

# ALLEY VACATION

FIRST N/S ALLEY WEST OF  
LOGAN ST. FROM EDISON ROAD  
TO KALE STREET.

BROWN, PAT  
SITESCAPES, INC.  
1816 N. MAIN ST.  
MISHAWAKA, IN 46545

255-4677



# Office of the City Clerk

Loretta J. Duda, City Clerk

AUGUST 4, 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

9430-03

All proceedings with reference to Ordinance No. ~~9429-03~~ for the vacation of the following property:

THE NORTH/SOUTH ALLEY WEST OF LOGAN STREET FROM EDISON ROAD TO KALE STREET. THE FIRST STREET TO BE VACATED IS PORTION OF KALE STREET FROM LOGAN STREET, WEST TO THE EAST LINE OF EDISON ROAD ADDITION FIRST REPLAT. THE SECOND STREET TO BE VACATED IS ONE HALF OF THE RIGHT OF WAY OF LOGAN STREET FROM EDISON ROAD TO THE NORTH RIGHT OF WAY LINE OF SAID KALE STREET, BEING A PORT OF EDISON ROAD ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: NISPCO - Jim Betin  
South Bend Community School Corporation  
455 County-City Building • South Bend, Indiana 46601 • 574/235-9221 • Fax 574/235-9173 • TDD 574/235-5567

Sandra Parmerlee  
Chief Deputy

Janice Talboom  
Deputy

Winona Hays  
Ordinance Violation Clerk



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

June 9, 2003

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

RE: Alley and Street Vacation

Dear Members of the Council:

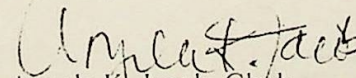
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following alley and street vacation:

The north/south alley west of Logan Street from Edison Road to Kale Street. The first street to be vacated is a portion of Kale Street from Logan Street, west to the east line of Edison Road Addition First Replat. The second street to be vacated is one half of the right of way of Logan Street from Edison Road to the north right of way line of said Kale Street, being a part of Edison Road addition to the City of South Bend, St. Joseph County, Indiana.

The Division of Engineering, Area Plan Commission, Community & Economic Development, Fire Department, Solid Waste, Police Department and the City Attorney's office submitted favorable recommendations. Area Plan stated noted that vacating the alleys as shown would create a dead end alley, which is against Common Council policy. They recommended that if the alley is vacated, that it be done so subject to a turn-around easement for the dead end alley, and also any cross access or utility easements that *may be necessary*. In regard to the partial Hickory Road vacation, the staff recognizes that the new configuration of Hickory Road along with the proposed development negates the need for this land a public right of way. If Hickory Road and/or Kale Street are vacated, utility easements may be needed.

The Board of Public Works submits to you an **favorable recommendation** concerning this vacation, 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



SECTION III. The following property may be injuriously or beneficially affected by such vacating:

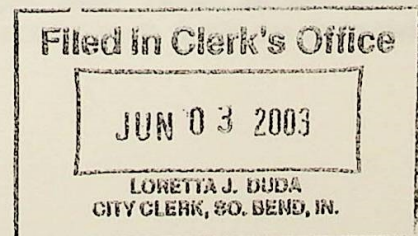
- Lot A – Edison Road Addition 1<sup>st</sup> Replat (Owner: Baugo Creek Realty)
- Outlot A – Edison Road Addition 1<sup>st</sup> Replat (Owner: I&M Electric Co.)
- Lots 11, 12, 13, 14, 15 & 16 – Edison Road Addition (Owner: Baugo Creek Realty)
- Lot 37 – Edison Road Addition (Owner: I&M Electric Co.)

SECTION IV. The purpose of the vacation of the real property is for the expansion and development of the existing Hickory Crossing Shopping Center.

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

1<sup>st</sup> READING  
PUBLIC HEARING  
3<sup>rd</sup> READING  
NOT APPROVED  
REFERRED  
PASSED





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

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

THE NORTH/SOUTH ALLEY WEST OF LOGAN STREET FROM EDISON ROAD TO KALE STREET. THE FIRST STREET TO BE VACATED IS A PORTION OF KALE STREET FROM LOGAN STREET, WEST TO THE EAST LINE OF EDISON ROAD ADDITION FIRST REPLAT. THE SECOND STREET TO BE VACATED IS ONE HALF OF THE RIGHT OF WAY OF LOGAN STREET FROM EDISON ROAD TO THE NORTH RIGHT OF WAY LINE OF SAID KALE STREET, BEING A PART OF EDISON ROAD 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 1. 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 HICKORY ROAD FROM LOGAN STREET TO KALE STREET FOR A DISTANCE OF 266 FEET AND A WIDTH OF 14 FEET. BEING PART OF EDISON ROAD ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE FIRST STREET TO BE VACATED IS A PORTION OF KALE STREET FROM LOGAN STREET, WEST TO THE EAST LINE OF EDISON ROAD ADDITION FIRST REPLAT, FOR A DISTANCE OF 135 FEET AND A WIDTH OF 60 FEET, BEING A PART OF EDISON ROAD ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA. THE SECOND STREET TO BE VACATED IS ONE HALF OF THE RIGHT OF WAY OF LOGAN STREET FROM EDISON ROAD TO THE NORTH RIGHT OF WAY LINE OF SAID KALE STREET, FOR A DISTANCE OF 326 FEET AND A WIDTH OF 40 FEET, BEING A PART OF EDISON ROAD 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 individuals utilities.



## OFFICE OF THE CITY CLERK

**TO: BOARD OF PUBLIC WORKS**

**DATE: JUNE 5, 2003**

I am referring to you the following vacation:

45-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE NORTH/SOUTH ALLEY WEST OF LOGAN STREET FROM EDISON ROAD TO KALE STREET. THE FIRST STREET TO BE VACATED IS A PORTION OF KALE STREET FROM LOGAN STREET, WEST TO THE EAST LINE OF EDISON ROAD ADDITION FIRST REPLAT. THE SECOND STREET TO BE VACATED IS ONE HALF OF THE RIGHT OF WAY OF LOGAN STREET FROM EDISON ROAD TO THE NORTH RIGHT OF WAY LINE OF SAID KALE STREET, BEING A PART OF EDISON ROAD 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, 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**

*Janie Tallson*

RETURN TO:  
OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
100 W. MAIN ST.  
SOUTH BEND, INDIANA 46704  
734-2311

100 W. MAIN ST.  
SOUTH BEND, INDIANA 46704  
734-2311



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

DATE: JUNE 3, 2003

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

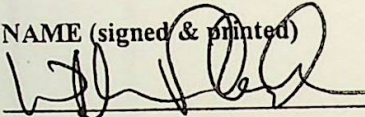
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

THE NORTH/SOUTH ALLEY WEST OF LOGAN STREET FROM EDISON ROAD  
TO KALE STREET.

B. THE STREET DESCRIBED AS:

1) PORTION OF KALE STREET FROM LOGAN STREET, WEST TO THE EAST LINE OF  
EDISON ROAD ADDITION FIRST REPLAT. 2) ONE HALF OF R/W OF LOGAN STREET  
FROM EDISON ROAD TO THE NORTH R/W LINE OF SAID KALE STREET

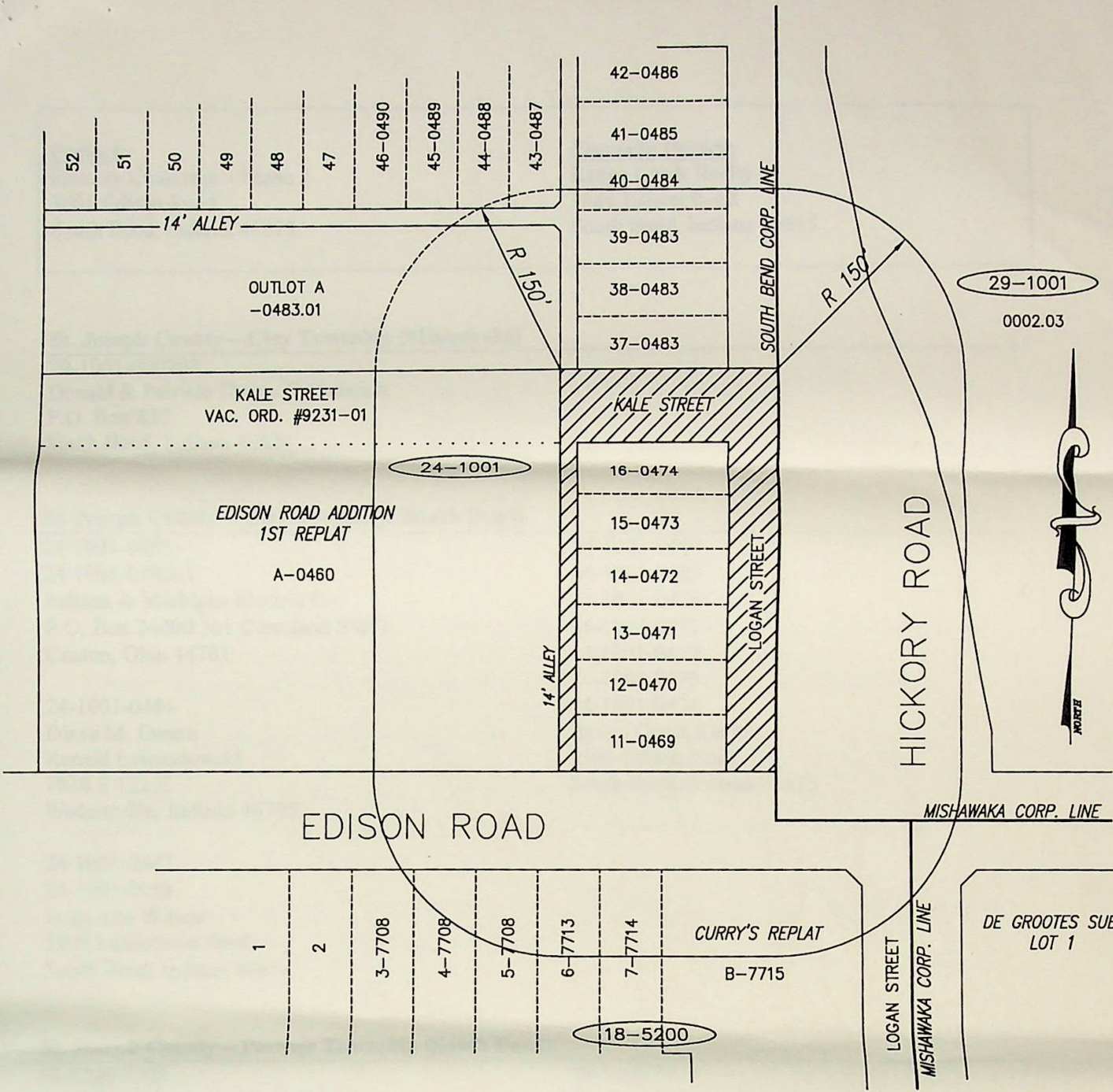
NAME (signed & printed)	ADDRESS	LOT #
 <u>BILL RHODES</u>	<u>BAUGO CREEK REALTY</u> <u>3501 EDISON ROAD</u> <u>SOUTH BEND, IN 46615</u>	<u>A, 11, 12, 13,</u> <u>14, 15 &amp; 16</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Filed in Clerk's Office  
JUN 03 2003  
LORETTA J. DUDA  
CITY CLERK, SO. BEND, IN

CONTACT PERSON (S)  
NAME: Pat Brown  
SITE SCAPES, INC.  
ADDRESS: 1816 No. MAIN ST.  
MISHAWAKA, IN 46545  
PHONE: 255-4677

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





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Filed in Clerk's Office

JUN 03 2003  
 LORETTA J. DUDA  
 CITY CLERK, SO. BEND, IN.



DEPARTMENT OF PUBLIC WORKS  
 CITY OF SOUTH BEND, INDIANA

- DIVISION
- CIVIL
  - TRAFFIC
  - WATER
  - WASTEWATER

STREET AND ALLEY  
 VACATION



**Project:**

Hickory Crossings – Phase 2  
3601 Edison Road  
South Bend, Indiana 46615

**Property Owner:**

Baugo Creek Realty  
3501 Edison Road  
South Bend, Indiana 46615

**St. Joseph County – Clay Township (Mishawaka)**

29-1001-000203  
Donald & Patricia Cressy Foundation  
P.O. Box 837  
South Bend, Indiana 46624

**St. Joseph County – Clay Township (South Bend)**

24-1001-0483  
24-1001-048301  
Indiana & Michigan Electric Co.  
P.O. Box 24400 301 Cleveland SWO  
Canton, Ohio 44701

24-1001-0484  
Diane M. Dennis  
Ronald Lewandowski  
7920 S 122 E  
Wolcottville, Indiana 46795

24-1001-0487  
24-1001-0488  
Lucy Ann Wilson  
5905 Landsdown Blvd.  
South Bend, Indiana 46614

24-1001-0460  
24-1001-0469  
24-1001-0470  
24-1001-0471  
24-1001-0472  
24-1001-0473  
24-1001-0474  
Baugo Creek Realty  
3501 Edison Road  
South Bend, Indiana 46615

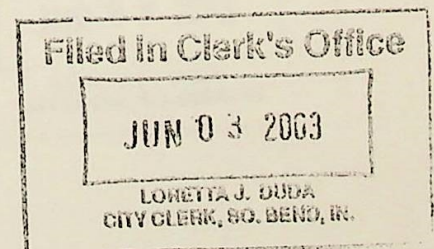
**St. Joseph County – Portage Township (South Bend)**

18-5200-7708  
Housing Authority of South Bend  
501 South Scott Street  
South Bend, Indiana 46601

18-5200-7713  
Jon C. & Rosemarie S. Greenlee  
17796 Tally Ho Drive East  
South Bend, Indiana 46635

18-5200-7714  
Jon C. & Rosemarie S. Greenlee  
P.O. Box 8195  
South Bend, Indiana 46660

18-5200-7715  
Peter T. Taddeo  
P.O. Box 8195  
South Bend, Indiana 466





Baugo Creek Realty  
3501 Edison Road  
South Bend, Indiana 46615

June 3, 2003

South Bend Common Council  
City-County Building 4<sup>th</sup> Floor  
South Bend, Indiana 46601

Re: Petition to Vacate Public Rights-of-Way

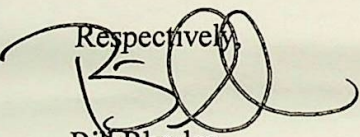
Honorable Members of the Common Council,

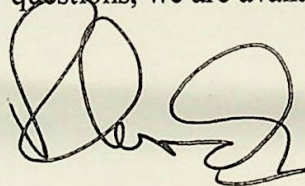
Attached is our petition to vacate portions of public rights-of-way on the northwest corner of Hickory Road (Logan Street) and Edison Road. These rights-of way are leftover segments when the alignment of Logan Street/Hickory Road was changed.

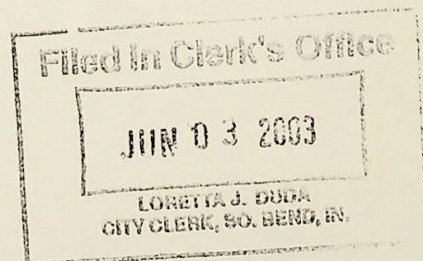
The vacation of the north/south alley, the remaining portion of Kale Street and the former Logan Street will allow for the expansion of the existing Hickory Crossing Shopping Center. The expansion of the center will add over 13,000 square feet of retail space, provide employment opportunities and increase the property tax values for the City of South Bend.

We respectfully request approval of our petition. If you need additional information or have any questions, we are available.

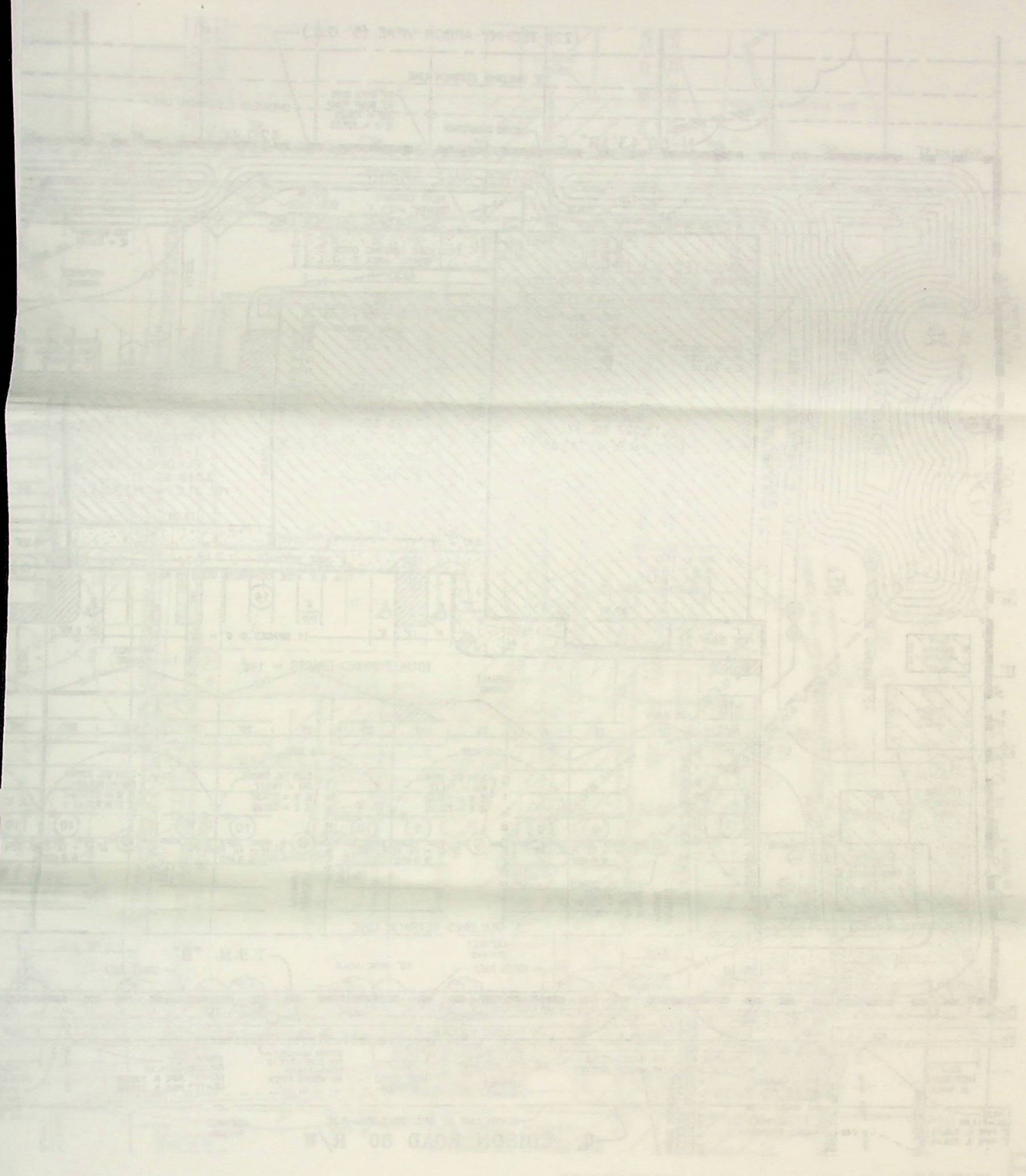
Respectively,

  
Bill Rhodes  
Baugo Creek Realty









**SITE PLAN**

SCALE: 1" = 20'  
 1/8" = 10'

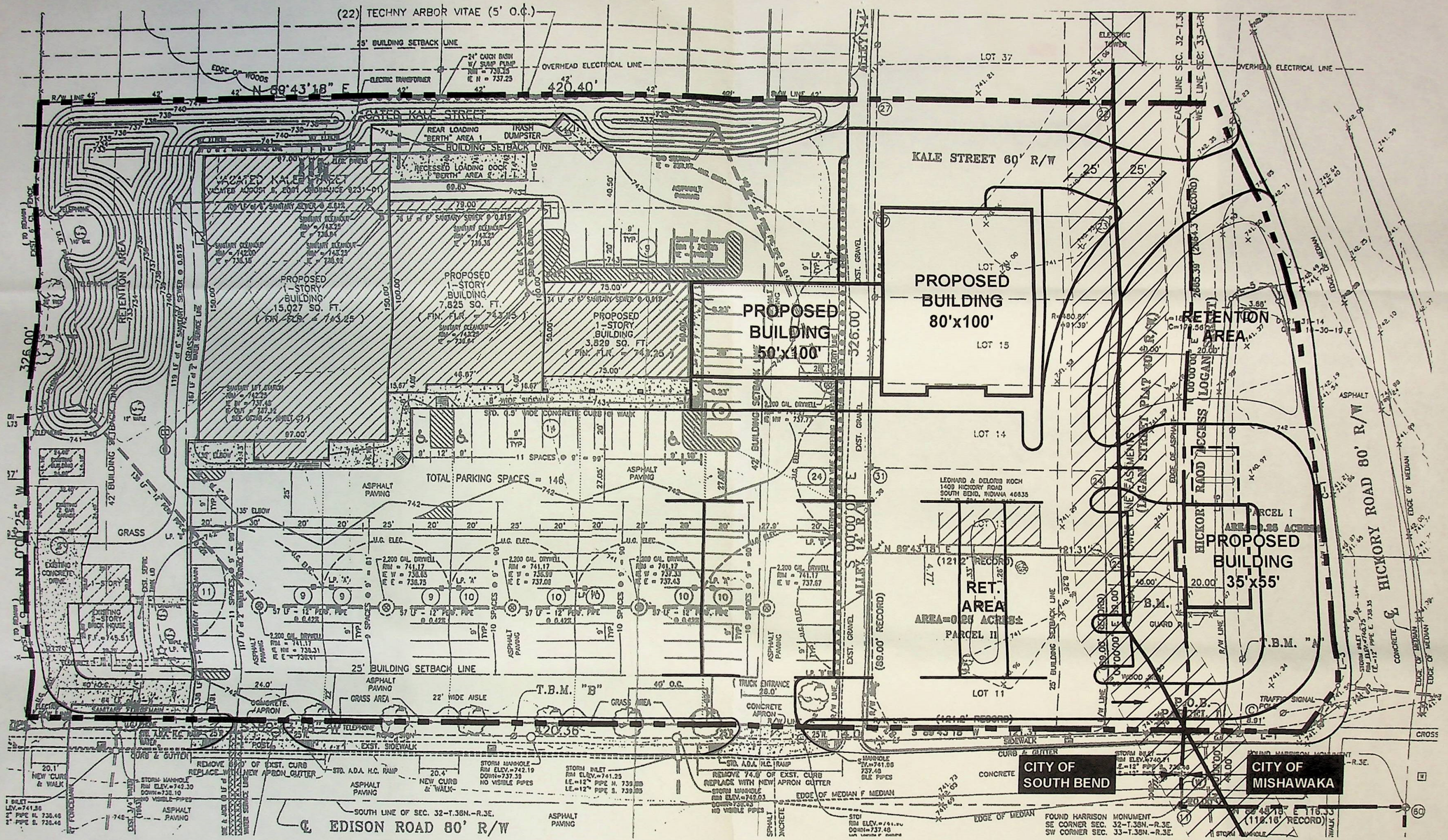
DESIGNED BY: [Faint text]  
 DRAWN BY: [Faint text]  
 CHECKED BY: [Faint text]  
 DATE: [Faint text]

**HICKORY CROSSINGS**  
 SOUTH BEND, INDIANA

DATE: [Faint text]

CONCEPTUAL EXPANSION FOR [Faint text]





**SITE PLAN**

SCALE: 1"=50'-0"



**DEVELOPERS:**  
 INDIANA SUPERMARKETS, INC.  
 3501 E. EDISON ROAD  
 SOUTH BEND, IN 46615  
 MR. BILL PHOENIX  
 PHONE: 247-7800  
 FAX: 247-7310

**DESIGN TEAM**

John W. Wertz  
 ARCHITECT  
 52075 Farmington Square Road  
 Granger, Indiana 46530  
 (574) 277-9664 Fax (574) 277-2590

MARCH 26, 2003

**SiteScapes** inc.  
 LANDSCAPE ARCHITECTURE AND PLANNING  
 SITE PLANNING • INTERIOR LANDSCAPING  
 1516 NORTH MAIN STREET • MISHAWAKA, INDIANA 46545  
 (574) 255-4977 • (574) 255-4010 FAX

SCHEME **B** 1



*SiteScapes, Inc.*

1816 North Main Street • Mishawaka, Indiana 46545  
Landscape Architecture and Planning  
Telephone (574) 255-4677 • FAX (574) 255-4016

APR 11 2003

**Memo Letter**

**Date:** April 11, 2003

**Project No:** 02065-M2

**To:** Anthony P. Molnar, Permit Engineer  
South Bend – Dept. of Public Works

**RE:** Hickory Crossings – South Bend, Indiana

**Message:**

---

Tony –

Attached is a site plan for the proposed expansion of Hickory Crossings on the northwest corner of Edison Road and Hickory Road in South Bend.

Indiana Supermarkets, Inc. has purchased the property east of the current development and would like to expand the shopping center. We are submitting this request to the Board of Public Works for a favorable recommendation for the vacation of Kale Street, Logan Street and the north-south alley west of Logan Street to allow the expansion of Hickory Crossing. Upon action from the Board of Public Works, we understand we must apply to the City Council for formal approval.

We are making a similar request to the City of Mishawaka for the vacation of their portion of the former Hickory Road.

If you have any questions or need additional information, please contact our office.

Thanks!

*Pat Brown*

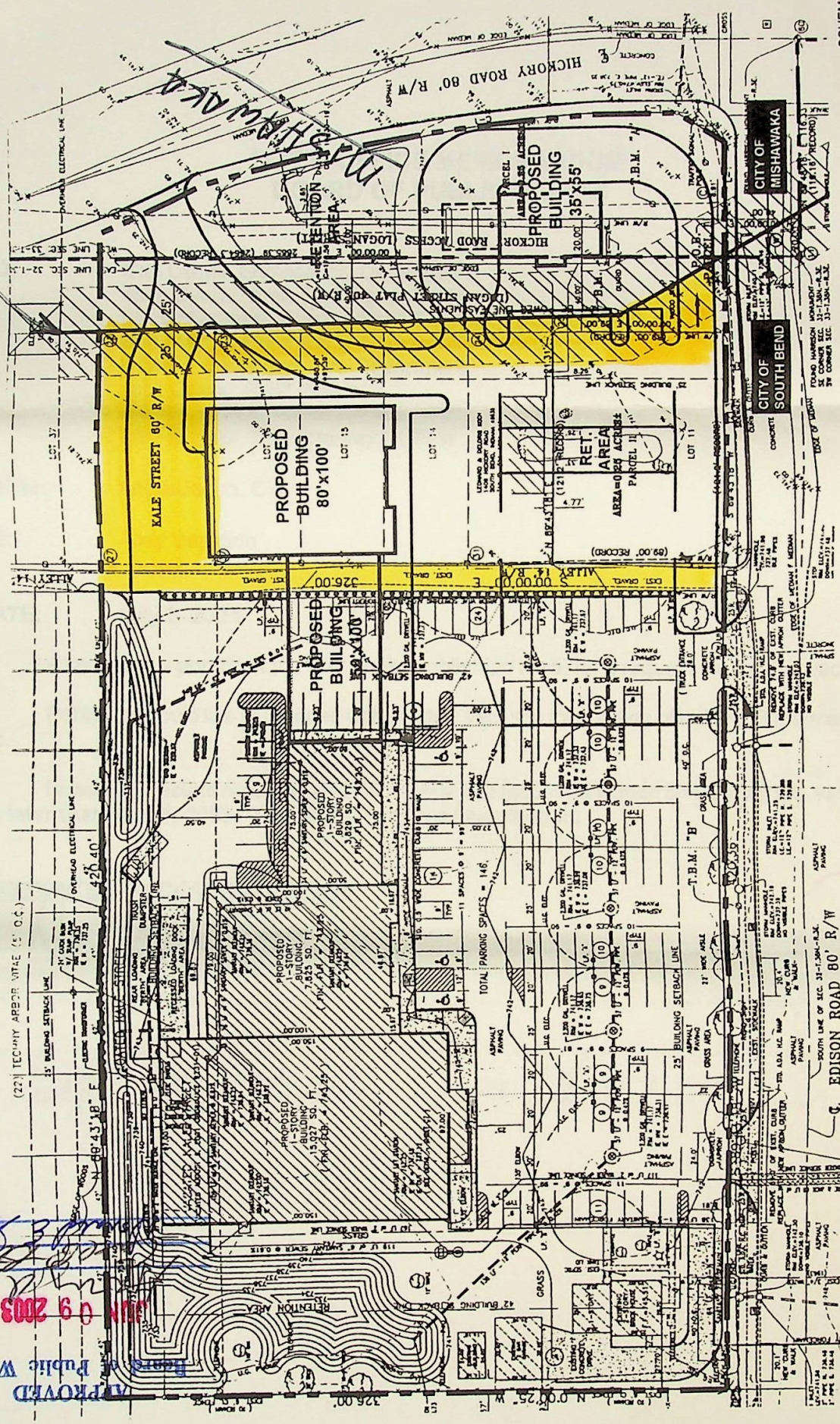
cc: John Werntz, Architect



CITY OF MISHAWAKA  
LIMITS

STREET AND ALLEY  
VACATION

APPROVED  
Public Works  
JUN 9 2003



SCHEME B1

DESIGN TEAM

**SiteScapes**  
1125 W. STATE ST., WEST PALM BEACH, FL 33411  
TEL: (561) 833-1111 FAX: (561) 833-1112

**John W. Wenzel**  
ARCHITECT  
32015 Farmington Square Road  
Greensboro, North Carolina 27409  
(319) 271-8664 Fax (319) 271-2380

MARCH 26, 2003

**DEVELOPERS:**  
INDIANA SUPERMARKETS, INC.  
3501 E. EDISON ROAD  
SOUTH BEND, IN 46615  
MR. BILL PARODES  
PHONE: 247-7800  
FAX: 247-7810



**SITE PLAN**  
SCALE: 1"=50'-0"

CONCEPTUAL EXPANSION FOR:  
**HICKORY CROSSINGS**  
SOUTH BEND, INDIANA





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

**TO:** Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magllozzi, 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

**DATE:** May 2, 2003

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

Petitioner would like to proceed with an alley vacation for building of Indiana Supermarkets, Inc.

I would appreciate receiving your comments and recommendation concerning this vacation no later than May 7, 2003. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

**BY:** Capt Mathern **DATE:** 5-6-03





Area Plan Commission of St. Joseph County  
1190 Dairy City Building  
237 West Washington  
South Bend, Indiana 46708

**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  
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**COMMENTS & RECOMMENDATIONS:**

No objections

\_\_\_\_\_

**BY:** A/c Howard Buchanon **DATE:** 5-5-03



# 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 7, 2003

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

MAY 07 2003

RE: Generally described as Kale Street located in Edison Road Addition between lots 37 and 16. Also, the north/south alley and the westernmost 40' of Hickory Road located in South Bend both being between said Kale Street and Edison Road.

Dear Board Members:

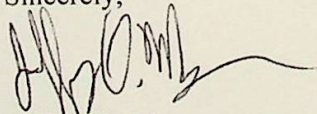
The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

- (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.

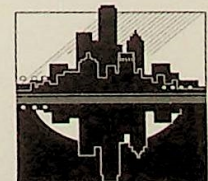
The staff would like to note that vacating the alley as shown would create a dead end alley, which is against Common Council policy. The staff recommends that if the alley is vacated that it be done so subject to a turn-around easement for the dead end alley, and also any cross access or utility easements that may be necessary.

In regards the partial Hickory Road vacation, the staff recognizes that the new configuration of Hickory Road along with the proposed development negates the need for this land as public right-of-way. Therefore, the staff recommends that if Hickory Road and/or Kale Street are vacated, that the vacations be subject to any utility easements that may be needed.

Sincerely,



Jeffrey O. Myers  
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  
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Jack Dillon, Solid Waste  
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Tom Bodnar, City Attorney's Office

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**COMMENTS & RECOMMENDATIONS:**

I defer to the Board of Public Works on  
this for a decision.

**BY:**

Bob Mathia

**DATE:** 5/8/03



**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  
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Tom Bodnar, City Attorney's Office

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**COMMENTS & RECOMMENDATIONS:**

---

*No problems from Solid Waste*

---

---

**BY:** *Jack Dillon* **DATE:** *5-15-03*

---



**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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**COMMENTS & RECOMMENDATIONS:**

*This creates a dead end alley north of this property, disrupting orderly develop of surrounding real estate. For much the same reason, the portion <sup>of this site</sup> shown in Michawaka, should*

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

*become part of the City of South Bend.*

*Carl P. Littrell 5/2/03*