

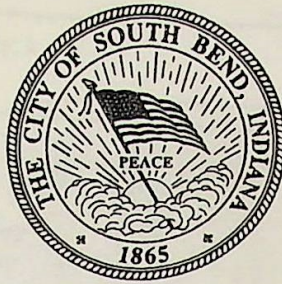
5/22/02

#9342-02

Vacated Alley

All proceedings with reference to Ordinance No. 9342-02 for the vacation of the following property:

First east/west alley south of Mishawaka Ave. from 21st St. West to the first north/south alley;
The first north/south alley west of 21st St. from the first east/west alley south of Mishawaka Ave. and part of lot 4, Edward N. Shanks Addition.



Office of the City Clerk

Loretta J. Duda, City Clerk

OCTOBER 9, 2002

MEMORANDUM

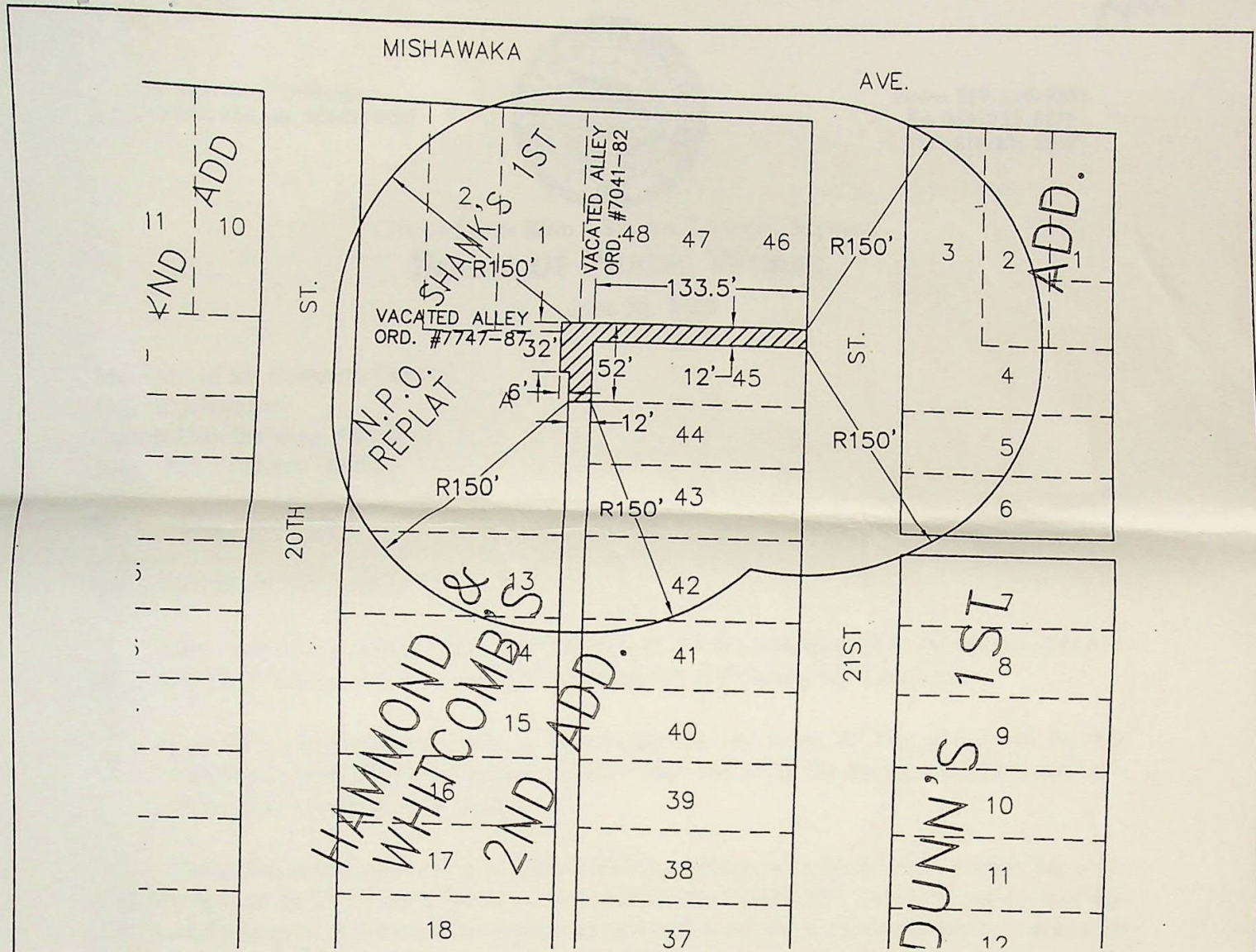
TO: Area Plan Commission
Board of Public Works ✓
Building Department
Division of Engineering
Fire Department
Northern Indiana Public Service Company
Police Department
Street Department
Bureau of Traffic & Lighting - Mark
Community & Economic Development - Larry Magliozzi
County Auditor - Melinda
Ed Herman - Water Works - North Station

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9345-02 for the vacation of the following property:

THE FIRST EAST/WEST ALLEY SOUTH OF MISHAWAKA AVENUE FROM 21ST STREET WEST TO THE FIRST NORTH/SOUTH ALLEY; THE FIRST NORTH/SOUTH ALLEY WEST OF 21ST STREET FROM THE FIRST EAST/WEST ALLEY SOUTH OF MISHAWAKA AVENUE; AND A PART OF LOT 4, EDWARD N. SHANK'S ADDITION

are closed and this area is vacated.



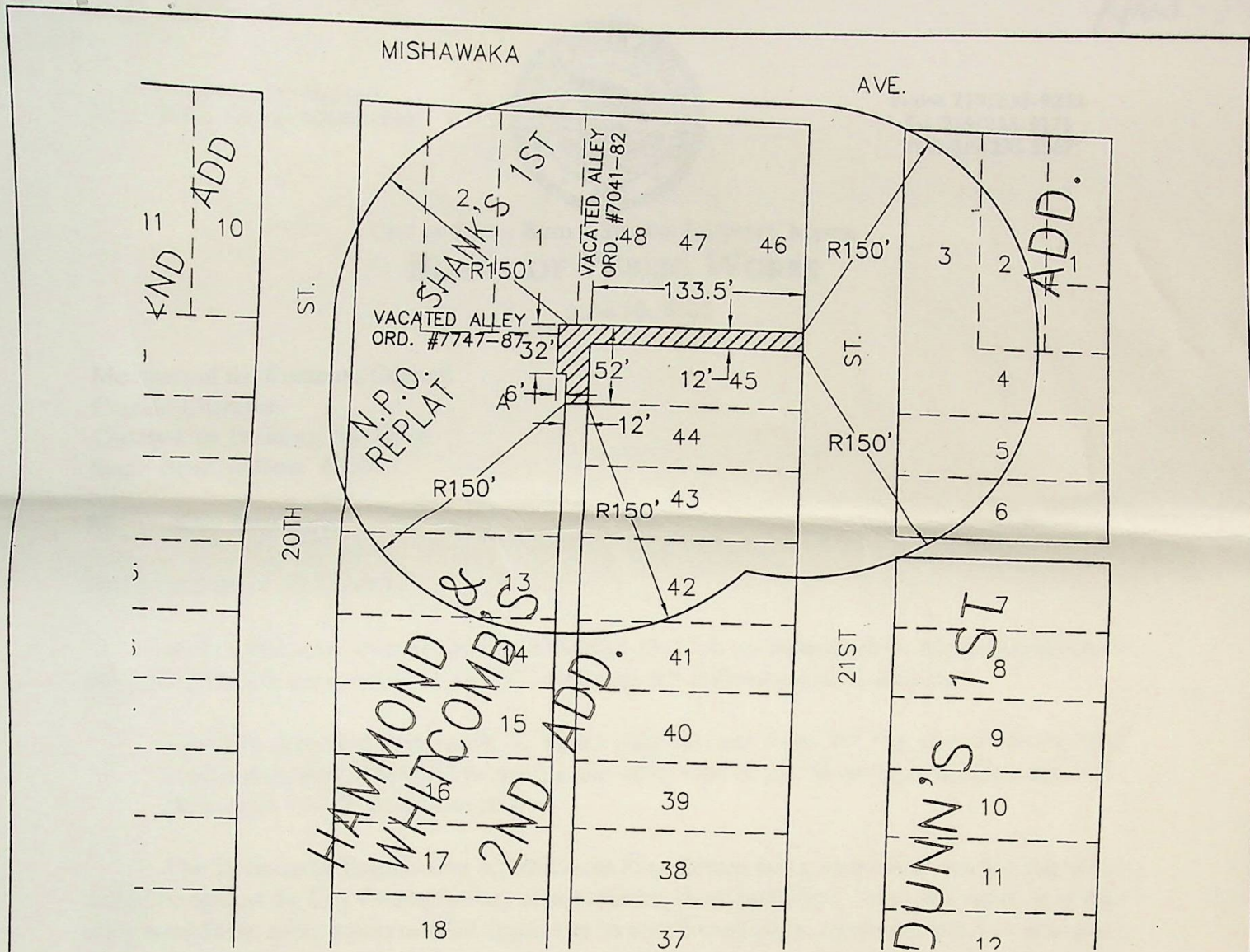
LEGAL DESCRIPTION:

The first alley to be vacated is the first East/West alley South of Mishawaka Avenue from 21st Street West to the first North/South alley for a distance of 133.5 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

The second alley to be vacated is ^{the} first North/South alley West of 21st Street from the first East/West alley South of Mishawaka Avenue for a distance of 52 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

The vehicular access to be vacated is a parcel of land being a part of Lot 4, Edward N. Shank's Addition to the City of South Bend, St. Joseph County, Indiana and described as follows:

Beginning at the intersection of the North line of the East/West alley described above and the West line of the North/South alley described above; thence South along said West line of the North/South alley, 32 feet; thence West parallel with said East/West alley, 6 feet; thence North parallel with said North/South alley, 32 feet; thence East 6 feet to the place of beginning.



LEGAL DESCRIPTION:

The first alley to be vacated is the first East/West alley South of Mishawaka Avenue from 21st Street West to the first North/South alley for a distance of 133.5 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

The second alley to be vacated is ^{the} first North/South alley West of 21st Street from the first East/West alley South of Mishawaka Avenue for a distance of 52 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

The vehicular access to be vacated is a parcel of land being a part of Lot 4, Edward N. Shank's Addition to the City of South Bend, St. Joseph County, Indiana and described as follows:

Beginning at the intersection of the North line of the East/West alley described above and the West line of the North/South alley described above; thence South along said West line of the North/South alley, 32 feet; thence West parallel with said East/West alley, 6 feet; thence North parallel with said North/South alley, 32 feet; thence East 6 feet to the place of beginning.

1316 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251
FAX 219/235-9171
TDD 219/235-5567

BPW

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

June 10, 2002

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

RE: Alley Vacations

Dear Members of the Council:

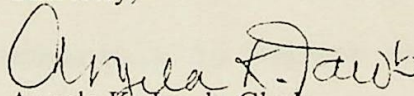
In accordance with Municipal Code Section 18-53.8, an **unfavorable recommendation** is being submitted to the Common Council concerning the following alley vacations:

The first east/west alley south of Mishawaka Avenue from 21st Street west to the first north/south alley; and the first north south alley west of 21st Street from the first east/west alley south of Mishawaka Avenue.

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, creating a 300 foot dead end. There are several residents along this area that access their garages, and Solid Waste would be unable to pick trash. The City Engineer previously met with the petitioner regarding an alternate plan, however, an optional plan has not been submitted. 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 an **unfavorable 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 first East/West alley South of Mishawaka Avenue from 21st Street West to the first North/South alley; and The first North/South alley West of 21st Street from the first East/West alley South of Mishawaka Avenue.

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 South of Mishawaka Avenue from 21st Street West to the first North/South alley for a distance of 133.5 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana; and

The first North/South alley West of 21st Street from the first East/West alley South of Mishawaka Avenue for a distance of 40 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, 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:

St. Joseph County Public Library
c/o Donald J. Napoli, Director
304 South Main Street
South Bend, IN 46601

Tax Key Nos. 18-6022-0574
 18-6022-0575
 18-6027-0735
 18-6027-073301

Dr. Robert L. Proudfit
2002 Mishawaka Avenue
South Bend, IN 46615

Tax Key No. 18-6022-0573

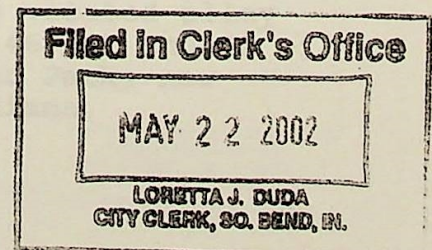
SECTION IV. The purpose of the vacation of the real property is:

St. Joseph County Public Library intends to expand the parking lot for the River Park Branch currently located on Lots 46, 47 and 48 by constructing an additional parking lot on Lot 45 as shown on the radius map. The alley vacation is requested out of concern for the safety of persons using the parking lots. If the alleys are not vacated, vehicles can use the alleys to cross through the parking lot from the streets to the east and west which exposes pedestrians traveling to and from their vehicles and the Library to danger from such traffic. The alley previously located immediately to the west of the alleys sought to be vacated was vacated by Ordinance No. 7041-82. This alley vacation is sought to eliminate vehicular traffic through the River Park Branch Library parking lot.

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



PETITION TO VACATE PUBLICS RIGHT-OF-WAY
(STREETS AND ALLEYS)

May 20, 2002

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

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

A. THE ALLEY(S) DESCRIBED AS:

The first alley to be vacated is the first East/West alley South of Mishawaka Avenue from 21st Street West to the first North/South alley for a distance of 133.5 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

The second alley to be vacated is first North/South alley West of 21st Street from first East/West alley South of Mishawaka Avenue for a distance of 40 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

PETITIONER

St. Joseph County Public Library
304 South Main Street
South Bend, IN 46601

By:

Julie Annis
Julie Annis, President

Attest:

Anthony V. Luber
Anthony V. Luber, Secretary

The alleys sought to be vacated are south of and adjacent to the River Park Library Branch located at 2022 Mishawaka Avenue, South Bend, Indiana. The lots occupied by the River Park Library Branch are Lots 1 and 2 and the north 1/2 of the vacated alley south of and adjacent to said lots and Lots 45, 46, 47 and 48 of Ed N. Shank's First Addition to the Town of River Park, now within and a part of the City of South Bend, Indiana.

The radius map showing the alleys to be vacated and the lots owned by the Library and occupied by the River Park Branch is attached.

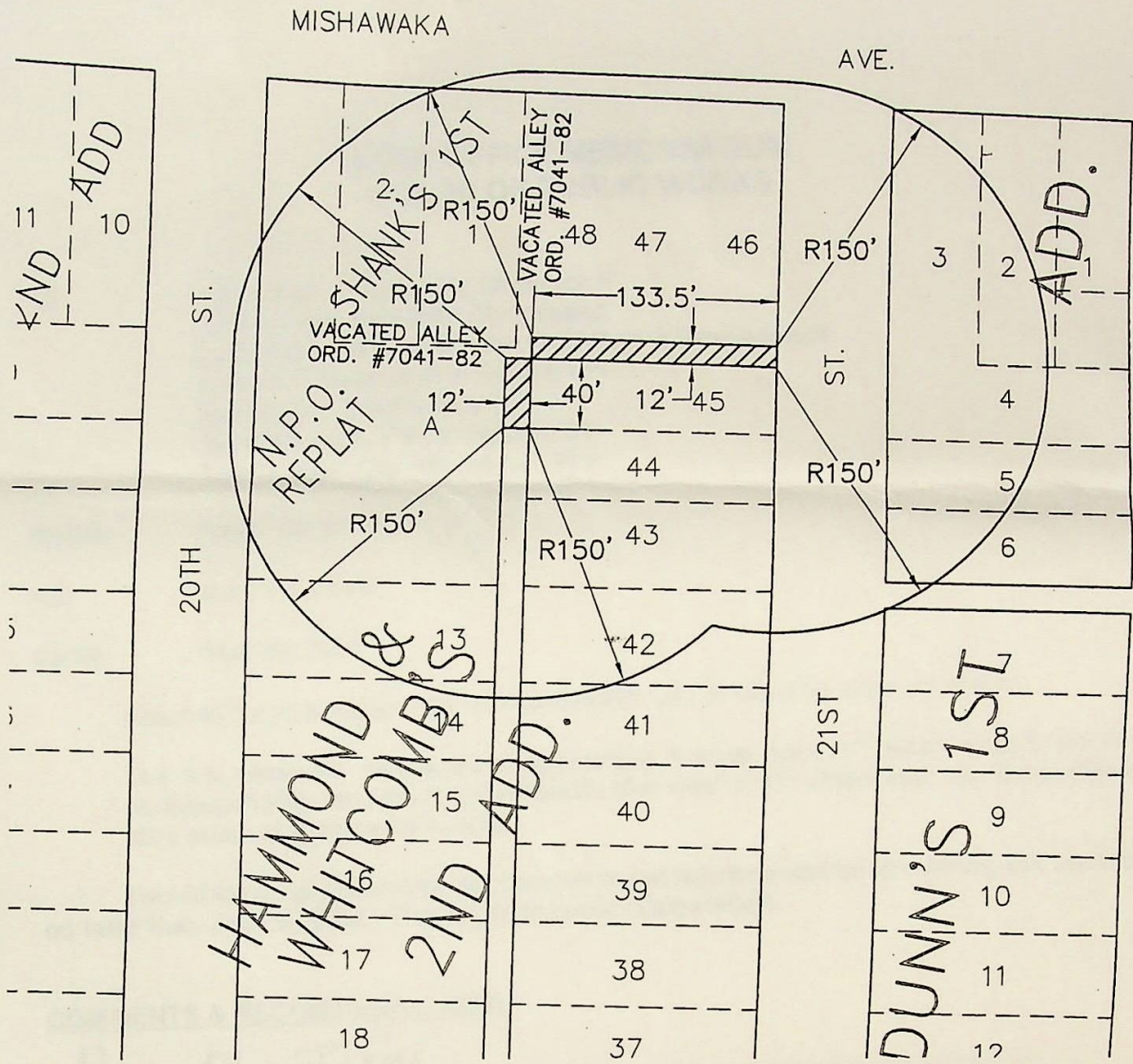
CONTACT PERSON:

James A. Masters
NEMETH, FEENEY & MASTERS, P.C.
600 Century Building
215 South St. Joseph Street
South Bend, Indiana 46601
Telephone: 574/234-0121
Attorney for St. Joseph
County Public Library

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

F:\MASTERS\CLIENTS\LIBRARY\VACATE.PET

Filed In Clerk's Office
MAY 22 2002
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.



Filed In Clerk's Office
MAY 22 2002
 LORETTA J. DUDA
 CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

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INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department
 John Byorni, Area Plan Commission
 Larry Magliozzi, Department of Economic Development
 Howard Buchanon, Fire Department
 Jack Dillon, Solid Waste
 Joe Markovich, Police Department
 Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacations

DATE: May 29, 2002

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

The first east/west alley south of Mishawaka Avenue from 21st Street west to the first north/south alley; and the first north/south alley west of 21st Street from the first east/west alley south of Mishawaka Avenue.

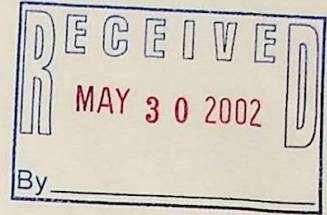
I would appreciate receiving your comments and recommendation concerning this vacation no later than June 5, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt. Markovil* DATE: *6-3-02*

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS



TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Department of Economic Development
Howard Buchanon, Fire Department
Jack Dillon, Solid Waste
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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I would appreciate receiving your comments and recommendation concerning this vacation no later than June 5, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: *Jon R. Hunt* DATE: *06.02.02*



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

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Department of Economic Development
Howard Buchanon, Fire Department
Jack Dillon, Solid Waste
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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DATE: May 29, 2002

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I would appreciate receiving your comments and recommendation concerning this vacation no later than June 5, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objections

BY: *A/c Howard Buchanon* _____ DATE: *5-4-02*

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

June 5, 2002

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

RE: The first east/west alley south of Mishawaka Avenue from 21st Street west to the first north/south alley; and the first north/south alley west of 21st Street from the first east/west alley south of Mishawaka Avenue.

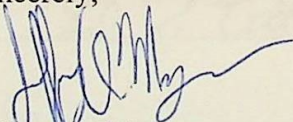
Dear Board Members:

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

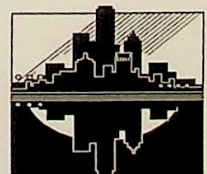
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would 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. However, if this alley is vacated it is recommended that it be done so subject to any cross access or utility easements that may be necessary.

Sincerely,



Jeffrey O. Myers
Planner



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Department of Economic Development
Howard Buchanon, Fire Department
Jack Dillon, Solid Waste
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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DATE: May 29, 2002

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I would appreciate receiving your comments and recommendation concerning this vacation no later than June 5, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

I recommend against the current petition. It creates a "dead end" alley. There are also flaws in the legal descriptions of the area proposed for vacation. These items have been discussed with Mr. Masters.

BY: Carl P. Littrell

DATE: 6/5/02

To: Angie

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

MAY 30 2002

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Department of Economic Development
Howard Buchanon, Fire Department
Jack Dillon, Solid Waste
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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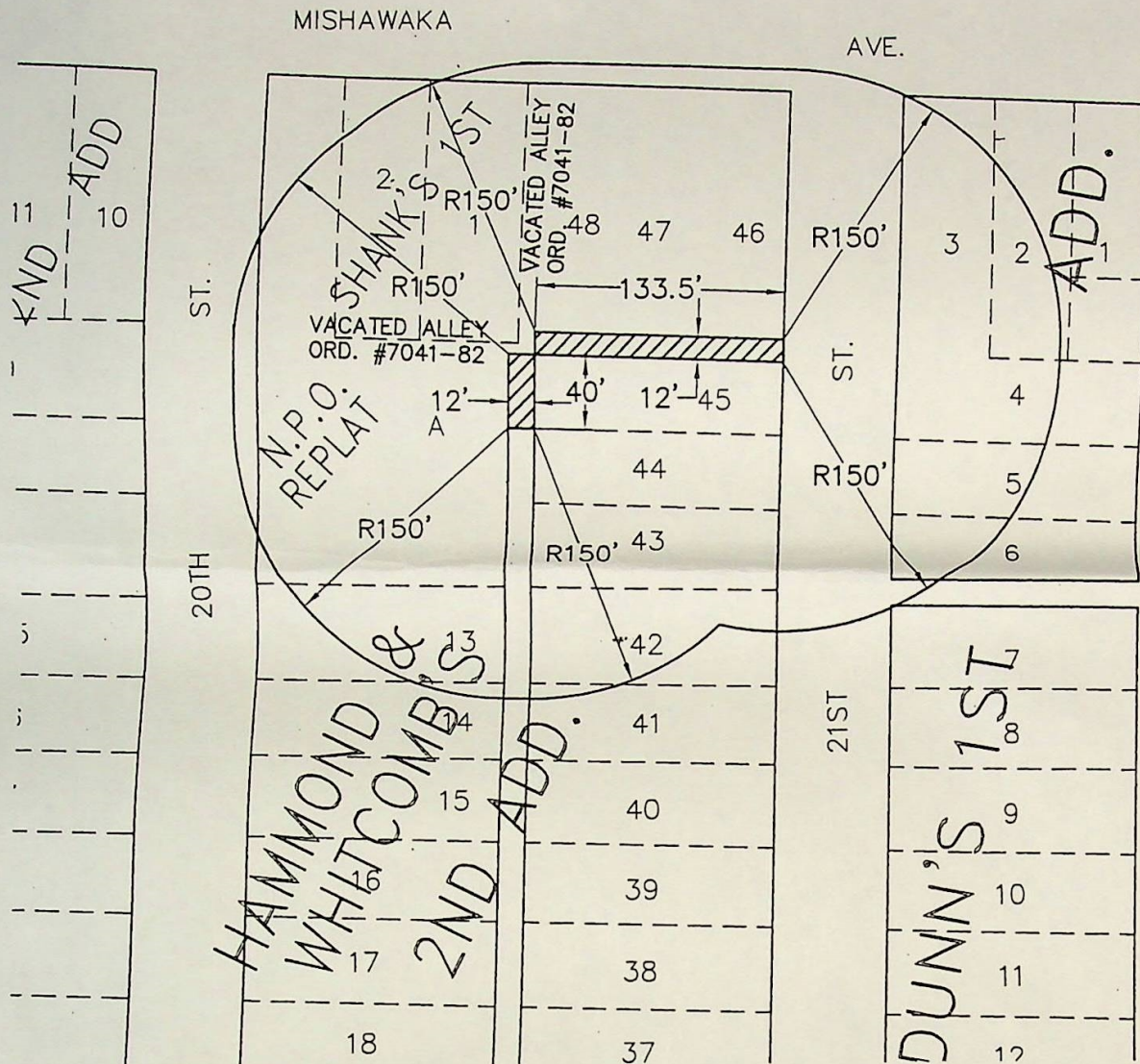
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I would appreciate receiving your comments and recommendation concerning this vacation no later than June 5, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Solid Waste recommends AGAINST.
Would make N/S alley inaccessible
& force us to curb pick up

BY: JACK DILLON DATE: 6-5-02



Filed In Clerk's Office
MAY 22 2002
 LORETTA J. DUDA
 CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

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The second alley to be vacated is first North/South alley West of 21st Street from the first East/West alley South of Mishawaka Avenue for a distance of 40 feet and a width of 12 feet. Being a part of Hammond and Whitcomb's 2nd Addition, City of South Bend, St. Joseph County, Indiana.

ST. JOSEPH CO. INDIANA
FILED FOR RECORD
Oct 30 4 00 PM '87
FILM # 151-11-100

8735035

N.P.O. REPLAT

Being a Replat of Lots 3, 4, 5, 6 and 12' Vacated Alley all in Ed N. Shank's 1st Addition in Section 18, Township 37 North, Range 3 East, Portage Township, City of South Bend, St. Joseph County, Indiana

DESCRIPTION:

A parcel of land being Lots 3 through 6 inclusive along with part of a vacated alley adjacent thereto in the recorded Plat of Ed N. Shank's First Addition to the City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Southwest corner of Lot 6 in said Shank's Addition; thence North 0°-00'-00" East (Bearing Assumed) along the East right-of-way line of Twentieth Street, a measured distance of 270.75 feet to the South right-of-way line of Mishawaka Avenue; thence South 88°-59'-48" East, along said South right-of-way line, a measured distance of 43.51 feet to the Northeast corner of said Lot 3; thence South 0°-00'-39" East, along the East line of said Lot 3, a measured distance of 143.74 feet to the centerline of a 12 foot vacated alley; thence South 89°-46'-01" East, along said centerline, a measured distance of 90.06 feet to the West line of a 14 foot North-South alley; thence South 0°-02'-20" West, along said West line, a measured distance of 126.32 feet to the Southeast corner of said Lot 6; thence North 89°-48'-40" West, along the South line of said Lot 6, a distance of 133.50 feet to the place of beginning containing 23,144 square feet (0.53 acres) more or less.

Subject to any easements, covenants or restrictions of record.

DEED OF DEDICATION:

We, the undersigned Bernard Nevel and Robert L. Proudfit, as owners of Lot 3 herein and 2002 Properties, an Indiana partnership by Bernard Nevel and Robert L. Proudfit, partners do hereby lay off, plat, subdivide said real estate in accordance with the requirements of the Subdivision Ordinance of St. Joseph County, Indiana. This replat shall be known and designated as N.P.O. REPLAT. All streets, rights-of-way, alleys, future roadway easements, and public open spaces shown and not heretofore dedicated are hereby dedicated to the public for the uses designated herein. Front building setback lines are hereby established as shown on this plat, between which lines and the right-of-way lines of the streets there shall be erected or maintained any building or structure. The areas of ground designated on this plat and marked "easement" are hereby dedicated to the public for the uses by the public utilities, including but not limited to the installation of water, gas, electric, telephone, and sewer lines, and for the installation of poles, wires, drainage facilities, and access for present or future development. The easement herein is not to be construed as an easement in fee, but as an easement reserved. No permanent or temporary structures shall be erected on said easements of land, but the easement herein is for the use of the public utilities and to the rights of the owners of the other lots in this subdivision.

OWNERS CERTIFICATION:

This is to certify that the undersigned owners of the land described in the plat herein and have caused the same to be set forth, and do hereby acknowledge the same.

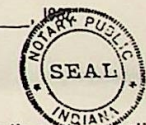
*W/ally be
Mishawaka Ave*

Bernard Nevel
Bernard Nevel
Bernard Nevel
Bernard Nevel, Partner
2002 Mishawaka Avenue
Mishawaka, Indiana 46545

Robert L. Proudfit
Robert L. Proudfit
Robert L. Proudfit
Robert L. Proudfit
2002 Mishawaka Avenue
Mishawaka, Indiana 46545

**STATE OF INDIANA
COUNTY OF ST. JOSEPH:**

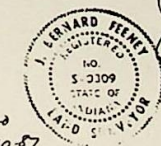
Before me, the undersigned Notary Public in and for said County and State, personally appeared Bernard Nevel and Robert L. Proudfit, and each separately and severally acknowledged the execution of the foregoing instrument as their voluntary act and deed for the purposes therein set forth. Witness my hand and notarial seal this 11th day of June, 1987. My commission expires November 19, 1990. Notary is a resident of St. Joseph County, Indiana.



Valerie K. Zawacki
Valerie K. Zawacki, Notary Public

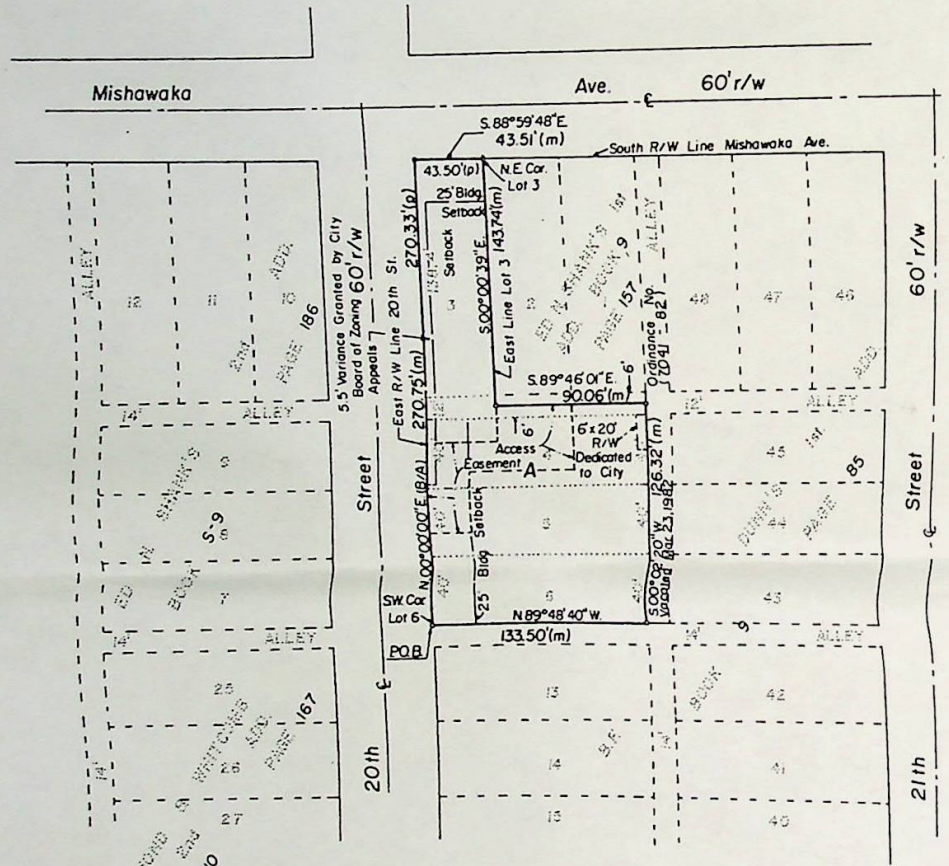
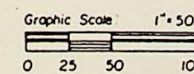
LAND SURVEYOR'S CERTIFICATE:

I, J. Bernard Feeney, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed or certified by me on June 10, 1987; that the location, size, type and material of all monuments are accurately shown, and that the monuments will be installed in accordance with the provisions of the Subdivision Ordinance of St. Joseph County, Indiana.



J. Bernard Feeney
J. Bernard Feeney
R.L.S. No. S-0309
State of Indiana

DULY ENTERED IN RECORDS
BEVERLY B. SHANK
AUDITOR
ST. JOSEPH CO. INDIANA



NOTE:
Existing Structures Not Affected By 25' Setback Line Created On This Plat

City Board of Zoning Appeals granted variance a 55' setback along 20th street and to vacate 1st east-west alley south of Mishawaka Ave. at a public hearing May 28, 1987.

Prepared by Lang, Feeney & Associates, Inc.	
715 So. Michigan St. South Bend, Indiana 46618 Phone (219) 233-1841	
Land Surveying	
Scale As Shown	Drawn A.G.
Date 5-26-87	Checked J.B.F.
Rev.	Job No. 53-11

1316 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251
FAX 219/235-9171
TDD 219/235-5567

BPW

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

June 10, 2002

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

RE: Alley Vacations

Dear Members of the Council:

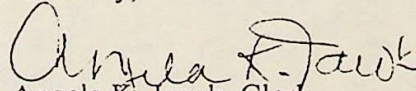
In accordance with Municipal Code Section 18-53.8, an **unfavorable recommendation** is being submitted to the Common Council concerning the following alley vacations:

The first east/west alley south of Mishawaka Avenue from 21st Street west to the first north/south alley; and the first north south alley west of 21st Street from the first east/west alley south of Mishawaka Avenue.

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, creating a 300 foot dead end. There are several residents along this area that access their garages, and Solid Waste would be unable to pick trash. The City Engineer previously met with the petitioner regarding an alternate plan, however, an optional plan has not been submitted. 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 an **unfavorable 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
