

ALLEY VACATION
ORDINANCE NO. 9496-04
Status Vacated

Date 4/12/2004

Description:

The first East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's addition to the City of South Bend, St. Joseph County, Indiana

ORDINANCE No. 9496-04

Passed by the Common Council of the City of South Bend, Indiana

April 12, 20 04

Attest: [Signature] City Clerk
JOHN VOORDE

Attest: [Signature] Vice President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana

April 13, 20 04

[Signature] City Clerk
JOHN VOORDE

Approved and signed by me April 14, 20 04

ORDINANCE No. 9496-04

Passed by the Common Council of the City of South Bend, Indiana

April 12, 20 04

Attest: [Signature] City Clerk
JOHN VOORDE

Attest: [Signature] Vice President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana

April 13, 20 04

[Signature] City Clerk
JOHN VOORDE

Approved and signed by me April 14, 20 04

ORDINANCE NO. 9496-04

AN ORDINANCE TO VACATE THE FOLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's 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 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 East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's 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:

Lot numbers 27 and 28.

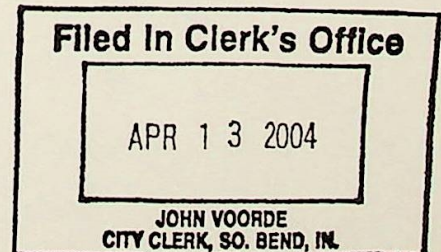
SECTION IV. The purpose of vacation of the real property is to assemble a development site for a new office building and parking structure.

SECTION V. This ordinance shall be subject to a cross-easement agreement addressing ingress and egress to the petitioner's property which is acceptable to the City's Department of Public Works and the U.S. Marshall's Office. Said easement shall be recorded by the Petitioner at their expense. A copy of said easement shall also be filed with the Office of the City Clerk.

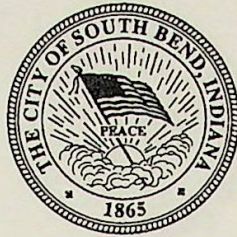
SECTION VI. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Robert Kelly
Member of the Common Council

1st READING 3-22-04
PUBLIC HEARING 4-12-04 as amended
1st READING 4-12-04 as amended
NOT APPROVED
REFERRED
PASSED 4-12-04 as amended



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

March 23, 2004

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

RE: Alley/Street Vacation
Council Review - 1st Reading

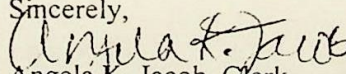
Dear Members of the Council:

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/street vacation on the following:

The first east/west alley south of western Avenue from Main street est to the first north/south alley for a distance of 165 feet and a width of 14 feet. Being a part of martin's Addition to the City of South Bend, St. Joseph County, Indiana.

Engineering stated the vacation would create a dead end alley. A cross-access easement agreement to allow ingress and egress through the petitioner's property would resolve this issue. In addition, if this alley is vacated, it be done so subject to any utility easements that are necessary. In addition, if this alley is vacated, it be done so subject to any utility easements that are necessary.

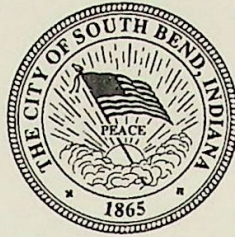
The Board of Public Works submits to you a **favorable recommendation** concerning this vacation, subject to addressing the above concerns and any utility easements that may be necessary.

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

February 23, 2004

Mr. Owen Rock
Community & Economic Development
12th Floor County-City Building
South Bend, Indiana 46601

RE: Alley Vacation - First East/West Alley South of Western Avenue

Dear Owen,

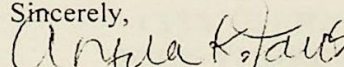
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering stated the vacation would create a dead end alley. A cross-access easement agreement to allow ingress and egress through the petitioner's property would resolve this issue. 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

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 22, 2004

I am referring to you the following vacation:

20-04

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY
SOUTH OF WESTERN AVENUE FROM MAIN STREET EAST TO
THE FIRST NORTH/SOUTH ALLEY FOR A DISTANCE OF 165
FEET AND A WIDTH OF 14 FEET. BEING A PART OF MARTIN'S
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, March 22, 2004. I assume the council will set this bill for public hearing at its regularly scheduled meeting of April 12, 2004.

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

Thanks!

**CITY CLERK
JOHN VOORDE**

DEPUTY

Janice Tallon

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's 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 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 East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's Addition to the City of South Bend, St. Joseph County, Indiana.

hereby determines that it is desirable to vacate said property.

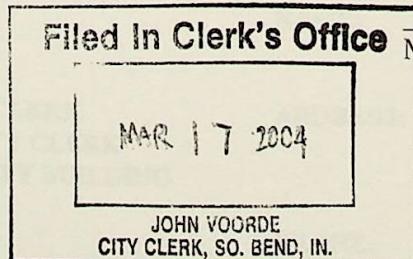
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures 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:

Lot numbers 27 and 28.

Section IV. The purpose of the vacation of the real property is to assemble a development site for a new office building and parking structure.

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

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

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

Filed In Clerk's Office
MAY 17 2004
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

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 east/west alley South of Western Avenue from Main Street East to the first north/south alley for a distance of 165 feet and a width of 14 feet being a part of Martin's Addition to the City of South Bend, St. Joseph County, Indiana

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
Owen Rock	1200 County-City Bldg., South Bend Indiana 46601	27
_____	_____	_____
_____	_____	_____
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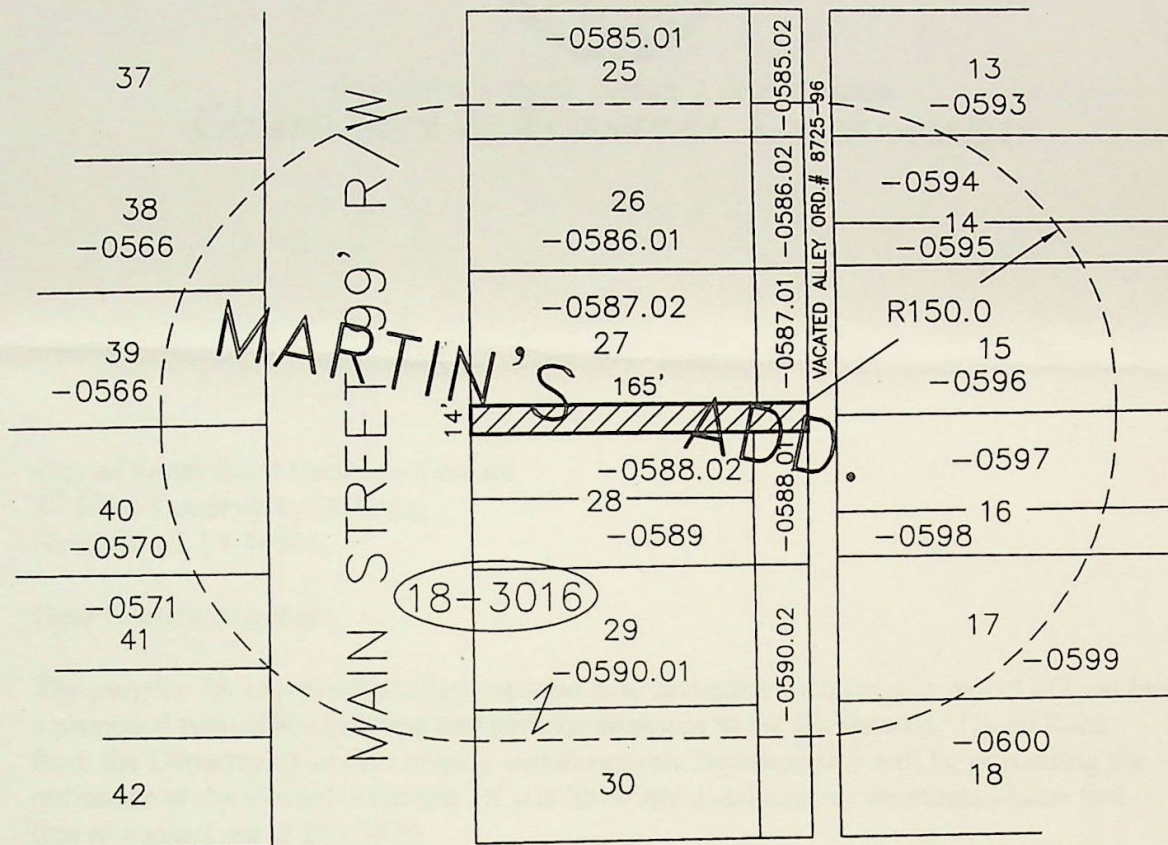
CONTACT PERSON (S)

NAME: Owen Rock

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

ADDRESS: 1200 County-City Building
South Bend, IN 46601
PHONE: 235-5830

WESTERN AVE. 82.5' R/W



ALLEY VACATION

The alley to be vacated is the first East/West alley South of Western Avenue from Main Street East to the first North/South alley for a distance of 165 feet and a width of 14 feet. Being a part of Martin's Addition to the City of South Bend, St. Joseph County, Indiana.

Filed In Clerk's Office

MAR 17 2004

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

1200 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9371
FAX 574/ 235-9021
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR
COMMUNITY & ECONOMIC DEVELOPMENT

City of South Bend Common Council
4th Floor County/City Building
South Bend, IN 46601

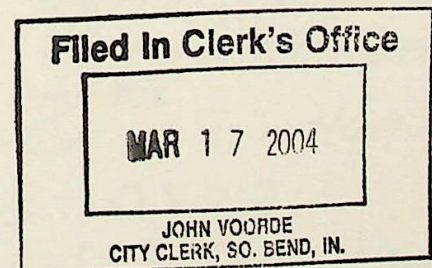
Dear Council Members:

The purpose for the attached alley vacation is to assemble a continuous parcel of land for a proposed new office building and parking structure in the Downtown. Owen Rock from the Department of Community and Economic Development will be presenting the ordinance at the Council Meeting. If you have any questions or comments please feel free to contact me at 235-5830.

Sincerely

A handwritten signature in cursive script, appearing to read "Owen Rock".

Owen Rock
Assistant Director, Economic Development



COMMUNITY DEVELOPMENT
PAMELA C. MEYER
574/235-9660
FAX: 574/235-9697

ECONOMIC DEVELOPMENT
DONALD E. INKS
574/235-9371

FINANCIAL & PROGRAM
MANAGEMENT
ELIZABETH LEONARD
574/235-9371

Filed In Clerk's Office

MAR 18 2004

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

18-3016 - 0593
Western Ave. Properties LLC
422 E. Monroe
SB 46601

- 0594
Western Ave. Properties LLC
400 Western Ave
SB 46601

- 0595
Western Ave. Properties LLC
422 E. Monroe
SB 46601

- 0596
Western Ave. Properties LLC
422 E. Monroe
SB 46601

- 0597
Western Ave. Properties LLC
422 E. Monroe
SB 46601

- 0598
Friedline John
918 E. Jefferson
SB 46617

- 0599
John Friedline,
425 S. Mich.
SB 46601

- 0600 Rev. Trust
McNearr Eitzen Hk
1605 E. Jefferson
SB 46617

18-3015 - 0566
City Chapel Evangel Free Chr.
215 S. Monroe
SB 46601

18-3015 - 0570 *
~~Barnwood South Bend~~
1711 N. College, PO Box 1255
Carnot, IN 466032

18-3015 - 0571 *
~~Barnwood South Bend~~
1711 N. College, Carnot, IN
PO Box 1255 466032

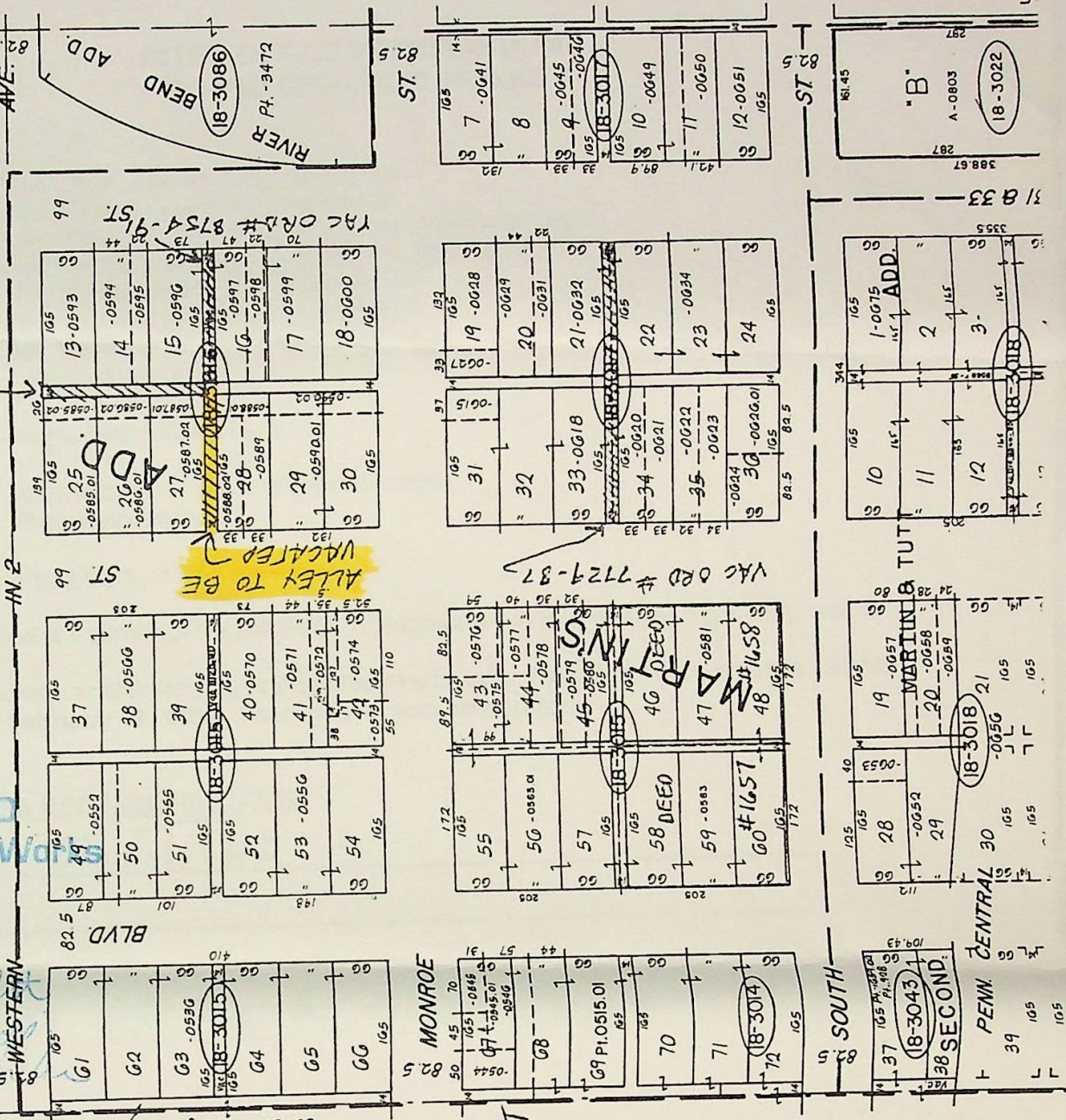
18-3015 - 0572
LaSalle Federal Savings & Loan
211 W. Monroe St.
SB 46601

* El Paraiso South Bend Inc

APPROVED
Board of Public Works

FEB 23 2004

*Bring a Bill
Jim P. Little
Nash & Co.*



- "A"
PT. OF STUDEBAKER CORRIDOR
1st MINOR REPLAT
(ALSO SEE B-13A)
- "B"
BRONSON SURVEY B
TAYLOR FIELD ADDITION
1st REPLAT
- "C"
DANIEL GARSTS FIRST
ADDITION TO THE CITY OF
SOUTH BEND, CENTER
FOR THE HOMELESS
1st REPLAT
- "D"
VANDALIA STATION MINOR SUB.

See Detail on Page B-114

PETITIONER'S
ECONOMIC DEVELOPMENT
OWEN ROCK
5830
PURPOSE'S
NEW BUILDING
AND PARKING FOR
SCH CORP.

VAC ORD #
8725-96

8-12A
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ALLEY TO BE
VACATED

VAC ORD # 7727-87

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MONROE

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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 - (Near Western/Monroe)
 Preliminary Review

DATE: February 9, 2004

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

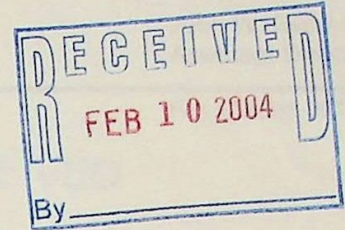
I would appreciate receiving your comments and recommendation concerning this vacation no later than **February 17, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt Mathew* **DATE:** *2/11/04*

Area Plan Commission of St. Joseph County
Public Works Department
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

RECEIVED

FEB 12 2004

OFFICE OF THE DIRECTOR
DEPT. OF PUBLIC WORKS
CITY OF SOUTH BEND

FROM: Angie Jacob, Clerk *AJ*
RE: Alley Vacation - (Near Western/Monroe)
Preliminary Review
DATE: February 9, 2004

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

I would appreciate receiving your comments and recommendation concerning this vacation no later than **February 17, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMENDS APPROVAL

BY: *Larry Magliozzi* DATE: *2.12.04*

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

February 13, 2004

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

RECEIVED

FEB 13 2004

OFFICE OF THE DIRECTOR
DEPT. OF PUBLIC WORKS
CITY OF SOUTH BEND, IN

RE: Right-of-way Vacation – Generally described as the first East/West alley South of Western Avenue running from Main Street West to the intersection of an unnamed alley a distance of 165’.

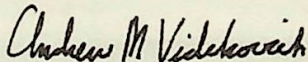
Dear Board Members:

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

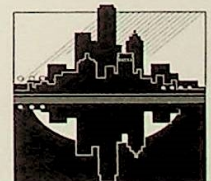
- (1) The vacation *would not* hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation *would* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation *would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

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 - (Near Western/Monroe)
Preliminary Review

DATE: February 9, 2004

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **February 17, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

This vacation would create a "dead end" alley. A cross-access easement agreement to allow ingress-egress through petitioner's property would resolve the issue.

BY: Carl P. Littrell DATE: 2/16/04



**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 - (Near Western/Monroe)
Preliminary Review

DATE: February 9, 2004

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COMMENTS & RECOMMENDATIONS:

No objections

BY: *Ale Howard Buchanon* **DATE:** 2-16-04

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

RECEIVED

FEB 17 2004

OFFICE OF THE DIRECTOR
DEPT. OF PUBLIC WORKS
CITY OF SOUTH BEND

FROM: Angie Jacob, Clerk *Angie Jacob*
RE: Alley Vacation - (Near Western/Monroe)
Preliminary Review
DATE: February 9, 2004

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

I would appreciate receiving your comments and recommendation concerning this vacation no later than February 17, 2004. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

I recommend approval. This will contribute to the redevelopment of the downtown.

BY: *Bob Mathia* DATE: *2/13/04*



**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 - (Near Western/Monroe)
Preliminary Review

DATE: February 9, 2004

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COMMENTS & RECOMMENDATIONS:

Do Not use Alley

BY: *R Szela* **DATE:** *2-17-04*

/



**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
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COMMENTS & RECOMMENDATIONS:

Do Not use Alley

BY: *R Szala* **DATE:** *2-17-04*