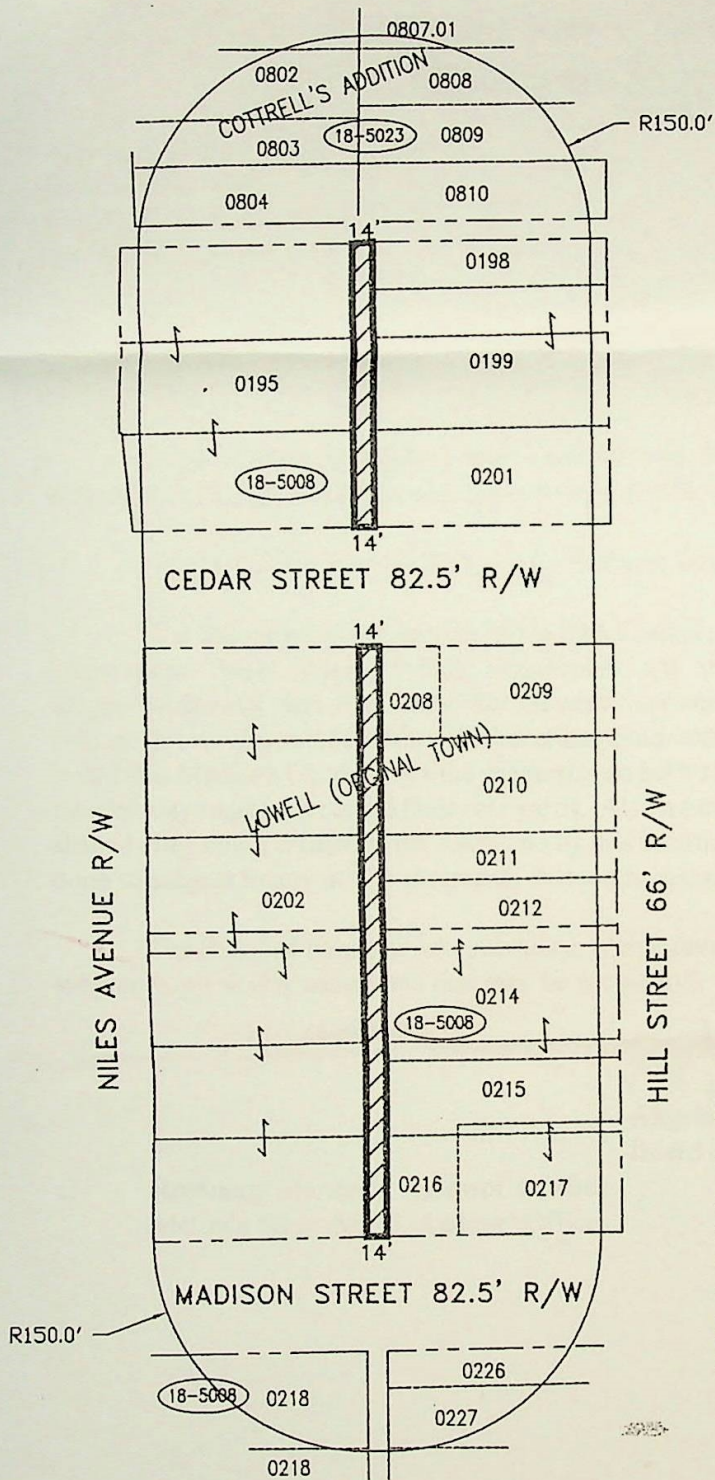


9521-04

ALLEY VACATION

8/23/04

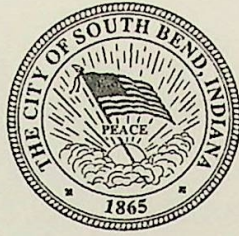
The first alley to be vacated is the first north/south alley east of Niles Avenue, from the north right of way line of Cedar Street to the first east/west alley for a distance of 198 feet and a width of 14 feet. The second alley to be vacated is the first north/south alley east of Niles Avenue, from the north right of way line of Madison Street to the South right of way of Cedar Street for a distance of 410 feet and a width of 14 feet. All being a part of the original town of Lowell, now the City of South bend, St. Joseph County, Indiana.



LEGAL DESCRIPTION:

The first alley to be vacated is the first North/South alley East of Niles Avenue, from the North right of way line of Cedar Street to the first East/West alley for a distance of 198 feet and a width of 14 feet. The second alley to be vacated is the first North/South alley East of Niles Avenue, from the North right of way line of Madison Street to the South right of way line of Cedar Street for a distance of 410 feet and a width of 14 feet. All being a part of the Original Town of Lowell, now 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

July 21, 2004

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

RE: Alley Vacations

Dear Members of the Council:

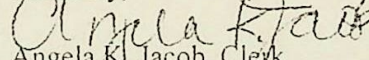
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following alley vacations:

First N/S Alley East of Niles from Madison; First N/S Alley East of Niles from Madison to Cedar

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. Area Plan stated that the petitioner must own all the properties contiguous to these rights-of-way. It also appears that this will also create dead-end alleys at the north and south points. Engineering stated that Madison Center owns the properties on both sides of the alley. South of Madison, other property owners may require access to their rear yards. Also a turning capability needs to be established for the "L" shaped alley being created at the south end by this vacation. In addition, if these alleys are vacated, they are done so subject to any utility easements that are 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's Office

November 7, 2003

Members of the Common Council

OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: JULY 19, 2004

I am referring to you the following vacation:

43-04

A BILL OF THE COMMON COUNCIL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF CEDAR STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST NORHT/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF MADISON STREET OT THE SOUTH RIGHTO OF WAY OF CEDAR STREET FOR A DISTANCE OF 410 FEET AND A WIDTH OF 14 FEET. ALL BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW 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, July 26, 2004. I assume the council will set this bill for public hearing at its regularly scheduled meeting of August 9, 2004.

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

Thanks!

**CITY CLERK
JOHN VOORDE**

DEPUTY

Jamie Talboom

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF CEDAR STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF MADISON STREET TO THE SOUTH RIGHT OF WAY OF CEDAR STREET FOR A DISTANCE OF 410 FEET AND A WIDTH OF 14 FEET. ALL BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW 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 FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF CEDAR STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF MADISON STREET TO THE SOUTH RIGHT OF WAY OF CEDAR STREET FOR A DISTANCE OF 410 FEET AND A WIDTH OF 14 FEET. ALL BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

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

SECTION II. The City of South Bend hereby reserves the rights the 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 are by the individual utilities.

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

Lots 52, 53, 54, 49, 50, 51, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 in the Original Plat of the Town of Lowell.

SECTION IV. The purpose of the vacation of the streets is to permit the development and construction of new buildings on the existing alleys which are petitioned to be vacated. For this reason, the vacation of these alleys is needed in order that the Petitioner may continue to pursue its plan of growth to expand its campus onto these two parcels of land. An urgent need exists for the construction of each of these buildings which will provide additional services to patients of Madison Center, Inc. and parking for employees of Madison Center and patients to use the buildings.

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

Attest:

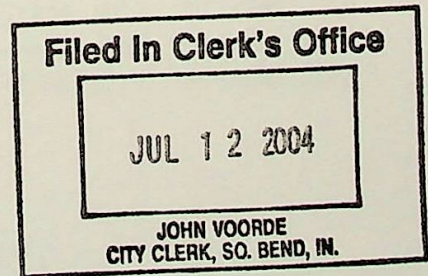
City Clerk

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



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

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

DATE: July 12, 2004

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

THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF CEDAR STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF NILES AVENUE, FROM THE NORTH RIGHT OF WAY LINE OF MADISON STREET TO THE SOUTH RIGHT OF WAY OF CEDAR STREET FOR A DISTANCE OF 410 FEET AND A WIDTH OF 14 FEET. ALL BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

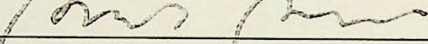
The reasons for this Petition to Vacate are to permit the development of new buildings on the existing alleys which are petitioned to be vacated. For this reason, the vacation of these alleys is needed in order that the Petitioner may continue to pursue its plan of growth to expand its campus onto these two parcels of land. An urgent need exists for the construction of each of these buildings which will provide additional services to patients of Madison Center, Inc. and parking for employees of Madison Center and patients to use the buildings.

The undersigned Petitioner requests approval of this Petition.

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

<u>NAME (signed & printed)</u>	<u>ADDRESS</u>	<u>PROPERTY</u>
Madison Center, Inc.	403 East Madison Street South Bend, IN 46617	18-5023-0802, 18-5023-0803
		18-5023-0804, 18-5023-0808
		18-5023-0198, 18-5023-0199
		18-5008-0201, 18-5008-0208
		18-5008-0216, 18-5008-0195
		18-5008-0202, 18-5008-0210
		18-5008-0211, 18-5008-0214
		18-5008-0212, 18-5008-0215
		18-5008-0217, 18-5008-0216

Charles S. Hayes, Inc.	814 Marietta Street South Bend, IN 46601	18-5023-080701
KMG Limited, Inc.	517 N. Hill Street South Bend, IN 46617	18-5023-0809
KMG Limited, Inc.	517 N. Hill Street South Bend, IN 46617	18-5023-0810
Elizabeth A. Anderson	433 N. Hill Street South Bend, IN 46617	18-5008-0209
Rocco J. Simeri	20050 Brookwood Drive South Bend, IN 46637	18-5008-0226
G Anderson LLC	333 N. Hill Street South Bend, IN 46601	18-5008-0227
Joseph R. & Kathleen Crimmins	Costello-Crimmins c/o Teacher's Credit Union 110 S. Main Street South Bend, IN 46601	18-5008-0228

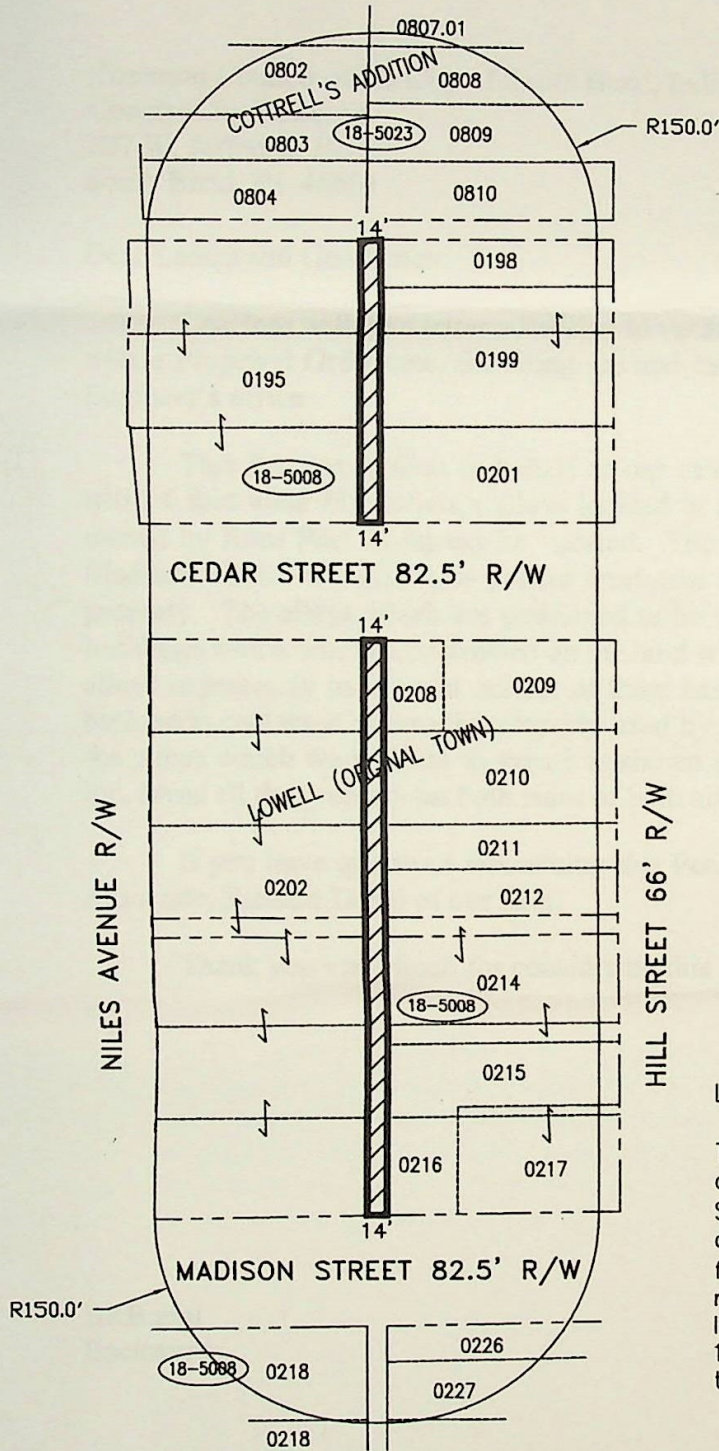
By: 
Bruce R. Bancroft and Richard J. Deahl,
Barnes & Thornburg LLP
Legal Counsel for Petitioner Madison Center, Inc.

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, 6th Floor
South Bend, Indiana 46601
(574) 233-1171
Legal Counsel for Petitioner Madison Center, Inc.



LEGAL DESCRIPTION:

The first alley to be vacated is the first North/South alley East of Niles Avenue, from the North right of way line of Cedar Street to the first East/West alley for a distance of 198 feet and a width of 14 feet. The second alley to be vacated is the first North/South alley East of Niles Avenue, from the North right of way line of Madison Street to the South right of way line of Cedar Street for a distance of 410 feet and a width of 14 feet. All being a part of the Original Town of Lowell, now the City of South Bend, St. Joseph County, Indiana.

BARNES & THORNBURG

Bruce R. Bancroft
(574) 237-1128
Email: bruce.bancroft@btlaw.com

600 1st Source Bank Center
100 North Michigan
South Bend, Indiana 46601-1632 U.S.A.
(574) 233-1171
Fax (574) 237-1125

www.btlaw.com

July 13, 2004

Common Council of the City of South Bend, Indiana
County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

Dear Ladies and Gentlemen:

I enclose with this letter a Petition to vacate two alleys in the City of South Bend together with a Proposed Ordinance, the filing fee and the Radius Map which was prepared by the City Engineer's office.

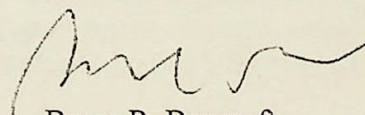
This Petition is filed in behalf of our client, Madison Center, Inc. and requests that the two 14 foot wide North-South alleys located in the center of the property which was formerly owned by Rose Fuel Company be vacated. The reason for this requested vacation is to enable Madison Center to build new patient treatment and office buildings on the former Rose Fuel property. The alleys which are petitioned to be vacated interfere with the construction of these buildings which will be constructed on the land where the alleys presently exist. Neither of these alleys is presently in use and neither of them has been used for a number of years. They have both been contained within the property used by Rose Fuel for its business. The description of the alleys which we petition to vacate is shown on the attached Radius Map. Madison Center, Inc. owns all the property on both sides of both alleys which we request be vacated.

If you have questions concerning this Petition or the Ordinance, please advise me or my Associate, Richard Deahl of our firm.

Thank you very much for considering this Petition.

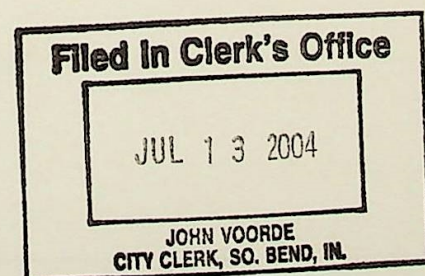
Sincerely yours,

BARNES & THORNBURG LLP

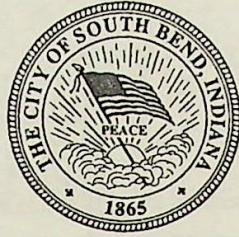


Bruce R. Bancroft

BRB:aml
Enclosures



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

June 29, 2004

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

RE: Alley Vacations - First N/S Alley East of Niles from Madison; First N/S Alley East of Niles from Madison to Cedar; First N/S Alley Est of Niles from Cedar
(Preliminary Review)

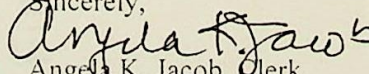
Dear Mr. Bancroft:

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:

Area Plan stated that the petitioner must own all the properties contiguous to these rights-of-way. It also appears that this will also create dead-end alleys at the north and south points. Engineering stated that Madison Center owns the properties on both sides of the alley. South of Madison, other property owners may require access to their rear yards. Also a turning capability needs to be established for the "L" shaped alley being created at the south end by this vacation. In addition, if these alleys 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

PETITIONER :

MADISON CENTER

CONTACT :

BRUCE R. BANCROFT
BARNE & THORNBURG

PURPOSE :
CONSTRUCTION OF
FUTURE BUILDINGS

PORTAGE TWP
W 1/2 S.E. 1/4
SEC. 1

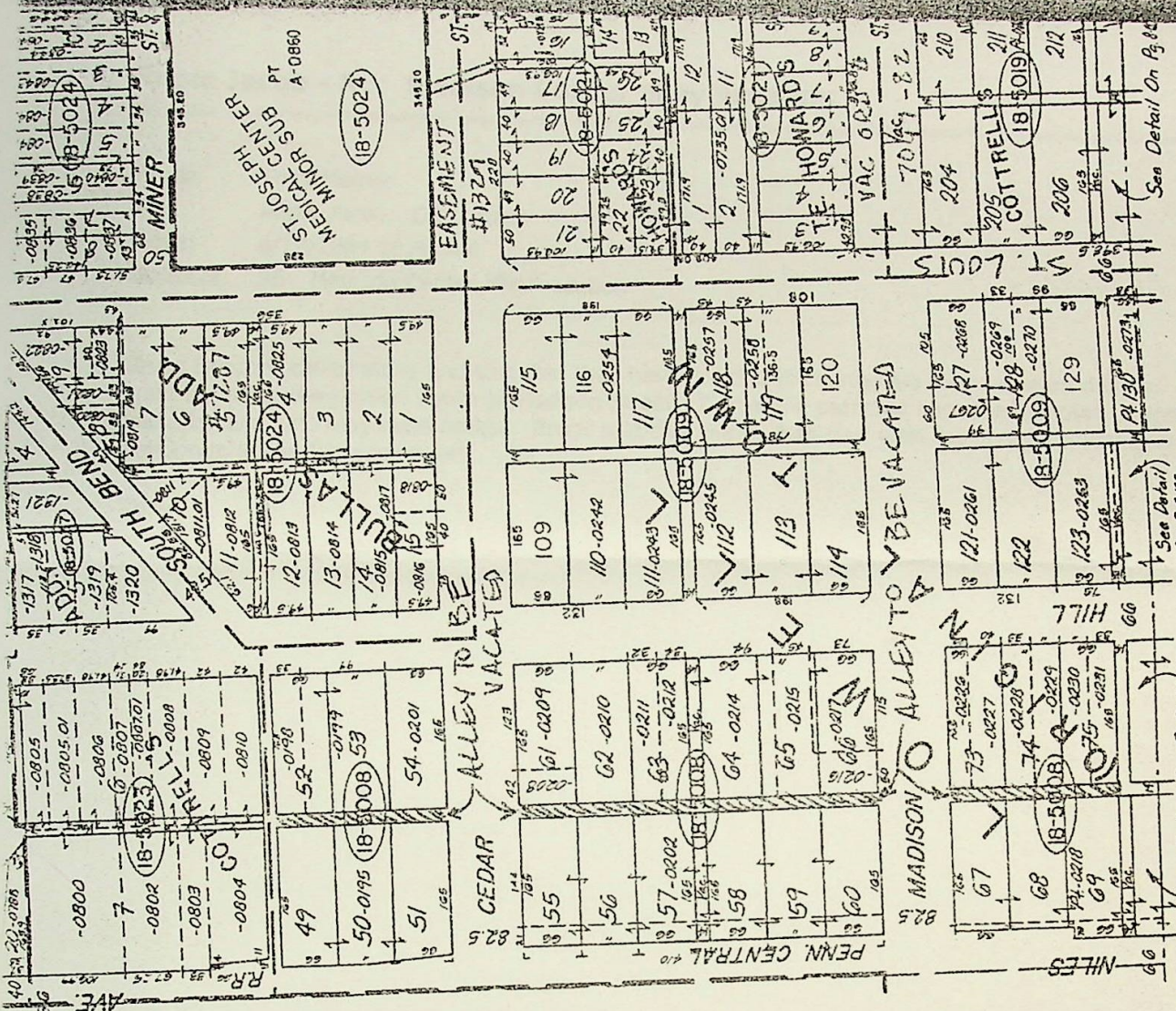
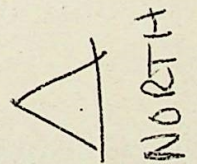
APPROVED
Board of Public Works

you a pilot
Donald E. [unclear]

Revised Copyright 2002
Copyright 1987
THE SIDWELL COMPANY

SCALE: 1" = 100'

8-16



05/14

Angie Jacob - RE: Madison Center alley vacation

From: Tony Molnar
To: Angie Jacob; Carl Littrell
Date: 6/22/2004 10:47 AM
Subject: RE: Madison Center alley vacation

Bruce Bancroft called today and said that they have decided to change the alley vacation petition. They do not want to vacate the portion South of Madison Street. That is the part that has other property owners abutting and alley and who may need access. Bruce said that rather than deal with that, they will just change the petition to leave that section off.

Tony

**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

JUN 04 2004

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

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacations - (near Cedar and Madison Streets/Madison Center)
Preliminary Review

DATE: June 3, 2004

Attached for your review and recommendation is a page from the Plat Book for alley vacations.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **June 9, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL

BY: *Larry Magliozzi* DATE: 6.3.04

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 *OX*

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Preliminary Review

DATE: June 3, 2004

Attached for your review and recommendation is a page from the Plat Book for alley vacations.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **June 9, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt Markovich*

DATE: *6-7-04*

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

JUN - 4 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 *AF*

RE: Alley Vacations - (near Cedar and Madison Streets/Madison Center)
Preliminary Review

DATE: June 3, 2004

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **June 9, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

only two stops in whole alley can put cut front.

BY: John Dillon DATE: 6-8-04

**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 Vacations - (near Cedar and Madison Streets/Madison Center)
Preliminary Review

DATE: June 3, 2004

Attached for your review and recommendation is a page from the Plat Book for alley vacations.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **June 9, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objections if Business's and residents

have No objections, 307, 317, 319, 321, 333

Hill St

BY: *Angie Jacob*

DATE: 6-8-04

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

June 11, 2004

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

RE: Right-of-way Vacations – Generally described as the first North/South alley East of Niles Avenue from Madison Street running South approximately 198'; the first North/South alley East of Niles Avenue from Madison Street to Cedar Street; and the first North/South alley East of Niles Avenue from Cedar Street running North approximately 198'.

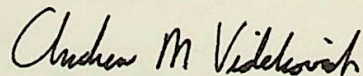
Dear Board Members:

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* 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 these right-of-ways not be vacated until the petitioner owns all the properties contiguous to these right-of-ways. It appears that this will also create dead-end alleys at the north and south points.

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

*need
ASAP!*

FROM: Angie Jacob, Clerk *of*

RE: Alley Vacations - (near Cedar and Madison Streets/Madison Center)
Preliminary Review

DATE: June 3, 2004

Attached for your review and recommendation is a page from the Plat Book for alley vacations.

I would appreciate receiving your comments and recommendation concerning this vacation no later than June 9, 2004. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection to vacatur in block north of Cedar and block north of Madison. Madison Center owns the properties on both sides of the alley there.

BY: _____ DATE: _____

South of Madison, other property owners may require access to their rear yards. Also a turning ~~radius~~ needs to be established for the "L" shaped alley capability being created at the south end by this vacation.

Carl Littrell 6/21/04

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

*need
ASAP!*

TO: Carl Littrell, Engineering Department
✓ John Byorni, Area Plan Commission
✓ Larry Magliozi, 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 *AF*

RE: Alley Vacations - (near Cedar and Madison Streets/Madison Center)
Preliminary Review

DATE: June 3, 2004

Attached for your review and recommendation is a page from the Plat Book for alley vacations.

I would appreciate receiving your comments and recommendation concerning this vacation no later than June 9, 2004. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Bob Mathia* DATE: *6/21/04*