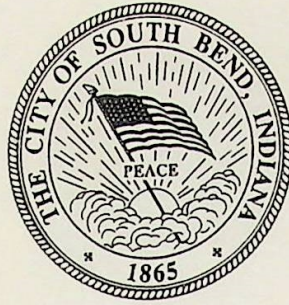


ALLEY VACATION

FIRST EAST/WEST ALLEY
SOUTH OF JEFFERSON BLVD.
BETWEEN MAIN ST. &
LAFAYETTE ? ALSO THE FIRST
NORTH-SOUTH ALLEY WEST OF
MAIN STREET RUNNING
BETWEEN JEFFERSON BLVD.
TO THE SOUTH RIGHT-OF-WAY
LINE OF THE FIRST EAST/
WEST ALLEY SOUTH OF
JEFFERSON BLVD.



Office of the City Clerk

Loretta J. Duda, City Clerk

MARCH 17, 2003

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

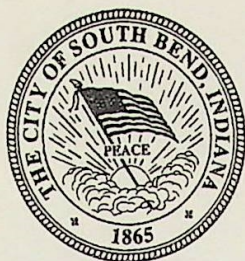
FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9388-03 for the vacation of the following property:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST-WEST ALLEY SOUTH OF JEFFERSON BLVD. BETWEEN MAIN STREET AND LAFAYETTE STREET & ALSO THE FIRST NORTH-SOUTH ALLEY WEST OF MAIN STREET RUNNING BETWEEN JEFFERSON BLVD. TO THE SOUTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY SOUTH OF JEFFERSON BLVD.

are closed and this area is vacated.

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



PHONE 574/ 235-9251
FAX 574/ 235-9171
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

January 22, 2003

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

RE: Alley Vacation

Dear Members of the Council:

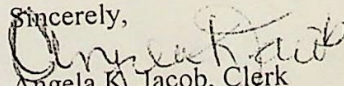
In accordance with Municipal Code Section 18-53.8, a favorable recommendation is being submitted to the Common Council concerning an alley vacation on the following:

The first east/west alley south of Jefferson Boulevard between Main Street and Lafayette Street and also the first north/south alley west of Main street running between Jefferson Boulevard to the south right of way line of the first east/west alley south of Jefferson Boulevard.

Favorable recommendations concerning this Vacation Petition were received from the Area Plan Commission, Police Department, Sanitation, Department of Economic Development and Engineering. The Engineering Division has no objection if the alley between lots 261 and 262 are replaced by a public ingress/egress easement and accommodation for turning vehicles as proposed in a separate site plan. Community and Economic Development strongly supports this vacation request. It is an initial part of the planned development project on the south/west corner of Main and Jefferson. The Area Plan Commission staff reviewed the petition and believes vacating this alley would pose several problems such as, vacating these alleys would go against a Common Council policy of not creating dead end alleys. Several parking lots would not have adequate access to their lots. Cross access easements would be necessary. Each future development on this block would be forced to create new curb cuts for any loading and parking areas. Such a practice is opposite to what is desirable in downtown area. It appears as though utilities are present in the proposed vacation area. Utility easements would be necessary. The Police Department and Fire Department have no objections.

Therefore, the Board submits to you a favorable recommendation concerning this vacation, subject to any utility easements that may be necessary.

Sincerely,


Angela K. Jacob, Clerk

Attachments

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 JEFFERSON BLVD BETWEEN MAIN STREET AND LAFAYETTE STREET & ALSO THE FIRST NORTH-SOUTH ALLEY WEST OF MAIN STREET RUNNING BETWEEN JEFFERSON BLVD TO THE SOUTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY SOUTH OF JEFFERSON BLVD.

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 JEFFERSON BLVD BETWEEN MAIN STREET AND LAFAYETTE STREET & ALSO THE FIRST NORTH-SOUTH ALLEY WEST OF MAIN STREET RUNNING BETWEEN JEFFERSON BLVD TO THE SOUTH RIGHT-OF-WAY LINE OF THE FIRST EAST-WEST ALLEY SOUTH OF JEFFERSON BLVD.

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:

KEY NOS. 18-3006-0182, 18-3007-0217, 0218, 0219,
1ST SOURCE BANK
P. O. BOX 1602
SOUTH BEND, IN 46635

KEY NOS 18-3007-0226, 0231, 0232
CITY OF SOUTH BEND, DEPT. OF REDEVELOPMENT
1200 COUNTY-CITY BUILDING
SOUTH BEND, IN 46601

KEY NOS 18-3009-0299, 0300, 0303,
KEY NOS 18-3007-0216, 0220, 0221, 0222
THOMAS & KATHLEEN HERRMAN
225 S. LAFAYETTE BLVD.
SOUTH BEND, IN 46601

KEY NO 18-3007-0227
FBT REALTY CORP.
1ST SOURCE BANK, ATTN. ACCOUNTING
P. O. BOX 1602
SOUTH BEND, IN 46635

KEY NOS 18-3007-0233, 0234
227 MAIN STREET ASSOCIATES
C/O THE HOLLADAY CORP.
P. O. BOX 1331
SOUTH BEND, IN 46624

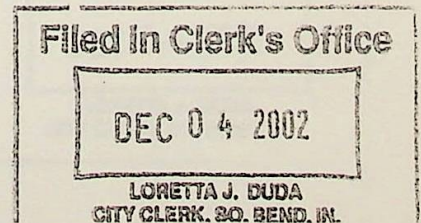
SECTION IV. THE PURPOSE OF THE VACATION OF THE REAL
PROPERTY IS

**TO PROVIDE FOR COMPREHENSIVE DEVELOPMENT OF THE
REAL ESTATE ABUTTING THESE PROPOSED ALLEY
VACATIONS**

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 12-9-02
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



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

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

DATE: 12-3-2002

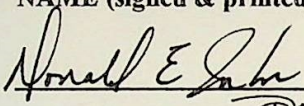
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

The First East-West alley South of Jefferson Blvd between Main Street and Lafayette Street & Also the First North-South alley West of Main Street running between Jefferson Blvd to the South right-of-way line of the First East-West alley South of Jefferson Blvd.

B. THE STREET DESCRIBED AS:

NOT APPLICABLE

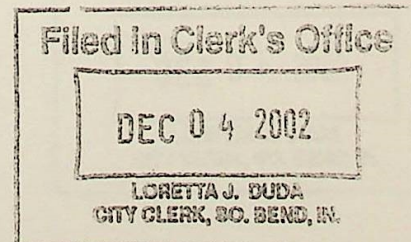
NAME (signed & printed)	ADDRESS	LOT #
 City of South Bend Department of Redevelopment	1200 County-City Building, South Bend, In. 46601 <i>Donald E. Inks</i>	Lots 259, 261 & 262 as shown on Original Plat of South Bend

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: J. Bernard Feeney
ADDRESS: 715 S. Michigan Street
South Bend, Indiana 46601
PHONE: (219) 233-1841



18-3006-0182, 18-3007-0217, 0218, 0219
1st Source Bank
P. O. Box 1602
South Bend, IN 46634

18-3009-0295
WSBT, Inc., An Indiana Corporation
302 W. Jefferson
South Bend, IN 46601

18-3009-0299, 0300, 0303,
18-3007-0216, 0220, 0221, 0222
Thomas & Kathleen Herrman
225 S. Lafayette Blvd.
South Bend, IN 46601

18-3007-0226, 0231, 0232
City of South Bend, Dept. of
Redevelopment
1200 County-City Building
South Bend, IN 46601

18-3007-0227
FBT Realty Corp.
1st Source Bank, Attn. Accounting
P. O. Box 1602
South Bend, IN 46634

18-3007-0233, 0234
227 Main Street Associates
c/o The Holladay Corp.
P. O. Box 1331
South Bend, IN 46624

18-3007-0235
Richard Muessel
C/o ICG-ORE
P. O. Box 1919
Wichita Falls, TX 76307

18-3007-0239
Coyne Investments Limited Partnership
1428 Hamilton Ave.
Cleveland, OH 44114

18-3006-0174
St. Joseph County
400 County-City Building
South Bend, IN 46601

Filed in Clerk's Office

DEC 04 2002

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



LANG, FEENEY and ASSOCIATES, INC.

LAND SURVEYING - CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574/233-1841 • FACSIMILE 574/674-0374

WILLIAM D. LANG, PRES.
JOHN B. FEENEY, L.S.
TERANCE D. LANG, L.S.

SUB-DIVISIONS
BOUNDARY SURVEYS
TOPOGRAPHIC SURVEYS
CONSTRUCTION SURVEYS

December 4, 2002

Mrs. Loretta Duda, City Clerk
City of South Bend
455 County-City Building
South Bend, Indiana 46601

Re: Alley Vacation Petition

Mrs. Duda and the Honorable South Bend City Council,

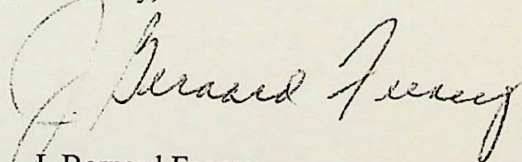
We are hereby petitioning the South Bend City Council to favorably consider the vacation of the following alleys:

The First East-West alley South of Jefferson Blvd between Main Street and Lafayette Street & Also the First North-South alley West of Main Street running between Jefferson Blvd to the South right-of-way line of the First East-West alley South of Jefferson Blvd.

This petition is being presented on behalf of the South Bend Department of Redevelopment. They have acquired several of the lots which abut this proposed vacation and have determined that it is in the best interest of the City of South Bend to vacate these alleys in order to be able to present a more marketable parcel of land to potential developers.

If there are any questions relative to this transmittal, please feel free to contact this office at your earliest convenience.

Sincerely,

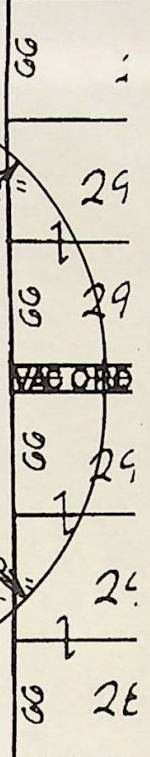
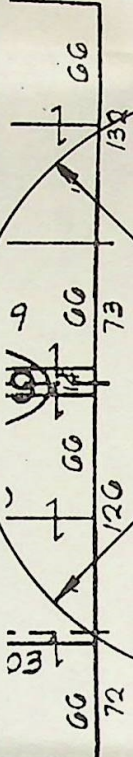
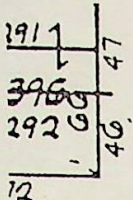
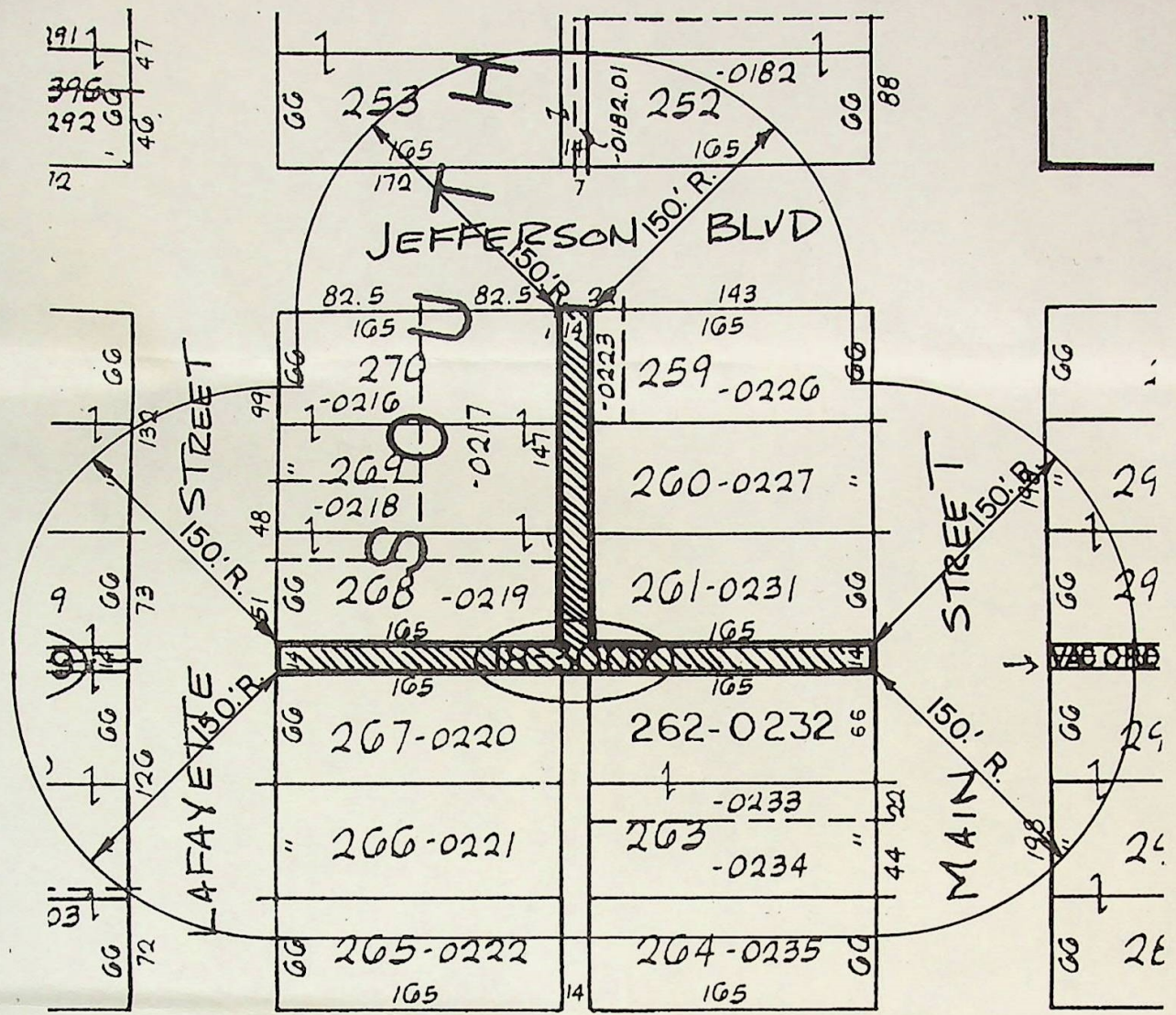


J. Bernard Feeney

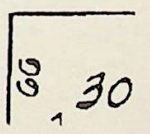
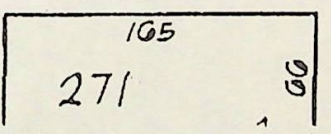
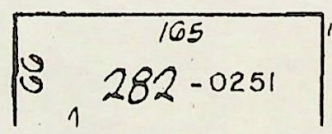
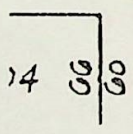
Filed in Clerk's Office

DEC 04 2002

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



WAYNE ST.



Filed in Clerk's Office
 DEC 04 2002
 LORETTA J. OUDA
 CITY CLERK, SO. BEND, IN.

REGISTERED LAND SURVEYOR

ALLEY VACATION SITE PLAN

Lang, Feeney & Associates, Inc.
 Land Surveyors & Engineers
 715 South Michigan Street
 South Bend, Indiana 46601
 Phone 219-233-1841
 FAX 219-674-0374

SCALE 1" = 100'	DATE 12-3-02	DRAWING NO. 21834
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