

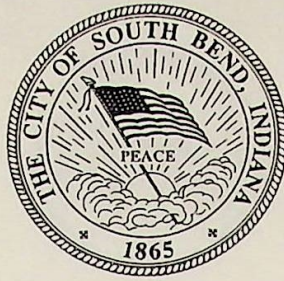
-ORDINANCE # 9429-03.

ALLEY VACATION

FIRST N/S ALLEY WEST
OF WILLIAM STREET FROM
L.W.W. TO THE FIRST
EAST-WEST ALLEY.

LYNCH, BEVERLY L.
413 L.W.W.
SOUTH BEND, IN
46601

246-0912



Office of the City Clerk

Loretta J. Duda, City Clerk

AUGUST 4, 2003

AUG 06 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. 9429-03 for the vacation of the following property:

FIRST NORTH-SOUTH ALLEY WEST OF WILLIAM STREET FROM
LINCOLNWAY WEST TO THE FIRST EAST-WEST ALLEY

are closed and this area is vacated.

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



PHONE 574/235-9251
FAX 574/235-371
TDD 574/235-371

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

June 6, 2003

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

RE: Alley Vacation

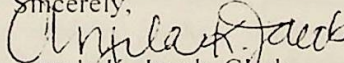
Dear Members of the Council:

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:

Alley located between Lots 11 and 12 of Henricks and Grants Addition on the block bounded by Taylor Street, Madison Street, Williams Street and Lincolnway West.

Favorable recommendations from the Area Plan Commission, Police Department, Fire Department, Sanitation, and the Department of Public Works have been received. The Fire Department submitted a favorable recommendation, subject to the property owner at 411 Lincolnway West having no objections. Community and Economic Development noted that 415 has a fence surrounding the property, and recommended that the alley not be vacated, as it serves vehicles entering through Lincolnway West. In addition, it appears there is no evidence of 415 being damaged due to the alley. Area Plan stated that if this alley is vacated, that it be done so subject to the creation of utility easements or cross access easements. Engineering stated that the alley lays between 411 and 413 Lincolnway west. 415 is one house removed. Also, if successful, the adjacent owners each benefit by splitting the property. They will need to cooperate to accomplish closing the alley approach from Lincolnway and closing the north approach from the north alley. 415 and 413 have common ownership.

The Board of Public Works 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

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

May 12, 2003

Ms. Beverly Lynch
415 Lincolnway West
South Bend, Indiana 46601

RE: Alley Vacation

Dear Ms. Lynch:

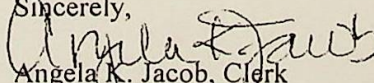
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

The Fire Department forwarded a favorable recommendation for the alley vacation, subject to the owner at 411 Lincolnway West having no objections. Community and Economic Development noted that 415 has a fence surrounding the property and recommended that the alley not be vacated, as it serves vehicles entering through Lincolnway West. In addition, it appears there is no evidence of 415 being damaged due to the alley. Area Plan stated that if this alley is vacated, that it be done so subject to the creation of utility easements or cross access easements. Engineering stated that the alley lays between 411 and 413 Lincolnway west. 415 is one house removed. If there is no error in the address listed, the petitioner has no standing to make the petition unless they happen to own either 411 or 413. Also, if successful, the adjacent owners each benefit by splitting the property. They will need to cooperate to accomplish closing the alley approach from Lincolnway and closing the north approach from the north alley. 415 and 413 have common ownership.

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

Filed In Clerk's Office

JUN 03 2003

CITY CLERK, SO. BEND, IN.

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: JUNE 5, 2003

I am referring to you the following vacation:

44-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
FIRST NORTH-SOUTH ALLEY WEST OF WILLIAM STREET FROM
LINCOLN WAY WEST TO THE FIRST EAST-WEST ALLEY

For your information, the Common Council will have first reading on this vacation request on Monday, June 9, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of June 23, 2003.

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

Thanks!

**CITY CLERK
LORETTA J. DUDA**

DEPUTY

Jamie Tallon

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

First North-South alley West of William Street from Lincoln Way West to the first East-West alley.

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 West of William Street from Lincoln Way West to the first East/West alley for a distance of 132 feet, more or less, and a width of 14 feet. Said alley being a part of Henricks and Grants Sub. in 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:

Lot Number

11

12

Property ID No.

18-1019-0806

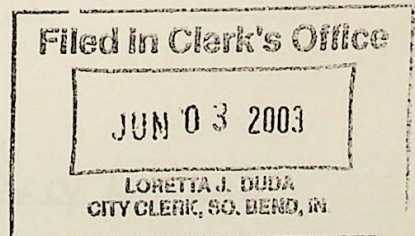
18-1019-0808

SECTION IV. The purpose of the vacation of the real property is because the house is very close to the alley, and the house has been damaged by 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



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

DATE: 5-22-03

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

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

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is the first N/S alley west of William
St. from L.W. to the first E/W alley for a distance of 132' width of 14
said alley is part of Hendricks & Grant Sbs. In the City of So. Bend

B. THE STREET DESCRIBED AS:

NAME (signed & printed)

Beverly L Lynch
Beverly L Lynch

ADDRESS

413 Lincoln way west

LOT# PROPERTY ID#

18-1019-~~088~~ 0808
LOT 12

Filed in Clerk's Office

JUN 03 2003

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

CONTACT PERSON (S)

NAME:

Beverly L Lynch

ADDRESS:

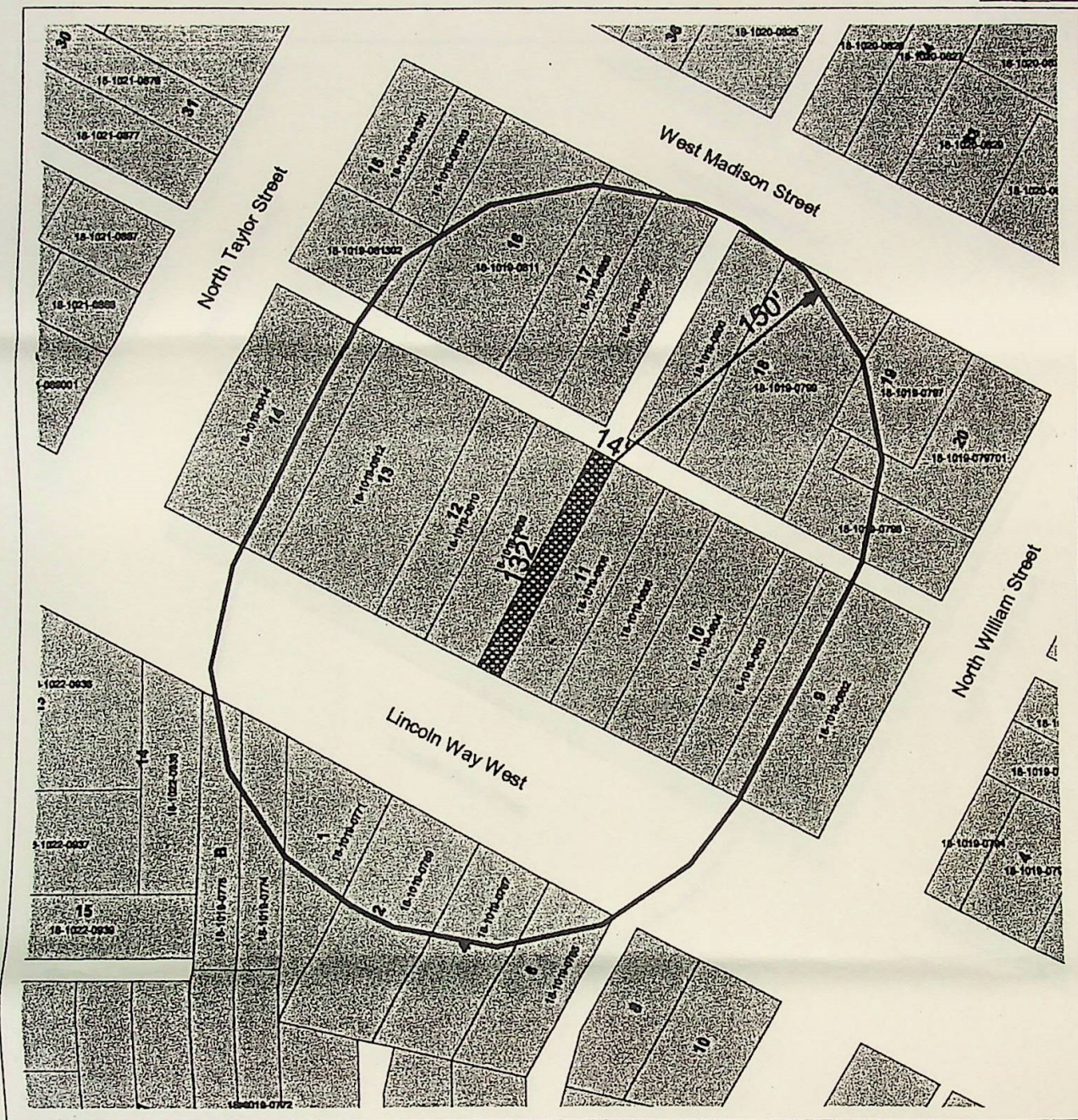
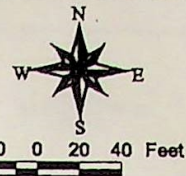
413 Lincoln way west
So Bend IN 46601

PHONE:

246-0912

RETURN TO:

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



LEGAL DESCRIPTION

The alley to be vacated is the first North/South alley West of William Street from Lincoln Way West to the first East/West alley for a distance of 132 feet, more or less, and a width of 14 feet. Said alley being a part of Henricks and Grants Sub. in the City of South Bend, St. Joseph County, Indiana.

Filed in Clerk's Office

JUN 03 2003

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



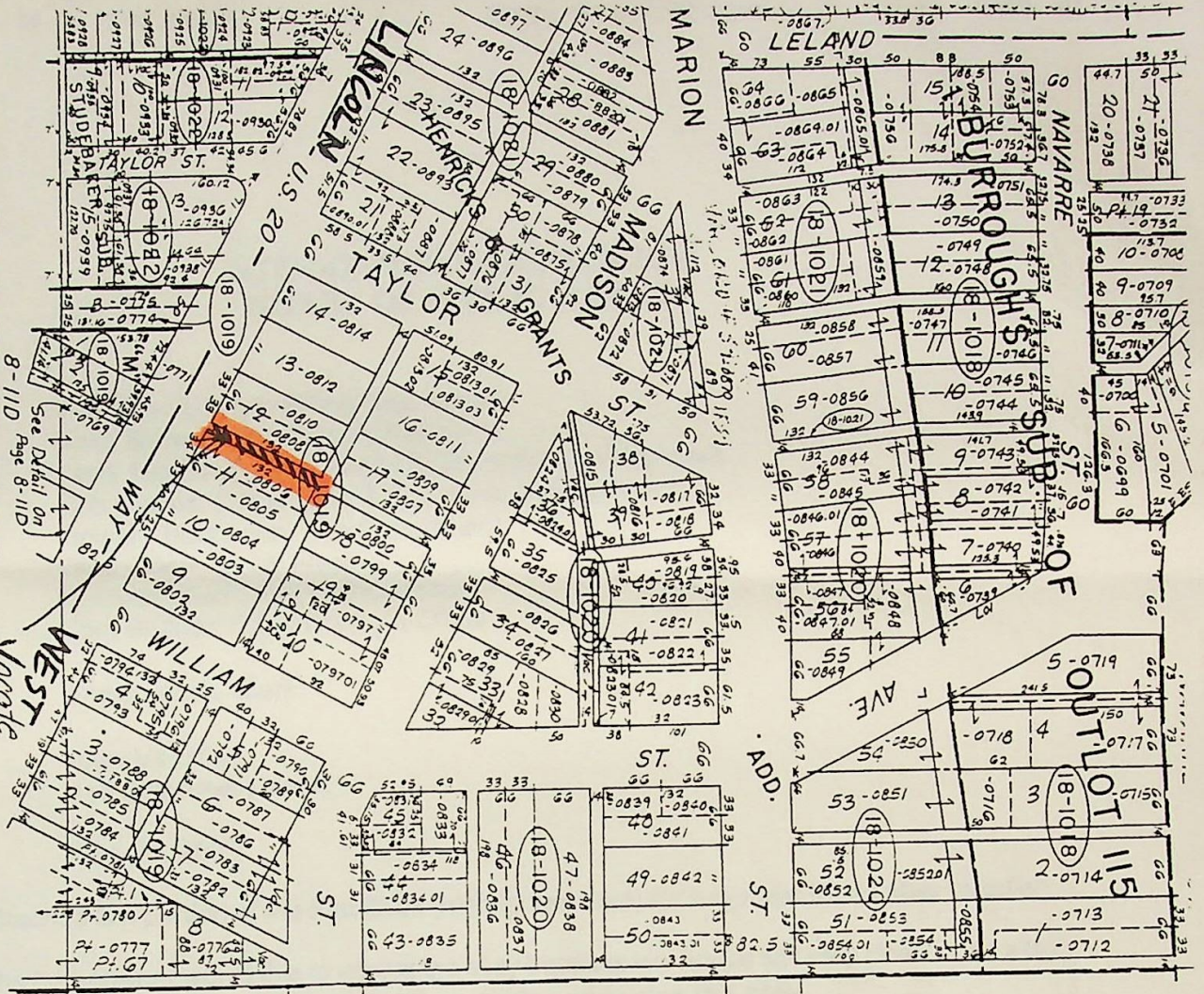
20 0 20 40 Feet



LEGAL DESCRIPTION

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E. 1/2 SE. 1/4 SEC. 2 T.37N. R.2E. D
 PORTAGE TWP.
 8-11D Page 8-11D
 See Detail On
 WEST VACATE
 ALLEY



REVISED 2003
 REPRODUCED BY THE SURVEYING COMPANY
 APPROVED
 Board of Public Works
 8-H
 SCALE 1" = 100'

MAY 12 2003
 Gary A. Smith
 Carl P. Lettloff
 Ronald E. Smith

Beverly Lynch
 415 LWW SB 4401
 246-0912-home
 HOUSE IS VERY
 CLOSE TO ALLEY
 AND HOUSE HAS
 BEEN DAMAGED
 BY VEHICLES.



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

RE: Alley Vacation
 415 Lincolnway West

DATE: April 24, 2003

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

The homeowner would like to vacate the alley because her house sits very close to the alley and has sustained damaged by the vehicles accessing and using this alley.

I would appreciate receiving your comments and recommendation concerning this vacation no later than May 2, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

IF OWNER at 411 L.W.W. have no objection
then OK with me

BY: A.C. Howard Buchanon DATE: 5-1-03

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

FROM: Angie Jacob, Clerk

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COMMENTS & RECOMMENDATIONS:

No objection

MAY 01 2003

BY: *Bob Mathia*

DATE: *4/30/03*

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

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COMMENTS & RECOMMENDATIONS:

415 is not adjacent to the alley in question.
The alley runs between 411 & 413. In addition, 415

has a fence surrounding the property I recommend that the alley
be not vacated as it serves vehicles entering between 2 WW. There is no evidence
of 415 being damaged
due to the
alley.

BY: Tonya Zozulya

DATE: 4/29/03



**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

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The homeowner would like to vacate the alley because her house sits very close to the alley and has sustained damaged by the vehicles accessing and using this alley.

I would appreciate receiving your comments and recommendation concerning this vacation no later than May 2, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objections

BY: Capt Markovich **DATE:** 4-28-03

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

May 2, 2003

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

RE: Generally described as the alley located between lots 11 and 12 of Henricks and Grants Addition on the block bounded by Taylor Street, Madison Street, William Street and Lincolnway West.

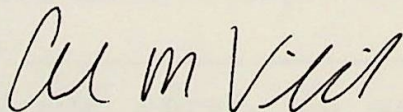
Dear Board Members:

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

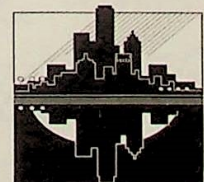
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would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

The Staff recommends that if this alley is vacated that it be done so subject to the creation utility easements or cross-access easements that may be necessary.

Sincerely,



Andrew M. Videkovich
Planner



**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
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I would appreciate receiving your comments and recommendation concerning this vacation no later than May 2, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection; however the alley lays between 411 + 413 Lincolnway West. 415 is one house removed. If there is no error in the address

BY: _____ DATE: _____

listed above, the petitioner has no standing to make the petition unless she happens to own either 411 or 413. Also, if successful the adjacent owners each benefit from by splitting the property. They will need to cooperate to accomplish closing the alley approach from Lincolnway and closing the notch approach from the north alley.

P.S. 415 + 413 have common ownership. ✓

Carl Littrell 5/2/03

**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
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MAY 01 2003

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COMMENTS & RECOMMENDATIONS:

OK by Solid Waste

BY: _____

John Zilla

DATE: _____

4-29-03