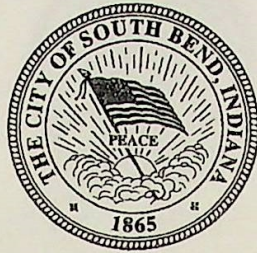


Ordinance No. 9468-03

v

ALLEY VACATION

The First North/South Alley east of 30th Street from the north right of way line of Vine Street thence north for a distance of 410 feet and a width of 16 feet. Said alley would end at the north lot line of lots 30 and 35 of Eggleston's 1st addition, being a part of Eggleston's 1st addition to the City of South Bend, St. Joseph County, Indiana.



Office of the City Clerk

John Voorde, City Clerk

JANUARY 23, 2004

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. 9468-03 for the vacation of the following property:

THE FIRST NORTH/SOUTH ALLEY EAST OF 30TH STREET FROM THE NORTH RIGHT OF WAY LINE OF VINE STREET THENCE NORTH FOR A DISTANCE OF 410 FEET AND A WIDTH OF 16 FEET. SAID ALLEY WOULD DEAD END AT THE NORTH LOT LINE OF LOTS 30 AND 35 OF EGGLESTON'S 1ST ADDITION, BEING A PART OF EGGLESTON'S 1ST ADDITION TO 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

November 7, 2003

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

RE: Alley Vacation
Council Review - 1st Reading

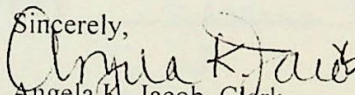
Dear Members of the Council:

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 30th Street from the north right of way line of Vine Street thence north for a distance of 410 feet and a width of 16 feet. Said alley would dead end at the north lot line of Lots 30 and 35 of Eggleston's 1st Addition to the City of South Bend, Indiana.

Favorable recommendations from the Police Department, Sanitation, Legal Department and the Department of Public Works have been received. Engineering stated that the petitioner must provide a cross access easement to 30th Street for the stub alley from Mishawaka Avenue.

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: NOVEMBER 4, 2003

I am referring to you the following vacation:

87-03 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE FIRST NORTH/SOUTH ALLEY EAST OF 30TH STREET
FROM THE NORTH RIGHT OF WAY LINE OF VINE STREET
THENCE NORTH FOR A DISTANCE OF 410 FEET AND A WIDTH
OF 16 FEET. SAID ALLEY WOULD DEAD END AT THE NORTH
LOT LINE OF LOTS 30 AND 35 OF EGGLESTON'S 1ST
ADDITION, BEING A PART OF EGGLESTON'S 1ST 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, November 10, 2003. I assume the council will set this bill for public hearing at its regularly scheduled meeting of November 24, 2003. If you have any questions, please do not hesitate to contact this office.

Thanks!

**CITY CLERK
LORETTA J. DUDA**

DEPUTY _____

Janice Tallson

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

the first North/South alley East of 30th Street from the North right of way line of Vine Street thence North for a distance of 410 feet and a width of 16 feet. Said alley would dead end at the North lot line of lots 30 and 35 of Eggleston's 1st Addition. Being a part of Eggleston's 1st 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 with 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 North/South alley East of 30th Street from the North right of way line of Vine Street thence North for a distance of 410 feet and a width of 16 feet. Said alley would dead end at the North lot line of lots 30 and 35 of Eggleston's 1st Addition. Being a part of Eggleston's 1st 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 individual utilities.

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

18 6045 1473
Campbell, Eleanor
3010 Mishawaka Avenue
South Bend, Indiana 46615

18 6045 1474
Payne, Otis & Martha
3016 Mishawaka Avenue
South Bend, Indiana 46615

18 6045 148401
Carrico, John P
3024 Mishawaka Avenue
South Bend, Indiana 46615

18 6046 1508
West, Karen D.
1002 South 30th Street
South Bend, Indiana 46615

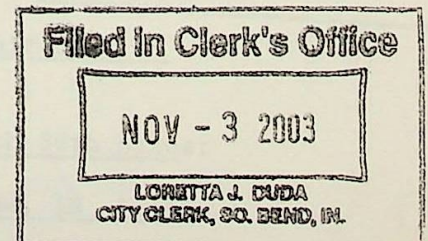
18 6046 1524
Bergt, Philip & Iris
1001 South 31st Street
South Bend, Indiana 46615

SECTION IV. The purpose of the vacation of the real property is to allow the expansion and new construction to the east side of Gospel Center Missionary Church. To meet the growing needs Gospel Center plans to extend eastward into the current alley to improve its existing facilities both functionally and aesthetically.

SECTION V. This vacation shall be subject to the petitioner filing a cross easement to 30th Street for the stub alley from Mishawaka Avenue, which is acceptable to the City's Department of Public Works.

SECTION VI. 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



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 alley to be vacated is the first North/South alley East of 30th Street from the North right of way line of Vine Street thence North for a distance of 410 feet and a width of 16 feet. Said alley would dead end at the North lot line of lots 30 and 35 of Eggleston's 1st Addition. Being a part of Eggleston's 1st Addition to the City of South Bend, St. Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
<u>Michael K Myers</u> <u>MICHAEL K MYERS</u>	<u>1006 S. 30th St</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Filed In Clerk's Office
NOV - 3 2003
LORETTA J. DUDA
CITY CLERK, SO. BEND, IN.

CONTACT PERSON (S)
NAME: Dennis Whittaker

ADDRESS: 1012 South 30th Street
South Bend, IN 46615

PHONE: 574-232-7349 (work)
574-288-7501 (home)

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

MISHAWAKA AVE



ALLEY VACATION

The alley to be vacated is the first North/South alley East of 30th Street from the North right of way line of Vine Street thence North for a distance of 410 feet and a width of 16 feet. Said alley would dead end at the North lot line of lots 30 and 35 of Eggleston's 1st Addition. Being a part of Eggleston's 1st Addition to the City of South Bend, St. Joseph County, Indiana.

Filed in Clerk's Office
 NOV - 3 2003
 LORETTA J. CUDDA
 CITY CLERK, SO. BEND, IN.



DEPARTMENT OF PUBLIC WORKS
 CITY OF SOUTH BEND, INIDANA

- DIVISION
- CIVIL
 - TRAFFIC
 - WATER
 - WASTEWATER

ALLEY VACATION

GOSPEL CENTER CHURCH

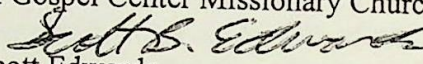
930 THIRTIETH STREET SOUTH BEND, INDIANA 46615

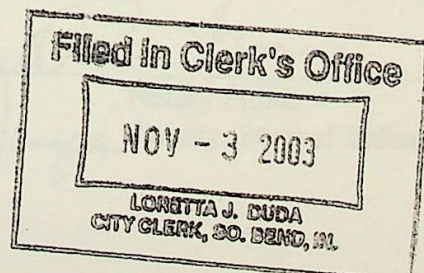
(219) 288-4477

September 29, 2003

To the South Bend Common Council:

This letter authorizes Mr. Dennis Whittaker to represent Gospel Center Missionary Church in proceedings associated with matters relating to alley vacating interactions and easement deliberations & designations regarding Gospel Center property.

On behalf of the
Administrative Ministries Council
of Gospel Center Missionary Church

Scott Edwards
Vice-Chairman
Administrative Ministries Council



GRANT OF EASEMENT

Gospel Center Missionary Church, for valuable consideration received, hereby grants to the City of South Bend, Indiana, through its Board of Public Works, an easement for ingress and egress on and across the property of the Grantor, described as follows:

A parcel of land being an easement for the purposes of public egress and ingress along, over and across a part of the Northeast Quarter of Section 17, Township 37 North, Range 3 East, City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows:

Beginning at the Northwest corner of Lot 30 as shown on the plat of Eggleston's First Addition, the same being recorded in the office of the Recorder of St. Joseph County, Indiana; thence East along the North line of said Lot 30, a distance of 165 feet, more or less, to the West line of a 16 foot wide public alley, being also the East line of said Lot 30; thence South 20 feet along said East line of Lot 30; thence West, parallel with the North line of said Lot 30, a distance of 165 feet, more or less, to the West line of said Lot 30, being also the East right-of-way line of 30th Street in said City; thence North along said West line of Lot 30, a distance of 20 feet to the place of beginning.

Subject to any easements, covenants or restrictions of record.

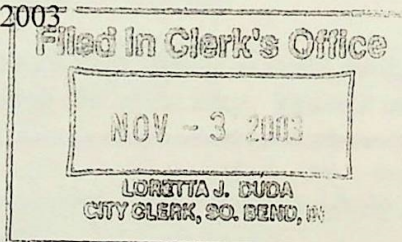
This easement shall be for the benefit of and appurtenant to those public streets and alleys owned by the City of South Bend adjacent thereto. Grantor shall have the responsibility for maintenance of the real estate subject to the easement described in this document.

The undersigned individual represents that he or she has the authority to execute this deed on behalf of the Grantor.

Dated this 2nd day of November, 2003

Gospel Center Missionary Church

By: Jeanette M. Duckert
Secretary
Title



Before me, Notary Public in and for the State of Indiana, personally appeared Jeanette M. Duckert known to me to be the Secretary of Gospel Center Missionary Church and acknowledged execution of the foregoing Grant of Easement this 2nd day of November, 2003.

My commission expires:

Donald R. Francis
Notary Public
Resident of St. Joseph County, State of Indiana

DONALD R. FRANCIS, Notary Public
A Resident of St. Joseph County, IN.
My Commission Expires Nov. 15, 2007

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 8, 2003

Mr. Blake Unger
Gospel Center Missionary Church
930 South 30th Street
South Bend, Indiana 46615

RE: Alley Vacation
Alley 165' East of 30th Street, North of Pleasant

Dear Mr. Unger:

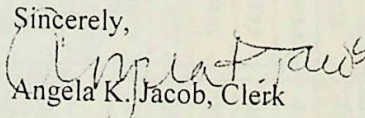
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering stated that the petitioner must provide a cross access easement to 30th Street for the stub alley from Mishawaka Avenue. In addition, if this alley is vacated, it be done so subject to any utility easements that are necessary.

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

**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

DATE: August 1, 2003

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

Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

Must provide a cross access easement to
30th Street for the stub alley from
Mishawaka Ave. Otherwise favorable.

BY: Howard Gilot DATE: 8-04-03

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

AUG 04 2003

FROM: Angie Jacob, Clerk

RE: Alley Vacation

DATE: August 1, 2003

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Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection provided Access easement shown on plat map
provides full access to the end on the remaining alley
section

BY: Bob Mathia DATE: 8/4/03



**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

RE: Alley Vacation

DATE: August 1, 2003

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Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

There is a Gated Fence which will be blocked
if they have no objections

BY: A/c Howard Buchanon **DATE:** 8-5-03

**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

RE: Alley Vacation

DATE: August 1, 2003

AUG 06 2003

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Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No problems from Solid Waste

BY: _____

John Dillon

DATE: _____

8-7-03

Area Plan Commission of St. Joseph County
144 County - Building
227 West Jefferson
South East, Idaho 83421

Office of the
Assistant Director
Phone 334 2340

**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

DATE: August 1, 2003

AUG 12 2003

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

Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY:

Larry Magliozzi

DATE:

8-11-03

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

August 19, 2003

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

AUG 19 2003

RE: Right-of-way Vacation – Generally described as the alley 165' East of 30th Street, running North off of Pleasant Street for approximately 410' more or less.

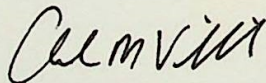
Dear Board Members:

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

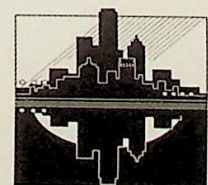
- (1) The vacation *would not* hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation *would not* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation *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 this right-of-way be vacated subject to any utility or access easements that may be required.

Sincerely,



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

FROM: Angie Jacob, Clerk

RE: Alley Vacation

DATE: August 1, 2003

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

Petitioner would like alley vacated because he wants to expand building and parking lot.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **August 20, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: Capt Markovich DATE: 8-20-03