RE:** Alley Vacation

**DATE:** April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a ;point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*No objections. The residual "dead end" alley is only one lot deep and thus does not hinder access to property or development of the neighborhood.*

BY: *Carl Littrell* DATE: *4/26/02*

**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 *Angie Jacob*

**RE:** Alley Vacation

**DATE:** April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a ;point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

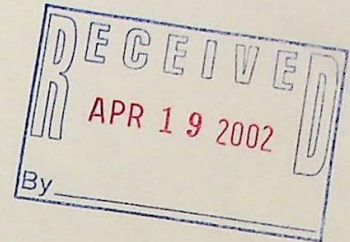
I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*No objections. The residual "dead end" alley is only one lot deep and thus does not hinder access to property or development of the neighborhood.*

BY: *Carl Littrell* DATE: *4/26/02*

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 *Angie*

RE: Alley Vacation

DATE: April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a ;point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

*RECOMMEND APPROVAL*

BY: *Jon R. Hunt* DATE: *04.25.02*



**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 *Angie Jacob*

**RE:** Alley Vacation

**DATE:** April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

\_\_\_\_\_  
*See Attachment*  
\_\_\_\_\_

BY: *Howard Buchanon* \_\_\_\_\_ DATE: *4-25-02* \_\_\_\_\_

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 *[Signature]*

RE: Alley Vacation

DATE: April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a ;point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

\_\_\_\_\_  
OK - Trash will have

\_\_\_\_\_  
to go to curb -

BY: *[Signature: Jack Dillon]* DATE: 4-24-02

# 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 24, 2002

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

RE: The alley to be vacated is the first east/west alley south of Napoleon Street from the west right of way line of Frances Street west for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

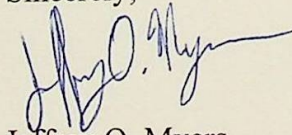
Dear Board Members:

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 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.

Vacating this alley would be against the City Council policy of not creating dead-end alleys. Also, the vacation of this alley would take away access to what appears to be a well used alley. For these reasons, the Staff recommends denial of the vacation. If however the alley is vacated, the Staff recommends that it be done so subject to any cross-access or utility easements that may be necessary.

Sincerely,



Jeffrey O. Myers  
Planner



701 W. SAMPLE STREET  
SOUTH BEND, INDIANA 46601-2891



PHONE 574/ 235-9255  
FAX 574/ 235-9305  
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR  
**SOUTH BEND FIRE DEPARTMENT**  
LUTHER J. TAYLOR  
FIRE CHIEF

*Frances & Notre Dame  
vacate  
alley  
fire dept = No*

April 25, 2002

The way that 1119 Frances sits back from the street fire apparatus can get good access to their dwelling by going down alley. Closing alley will delay response time to their dwellings. Resident that lives at 1122 Notre Dame Ave. has the same factor except that 1122 Notre Dame Ave. will not have another egress to their property.

With both property owners understanding this factor with the vacation of this portion of the alley closed and they both agree, I will have no objections.

Assist Chief Howard Buchanon  
South Bend Fire Department





**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 *[Signature]*

**RE:** Alley Vacation

**DATE:** April 18, 2002

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

The first east/west alley south of Napoleon Street from the west right of way line of Frances street west to a ;point for a distance of 129.71 feet and a width of 14 feet. Being a part of Sorin's 2<sup>nd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than April 25, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections  
\_\_\_\_\_  
\_\_\_\_\_

BY: Capt Joseph Markovich DATE: 04-22-02 Faxed