

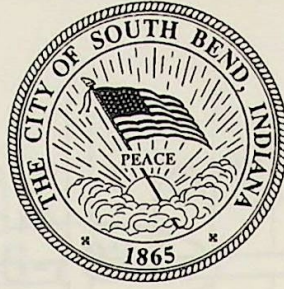
ORD. NO.

9416-03

Vacation of Property

THE ALLEY IS THE FIRST
N/S ALLEY EAST OF FELLOWS
STREET FROM THE SOUTH R/W
LINE OF INDIANA AVENUE TO
THE NORTH R/W LINE OF AN E/W
ALLEY FOR A DISTANCE OF 165
FT. AND A WIDTH OF 14 FT.

PART OF STUDEBAKER'S 1ST
ADDITION TO THE CITY OF
SOUTH BEND, ST. JOSEPH
COUNTY, INDIANA -



JUN 25 2003

Office of the City Clerk

Loretta J. Duda, City Clerk

JUNE 25, 2003

MEMORANDUM

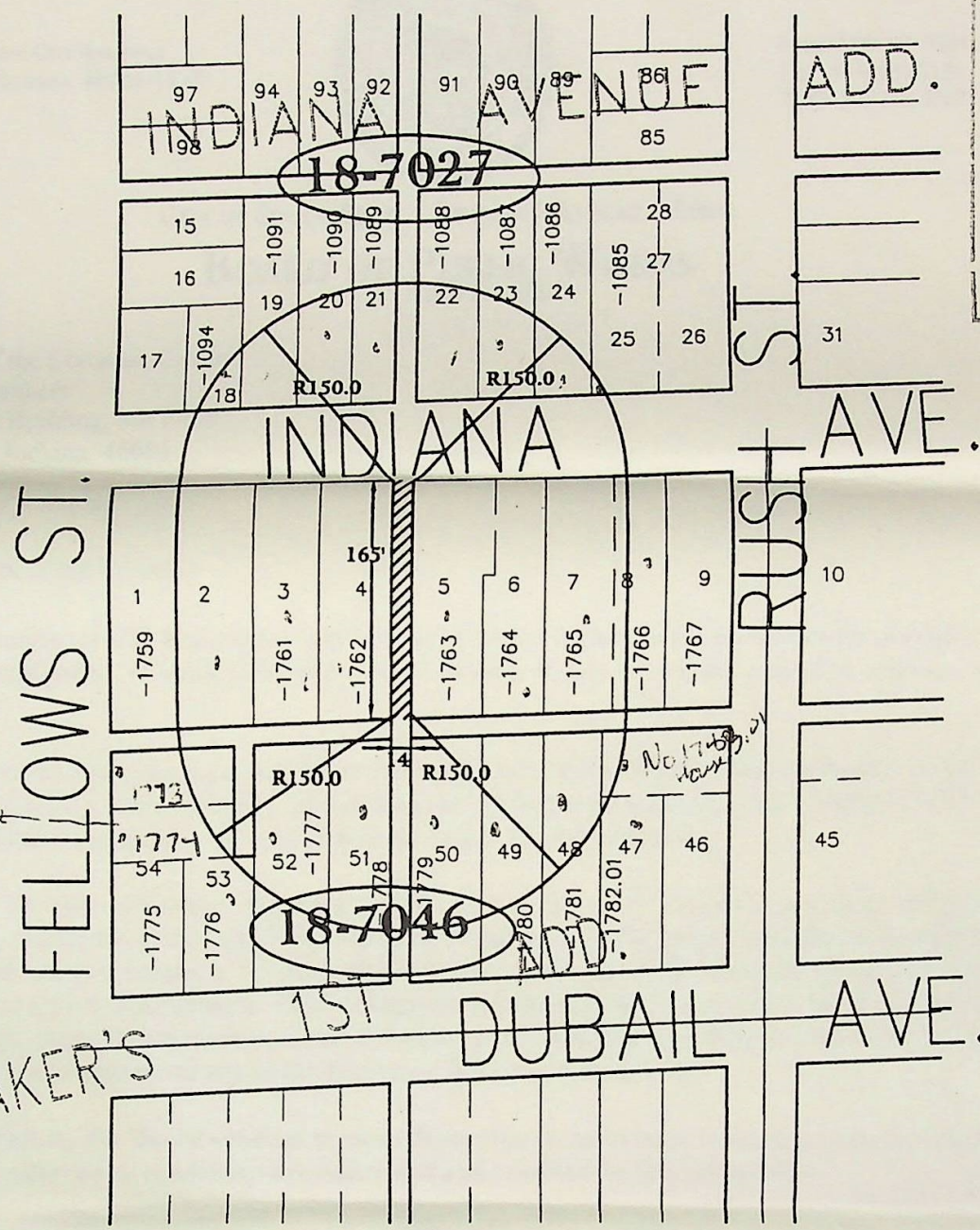
TO: Area Plan Commission
Board of Public Works
Building Department
Division of Engineering
Fire Department
Northern Indiana Public Service Company
Police Department
Street Department
Bureau of Traffic & Lighting - Mark
Community & Economic Development - Larry Magliozzi
County Auditor - Melinda
Ed Herman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

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9416-03 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF FELLOWS STREET FROM THE SOUTH R/W LINE OF INDIANA AVENUE TO THE NORTH R/W LINE OF AN EAST/WEST ALLEY FOR A DISTANCE OF 165 FEET AND A WIDTH OF 14 FEET. PART OF STUDEBAKER'S 1ST ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.



Filed in Clerk's Office
 APR 23 2003
 LORETTA J. DUDA
 CITY CLERK, SO. BEND, IN

ALLEY VACATIONS

The alley to be vacated is the first North/South alley East of Fellows Street from the South R/W Line of Indiana Avenue to the North R/W Line of an East/West alley for a distance of 165 Feet and a width of 14 Feet. Part of Studebaker's 1st Addition to the City Of South Bend, St. Joseph County, Indiana

BPW

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
April 29, 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:

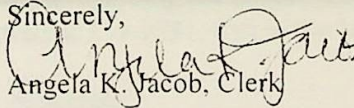
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation, subject to the following conditions**, is being submitted to the Common Council concerning an alley vacation on the following:

First north/south alley east of Fellows Street from the south R/W line of Indiana Avenue to the North R/W line of an east/west alley for a distance of 165 feet and a width of 14 feet. Part of Studebaker's 1st Addition to the City of South Bend, St. Joseph County, Indiana.

The Division of Engineering stated that the garage on Lot 5 requires access from the proposed vacated alley. Currently Lots 4 and 5 have common ownership and the garage is proposed for demolition. The proposed vacation creates a "T" alley which is only one (1) lot deep. Reverse movements for large vehicles to exit are not objectionable. The Fire Department stated that the resident at 518 will not have access to their garage. Area Plan recommends that if the alley is vacated, that it be done so subject to the creation of across-access easement and any utility easements that may be necessary.

Therefore, the Board submits to you a favorable recommendation concerning this vacation, if the above referred to conditions are addressed and resolved by the petitioner.

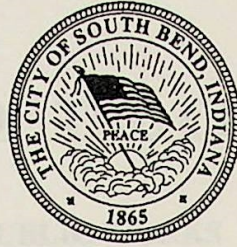
Sincerely,


Angela K. Jacob, Clerk

Attachments

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

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

April 29, 2003

Mr. Brian Zbrzezny
514 East Indiana
South Bend, Indiana 46613

RE: Alley Vacation

Dear Mr. Zbrzezny:

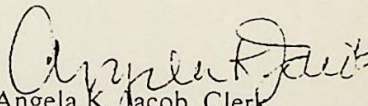
The Board of Public Works has forwarded a favorable recommendation, subject to addressing the below listed concerns, to the City Council regarding the following request for an alley vacation:

First north/south alley east of Fellows Street from the south R/W line of Indiana Avenue to the North R/W line of an east/west alley for a distance of 165 feet and a width of 14 feet. Part of Studebaker's 1st Addition to the City of South Bend, St. Joseph County, Indiana.

The Division of Engineering stated that the garage on Lot 5 requires access from the proposed vacated alley. Currently, Lots 4 and 5 have common ownership and the garage is proposed for demolition. The proposed vacation creates a "T" alley which is only one (1) lot deep. Reverse movements for large vehicles to exit are not objectionable. The Fire Department stated that the resident at 518 will not have access to their garage. Area Plan recommends that if the alley is vacated, that it be done so subject to the creation of a across-access easement and any utility easements that may be necessary.

The Public Hearing has been set for May 12, 2003. You will need to address the above listed concerns at this hearing. If you have any questions regarding the concerns regarding this alley vacation; please contact Mr. Tony Molnar or Mr. Carl Littrell at 235-9251, before the May 12, 2003 meeting.

Sincerely,


Angela K. Jacob, Clerk

c: Janice Talboom, City Clerk's Office
Tony Molnar, Engineering
Carl Littrell, Engineering

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: APRIL 28, 2003

I am referring to you the following vacation:

30-03

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH
ALLEY EAST OF FELLOWS STREET FROM THE SOUTH R/W LINE
OF INDIANA AVENUE TO THE NORTH R/W LINE OF AN
EAST/WEST ALLEY FOR A DISTANCE OF 165 FEET AND A
WIDTH OF 14 FEET. PART OF STUDEBAKER'S 1ST ADDITION TO
THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

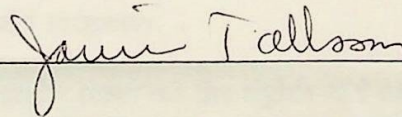
For your information, the Common Council will have first reading on this vacation request on Monday, April 28, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of May 12, 2003.

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

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY

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

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first North/South alley East of Fellows Street from the South R/W Line of Indiana Avenue to the North R/W Line of an East/West alley for a distance of 165 Feet and a width of 14 Feet. Part of Studebaker's 1st Addition to the City of South Bend, St. Joseph County, 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 alley to be vacated is the first North/South alley East of Fellows Street from the South R/W Line of Indiana Avenue to the North R/W Line of an East/West alley for a distance of 165 Feet and a width of 14 Feet. Part of Studebaker's 1st 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:

18-7046-1762

18-7046-1763

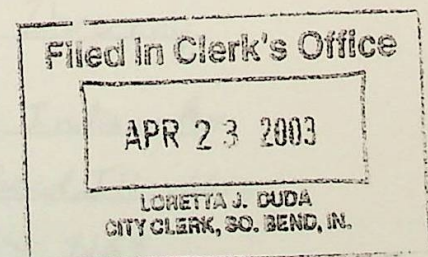
SECTION IV. The purpose of the vacation of the real property is to improve the safety of the community. Over the past three years there have been a high number of vehicles that travel at unsafe speeds through the alley, not stopping for street or alley intersections. There have also been several police chases through this alley both on foot and in vehicles. This alley is located between the two properties that I own on Indiana Ave (514 & 518). This alley is not used for trash pick-up that is located on the back alley running East and West between Indiana and Dubail. In the past vehicles using this alley have driven through my back yard cutting the corner of turns by as much as five to ten yards. There are no garages that would use this alley for accessing their vehicles.

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

4-28-03



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

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

DATE: 4/14/03

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

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is the first North/South alley East of Fellows St.
from the South R/W line of Indiana Ave. to the North R/W line of an East/West

B. ~~THE STREET DESCRIBED AS:~~

Alley for a distance of 165 ft. and a width of 14 ft. Part of Starbaker's
2nd Addition to the City of South Bend, St. Joseph County, Indiana

NAME (signed & printed)

ADDRESS

LOT #

Brian Zbrzezny
Brian Zbrzezny

514 E. Indiana Ave. S. Bend.

4 + 5

Filed in Clerk's Office
APR 23 2003
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.

CONTACT PERSON (S)

NAME:

Brian Zbrzezny

ADDRESS:

514 E. Indiana Ave.
South Bend, IN 46613

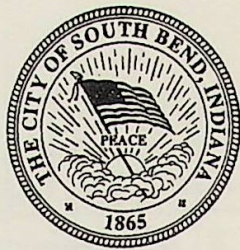
PHONE:

(574) 288-8169

RETURN TO:

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

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

March 10, 2003

Filed in Clerk's Office

APR 23 2003

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

Mr. Brian Zbrzezny
514 East Indiana
South Bend, Indiana 46613

RE: Alley Vacation

Dear Mr. Zbrzezny:

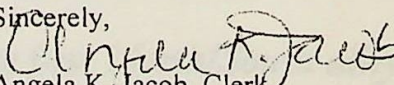
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

The Division of Engineering stated that the garage on Lot 5 which requires access from the proposed vacated alley. Currently Lots 4 and 5 have common ownership and the garage is proposed for demolition. The proposed vacation creates a "T" alley which is only one (1) lot deep. Reverse movements for large vehicles to exit are not objectionable. The Fire Department stated that the resident at 518 will not have access to their garage. Area Plan recommends that if the alley is vacated, that it be done so subject to the creation of a cross-access easement and any utility easements that may be necessary.

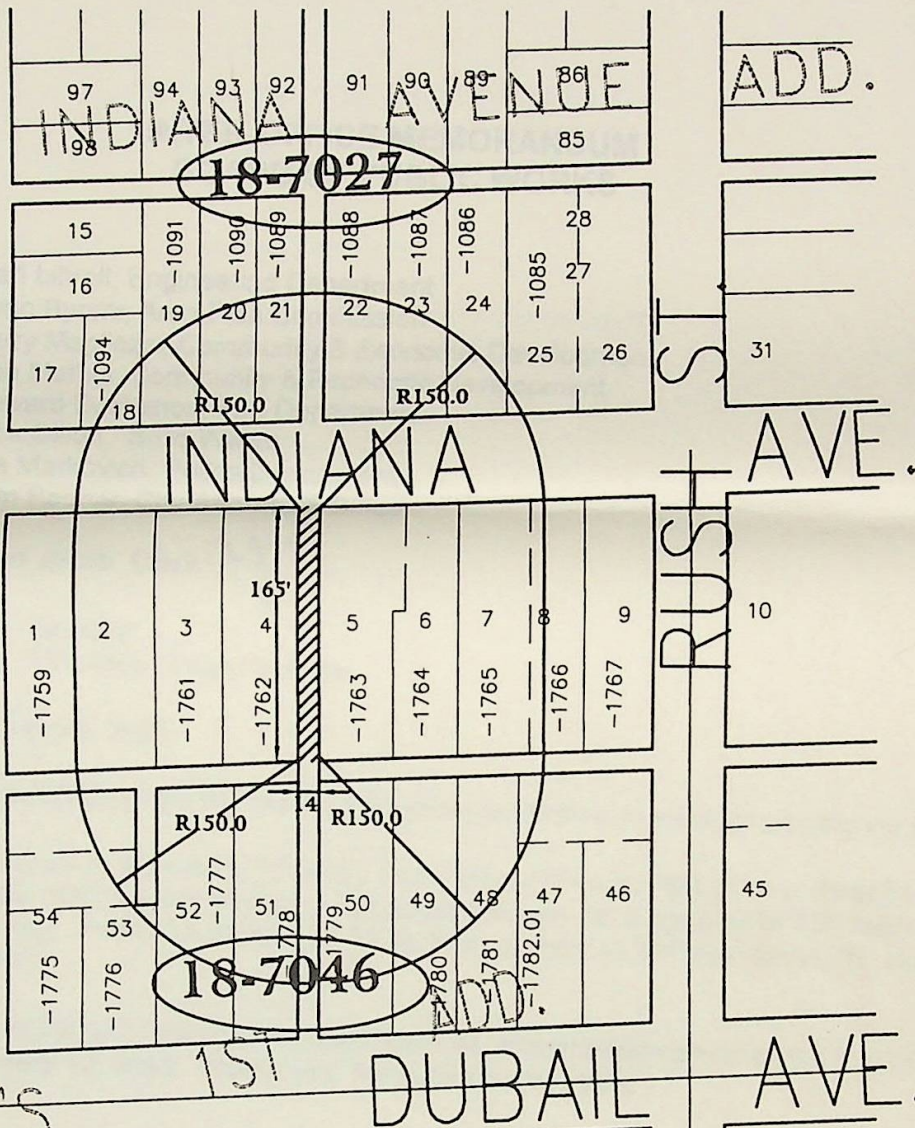
If you decide to proceed with your request to the Common Council, please address the recommendations and their solutions for the alley vacation.

If you have any questions, please contact Tony Molnar or Carl Littrell at (574) 235-9251. We are holding a radius map showing properties within 150' of the alley. You will need this radius map for your petition to the Common Council. **Once these concerns are addressed, please pick up the radius map and proceed to the City Clerk's office for your alley vacation packet. Once you return the petition to the City Clerk's office, they will forward a notice of First Hearing, upon which the Board of Public Works will forward their recommendations to them.**

Sincerely,


Angela K. Jacob, Clerk

c: Tony Molnar, Engineering
Janice Talboom, City Clerk's Office



STUDEBAKER'S

BRIAN ZBRZEZNY
 514 E. INDIANA AVE
 SOUTH BEND, IN
 288-8149

APPROVED
 Board of Public Works

MAR 10 2003

Angela Gilot
Carl B. Lethell

ALLEY VACATIONS

The alley to be vacated is the first North/South alley East of Fellows Street from the South R/W Line of Indiana Avenue to the North R/W Line of an East/West alley for a distance of 165 Feet and a width of 14 Feet. Part of Studebaker's 1st Addition to the City Of South Bend, St. Joseph County, Indiana

Owns Both lots & wants to build a garage over alley



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

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

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation
 Near 500 block of East Indiana

DATE: February 6, 2003

Attached is a portion of the Plat Book (highlighted area) for a request for an alley vacation.

The first north/south alley east of Fellows Street from the south right of way line of Indiana Avenue to the north right of way line of an east/west alley for a distance of 165 feet and a width of 14 feet. Part of Studebaker's 1st 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 February 12, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt Markovich*

DATE: *02-07-03*

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

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Community & Economic Development
✓ Bob Mathia, Community & 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 Vacation
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DATE: February 6, 2003

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **February 12, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Recommended approval

BY: *Robert P. Mathia* DATE: *2/7/03*

*The request is for an alley vacation...
I have no objection to the vacation.*

Carl B. Littrell

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

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Community & Economic Development
Bob Mathia, Community & 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 Vacation
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I would appreciate receiving your comments and recommendation concerning this vacation no later than February 12, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

There is a garage on Lot 5 which requires access from vacated alley. Currently Lots 4 and 5 have common ownership and garage is proposed for demolition.

BY: _____ DATE: _____

*✓ The vacation creates a "T" alley which is only one lot deep. Reverse movements for large vehicles to exit this short alley are not objectionable.
I have no objection to this vacation*

Carl B. Littrell 2/10/03

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

FEB -7 2003

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Community & Economic Development
Bob Mathia, Community & 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: February 6, 2003

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I would appreciate receiving your comments and recommendation concerning this vacation no later than February 12, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Solid waste Dept - Doesn't use this Alley

BY:

Randy Galan

DATE:

2-12-03



FEB. 12. 2003 11:35AM

BRD PUB WORKS&SAFETY

NO. 438

P. 2

INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department
 John Byomi, Area Plan Commission
 Larry Magliozzi, Community & Economic Development
 Bob Mathia, Community & Economic Development
 Howard Buchanan, Fire Department
 Jack Dillon, Solid Waste
 Joe Markovich, Police Department
 Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *aj*

RE: Alley Vacation
Near 500 block of East Indiana

DATE: February 6, 2003

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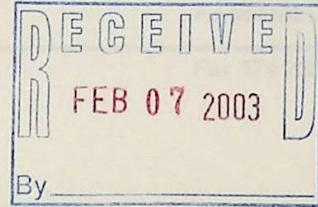
I would appreciate receiving your comments and recommendation concerning this vacation no later than February 12, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Resident at 518 will not have access to their
Garage I object

BY: A/C Howard Buchanan DATE: 2-12-03

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS



TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
✓ Larry Magliozzi, Community & Economic Development
Bob Mathia, Community & 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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Near 500 block of East Indiana

DATE: February 6, 2003

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I would appreciate receiving your comments and recommendation concerning this vacation no later than February 12, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL, WILL NOT AFFECT CIRCULATION
OR IMPED TRAFFIC

BY: *[Signature]* DATE: 02/10/03

EUGENE KIM

[Signature]

2/14/03

Drew Rock

ASSISTANT DIRECTOR

ECONOMIC DEVELOPMENT

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

March 3, 2003

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

RE: The alley generally described as being the north half of the north/south alley on the block bounded by Indiana Avenue, Fellows Street, Dubail Street and Rush Street.

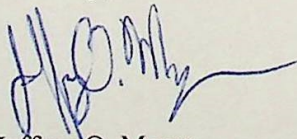
Dear Board Members:

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.

It appears as if both lots adjacent to this ally make use of the alley to access their property. The Staff recommends that if the petitioned alley is vacated that it be done so subject to the creation of a cross-access easement and any utility easements that may be needed.

Sincerely,



Jeffrey O. Myers
Planner

