

ORDINANCE #
9435-03

ALLEY VACATION

THE ALLEY TO BE VACATED IS THE 1ST/ N/S ALLEY EAST OF KESSLER BLVD. FROM KINYON ST. NORTH TO THE 1ST/ E/W ALLEY FOR A DISTANCE OF 126.6 FT. MORE OR LESS, AND A WIDTH OF 14 FT. SAID ALLEY BEING PART OF THE N/W ADDITION, 3RD/ PLAT IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA



Office of the City Clerk

Loretta J. Duda, City Clerk

SEPTEMBER 8, 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

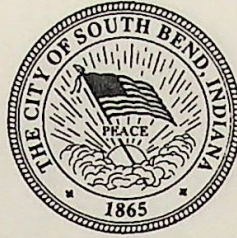
FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9435-03 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF KESSLER BLVD. FROM KINYON STREET NORTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 126.6 FEET, MORE OR LESS, AND A WIDTH OF 14 FEET. SAID ALLEY BEING PART OF THE NORTHWEST ADDITION, 3RD PLAT IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

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

June 26, 2003

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

RE: Alley Vacation

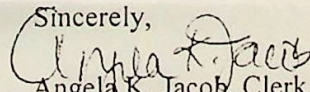
Dear Members of the Council:

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 Kessler Blvd. from Kinyon Street north to the first east/west alley for a distance of 126.6 feet, more or less, and a width of 14 feet. Said alley being part of the Northwest Addition, 3rd Plat in the City of South Bend, St. Joseph County, Indiana.

Favorable recommendations from the Area Plan Commission, Police Department, Fire Department, Sanitation, and the Department of Public Works have been received. Cross access easements will be necessary to retain existing driveway in the area where it has recently been constructed. Utility easements may also be needed.

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
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CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

November 12, 2002

Mr. Craig Craft
1111 Kinyon Street
South Bend, Indiana 46616

RE: Alley Vacation

Dear Mr. Craft:

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:

Cross access easements will be necessary to retain existing driveway in the area where it has recently been constructed. Utility easements may also be necessary. All adjacent property owners should be notified of this proposed vacation, also.

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 myself 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*.

Sincerely,

A handwritten signature in cursive script, reading "Carl P. Littrell (P.E.)".

Carl P. Littrell, P.E.
City Engineer

c: Janice Talboom, City Clerk's Office

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: JUNE 25, 2003

I am referring to you the following vacation:

49-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF KESSLER BLVD. FROM KINYON STREET NORTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE 126.6 FEET, MORE OR LESS, AND A WIDTH OF 14 FEET. SAID ALLEY BEING PART OF THE NORTHWEST ADDITION, 3RD PLAT IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

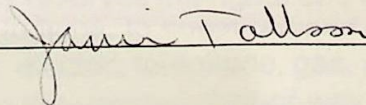
For your information, the Common Council will have first reading on this vacation request on Monday, June 23, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of July 14, 2003.

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

Thanks!

CITY CLERK
LORETTA J. DUDA

DEPUTY



ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first North/South alley East of Kessler Blvd. from Kinyon Street North to the first East/West alley for a distance of 126.6 feet, more or less, and a width of 14 feet. Said alley being part of the Northwest Addition, 3rd Plat in 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 Kessler Blvd. from Kinyon Street North to the first East/West alley for a distance of 126.6 feet, more or less, and a width of 14 feet. Said alley being part of the Northwest Addition, 3rd Plat 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 201 & Lot Number 202

Section IV. The purpose of the vacation of the real property is

the lack of use as a public alley and addressing issues of crime, littering, and general safety.

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

Filed In Clerk's Office

JUN 12 2003

**LORETTA J. CUDDA
CITY CLERK, SO. BEND, IN.**

1st READING 6-23-03
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: _____

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

A. THE ALLEY DESCRIBED AS:

THE FIRST NORTH/SOUTH ALLEY EAST OF KESSLER BLVD. FROM KINYON ST. NORTH TO THE
FIRST EAST/WEST ALLEY FOR A DISTANCE OF 126.6 FT, MORE OR LESS, & A WIDTH OF 14 FT.

B. THE STREET DESCRIBED AS: SAID ALLEY BEING PART OF NORTHWEST ADDITION, 3RD PLAT IN
THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

NAME (signed & printed)

ADDRESS

LOT #

x Craig Craft
CRAIG CRAFT

1111 KINYON ST, SOUTH BEND, IN 46606

202

x Debra Rigg
DEBRA RIGG

1119 KINYON ST, SOUTH BEND, IN 46606

201

CONTACT PERSON (S)

NAME: EUGENE KIM

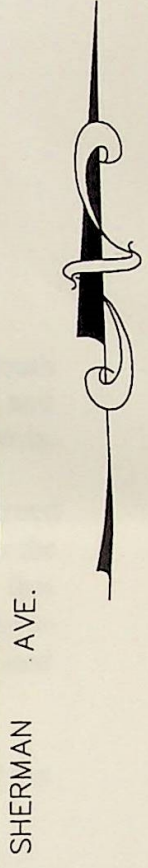
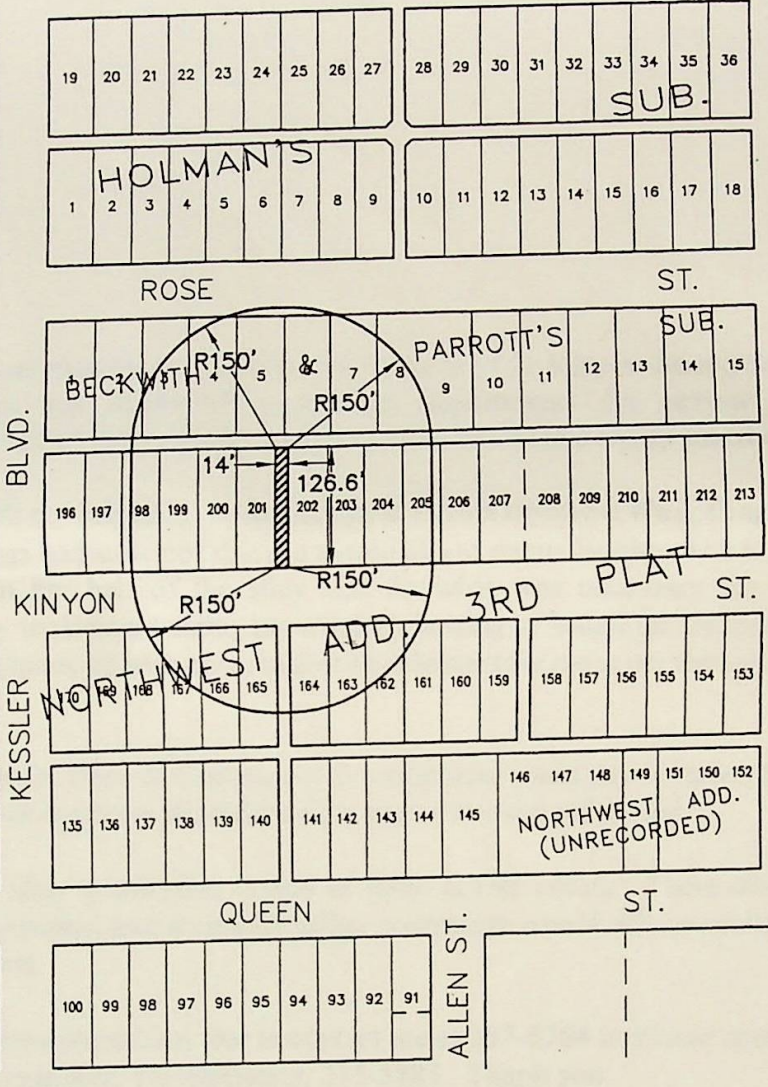
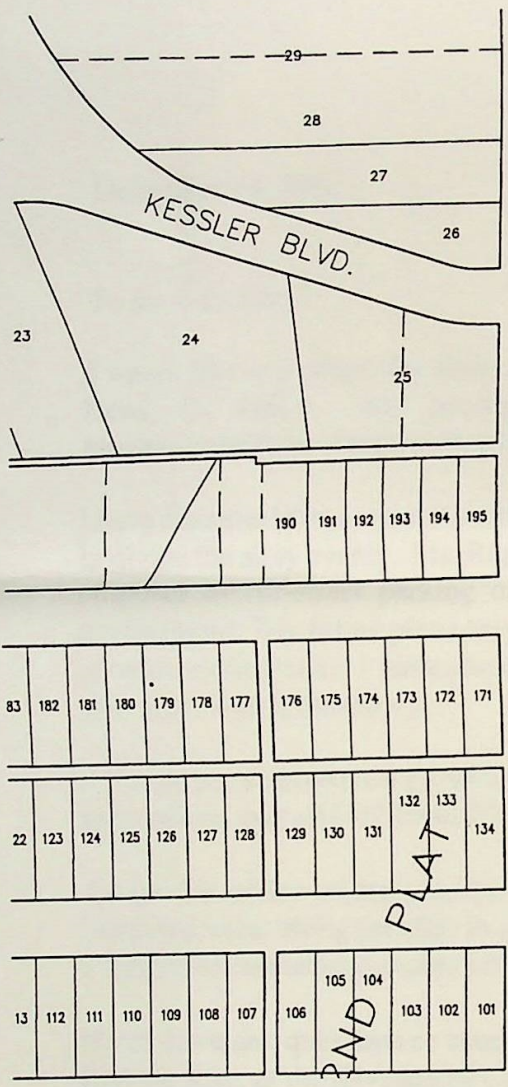
ADDRESS: 1200 COUNTY-CITY BLVD
SOUTH BEND, IN 4660

PHONE: (574) 235-5885

RETURN TO:

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

Filed in Clerk's Office
JUN 12 2003
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.



LEGAL DESCRIPTION:

The alley to be vacated is the first North/South alley East of Kessler Blvd. from Kinyon Street North to the first East/West alley for a distance of 126.6 feet, more or less, and a width of 14 feet. Said alley being a part of Northwest Addition, 3rd Plat in the City of South Bend, St. Joseph County, Indiana.

Filed in Clerk's Office
 JUN 12 2003
 LORETTA J. CUDDA
 CITY CLERK, SO. BEND, IN.

December 19, 2002

To the City Clerk,

I would like to petition for alley vacation located west of my home at 1111 Kinyon Street, South Bend, IN 46616. My request was forwarded to various departments for review and recommendations. There were several concerns raised regarding cross access and utility easements.

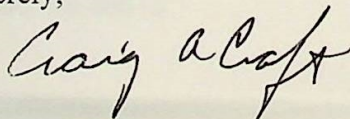
I have discussed these concerns with my neighbor, Debora Riggs at 1119 Kinyon St. We both agreed to divide the alley evenly. Ms. Riggs had indicated that she would like to retain the approach for the purposes of off-street parking on her half of the alley and do what was necessary for that arrangement. My future plans may include extending my existing fencing or install landscaping to prevent public traffic. I have also discussed with my neighbor an easement for me to use the vacated alley approach if necessary.

It is also my understanding that the Division of Community Development could pay to remove the approach as part of the Model Block Initiative should the City prefer to close off access.

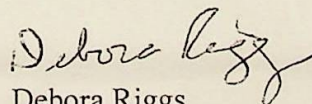
As for the utility easements, the alley in question is one of three access points. There are no overhead wires along the alley in question, and access for utility companies would still be available through two remaining access points.

If you have any questions or concerns please feel free to contact me at 287-6764 or please contact Eugene Kim, at the Division of Community Development, 235-5885. Thank you.

Sincerely,

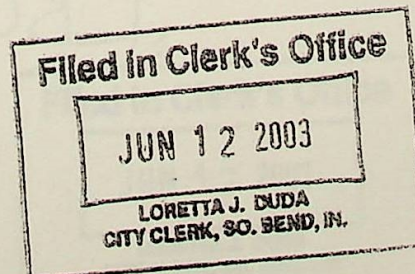


Craig Craft
1111 Kinyon St.



Debora Riggs
1119 Kinyon Street

cc: Carl Littrell
Eugene Kim



Kurt & Judith Kaufman
1130 Rose Street
South Bend, IN 46616

Otho & Phyllis Wordinger
1124 Rose Street
South Bend, IN 46616

Kevin & Rebecca
1120 Rose Street
South Bend, IN 46616

Mark Hanback
1116 Rose Street
South Bend, IN 46616

Faith Ann Carter
1110 Rose Street
South Bend, IN 46616

Leona & Dan Spencer
57284 Peggy Drive
South Bend, IN 46619

Ronny G. Bradburn
1102 Rose Street
South Bend, IN 46616

Rosemary T. Fall
1135 Kinyon Street
South Bend, IN 46616

Theresa Tyler
1127 Kinyon Street
South Bend, IN 46616

Debora A. Riggs
1119 Kinyon Street
South Bend, IN 46616

Craig Norborg
1107 Kinyon Street
South Bend, IN 46616

Ronald & Marilyn Deferbranche
1103 Kinyon Street
South Bend, IN 46616

William & Leona Burkus
1130 Kinyon Street
South Bend, IN 46616

Albert & Betty Joachim
1122 Kinyon Street
South Bend, IN 46616

William Burkus &
Nancy Anderson
1114 Kinyon Street
South Bend, IN 46616

Julie L. Payne
1110 Kinyon Street
South Bend, IN 46616

Edward Becker & Gary Jtfros
1106 Kinyon Street
South Bend, IN 46616

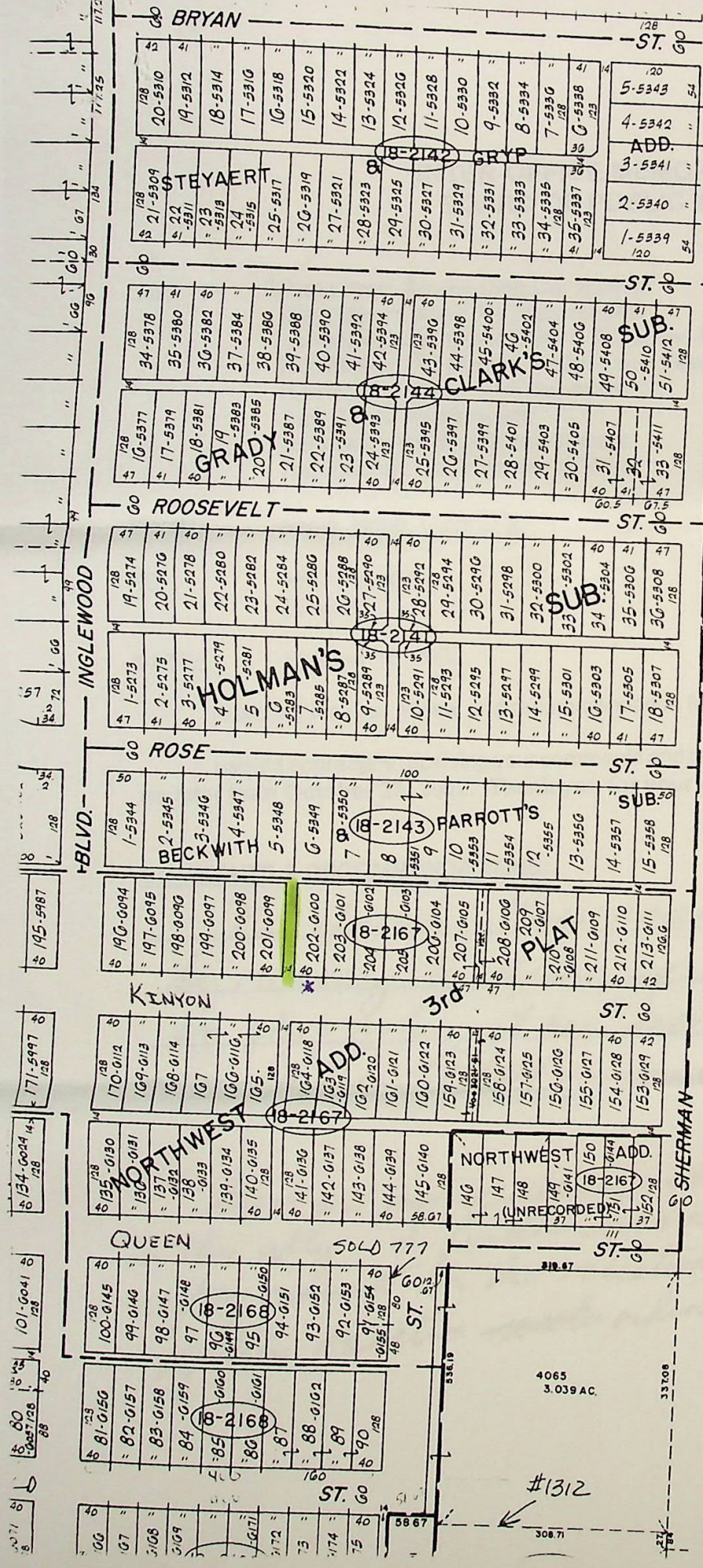
Marcia Burgess
1102 Kinyon Street
South Bend, IN 46616

Craig Craft
1111 Kinyon Street
South Bend, IN 46616

\$118.06
FOR POSTAGE

FRONT

Filed In Clerk's Office
JUN 12 2003
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.



* CRAIG CRAFT
 1111 KINYON ST
 SB. IN 46616
 287-6764

4

3021
 3-356

APPROVED
 Board of Public Works

NOV 12 2002

Young a Sabot
Howell E. Sabot
Clad Petter

#1312

5

6

**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 *AY*

RE: Alley Vacation
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection. Cross access easements will be necessary to retain existing driveway in place where it has recently been constructed.

BY: Carl O. Littrell **DATE:** 10/16/02

There are no public water or sewer mains in this alley. I further recommend release of any rights of easement in the vacation area upon effect of the vacation ~~as per~~ ordinance.
CPL

**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
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Resident at 1119 Kinyon has no objection
We will have no objection

BY: *A/C Howard Buchanon*

DATE: 10-18-02

**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
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002. Thank you for your cooperation.**

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt Markovich* **DATE:** *10-18-02*

**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
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Bob Mathia*

DATE: *10/28/02*

Edward W. Jones
Executive Director

David R. Edwards
Chair of the Board

OCT 17 2002

**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
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

" We Do Not Use "

BY: *R Azala* DATE: *10-21-02*

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

October 21, 2002

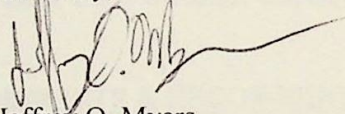
The Board of Public Works
13th Floor, County-City Building
South Bend, Indiana 46601

RE: Preliminary concerns and comments for the potential vacation of the north/south alley located north of Kinyon Street between lots 201 and 202 of Northwest Addition 3rd Plat. City of South Bend, St. Joseph County, Indiana

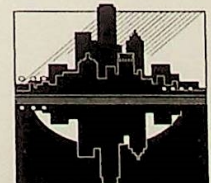
Dear Board Members:

The staff has reviewed this possible petition and believes that if this alley is vacated, that it be done so subject to any utility or cross access 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, 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

OCT 16 2002

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation
(Kinyon)

DATE: October 16, 2002

Attached for your review and recommendation for the attached alley vacation.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 25, 2002. Thank you for your cooperation.**

COMMENTS & RECOMMENDATIONS:

THE ALLEY IN QUESTION DOES NOT APPEAR TO BE UTILIZED BY
SERVICE VEHICLES AND VACATING WILL NOT IMPACT CIRCULATION,
FAVORABLE RECOMMENDATION

BY: *Eugene Kim*

EUGENE KIM

DATE: 10-17-02

Jon R. Hunt

10.11.06.02