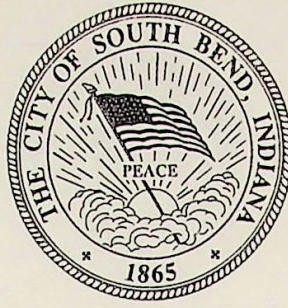

ALLEY VACATION

First north / south alley east of South Frances Street, the north right-of-way of Quimby Street to the south end of angles on the east and west of described alley for a distance of approx. 90.5 feet + a width of 10 feet. Part located in Peters Subdivision, City of South Bend, St. Joseph County, Indiana

Petitioner:

Ms. Martha Lewis
308 S. Frances
South Bend, In 46617



RECEIVED

DEC 11 2003

Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 9, 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. 9458-03 for the vacation of the following property:

THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH/SOUTH ALLEY EAST OF SOUTH FRANCES STREET, THE NORTH RIGHT-OF-WAY OF QUIMBY STREET TO THE SOUTH END OF ANGLES ON THE EAST AND WEST OF DESCRIBED ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUBDIVISION, 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

September 22, 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:

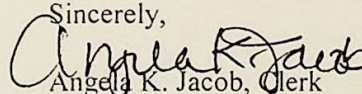
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation, subject to the following conditions**, is being submitted to the Common Council concerning an alley vacation on the following:

First north/south alley east of South Frances Street, the north right of way of Quimby Street to the south end of angles on the east and west of described alley for a distance of approximately 90.5 feet and a width of 10 feet. Part located in Lesters Subdivision, city of South Bend, St. Joseph County, Indiana.

Favorable recommendations from the Police Department, Sanitation, Legal Department and the Department of Public Works have been received. Area Plan, the Fire Department and Community and Economic Development stated that currently, the parking pad for Lot 12 and garages for Lots 13 and 10 access directly off this alley. Also, the most direct access to the garage on Lot 7 may be from this alley. In addition, the vacation of this alley would present a hardship to Lot 11, which is west of the alley. Because of the lot width, should this alley be vacated and the property developed, there would be no sufficient way to access the rear of the property. A utility easement may be required.

The Board of Public Works submits to you a **favorable recommendation** concerning this vacation, subject to addressing the above concerns and 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

September 22, 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:

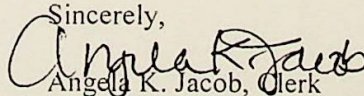
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Favorable recommendations from the Police Department, Sanitation, Legal Department and the Department of Public Works have been received. Area Plan, the Fire Department and Community and Economic Development stated that currently, the parking pad for Lot 12 and garages for Lots 13 and 10 access directly off this alley. Also, the most direct access to the garage on Lot 7 may be from this alley. In addition, the vacation of this alley would present a hardship to Lot 11, which is west of the alley. Because of the lot width, should this alley be vacated and the property developed, there would be no sufficient way to access the rear of the property. A utility easement may be required.

The Board of Public Works submits to you a **favorable recommendation** concerning this vacation, subject to addressing the above concerns and any utility easements that may be necessary.

Sincerely,


Angela K. Jacob, Clerk

Attachments

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

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: SEPTEMBER 17, 2003

I am referring to you the following vacation:

76-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST
NORTH/SOUTH ALLEY EAST OF SOUTH FRANCES STREET, THE
NORTH RIGHT-OF-WAY OF QUIMBY STREET TO THE SOUTH
END OF ANGLES ON THE EAST AND WEST OF DESCRIBED
ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A
WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUBDIVISION,
CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

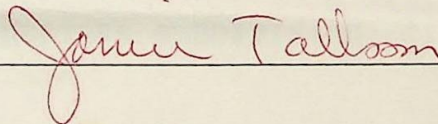
For your information, the Common Council will have first reading on this vacation request on Monday, September 22, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of October 13, 2003.

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

Thanks!

**CITY CLERK
LORETTA J. DUDA**

DEPUTY

A handwritten signature in red ink, reading "Jamie Tallson", is written over a horizontal line.

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH/SOUTH
ALLEY EAST OF SOUTH FRANCES STREET, THE NORTH RIGHT-OF-WAY OF
QUIMBY STREET TO THE SOUTH END OF ANGLES ON THE EAST AND WEST OF
DESCRIBED ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A
WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUBDIVISION, 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 DESCRIBED AS THE FIRST NORTH/SOUTH ALLEY EAST OF SOUTH FRANCES STREET THE NORTH RIGHT-OF-WAY OF QUIMBY STREET TO THE SOUTH END OF ANGLES ON THE EAST AND WEST OF DESCRIBED ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUBDIVISION, 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.

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

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

DATE: 9-15-03

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

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is described as the first north/south alley east of south Frances street the north right -of -way of Quimby Street to the south end of angles on the east and west of described alley for a distance of approximately 90.5 feet and a width of 10 feet. Part located in Lesters sub, city of South Bend, St Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)

ADDRESS

LOT #

[Signature]
Roy Prince Jr

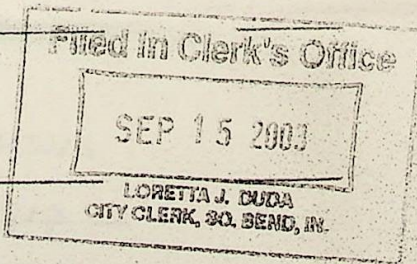
1009 East Quimby St

0139

[Signature]
MARTHA LEWIS

308 South Frances St

0133, 1036
0134, 0137
0135, 0138



CONTACT PERSON (S)

NAME:

MARTHA LEWIS

ADDRESS:

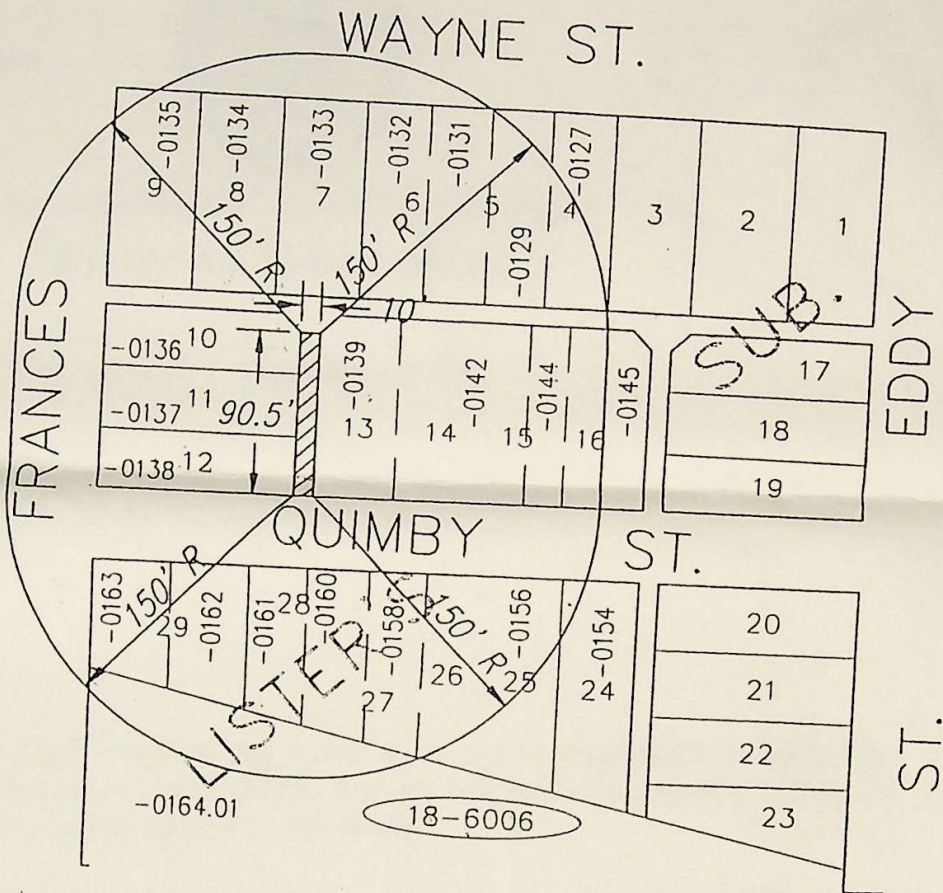
308 S. FRANCES
SOUTH BEND IN 46617

PHONE:

574-532-4087

RETURN TO:

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



ALLEY VACATION

THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH/SOUTH ALLEY EAST OF SOUTH FRANCES STREET FROM THE NORTH RIGHT-OF-WAY OF QUIMBY STREET TO THE SOUTH END OF ANGLES ON THE EAST AND WEST SIDES OF DESCRIBED ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUB, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

235
9209

MARTHA LEWIS

~~232-9917~~

532-4087

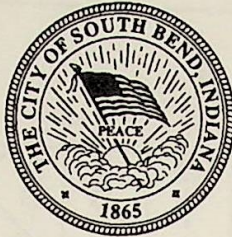
Filed in Clerk's Office
 SEP 15 2003
 LORETTA J. CUDR
 CITY CLERK, SO. BEND, IN.

5/14/03

1:25 PM -

NEED OWNERSHIP LIST

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

November 12, 2002

Ms. Martha Lewis
308 South Frances
South Bend, Indiana 46617

RE: Alley Vacation

Dear Ms. Lewis:

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 Area Plan Commission and the Fire Department recommends the alley not be vacated. Currently, the parking pad for 12 and garages for lots 13 and 10 access directly off this alley. Also, the most direct access to the garage on lot 7 may be from this alley. In addition, the vacation of this alley would present a hardship to lot 11, which is west of the alley. Because of the lot width, should this alley be vacated and the property developed, there would be no sufficient way to access the rear of this property. A utility easement may be required. All adjacent property owners should be notified of this proposed vacation, also.

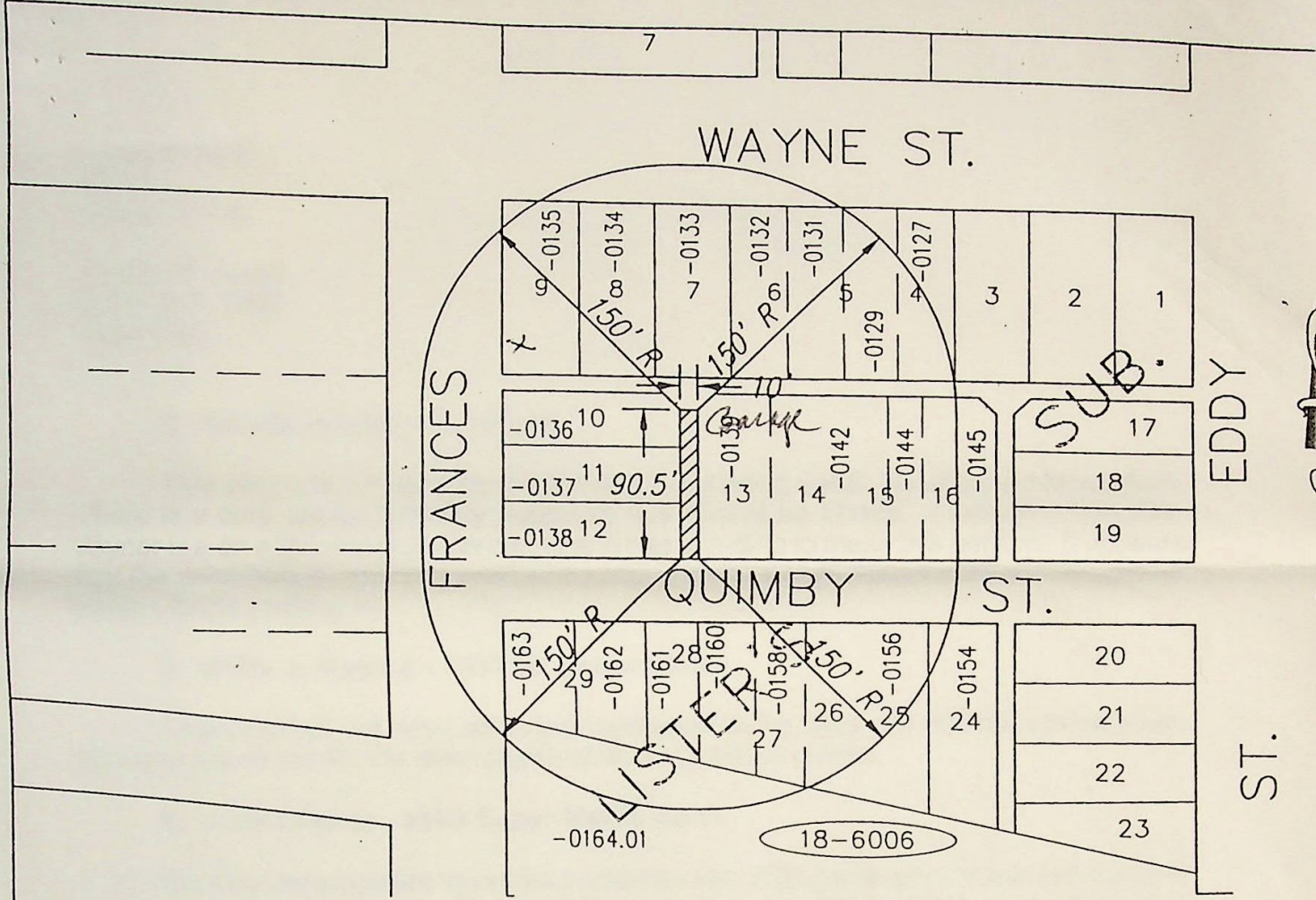
If you decide to proceed with your request to the Common Council, please address the recommendations and their solutions for the alley vacation.

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,

Carl P. Littrell, P.E.
City Engineer

c: Janice Talboom, City Clerk's Office



ALLEY VACATION

THE ALLEY TO BE VACATED IS DESCRIBED AS THE FIRST NORTH/SOUTH ALLEY EAST OF SOUTH FRANCES STREET FROM THE NORTH RIGHT-OF-WAY OF QUIMBY STREET TO THE SOUTH END OF ANGLES ON THE EAST AND WEST SIDES OF DESCRIBED ALLEY FOR A DISTANCE OF APPROXIMATELY 90.5 FEET AND A WIDTH OF 10 FEET. PART LOCATED IN LESTERS SUB, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

MARTHA LEWIS
 232-9917
 308 S. FRANCES
 SOUTH BEND, IN
 46617

APPROVED
 Board of Public Works

NOV 12 2002
[Signature]
[Signature]

Rice 9/27/02

Angela K. Jacob
Page 2
October 7, 2002

Angela K. Jacob
October 7, 2002
Page Two

4. Claude Joyner - Ft. Wayne

This alley has not been developed and is not being used. No objection to vacation. There is a curb cut for the alley approach that should be closed. I presume that Rev. Joyner is an adjoining property owner and has standing to make this petition. It appears that the neighboring property, used as a parking lot for a club, uses the alley approach for access to the parking lot

5. Willie J. Rogers - 1033 W. Bryan Street

This alley has not been developed and is not being used. No objection to vacation. There is a curb cut for the alley approach that should be closed.

6. Julia Greene - 2909 Sugar Maple North

Ms. Greene proposes to vacate a small portion of Sugar Maple Drive in order to limit access into the Maple Lane Fours Apartments site. My first concern is Ms. Greene's standing to make this petition. Is she owner of property adjacent to the segment being proposed for vacation? If not, can she persuade that owner to make the petition? This vacation would severely limit vehicular access to the street network for several hundred residents. It would be the petitioner's responsibility to provide alternate access in order to receive my recommendation to vacate this street segment. Also, it would be necessary to close the curb cut for Sugar Maple Lane and to create a cul-de-sac or other means in the public right of way for vehicles to turn and reverse direction at the east end of the vacated segment. In short, this is not impossible but unlikely.

7. Martha Lewis - 308 S. Frances St.

I have no objection to this alley vacation. There is a garage on Lot 13 on Quimby Street that uses the alley for access. The owners may need to make cross-access agreements. The curb cut on Quimby Street will need to be closed or transformed into a driveway.

What we do today makes a difference!

**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

DATE: September 30, 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 8, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Object Resident at 310 Frances, 1009 Quimby
will not be able to get in their Garage

BY: A/C Howard Buchanon DATE: 10-2-02

Martha Lewis
232-9917
308 S. Frances
South Bend, IN 46617

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 8, 2002

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

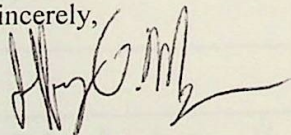
RE: Preliminary concerns and comments for potential vacation of the alley generally described as the first north/south alley east of south Frances Street from the north right-of-way of Quimby Street to the south end of angles on the east and west sides of described alley for a distance of approximately 90.5' and a width of 10'. Part located in Lister's Subdivision, City of South Bend, St. Joseph County, Indiana.

Dear Board Members:

The staff has reviewed this possible petition and believes that this alley should not be vacated. Currently, the parking pad for lot 12 and garages for lots 13 and 10 access directly off of this alley. Also, the most direct access to the garage on lot 7 may be from this alley.

In addition, the vacation of this alley would present a hardship to lot 11, which is west of the alley. Because of the lot width, should this alley be vacated and the property developed, there would be no sufficient way to access the rear of the property. A utility easement may be required.

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

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation

DATE: September 30, 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 8, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: Capt Markovil **DATE:** 10-2-02.

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

OCT 01 2002

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

DATE: September 30, 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 8, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

BOTH GARAGES AT THE NORTH END OF ALLEY FACE THE ^{ALLEY} ~~STREET~~ PROPOSED TO
BE VACATED. NEITHER OF THOSE OWNERS APPEAR TO BE A PARTY TO THE
VACATION REQUEST. RECOMMEND DENIAL UNTIL ALL PARTIES AGREE

BY: ? DATE: _____

Jon R. Hunt

10.04.02

**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

DATE: September 30, 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 8, 2002. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objections from Solid Waste

BY: *John Dillon* **DATE:** *10-24-2002*