

Street Vacation

- 1.) First street to be vacated is a portion of Circle Avenue from the Norfolk and Western Railroad right-of-way to the south right-of-way line of Washington Avenue
- 2.) Second street to be vacated is also a portion of Circle Avenue from the Penn Central right-of-way to the north/south portion of said Circle Avenue

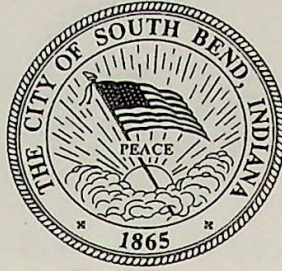
Petitioners:

Hurwich Iron Company  
Allent of Indiana  
Scott Brothers

Contact:

Mike Darch  
Darch, Namer Associates

9457-03



# Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 9, 2003

## MEMORANDUM

RECEIVED

DEC 11 2003

CITY OF SOUTH BEND

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. 9457-03 for the vacation of the following property:

THE FIRST STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc SBCSC Transportation Department  
 Jim Betin - NIPSCO

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**  
September 5, 2003

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

RE: Street Vacation

Dear Members of the Council:

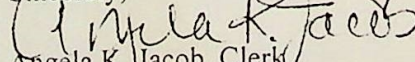
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following street vacation:

The first street to be vacated is a portion of Circle Avenue from the Norfolk and western Railroad right of way to the south right of way line of Washington Avenue, for a distance of 770 feet, more or less, and a width that varies from 15 feet, more or less, and a width that varies from 15 feet to 80 feet. The second street to be vacated is also a portion of Circle Avenue from the Penn Central right of way to the north/south portion of said Circle Avenue for a distance of 400 feet and a width that varies from 20 feet to 35 feet. Both parts of said streets being a part of 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. Engineering indicated a favorable recommendation provided the lots have common ownership and become platted to one parcel. The Grant Street vacation should be coordinated with the adjacent property owner. Community & Economic Development stated that the Circle Avenue vacation raises questions because of the proposed use and potential negative effects on the West Washington neighborhood due to noise, and provided a negative recommendation. Area Plan does not recommend that Grant Street be vacated because this would hinder access to properties along the right of way. The staff does not recommend Circle Avenue be vacated because this would completely take access away from an adjacent property. However, if the vacations are permitted, they do so subject to any access and utility easements that may be necessary.

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

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## OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: SEPTEMBER 4, 2003

I am referring to you the following vacation:

74-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
THE FIRST STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

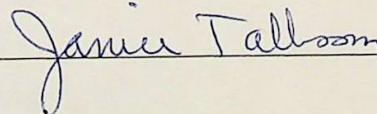
For your information, the Common Council will have first reading on this vacation request on Monday, September 8, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of September 22, 2003.

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, reading "Jamie Tallom", is written over a horizontal line.

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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

STATEMENT OF PURPOSE AND INTENT

Purseant 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 STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF 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:

Tax Key Number 18-2001-0009.03

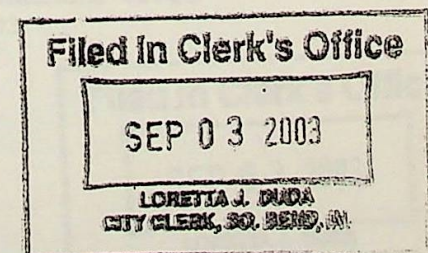
Tax Key Number 18-2001-0001  
Tax Key Number 18-2001-0009  
Tax Key Number 18-2001-0013.02  
Tax Key Number 18-2001-0013.01  
Tax Key Number 18-4096-3581.05  
Tax Key Number 18-4096-3581.20  
Tax Key Number 18-2002-0017.01  
Tax Key Number 18-2002-0017.02  
Tax Key Number 18-2002-0017.04  
Tax Key Number 18-2002-0017.01  
Tax Key Number 18-2002-0017  
Tax Key Number 18-2002-0017.05  
Tax Key Number 18-2002-0017.03  
Tax Key Number 18-2002-0016  
Tax Key Number 18-2002-0078

SECTION IV. The purpose of the vacation of the real property is to allow for better use of the industrial land owned by Hurwich Iron Company, Inc. and Accent Indiana, Inc. The present street configuration bisects the property.

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.

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Member of the Common Council



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

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

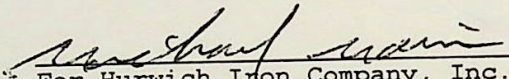
DATE: AUGUST 27, 2003

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

A. THE FIRST STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

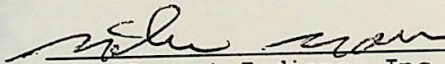
B. THE STREET DESCRIBED AS:

<u>NAME (signed &amp; printed) &amp; ADDRESS</u>	<u>Tax Key Number</u>	
Hurwich Iron Company, Inc.	18-2001-0009.03	18-2001-0009
1721 Circle Avenue	18-2001-0009	18-2001-0013.02
South Bend, Indiana 46619	18-2001-0013.02	18-2002-0017.01
	18-2002-0017.02	

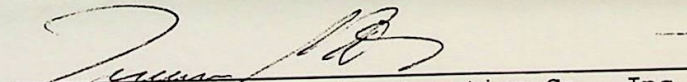
  
For Hurwich Iron Company, Inc.

Accent Indiana, Inc.  
1420 South Walnut Street  
South Bend, Indiana 46619

18-2001-0017.04

  
For Accent Indiana, Inc.

Scott Brothers Construction Co., Inc. 18-2001-0013.01  
201 North College  
South Bend, Indiana 46628

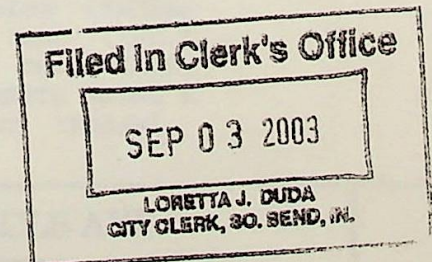
  
For Scott Brothers Construction Co., Inc.

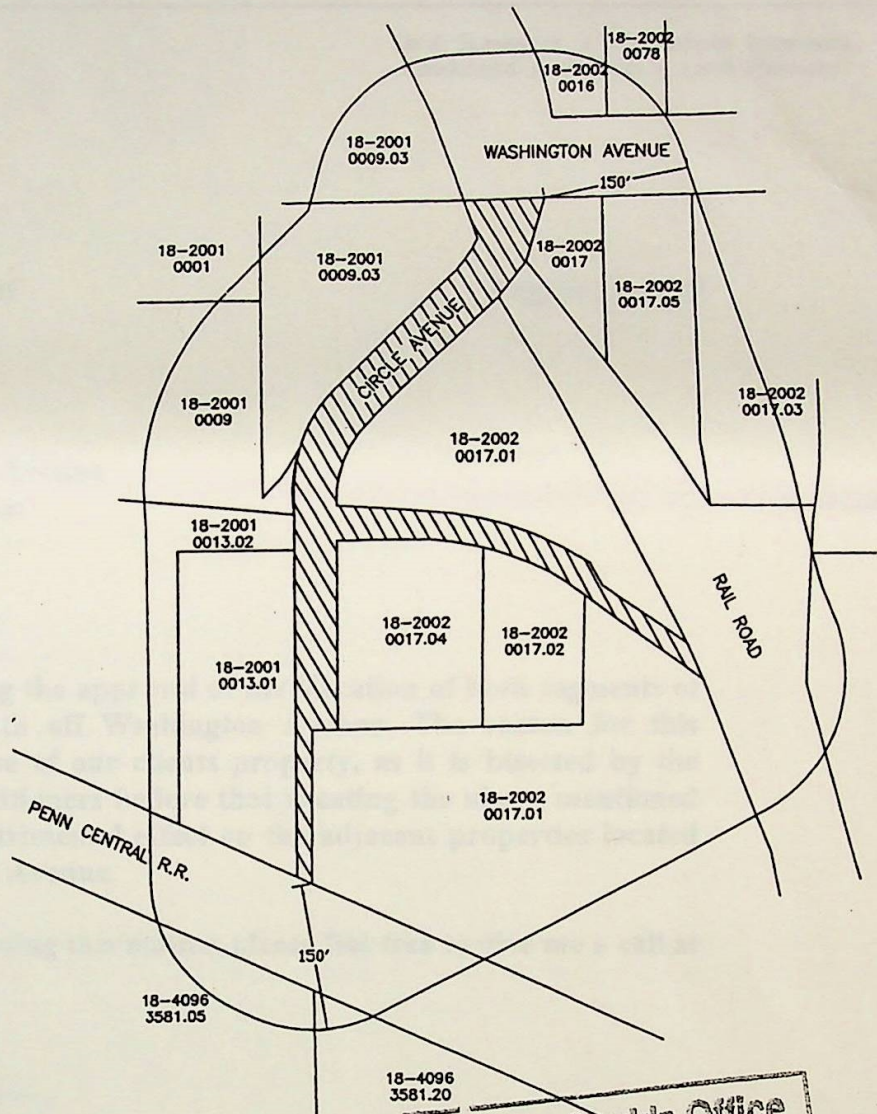
CONTACT PERSON (S)

NAME:

Danch, Harner & Associates, Inc.  
2422 Viridian Drive, Suite 201  
South Bend, Indiana 46628  
(574) 234-4003

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





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

**LEGAL DESCRIPTION:**

A. THE FIRST STREET TO BE VACATED IS A PORTION OF CIRCLE AVENUE FROM THE NORFOLK AND WESTERN RAILROAD RIGHT-OF-WAY TO THE SOUTH RIGHT-OF-WAY LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 770 FEET, MORE OR LESS, AND A WIDTH THAT VARIES FROM 15 FEET TO 80 FEET. THE SECOND STREET TO BE VACATED IS ALSO A PORTION OF CIRCLE AVENUE FROM THE PENN CENTRAL RIGHT-OF-WAY TO THE NORTH/SOUTH PORTION OF SAID CIRCLE AVENUE FOR A DISTANCE OF 400 FEET AND A WIDTH THAT VARIES FROM 20 FEET TO 35 FEET. BOTH PARTS OF SAID STREETS BEING A PART OF THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.



**DEPARTMENT OF PUBLIC WORKS**  
**CITY OF SOUTH BEND, INDIANA**

- DIVISION**
- CIVIL
  - TRAFFIC
  - WATER
  - WASTEWATER

**CIRCLE AVE.**  
**STREET VACATION**





# Danch, Harner & Associates, Inc.

MICHAEL J. DANCH, L.A.  
RON HARNER, P.S.  
DANIEL W. AKIN, P.E., L.S.

Land Surveyors ■ Professional Engineers  
Landscape Architects ■ Land Planners

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

August 27, 2003

RE: Vacation Petition for Circle Avenue  
South of Washington Avenue:

Dear Council Members:

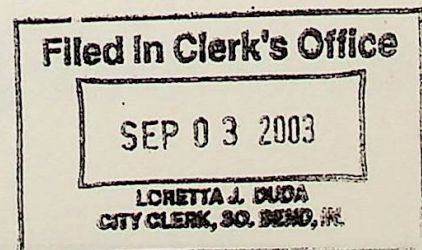
Our clients, are requesting the approval of the Vacation of both segments of Circle Avenue which runs South off Washington Avenue. The reason for this request is to allow for better use of our clients property, as it is bisected by the existing street segments. The petitioners believe that vacating the above mentioned right-of-ways will not have a detrimental effect on the adjacent properties located along this portion of Washington Avenue.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch  
President  
Danch, Harner & Associates

File # 030222 "C" Md.



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

July 14, 2003

Mr. Mike Danch  
Mike Danch Associates  
2422 Viridian Drive, Suite 201  
South Bend, Indiana 46628

RE: Street Vacations  
Circle Avenue from Washington Avenue to Penn Central Railroad and  
Grant Street from Washington to Penn Central Railroad

Dear Mr. Danch:

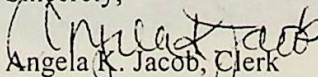
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Area Plan does not recommend that Grant Street be vacated, as it would hinder access to properties along the right of way. In addition, they do not recommend the vacation of Circle Avenue, as this would completely take access away from an adjacent property. If the vacations were permitted, it is recommended that they do subject to any access and utility easements that might be needed. Community and Economic concurs with the recommendation for Circle Avenue. Engineering has no objection, provided the lots have common ownership and become platted to one parcel. The Grant Street vacation should be coordinated with the adjacent property owner.

**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,

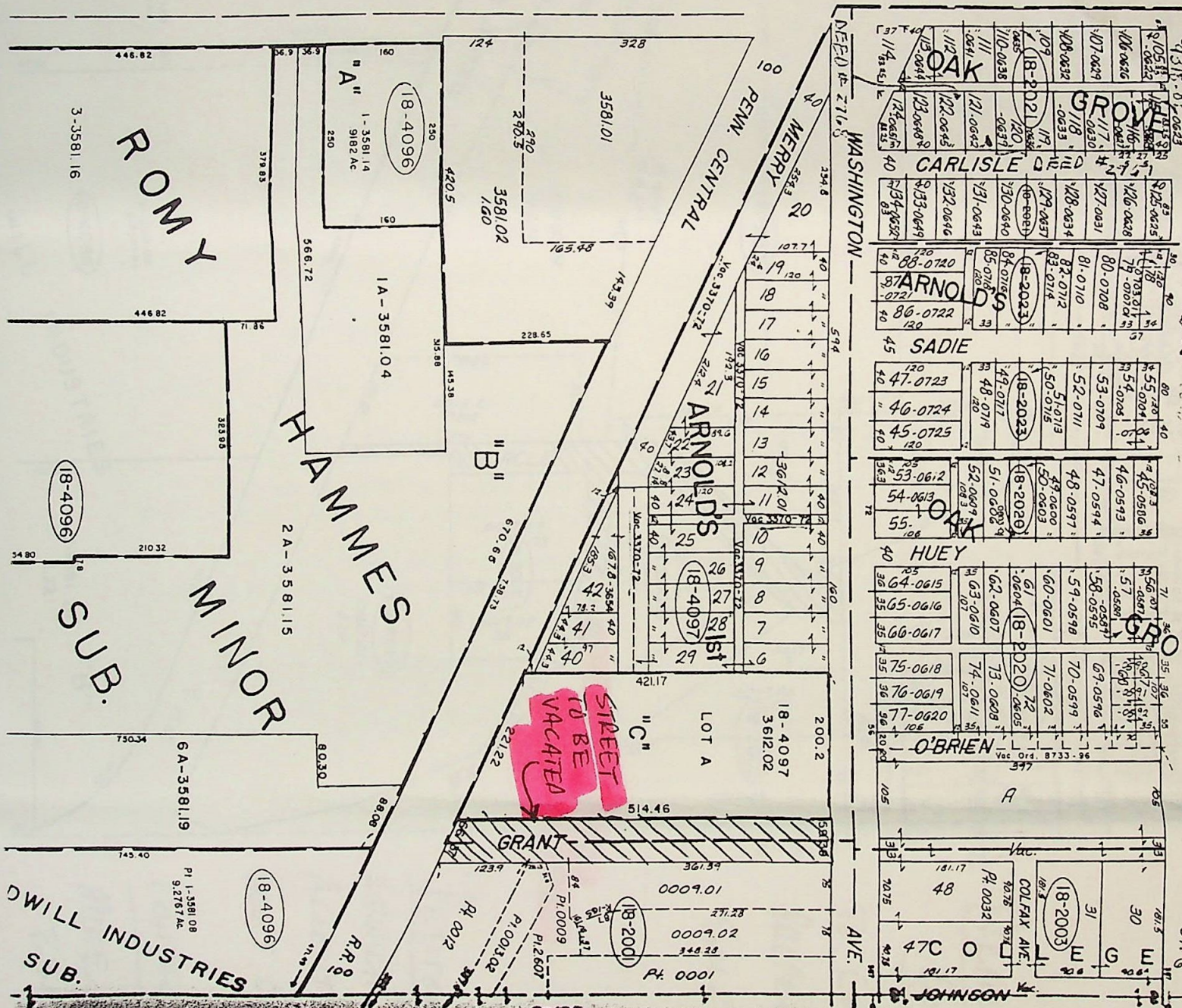
  
Angela K. Jacob, Clerk

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

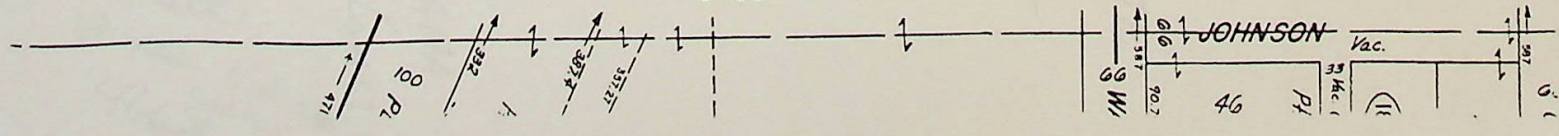
JUL 14 2003

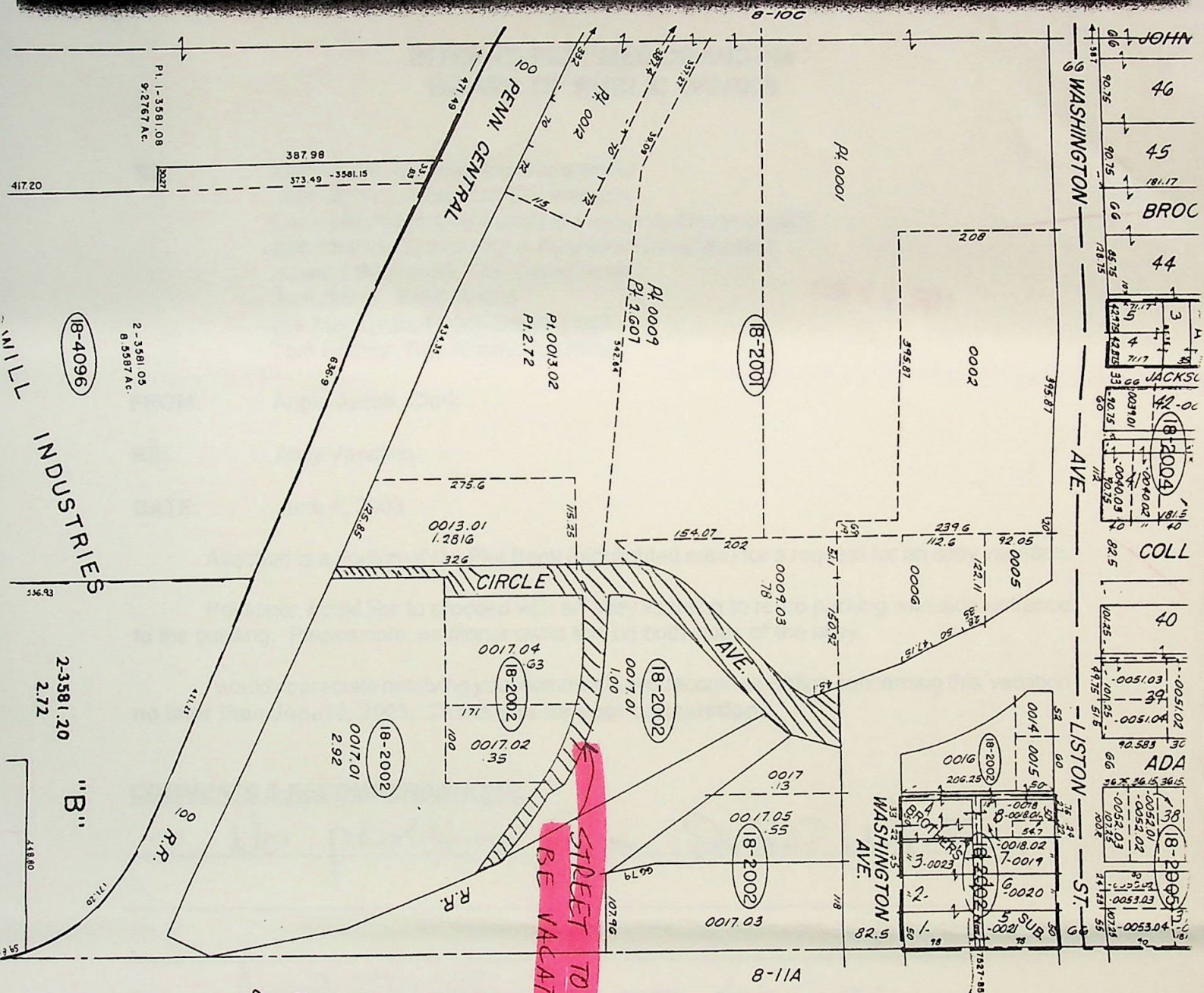
*Bo J. Pittell*  
*Ronald E. ...*

8-10B



8-10C





8-11A

Propose For  
VACATION?

To CONSOLIDATE  
PROPERTY FOR  
SALE.

PETITIONERS?

HURWICH Iron Co.  
ACCENT OF INDIANA  
SCOTT BROTHERS CONSTRUCTION

CONTACTS?

MIKE DANUCH  
234-4003

Assoc.  
2422 Village  
46628

**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

JUN 05 2003

**FROM:** Angie Jacob, Clerk

**RE:** Alley Vacation

**DATE:** June 4, 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 to re-do parking with side entrance to the building. Please note, petitioner owns lots on both sides of the alley.

I would appreciate receiving your comments and recommendation concerning this vacation no later than June 16, 2003. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

\_\_\_\_\_ No problems from Solid Waste  
\_\_\_\_\_

BY: Jack Dillon DATE: 6-5-03

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

JUN 09 2003

**TO:** Carl Littrell, Engineering Department  
John Byorni, Area Plan Commission  
Larry Magliozzi, Community & Economic Development  
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**COMMENTS & RECOMMENDATIONS:**

      No objection      

\_\_\_\_\_

\_\_\_\_\_

**BY:** Bob Mathia **DATE:** 6/9/03

**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:**

No Objections

**BY:** Capt Markovich **DATE:** 6-9-03



### INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

TO: Carl Littrell, Engineering Department  
 John Byorni, Area Plan Commission  
 Larry Magliozzi, Community & Economic Development  
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 Joe Markovich, Police Department  
 Tom Bodnar, City Attorney's Office

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**COMMENTS & RECOMMENDATIONS:**

No objection

BY: A/C Howard Buchanon

DATE: 6-12-03



**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

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**COMMENTS & RECOMMENDATIONS:**

*No objection, provided lots have common  
ownership and become platted to one parcel.  
Grant of vacation should be coordinated*

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

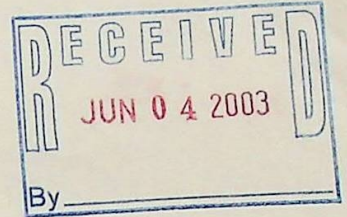
*with adjacent property owner, Bill  
Battest.*

*Carl O. Littrell 6/9/03*

INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

JUN 16 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  
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DATE: June 4, 2003

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COMMENTS & RECOMMENDATIONS:

Positive recommendation for Grant St. Vacation  
Circle Av. vacation is in question because of  
the proposed use and potential negative effects on

BY: Christy O Ruel DATE: 6/13/03

the West-Washington neighborhood due to noise, truck traffic. I am providing a negative recommendation for Circle Av for that reason.

# 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

June 17, 2003

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

JUN 17 2003

RE: Right-of-way Vacation – Circle Avenue from Washington Avenue to Penn Central Railroad and Grant Street from Washington to Penn Central Railroad.

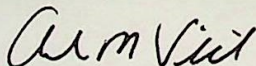
Dear Board Members:

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* 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 does not recommend that Grant Street be vacated because this would hinder access to properties along the right-of-way. The Staff does not recommend Circle Avenue be vacated because this would completely take access away from an adjacent property. However, if the vacations are permitted, we recommend they do so subject to any access and utility easements that might be needed.

Sincerely,



Andrew Videkovich  
Planner

