

9517-04

## STREET VACATION

The first street to be vacated is the South half of the Angela Blvd. right-of-way from Notre Dame Avenue, East for a distance of 930 feet, more or less, to the West right-of-way line of Eddy Street and a width of 40 feet. Because the City limit line goes down the centerline of Angela Blvd. the vacation will be for the South half of the right-of-way only. The second street to be vacated is the West half of the Eddy Street right-of-way from Angela Blvd. South a distance of 380 feet, more or less, to the North right-of-way line of Angela Blvd. extended from Notre Dame Avenue and a width of 35 feet. Again because the City limits line goes down the Centerline of Eddy Street, the vacation will be for the West half of the right-of-way only.





# Office of the City Clerk

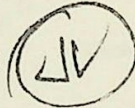
John Voorde, City Clerk

AUGUST 31, 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: John Voorde, City Clerk



All proceedings with reference to Ordinance No. 9517-04 for the vacation of the following property

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY. THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMITS LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY

are closed and this area is vacated

cc: Jim Betin – NIPSCO  
South Bend Community School Corporation Transportation Dept.

455 County-City Building • South Bend, Indiana 46601 • 574/235-9221 • Fax 574/235-9173 • TDD 574/235-5567

Mary Beth Wisniewski  
Chief Deputy

Janice Talboom  
Deputy

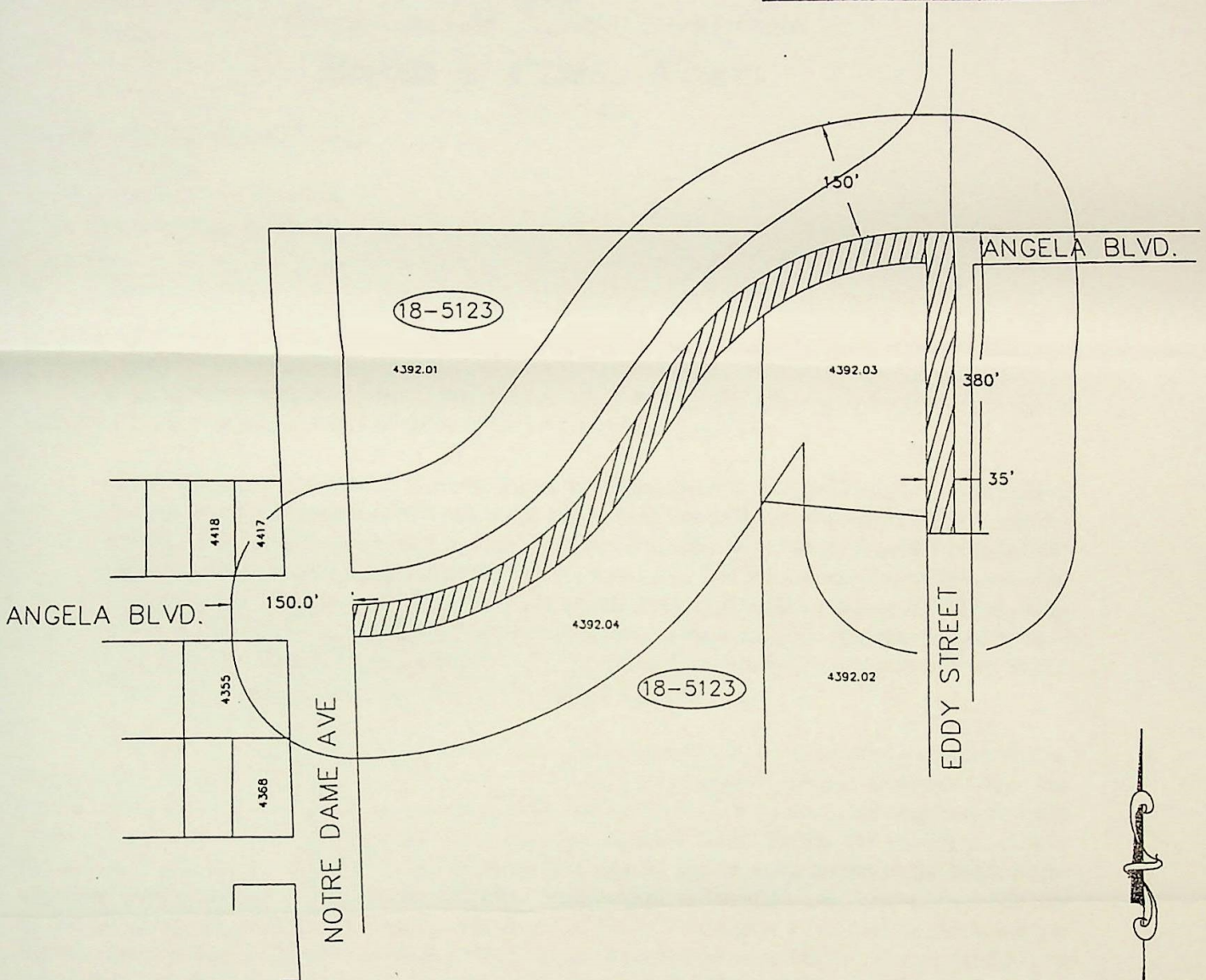
Winona Hays  
Ordinance Violation Clerk



Filed In Clerk's Office

JUN 29 2004

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.



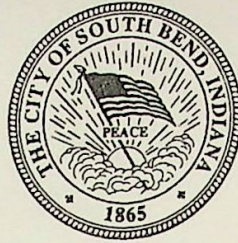
LEGAL DESCRIPTION:

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, ~~WEST~~ FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.

THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGEL BLVD. EXTENDED FROM NOTRE DAME AVENUE, AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY.



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 8, 2004

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

RE: Street Vacation

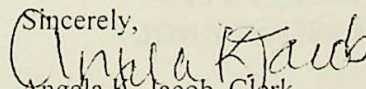
Dear Members of the Council:

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 the south half of the Angela Boulevard right of way from Notre Dame Avenue, east for a distance of 930 feet, more or less, to the west right of way line of Eddy Street and a width of 40 feet. Because the City limit line goes down the centerline of Angela Boulevard the vacation will be for the south half of the right of way only. The second street to be vacated is the west half of the Eddy Street right of way from Angela Boulevard south a distance of 380 feet, more or less, to the north right of way line of Angela Boulevard extended from the Notre Dame Avenue and a width of 35 feet. Again because the City limits line goes down the centerline of Eddy Street, the vacation will be for the west half of the right of way only.

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 recommended approval, subject to the construction of the proposed relocated Edison Road. Area Plan Commission stated that this vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located; would make access to the lands of the aggrieved person by means of public way difficult or inconvenient; and would hinder the use of a public way by the neighborhood in which it is located. The Board of Public Works gave a favorable recommendation for this street vacation subject to a delayed effect based on resolution from the City Council and Mayor concurrent with similar actions fro St. Joseph County. In addition, 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' Office



## OFFICE OF THE CITY CLERK

**TO: BOARD OF PUBLIC WORKS**

**DATE: JULY 6, 2004**

I am referring to you the following vacation:

40-04

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY. THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE O 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM THE NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMITS LINE GOES DOWN THE CINTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY

For your information, the Common Council will have first reading on this vacation request on Monday, July 12, 2004. I assume the council will set this bill for public hearing at its regularly scheduled meeting of July 26, 2004.

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

Thanks!

**CITY CLERK  
JOHN VOORDE**

**DEPUTY**

*Jani Talboon*



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

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.

THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMITS LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY

**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 THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.



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

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.

THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMITS LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY

**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 THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.



THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY

hereby determines that it is desirable to vacate said property, and that the same is vacated.

**SECTION II.** The City of South Bend hereby releases the rights and easements of all utilities held by 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.

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

The property of the University of Notre Dame abutting the public streets which are petitioned to be vacated.

Property of the Trustees of Indiana University at the Southeast corner of Notre Dame Avenue and Angela Street.

Property of the State of Indiana located at the Southeast corner of Notre Dame Avenue and Angela Street.

Lots 92, 93, 94 and 95 in University Heights Subdivision.

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

Facilitate the development of Petitioner's campus plan, to improve traffic safety by eliminating the S-curve between Notre Dame Avenue and Eddy Street, to facilitate the re-alignment of Edison Road and to enhance the possibility of developing improvements along Eddy Street as a potential mixed-use commercial/residential district.

**SECTION V.** The South half of the above described portion of Angela Blvd. and the East half of the above described portion of Eddy Street have been vacated by action of St. Joseph County. A condition of this vacation is that Petitioner pays the engineering expense and expense of construction of a new road to be constructed between Notre Dame Avenue and Ivy Road ("New Road") and that the Petitioner dedicates the New Road and all land required for its construction to St. Joseph County prior to the effective date of this vacation.

**SECTION VI.** This ordinance shall be passed by the Common Council and be in full force and effect when passed with the effective date of the vacation being established



by a Resolution being promptly filed for Council consideration by the Administration when the New Road is accepted by the City of South Bend Engineering Department for use by the public, setting forth a date certain for the effective date of the vacation of the above-described portions of public streets, which Resolution shall be subject to the approval of the Common Council and the Mayor.

**SECTION VII.** 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

Attest:

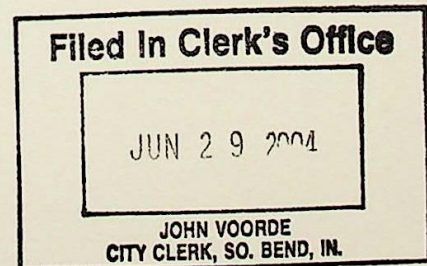
\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana





by a Resolution being promptly filed for Council consideration by the Administration when the New Road is accepted by the City of South Bend Engineering Department for use by the public, setting forth a date certain for the effective date of the vacation of the above-described portions of public streets, which Resolution shall be subject to the approval of the Common Council and the Mayor.

**SECTION VII.** 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

Attest:

\_\_\_\_\_  
City Clerk

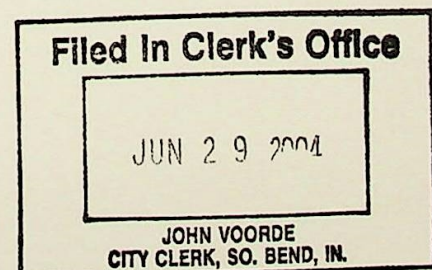
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana

SBDS02 BRB 297989v3





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

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

**DATE: June 29, 2004**

THE UNDERSIGNED PROPERTY OWNER PETITIONS YOU TO VACATE THE FOLLOWING ALLEYS AND STREETS:

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, EAST FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLVD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.

THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGELA BLVD. EXTENDED FROM NOTRE DAME AVENUE AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY.

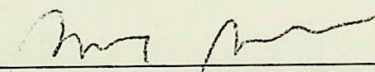
1. Construction of New Road. Petitioner agrees to pay the engineering expense and all construction expense for construction of a new road ("New Road") to be constructed between Notre Dame Avenue and Ivy Road as depicted on Exhibit "A" attached hereto and Petitioner shall dedicate the New Road and land required for its construction to St. Joseph County prior to the effective date of the vacation requested in this Petition.

2. Reasons for the Petition. The undersigned submits this Petition to Vacate the streets described above in order to facilitate the development of Petitioner's campus plan, to improve traffic safety by eliminating the S-curve between Notre Dame Avenue and Eddy Street, to facilitate the re-alignment of Edison Road and to enhance the possibility of developing improvements along Eddy Street as a potential mixed-use commercial/residential district. The undersigned Petitioner requests approval of this Petition.



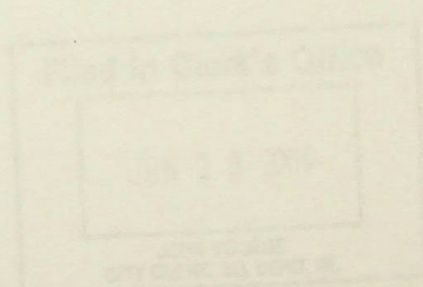
3. Names and Addresses of Owners of Property within 150 Feet of the Boundary of the Road Proposed to be Vacated.

<u>NAME (signed &amp; printed)</u>	<u>ADDRESS</u>	<u>PROPERTY</u>
UNIVERSITY OF NOTRE DAME, DU LAC	Notre Dame, Indiana 46556	All property located adjacent to the public street which is petitioned to be vacated which is part of the University of Notre Dame campus.
TRUSTEES OF INDIANA UNIVERSITY	c/o Real Estate Department Carmichael Center Suite 204 530 E. Kirkwood Ave. Bloomington, IN 47408	Southeast corner of Notre Dame Avenue and Angela Street
STATE OF INDIANA	Department of Environmental Management Indiana Government Center - North 100 N. Senate Avenue Indianapolis, IN 46204	Southeast corner of Notre Dame Avenue and Angela Street
TERESA JERMANO	54652 Winding Brook Drive Mishawaka, IN 46545	Lots 92 and 93 University Heights Subdivision
RICHARD E. AND VIRGINIA M. LOCHNER	1247 N. Notre Dame Avenue South Bend, IN 46617	Lots 94 and 95 University Heights Subdivision

By:   
Bruce R. Bancroft and Richard J. Deahl,  
Barnes & Thornburg LLP  
Legal Counsel for University of Notre Dame, Du Lac

RETURN TO:

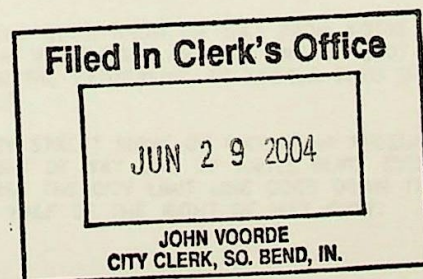
OFFICE OF THE CITY CLERK  
JOHN VOORDE, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
(574) 235-9221





CONTACT PERSON(S):

Bruce R. Bancroft, Esq.  
Richard J. Deahl, Esq.  
Barnes & Thornburg  
100 N. Michigan Street, 6<sup>th</sup> Floor  
South Bend, Indiana 46601  
(574) 233-1171  
Legal Counsel for University of Notre Dame, Du Lac

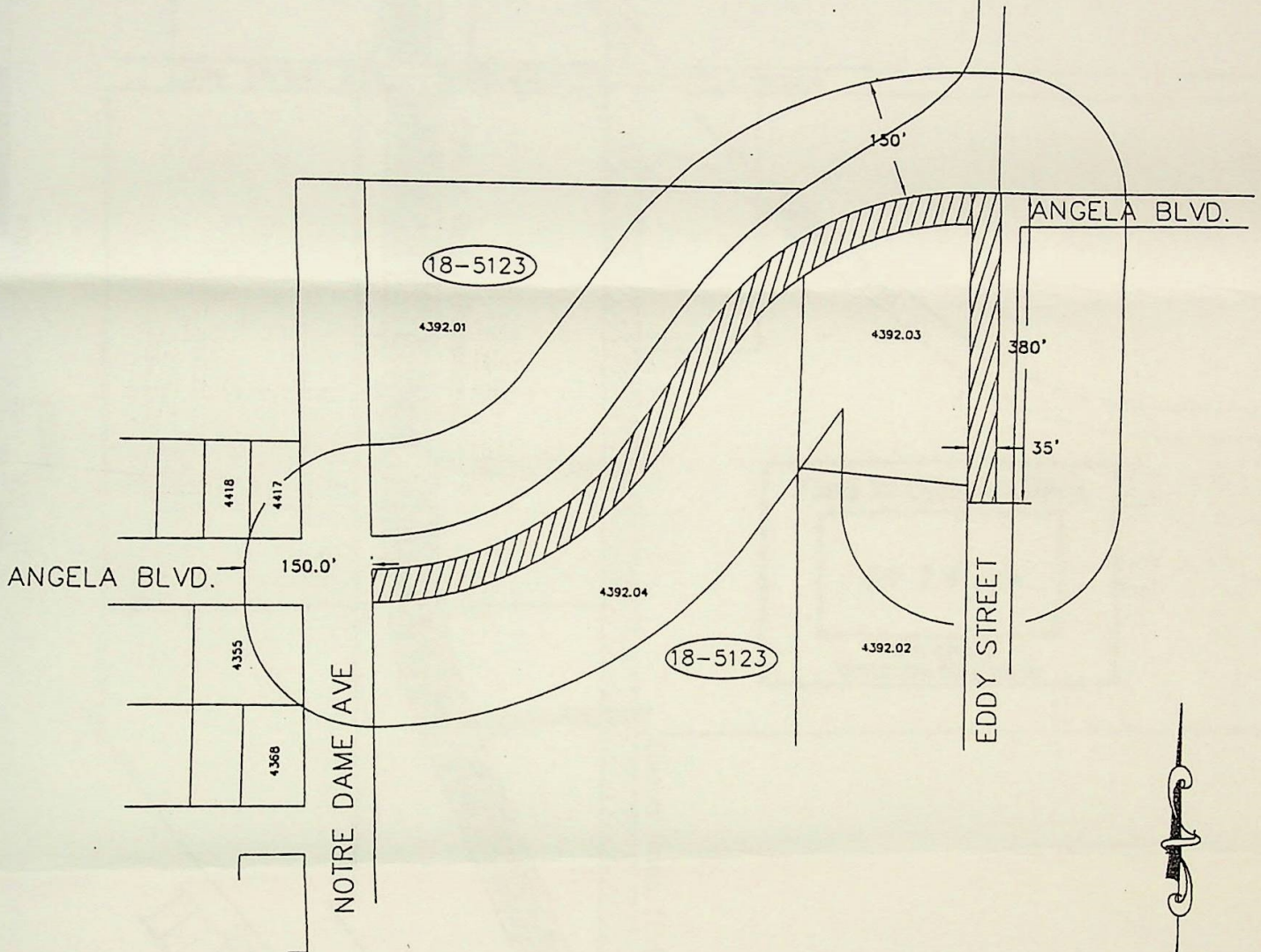




Filed In Clerk's Office

JUN 29 2004

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.



LEGAL DESCRIPTION:

THE FIRST STREET TO BE VACATED IS THE SOUTH HALF OF THE ANGELA BLVD. RIGHT OF WAY FROM NOTRE DAME AVENUE, ~~WEST~~ FOR A DISTANCE OF 930 FEET, MORE OR LESS, TO THE WEST RIGHT OF WAY LINE OF EDDY STREET AND A WIDTH OF 40 FEET. BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF ANGELA BLYD THE VACATION WILL BE FOR THE SOUTH HALF OF THE RIGHT OF WAY ONLY.

THE SECOND STREET TO BE VACATED IS THE WEST HALF OF THE EDDY STREET RIGHT OF WAY FROM ANGELA BLVD. SOUTH A DISTANCE OF 380 FEET, MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF ANGEL BLVD. EXTENDED FROM NOTRE DAME AVENUE, AND A WIDTH OF 35 FEET. AGAIN BECAUSE THE CITY LIMIT LINE GOES DOWN THE CENTERLINE OF EDDY STREET, THE VACATION WILL BE FOR THE WEST HALF OF THE RIGHT OF WAY ONLY.





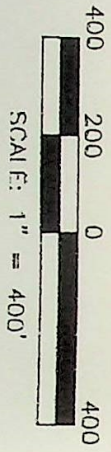
Notre Dame Avenue



Angela Blvd.

Eddy Street

Edison Road (Proposed)

Juniper Road



- Legend**
-  New Road
  -  Vacated Road

**Filed In Clerk's Office**

JUN 29 2004

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.

Edison Road (Existing)

Proposed New Road

South Bend Ave.

Twyckenham Dr.

SR 232

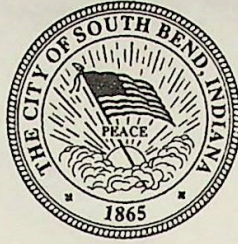
Edison Road

Ivy Road

Gness S



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

May 24, 2004

Mr. Bruce Bancroft  
Barnes & Thornburg  
100 North Michigan  
South Bend, Indiana 46601

RE: Street Vacations - Angela Boulevard From Notre Dame to Eddy Street  
From Angela Boulevard South to Proposed Edison Road  
(Preliminary Review)

Dear Mr. Bancroft:

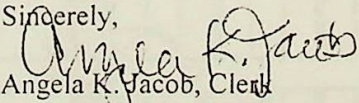
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering recommended approval, subject to the construction of the proposed relocated Edison Road. The Area Plan Commission stated that this vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located, would make access to the lands of the aggrieved person by means of public way difficult or inconvenient, and would hinder the use of a public way by the neighborhood in which it is located. The Board of Public Works gave a favorable recommendation for this street vacation subject to a delayed effect based on resolution from the City Counsel and Mayor concurrent with similar actions from St. Joseph County in addition, if these streets are vacated, they are 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  
Carl Littrell, Engineering

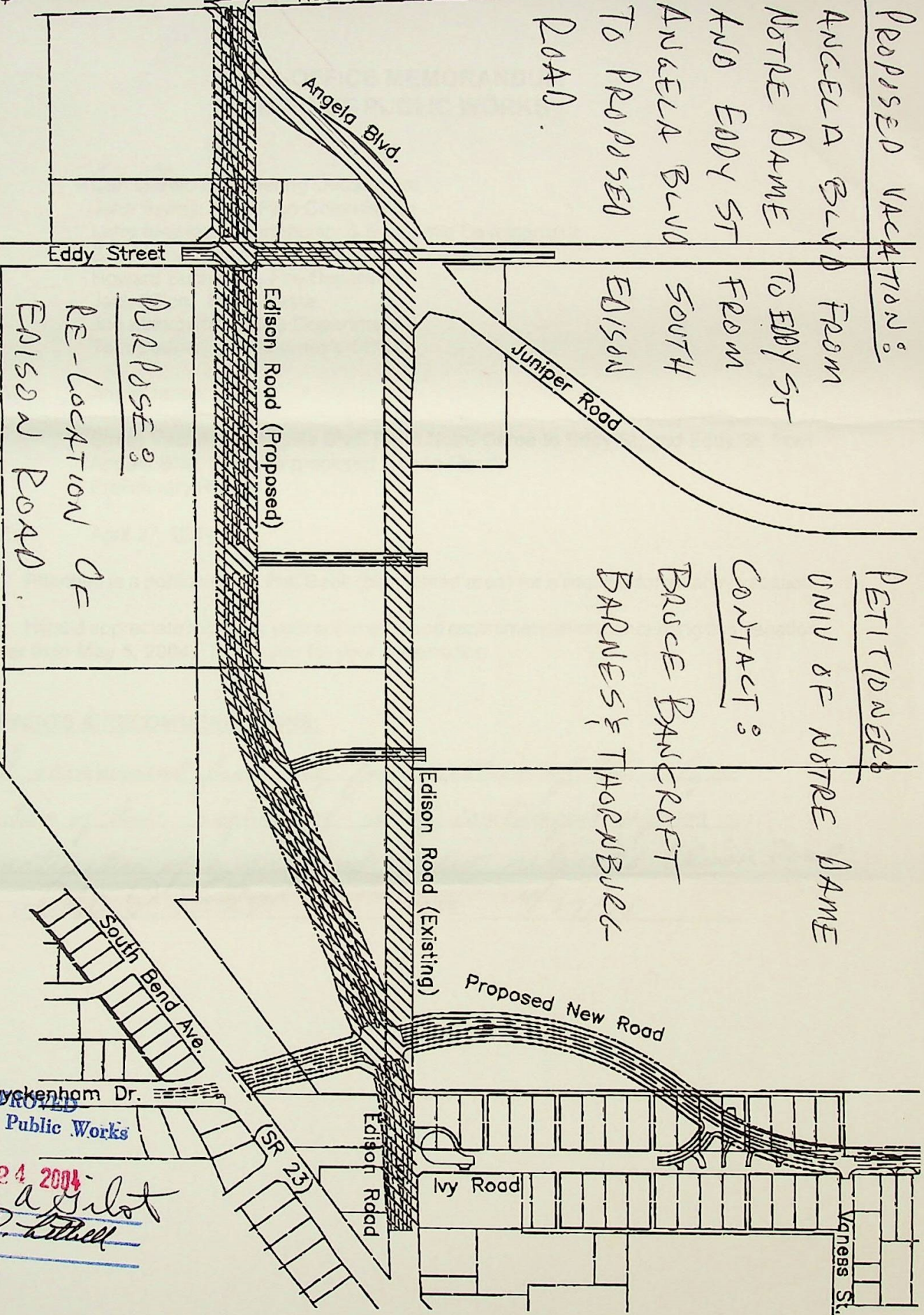




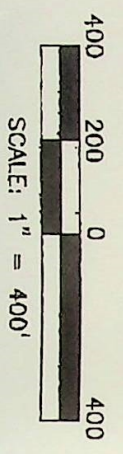
Notre Dame Avenue

PROPOSED VARIATION:  
ANGELA BLVD FROM  
NOTRE DAME  
AND EDDY ST  
ANGELA BLVD  
TO PROPOSED  
ROAD.  
EDISON  
SOUTH  
FROM  
EDDY ST

PETITIONERS  
UNIV OF NOTRE DAME  
CONTACT:  
BRUCE BRANCROFT  
BARNES & THORNBURG



PURPOSE:  
RE-LOCATION OF  
EDISON ROAD.



SCALE: 1" = 400'

- Legend
- New Road
  - Vacated Road

Board of Public Works

MAY 24 2004

*Gary A. Gilot*  
*Carl P. Little*

Exhibit



**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:** Street Vacation - (Angela Blvd. From Notre Dame to Eddy St. and Eddy St, from Angela Blvd. South to proposed Edison Road)  
Preliminary Review

**DATE:** April 27, 2004

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

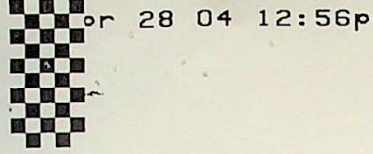
I would appreciate receiving your comments and recommendation concerning this vacation no later than **May 5, 2004**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

*I recommend favorably for vacation of the city's portion of these rights-of-way contingent upon construction of a proposed new relocated Edison Road.*

BY: Carl P. Littrell DATE: 4/27/04





### 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

RE: Street Vacation - (Angela Blvd. From Notre Dame to Eddy St. and Eddy St, from  
 Angela Blvd. South to proposed Edison Road)  
 Preliminary Review

DATE: April 27, 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 **May 5, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: Capt Markovich DATE: 4-28-04



**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

APR 27 2004

**FROM:** Angie Jacob, Clerk

**RE:** Street Vacation - (Angela Blvd. From Notre Dame to Eddy St. and Eddy St, from Angela Blvd. South to proposed Edison Road)  
Preliminary Review

**DATE:** April 27, 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 **May 5, 2004**. Thank you for your cooperation.

**COMMENTS & RECOMMENDATIONS:**

I recommend approval, however timing of vacation must  
coincide with construction of alternative routes. Why is  
there a request to vacate Edison Road?

BY: Bob Mathia DATE: 4/27/04



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

APR 27 2004

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: Street Vacation - (Angela Blvd. From Notre Dame to Eddy St. and Eddy St, from  
Angela Blvd. South to proposed Edison Road)  
Preliminary Review

DATE: April 27, 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 **May 5, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

*No trash customers*

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

*John Dillon*

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

*5-3-04*



### 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

RE: Street Vacation - (Angela Blvd. From Notre Dame to E Jdy St. and Eddy St, from  
 Angela Blvd. South to proposed Edison Road)  
 Preliminary Review

DATE: April 27, 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 recommendat on concerning this vacation  
 no later than **May 5, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

*No objections*

BY: *[Signature]*  
*Howard Buchanon*

DATE: *05/04/04*



# 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

May 5, 2004

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

RE: Right-of-way Vacation – Generally described as Angela Boulevard from Notre Dame to Eddy Street and Eddy Street from Angela Boulevard south to proposed Edison Road.

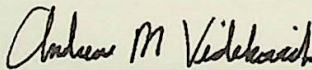
Dear Board Members:

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

- (1) The vacation *would* 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* 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 vacation not be effective until new right-of-ways are dedicated and the roads are built.

Sincerely,

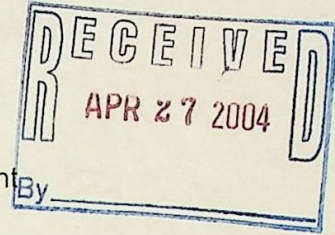


Andrew Videkovich  
Planner





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: Street Vacation - (Angela Blvd. From Notre Dame to Eddy St. and Eddy St, from  
Angela Blvd. South to proposed Edison Road)  
Preliminary Review

DATE: April 27, 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 **May 5, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL SUBJECT TO COMMENTS, IF  
ANY, OF CITY ENGINEER

BY: Larry Magliozzi DATE: 5-5-04