

ALLEY VACATION
ORDINANCE 9560-05

Date: 3/3/05

1) Kaley from North ROW of Tucker to N Property Line of Olive Street Pumping Station Owned by City of South Bend for 725' and 60' Wide;

2) Portion of Tucker Drive from W ROW of Kaley E for 305' to Existing Fence Crossing ROW.

Both Streets W of Olive Street and S of Sample Street in City of South Bend.

From: <gottlickb@steelwarehouse.net>
To: <fthon@ci.south-bend.in.us>
Date: 10/20/2004 6:01:06 PM
Subject: Tucker Drive Abandonment

Dear Fred,

Steel Warehouse would like your help and advise in obtaining the vacation of approximately 300 feet of Tucker Drive lying east of the Kaley Street. This would cover all of Tucker Drive west of our security gate which we were given permission to construct in 1991. Since that time we have performed all of the maintenance and snow removal on the section of street. It should also be noted that Steel Warehouse owns the property on both sides of the property in question.

This request is precipitated by the building of an annealing facility that will require significant natural gas consumption. At the same time we are interested in purchasing all of the NIPSCO gas lines on our property for a considerable cost savings. We cannot own gas lines in a public right of way. Thus requiring the vacation of 300 feet of Tucker Drive.

If there are any questions I can be reached at 574-210-5477 or if your in the neighborhood stop by at 1400 Riverside Drive. I would enjoy talking with you.

Thanks for your help.

Bill Gottlick
Steel Warehouse
1400 Riverside Dr.
South Bend, IN 46616
574-210-5477

245-4761



Office of the City Clerk

John Voorde, City Clerk

MARCH 3, 2005

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. 9560-05 for the vacation of the following property:

THE FIRST STREET TO BE VACATED IS KALEY STREET FROM THE NORTH RIGHT OF WAY OF TUCKER DRIVE TO THE NORTH PROPERTY LINE OF THE OLIVE STREET PUMPING STATION OWNED BY THE CITY OF SOUTH BEND FOR A DISTANCE OF 725 FEET, MORE OR LESS AND A WIDTH OF 60 FEET. THE SECOND STREET TO BE VACATED IS A PORTION OF TUCKER DRIVE FROM THE WEST RIGHT OF WAY LINE OF KALEY STREET EAST APPROXIMATELY 305 FEET TO THE EXISTING FENCE CROSSING THE RIGHT OF WAY. BOTH STREETS BEING LOCATED WEST OF OLIVE STREET AND SOUTH OF SAMPLE STREET IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated

cc: South Bend Community School Corp.
Jim Betin - NIPSCO

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

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

December 13, 2004

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

RE: Property 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 property vacation:

Kaley Street from Penn Central Railroad to Tucker Drive; Tucker Drive from Kaley Street East 305 Feet.

Area Plan Commission, Fire Department, Solid Waste, Police Department and the City Attorney's office submitted favorable recommendations. Engineering submitted a favorable recommendation with a reminder that the petitioner owns all adjacent parcels relying on streets proposed for vacation for access. Community and Economic Development forwarded a favorable recommendation if it does not compromise Water Works Operations. Area Plan recommends these rights-of-ways be vacated subject to any utility or access easements required.

The Board of Public Works submits to you a **favorable recommendation** concerning this property 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: DECEMBER 8, 2004

I am referring to you the following vacation:

90-04 THE FIRST STREET TO BE VACATED IS KALEY STREET FROM THE NORTH RIGHT OF WAY OF TUCKER DRIVE TO THE NORTH PROPERTY LINE OF THE OLIVE STREET PUMPING STATION OWNED BY THE CITY OF SOUTH BEND FOR A DISTANCE OF 725 FEET, MORE OR LESS AND A WIDTH OF 60 FEET. THE SECOND STREET TO BE VACATED IS A PORTION OF TUCKER DRIVE FROM THE WEST RIGHT OF WAY LINE OF KALEY STREET EAST APPROXIMATELY 305 FEET TO THE EXISTING FENCE CROSSING THE RIGHT OF WAY. BOTH STREETS BEING LOCATED WEST OF OLIVE STREET AND SOUTH OF SAMPLE STREET IN THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

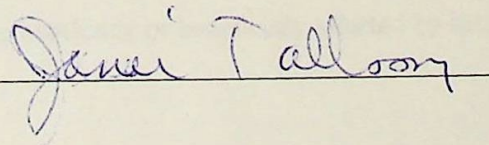
For your information, the Common Council will have first reading on this vacation request on Monday, December 13, 2004. I assume the council will set this bill for public hearing at its regularly scheduled meeting of January 10, 2005.

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

Thanks!

**CITY CLERK
JOHN VOORDE**

DEPUTY



ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first street to be vacated is Kaley Street from the North right of way of Tucker Drive to the North property line of the Olive Street Pumping Station owned by the City of South Bend for a distance of 725 feet, more or less and a width of 60 feet. The second street to be vacated is a portion of Tucker Drive from the West right of way line of Kaley Street East approximately 305 feet to the existing fence crossing the right of way. Both streets being located West of Olive Street and South of Sample Street in 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 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 1. 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 Kaley Street from the North right of way of Tucker Drive to the North property line of the Olive Street Pumping Station owned by the City of South Bend for a distance of 725 feet, more or less and a width of 60 feet. The second street to be vacated is a portion of Tucker Drive from the West right of way line of Kaley Street East approximately 305 feet to the existing fence crossing the right of way. Both streets being located West of Olive Street and South of Sample Street in 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:

Municipal City of South Bend
1300 County City Building
South Bend, IN 46601

Lot Numbers 2834, 2835, 2838

Raitt Corporation
815 W. Sample
South Bend, IN 46601

Lot Number 2845

Grand Trunk Western RR
227 Front St. W 8th Floor
Troy, MI 48007

Lot Number 2833

SECTION IV. The purpose of the vacation of the real property is to enable Steel Warehouse to better utilize the property that it owns on both sides of these dead end streets.

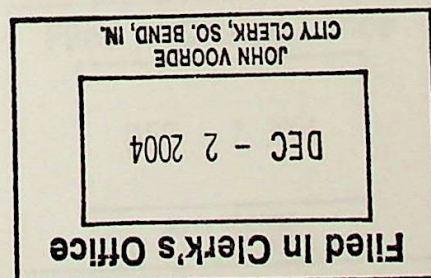
SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

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 _____, 2004, at _____ o'clock _____ .m.



City Clerk

Approved and signed by me on the _____ day of _____, 2004,
at _____ o'clock _____ .m.

Mayor, City of South Bend, Indiana

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

Filed In Clerk's Office
DEC - 2 2004
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

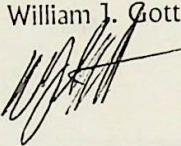
PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEY)

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

DECEMBER 1, 2004

I, THE UNDERSIGNED PROPERTY OWNER, PETITION YOU TO VACATE:

THE STREET DESCRIBED AS: The first street to be vacated is Kaley Street from the North right of way of Tucker Drive to the North property line of the Olive Street Pumping Station owned by the City of South Bend for a distance of 725 feet, more or less and a width of 60 feet. The second street to be vacated is a portion of Tucker Drive from West right of way line of Kaley Street East approximately 305 feet to the existing fence crossing the right of way. Both streets being located West of Olive Street and South of Sample Street in the City of South Bend, St. Joseph County, Indiana.

NAME (signed & printed)	ADDRESS	LOT #
William J. Gottlick 	Steel Warehouse Co., Inc.	284501
	2722 W. Tucker Drive	284502
	South Bend, IN 46624	284503
		284403
		2843
		2839

CONTACT PERSON

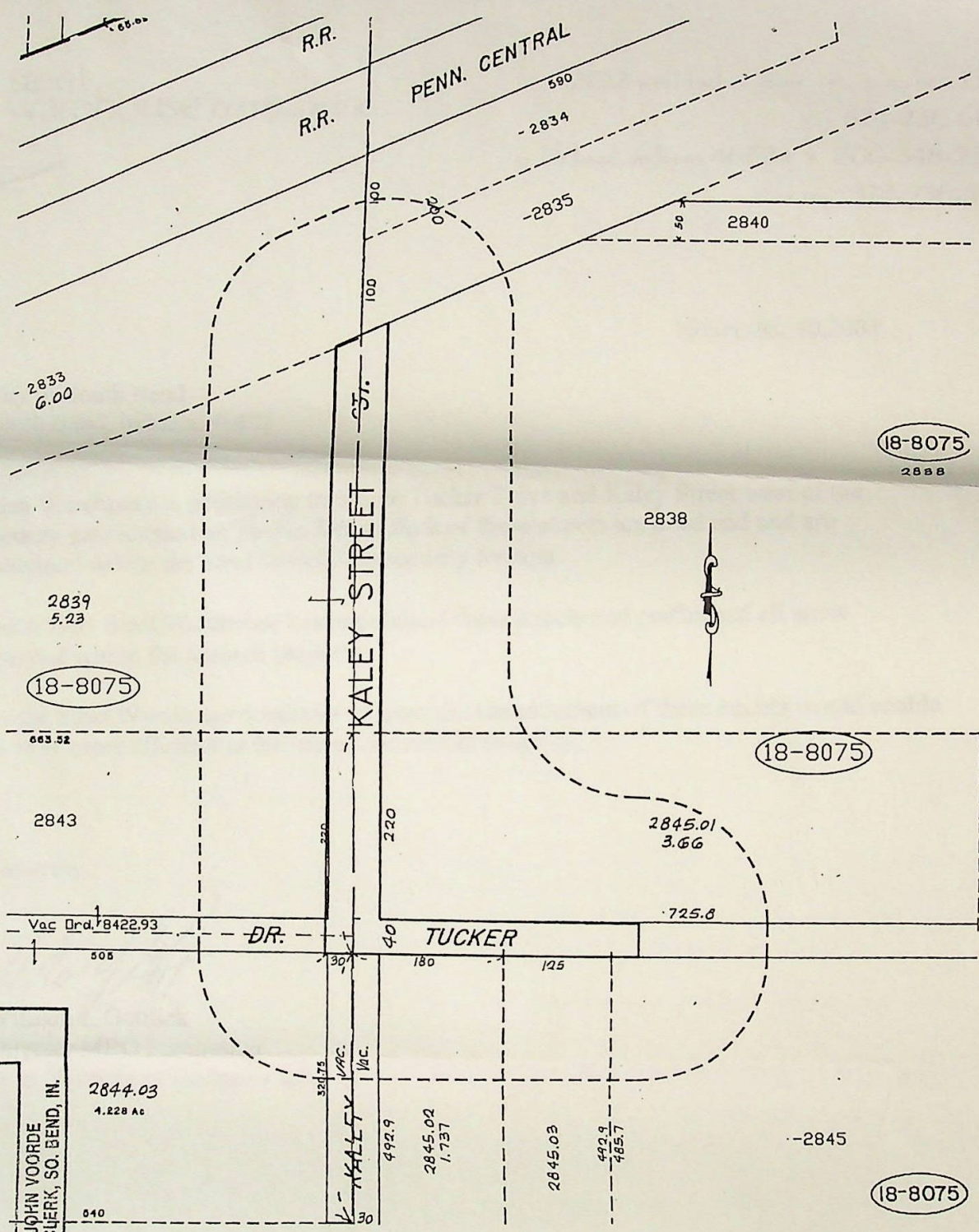
Name: William J. Gottlick
Address: 1400 Riverside Drive
South Bend, IN 46616
Phone: 574-245-4761
574-210-5477 – cell
gottlickb@steelwarehouse.net

Return to:
Office of the City Clerk
John Voorde, City Clerk
Room 455-County-City Building
South Bend, IN 46601
574-235-9221

Filed In Clerk's Office

DEC - 2 2004

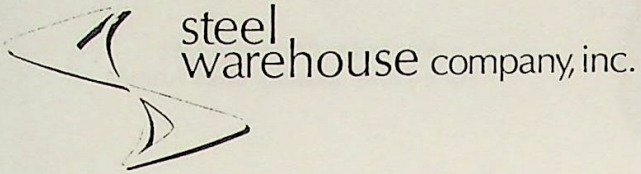
JOHN VOORDE
CITY CLERK, SO. BEND, IN.



Filed In Clerk's Office
 DEC - 2 2004
 JOHN VOORDE
 CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

The first street to be vacated is Kaley Street from the North right of way of Tucker Drive to the North property line of the Olive Street Pumping Station owned by the City of South Bend for a distance of 725 feet, more or less and a width of 60 feet. The second street to be vacated is a portion of Tucker Drive from the West right of way line of Kaley Street East approximately 305 feet to the existing fence crossing the right of way. Both streets being located West of Olive Street and South of Sample Street in the City of South Bend, St. Joseph County, Indiana.



steel
warehouse company, inc.

2722 west tucker drive • p.o. box 1377
574-236-5100
south bend, indiana 46624 • 800-348-2529
fax no. 574-236-5154

November 30,2004

City of South Bend
South Bend, Indiana, 46601

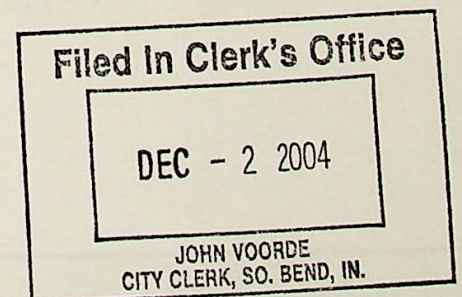
Steel Warehouse is petitioning to vacate Tucker Drive and Kaley Street west of the security gate located on Tucker Drive. Both of these streets are dead end and are contained within the Steel Warehouse security fencing.

Since 1991 Steel Warehouse has maintained these streets and performed all snow removal within the secured property.

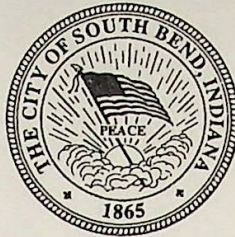
As the Steel Warehouse continues to grow the abandonment of these streets would enable us to be more efficient in the use of our current property.

Sincerely,

William J. Gottlick
Director MRO Purchasing
Steel Warehouse Company Inc.



1316 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171
TDD 574/ 235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

BOARD OF PUBLIC WORKS

November 22, 2004

Mr. Bill Gottlick
Steel Warehouse
1400 Riverside Drive
South Bend, Indiana 46616

RE: Right-of-Way Vacation - Kaley Street from Penn Central Railroad to Tucker Drive;
Tucker Drive from Kaley Street East 305 Feet
Preliminary Review

Dear Mr. Gottlick:

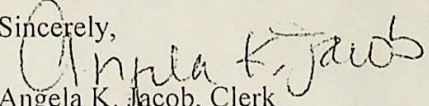
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering forwarded a favorable recommendation, with a reminder that the petitioner owns all adjacent parcels relying on streets proposed for vacation for access. Community and Economic Development gave a favorable recommendation if it does not compromise Water Works operations. Area Plan recommends these right-of-ways be vacated subject to any utility or access easements required.

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

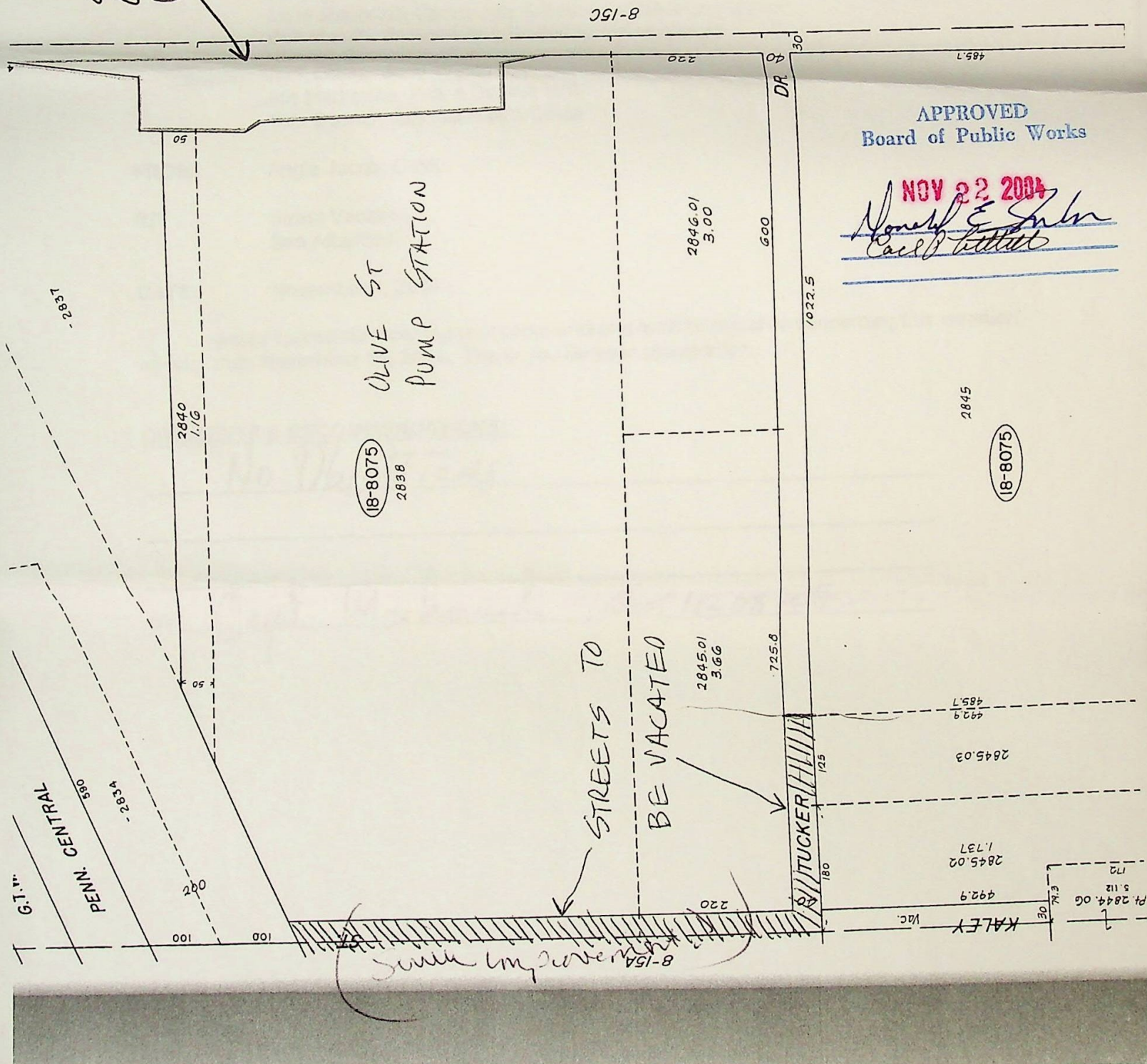
COUNTY OWNED PROPERTY

PETITIONER:

STEEL WAREHOUSE
BILL GOTTLICK
1400 RIVERSIDE DR
S.B. A6666
245-4761

PURPOSE:

RELOCATION OF
NAT GAS METER
kalem from RR tracks
to Tucker Dr + Tucker
Dr from kaley
300 FT



APPROVED
Board of Public Works

NOV 22 2004
Monet E. Sabin
Carol Gottlieb

(18-8075)
2838

(18-8075)

PENN. CENTRAL
580
2834

9" I.T.

8-15A
Surrendered by owner

ETW
0E
KALEY vac
2845.02
1.73
492.9
2845.03
492.9
485.7
2845.04
172
5.12
Pt 2844.06



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
 See Attached

DATE: November 4, 2004

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No Objections

BY: *Capt Markovich*

DATE: *11-08-04*

**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
See Attached

DATE: November 4, 2004

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

*No objection, per understanding that
petitioner owns all adjacent parcels relying
on street proposed for vacation for access.*

BY: Carl B. Littrell DATE: 11/8/04

INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

RECEIVED

NOV 09 2004

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

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Community & Economic Development
Bob Mathia, Community & Economic Development
Howard Buchanan, Fire Department
Jack Dillon, Solid Waste
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk

RE: Street Vacation
See Attached

DATE: November 4, 2004

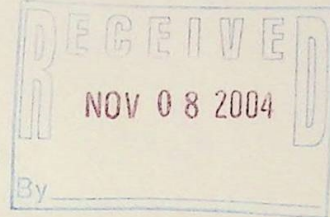
I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

City of So. Bend (No Trash Area)

BY: R. Salas DATE: 11-9-04

**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
See Attached

DATE: November 4, 2004

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

RECOMMEND APPROVAL, IF IT DOES NOT COMPROMISE
WATER WORKS OPERATIONS.

BY: Larry Magliozzi DATE: 11-10-04

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

November 15, 2004

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

RE: Right-of-way Vacations – Generally described as Kaley Street from the Penn Central Railroad to Tucker Drive and Tucker Drive from Kaley Street east 305'

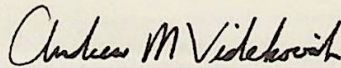
Dear Board Members:

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

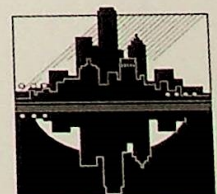
- (1) The vacation *would not* hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation *would not* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation *would not* hinder the public's access to a church, school, or other public building or place.
- (4) The vacation *would not* hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

The staff recommends these right-of-ways be vacated subject to any utility or access easements required.

Sincerely,



Andrew Videkovich
Planner



**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

TO: Carl Littrell, Engineering Department
John Byorni, Area Plan Commission
Larry Magliozzi, Community & Economic Development
Bob Mathia, Community & Economic Development
~~Howard Buchanan, Fire Department~~
~~Jack Dillon, Solid Waste~~
Joe Markovich, Police Department
Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk

RE: Street Vacation
See Attached

DATE: November 4, 2004

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *A/c Howard Buch* DATE: *11/15/04*

**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
See Attached

DATE: November 4, 2004

I would appreciate receiving your comments and recommendation concerning this vacation no later than **November 16, 2004**. Thank you for your cooperation.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Robert Mathia* **DATE:** *11/15/04*

RECEIVED

NOV 16 2004

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