

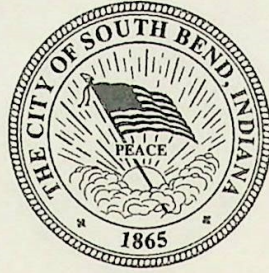
ALLEY VACATION  
ORDINANCE NO. 9508-04  
Status Vacated

Date 1/11/2006

Description:

Portions of Main Street, Lafayette Blvd., Auten Street and Hoover Street, now known as Homer Avenue, South of Ireland Road, West of Michigan Street and North of the St. Joseph Valley Parkway, US 20/31 By-Pass.





RECEIVED

JAN 11 2006

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

# Office of the City Clerk

John Voorde, City Clerk

JANUARY 11, 2006

## 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 - Paula  
Ed Herman - Water Works - North Station

FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 9508-04 for the vacation of the following property:

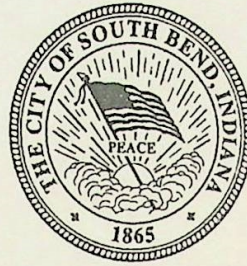
PORTIONS OF MAIN STREET, LAFAYETTE BLVD., AUTEN STREET AND HOOVER STREET, NOW KNOWN AS HOMER AVENUE, SOUTH OF IRELAND ROAD, WEST OF MICHIGAN STREET AND NORTH OF THE ST. JOSEPH VALLEY PARKWAY, US 20/31 BY-PASS

are closed and this area is vacated

cc: South Bend Community School Corporation Transportation Dept.  
Northern Indiana Public Service Co. – Jim Betin



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**

April 23, 2004

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

RE: Property Vacation  
Council Review - 1<sup>st</sup> 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:

Portions of Main Street, Lafayette Boulevard, Auten Street and Hoover Street, now known as Homer Avenue, South of Ireland Road, West of Michigan Street and North of the St. Joseph Valley Parkway, U.S. 2031 By-Pass.

Engineering stated no objections to this becoming effective upon completion of the developer(s) gaining control of all properties and providing re-zoning and subdivision of properties, as well as approval of a development agreement. 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*  
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: APRIL 22, 2004

*I am referring to you the following vacation:*

29-04 A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
PORTIONS OF MAIN STREET, LAFAYETTE BLVD., AUTEN  
STREET AND HOOVER STREET, NOW KNOWN AS HOMER  
AVENUE, SOUTH OF IRELAND ROAD, WEST OF MICHIGAN  
STREET AND NORTH OF THE ST. JOSEPH VALLEY PARKWAY,  
US 20/31 BY-PASS

For your information, the Common Council will have first reading on this vacation request on Monday, April 26, 2004. I assume the council will set this bill for public hearing at its regularly scheduled meeting of May 10, 2004.

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

Thanks!

CITY CLERK  
JOHN VOORDE

DEPUTY

*Jamie Tallson*



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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*PORTIONS OF MAIN STREET, LAFAYETTE BLVD., AUTEN STREET AND HOOVER STREET, NOW KNOWN AS HOMER AVENUE, SOUTH OF IRELAND ROAD, WEST OF MICHIGAN STREET AND NORTH OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS).*

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 FIRST STREET TO BE VACATED IS MAIN STREET FROM THE SOUTH RIGHT OF WAY LINE OF IRELAND ROAD TO THE NORTH RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 970 FEET, MORE OR LESS AND A WIDTH OF 60 FEET. THE SECOND STREET TO BE VACATED IS LAFAYETTE BLVD. FROM THE SOUTH RIGHT OF WAY LINE OF AUTEN STREET TO THE NORTH RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 430 FEET, MORE OR LESS AND A WIDTH OF 30 FEET. THE THIRD STREET TO BE VACATED IS AUTEN STREET FROM THE WEST LINE OF THE PLEASANT VIEW MANOR ADDITION AND THE WEST LINE OF AUTEN'S PROPOSED SUBDIVISION TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 254 FEET, MORE OR LESS. CONTINUING WITH AUTEN STREET FROM THE EAST RIGHT OF WAY LINE OF MAIN STREET TO THE EAST LINE OF SAID SUBDIVISIONS FOR A DISTANCE OF 122.7 FEET AND A WIDTH OF 60 FEET. THE FOURTH STREET TO BE VACATED IS HOOVER STREET, NOW KNOWN AS HOMER AVENUE, FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 240.4 FEET, MORE OR LESS, AND A WIDTH OF 60 FEET. CONTINUING WITH HOOVER STREET, NOW KNOWN AS HOMER AVENUE, FROM THE EAST RIGHT OF WAY OF MAIN STREET TO THE WEST RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 30 FEET, MORE OR LESS AND A WIDTH OF 20, FEET MORE OR LESS. BEING A PART OF PLEASANT VIEW MANOR



ADDITION AND AUTEN'S PROPOSED SUBDIVISION 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 properties may be injuriously or beneficially affected by such vacating:

Tax ID numbers:

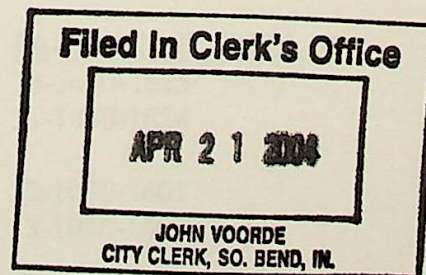
23-1030-1600.02, 23-1030-1601, 23-1030-1602, 23-1030-1603, 23-1030-1605, 23-1030-1607, 23-1030-1609, 23-1030-1610, 23-1030-1611, 23-1030-1612, 23-1030-1613, 23-1030-1614, 23-1030-1615, 23-1030-1617, 23-1030-1619, 23-1030-1620, 23-1030-1621, 23-1030-1622, 23-1030-1623, 23-1030-1624, 23-1030-1625 and 23-1030-1628.

**SECTION IV.** The purpose of the vacation of the real property is to:

Facilitate the development of a 430,000 square foot retail center to be developed on and adjacent to the streets to be vacated.

**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



SBDS02 MDH 294112v1

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



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

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

**DATE:** \_\_\_\_\_

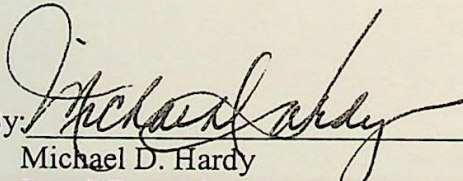
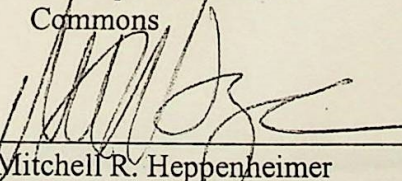
THE UNDERSIGNED PROPERTY OWNERS AND INTERESTED PARTY PETITION YOU TO VACATE:

THE FIRST STREET TO BE VACATED IS MAIN STREET FROM THE SOUTH RIGHT OF WAY LINE OF IRELAND ROAD TO THE NORTH RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 970 FEET, MORE OR LESS AND A WIDTH OF 60 FEET. THE SECOND STREET TO BE VACATED IS LAFAYETTE BLVD. FROM THE SOUTH RIGHT OF WAY LINE OF AUTEN STREET TO THE NORTH RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 430 FEET, MORE OR LESS AND A WIDTH OF 30 FEET. THE THIRD STREET TO BE VACATED IS AUTEN STREET FROM THE WEST LINE OF THE PLEASANT VIEW MANOR ADDITION AND THE WEST LINE OF AUTEN'S PROPOSED SUBDIVISION TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 254 FEET, MORE OR LESS. CONTINUING WITH AUTEN STREET FROM THE EAST RIGHT OF WAY LINE OF MAIN STREET TO THE EAST LINE OF SAID SUBDIVISIONS FOR A DISTANCE OF 122.7 FEET AND A WIDTH OF 60 FEET. THE FOURTH STREET TO BE VACATED IS HOOVER STREET, NOW KNOWN AS HOMER AVENUE, FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 240.4 FEET, MORE OR LESS, AND A WIDTH OF 60 FEET. CONTINUING WITH HOOVER STREET, NOW KNOWN AS HOMER AVENUE, FROM THE EAST RIGHT OF WAY OF MAIN STREET TO THE WEST RIGHT OF WAY OF THE ST. JOSEPH VALLEY PARKWAY (US 20/31 BY-PASS) FOR A DISTANCE OF 30 FEET, MORE OR LESS AND A WIDTH OF 20, FEET MORE OR LESS. BEING A PART OF PLEASANT VIEW MANOR ADDITION AND AUTEN'S PROPOSED SUBDIVISION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

The undersigned submit this Petition to Vacate the above streets in order to facilitate the development of Erskine Commons, a 430,000 square foot retail center to be developed on and adjacent to the streets to be vacated. The undersigned Petitioners request approval of this Petition.

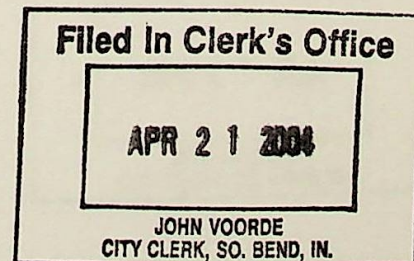
| <u>NAME</u>                 | <u>ADDRESS</u>                               | <u>PROPERTY/PARCEL ID</u>    |
|-----------------------------|--|------------------------------|
| 1 <sup>st</sup> Source Bank | P.O. Box 1602<br>South Bend, IN 46634        | 23-1030-1625<br>23-1030-1624 |
| Eugene and Jane Pullin      | 4531 S. Michigan St.<br>South Bend, IN 46614 | 23-1030-1601<br>23-1030-1602 |



|   |  |   |
|---|--|---|
| Lawrence Low  | 4618 S. Main St.<br>South Bend, IN 46614   | 23-1030-1604<br>23-1030-1605<br>23-1030-1606<br>23-1030-1607<br>23-1030-1608  |
| Lee and Elizabeth Boone   | 4538 S. Main St.<br>South Bend, IN 46614   | 23-1030-1603  |
| Louis and Elizabeth Keszei  | 4628 S. Main St.<br>South Bend, IN 46614   | 23-1030-1611  |
| Doris Allen   | 951 Southern Avenue<br>South Bend, IN 46203  | 23-1030-1610  |
| Indiana Michigan Electric   | P.O. Box 24400 301<br>Cleveland, OH 44701  | 23-1030-1612  |
| Brian and Cynthia Harnish   | 217 W. Homer Avenue<br>South Bend, IN 46614  | 23-1030-1614  |
| Steven and Diane Monroe   | 4605 S. Main Street<br>South Bend, IN 46614  | 23-1030-1623<br>23-1030-1622<br>23-1030-1621<br>23-1030-1620<br>23-1030-1619  |
| St. Joseph County   | County-City Building<br>South Bend, IN 46601   | 23-1030-1628  |
| Anchor Acquisitions, Ltd  | 30 West Third Street,<br>6 <sup>th</sup> Floor<br>Cincinnati, Ohio 45202                             | Contingent purchaser<br>of petitioners' properties and<br>developer of Erskine<br>Commons   |
| By:  | Michael D. Hardy<br>Legal Counsel and attorney in fact for petitioners<br>(except St. Joseph County) | By: <br>Mitchell R. Heppenheimer<br>Attorney for St. Joseph County |

RETURN TO:

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





CONTACT PERSON(S):

Michael D. Hardy, Esq.  
Barnes & Thornburg LLP  
100 N. Michigan Street, 6<sup>th</sup> Floor  
South Bend, Indiana 46601  
(574) 237-1233

Mitchell R. Heppenheimer, Esq.  
Heppenheimer & Korpel  
Professional Corporation  
704 West Washington Avenue  
South Bend, Indiana 46601  
(574) 232-5883

Filed In Clerk's Office

APR 21 2004

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.





**LEGAL DESCRIPTION:**

The first street to be vacated is Main Street from the South right of way line of Ireland Road to the North right of way of the St. Joseph Valley Parkway (US 20/31 By-Pass) for a distance of 970 feet, more or less and a width of 60 feet. The second street to be vacated is LaFayette Blvd. from the South right of way line of Auten Street to the North right of way of the St. Joseph Valley Parkway (US 20/31 By-Pass) for a distance of 430 feet, more or less and a width of 30 feet. The third street to be vacated is Auten Street from the West line of the Pleasant View Manor Addition and the West line of Auten's proposed subdivision to the West right of way line of Main Street for a distance of 254 feet, more or less. Continuing with Auten Street from the East right of way line of Main Street to the East line of said subdivisions for a distance of 122.7 feet and a width of 60 feet. The fourth street to be vacated is Hoover Street (also known as Homer Avenue) from the East right of way line of LaFayette Blvd. to the West right of way line of Main Street for a distance of 240.4 feet, more or less, and a width of 60 feet. Continuing with Hoover Street (also known as Homer Avenue)(also known as Homer Avenue), from the East right of way of Main Street to the West right of way of the St. Joseph Valley Parkway (US 20/31 By-Pass) for a distance of 30 feet, more or less and a width of 20, feet more or less. Being a part of Pleasant View Manor Addition and Auten's proposed subdivision to the City of South Bend, St. Joseph County, Indiana.



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**

April 13, 2004

Mr. Mike Hardy  
Barnes & Thornburg  
600 1<sup>st</sup> Source Bank Center  
100 North Michigan  
South Bend, Indiana 46601

RE: Street Vacation - Main Street - Lafayette Boulevard  
Auten Street - Hoover Street  
Construction of Shopping Center

Dear Mr. Hardy:

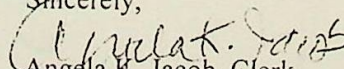
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering stated no objections to this becoming effective upon completion of the developer(s) gaining control of all properties and providing re-zoning and subdivision of properties, as well as approval of a development agreement. In addition, if these rights-of-way are vacated, they 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  
Bill Schalliol, E/D



STREETS TO BE VACATED:

MAIN ST - LAFAYETTE BLVD

AUTEN ST - HOOPER ST

- "A" MICKELSONS IRELAND RD MINOR SUB.
- "B" ZIMMER-STEEL MINOR SUB.
- "C" PAUL E. DILLON MINOR SUB.

PURPOSE:

CONSTRUCTION OF SHOPPING CENTER

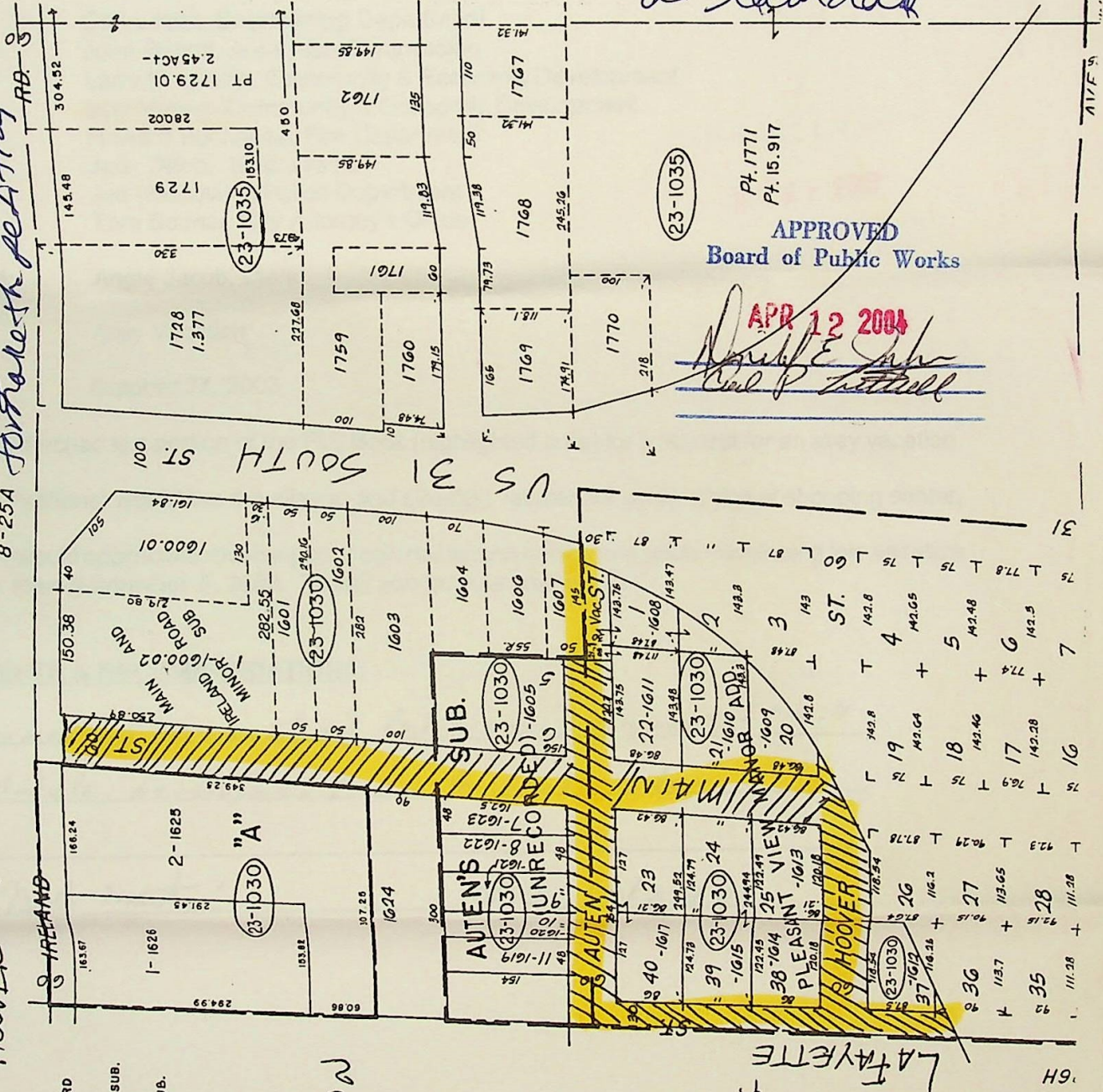
CONTACT:

BARNES & THORNBURG  
MIKE HARDY  
237-1233

- Check to discuss w/ M. Hardy  
- question re agreement  
- needs to be worked out  
with all need a standing  
8-25A for the petition

Way letters  
between party;  
need to table

- premature request  
- Mike hardy to contact  
Census Variation  
committee to discuss  
Ord. to become effective  
at Landak



APPROVED  
Board of Public Works

APR 12 2004

*Carl P. Mitchell*



**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:** October 27, 2003

RECEIVED  
OCT 26 2003  
CITY OF SOUTH BEND  
DIV. OF ENGINEERING

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

Petitioner would like the alley(s) and street(s) vacated for construction of shopping center.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 5, 2003**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

I recommend approval of Petitioner's request. It will  
facilitate development on the south side.

BY: Bob Mathia DATE: 10/27/03





**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

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**DATE:** October 27, 2003

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 5, 2003**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*No Objections*

**BY:** *Capt Markovich*

**DATE:** *10-28-03*

*STU 00 01 00 M 10*



**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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**DATE:** October 27, 2003

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**COMMENTS & RECOMMENDATIONS:**

*No objection to this becoming effective upon completion of developer(s) gaining control of all properties and providing re-zoning and subdivision of properties is accomplished*

BY: Carl V. Littrell DATE: 10/27/03

*at approved development agreement*

*ALG*



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

RECEIVED

OCT 28 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  
Joe Markovich, Police Department  
Tom Bodnar, City Attorney's Office

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

RECEIVED

OCT 28 2003

FROM: Angie Jacob, Clerk  
RE: Alley Vacation  
DATE: October 27, 2003

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

Petitioner would like the alley(s) and street(s) vacated for construction of shopping center.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 5, 2003**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: Larry Magliozzi

DATE: 10.28.03



**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:** October 27, 2003

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Petitioner would like the alley(s) and street(s) vacated for construction of shopping center.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 5, 2003**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

No objection

BY: A/C Howard Buchanon

DATE: 10-28-03



# 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

December 19, 2003

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

RECEIVED

DEC 19 2003

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

RE: Right-of-way Vacations – Generally described as Main Street from Ireland Road running South to Hoover Street; Hoover Street from Main Street running West to Lafayette Boulevard; Auten Street from Lafayette Boulevard running East to a point approximately 120' East of Main Street; and Lafayette Boulevard from Auten Street running South to a point approximately 87.5' South of Hoover Street.

Dear Board Members:

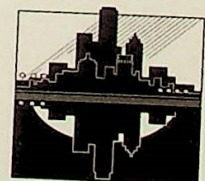
The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

- (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.

Assuming that 50% or more of the property owners are a party to this petition, The Staff recommends that these right-of-ways be vacated subject to any utility or access easements that may be required.

Sincerely,

*Andrew M. Videtkovich*  
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

RECEIVED

DEC 23 2003

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

**FROM:** Angie Jacob, Clerk

**RE:** Alley Vacation

**DATE:** October 27, 2003

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

Petitioner would like the alley(s) and street(s) vacated for construction of shopping center.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 5, 2003**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*I believe I just received this.  
No problems with Solid Waste*

BY:

*John Dillon*

DATE:

*12-23-03*