

ALLEY VACATION  
ORDINANCE NO. 9584-05  
Status Vacated

Date 6/3/2005

Description:

First North/South Alley East of Kaley Street from Western Avenue South to the First East/West Alley for a distance of 132 Feet and a Width of 14 Feet. Being a Part of Summit Place 3rd Addition to the City of South Bend, St. Joseph County, Indiana

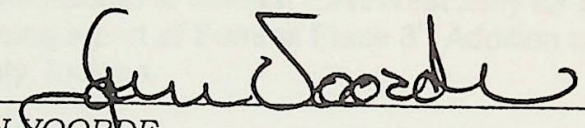
---

---

ORDINANCE No. 9584-05

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

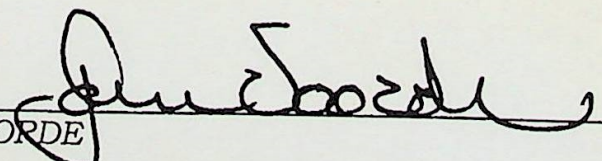
\_\_\_\_\_ April 11, \_\_\_\_\_ 20<sup>05</sup>

Attest:  \_\_\_\_\_ City Clerk  
JOHN VOORDE

Attest: Charlotte D. Pfeifer \_\_\_\_\_ President of Common Council

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

\_\_\_\_\_ April 12, \_\_\_\_\_ 20<sup>05</sup>

 \_\_\_\_\_ City Clerk  
JOHN VOORDE

Approved and signed by me \_\_\_\_\_ April 13, \_\_\_\_\_ 20<sup>05</sup>



ORDINANCE NO. 9584-05

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF  
KALEY STREET FROM WESTERN AVENUE SOUTH TO THE FIRST  
EAST/WEST ALLEY FOR A DISTANCE OF 132 FEET AND A WIDTH OF 14  
FEET. BEING A PART OF SUMMIT PLACE 3<sup>RD</sup> ADDITION TO THE CITY OF  
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a public hearing on the petition to vacate the following property:

The alley to be vacated is the first North/South alley East of Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3<sup>rd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

Hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

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

Lot #826  
Lot #830  
Lot #843  
Lot #844



SECTION IV. The purpose of the vacation of the real property is that the Petitioner has an ongoing business on site and desires to fence the property to stop traffic from using the alley. There is a door that leads to the upstairs apartment by the alley. Possible danger.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council, and shall be subject to a utility or turn-around easement acceptable in form to the Department of Public Works and approval by the Mayor.

Charlotte D. Feifer  
Member of the Common Council

Attest:

John Voorde  
City Clerk

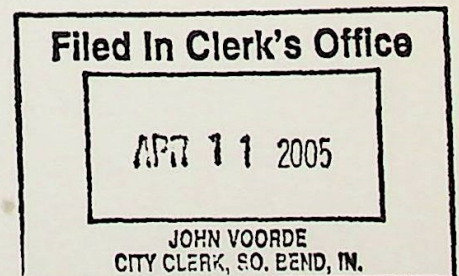
Presented by me to the Mayor of the City of South Bend, Indiana on the 12<sup>th</sup> day of April, 2005, at 1:45 o'clock p. m.

Deputy Janice Tallon  
City Clerk

Approved and signed by me on the 12<sup>th</sup> day of April, 2005, at 5:10 o'clock p. m.

Stephen J. Fischer  
Mayor, City of South Bend, Indiana

1<sup>st</sup> READING 3-28-05  
PUBLIC HEARING 4-11-05 as amended  
2<sup>nd</sup> READING 4-11-05 as amended  
NOT APPROVED  
DEFERRED  
PASSED 4-11-05 as amended





TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

Your Committee of the Whole, to whom was referred:

**BILL NO.**

20-05

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF KALEY STREET FROM WESTERN AVENUE SOUTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 132 FEET AND A WIDTH OF 14 FEET. BEING A PART OF SUMMIT PLACE 3<sup>RD</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

Respectfully report that they have examined the matter and that in their opinion, this bill is being recommended to the full Council with a favorable recommendation as amended by the following: Section V should read: This ordinance shall be in full force and effect from and after its passage by the Common Council, and shall be subject to a utility or turn-around easement acceptable in form to the Department of Public Works and approval by the Mayor.

Roland Kelly  
Chairperson, Committee of the Whole



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

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

DATE: 03-18-05

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is the first North/South alley East of  
Kaley Street from Western Avenue South to the first East/West  
alley for a distance of 132 feet and a width of 14 feet. Being  
a part of Summit Place 3rd Addition to the City of South Bend,  
St. Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

\_\_\_\_\_  
\_\_\_\_\_

NAME (signed & printed)

Manuel Herbert

Manuel Herbert

ADDRESS

524 S. Harris, South Bend, IN

LOT #

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CONTACT PERSON (S)

NAME: Tico Tanguma

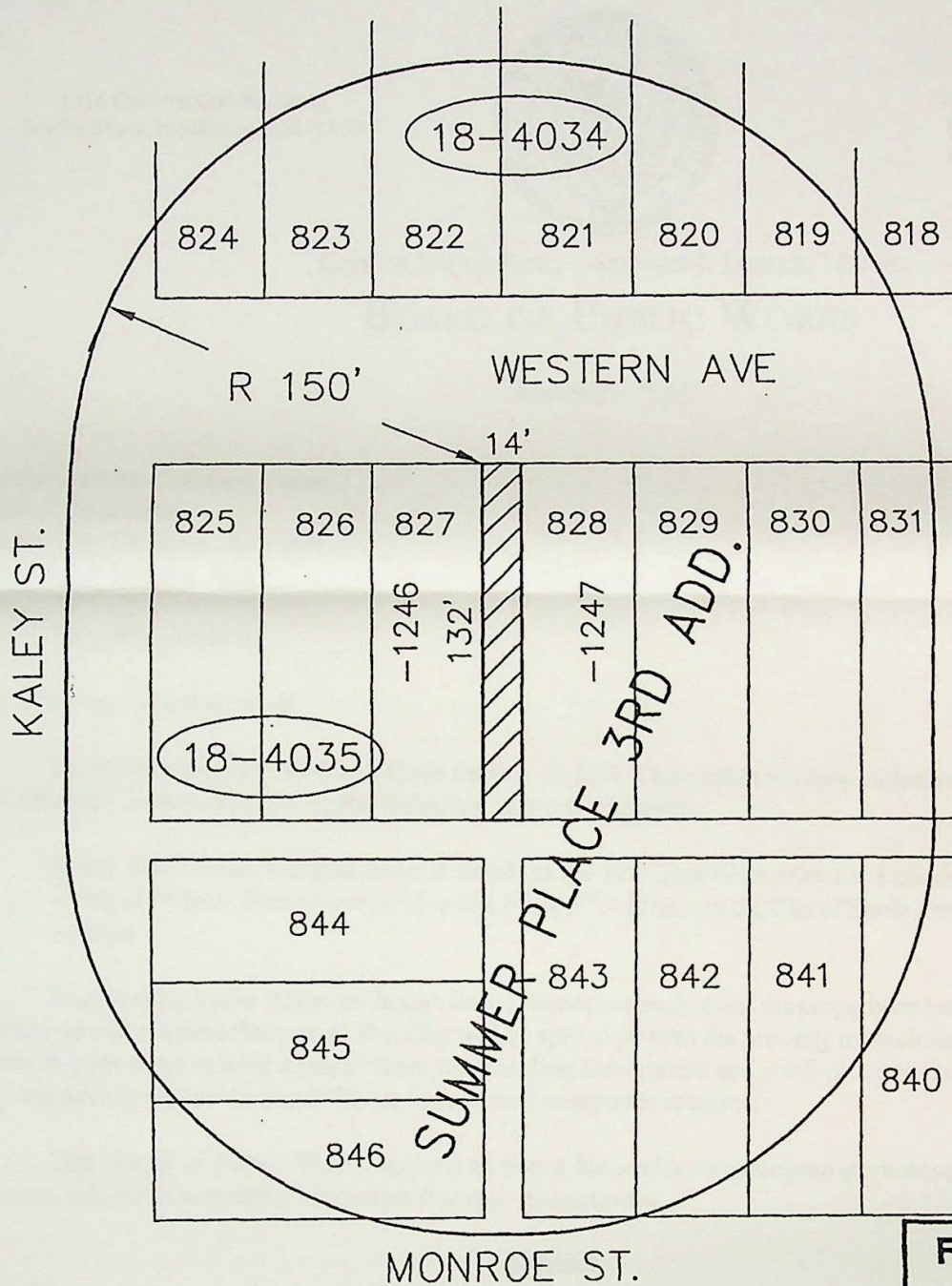
ADDRESS: 438 Liberty  
South Bend, IN 46619

PHONE: (574) 532-0490

RETURN TO:

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





MONROE ST.

ALLEY VACATION

**Filed In Clerk's Office**  
 MAR 18 2005  
 JOHN VOORDE  
 CITY CLERK, SO. BEND, IN.

The alley to be vacated is the first North/South alley East of Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3rd Addition 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**

March 23, 2005

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

RE: Property Vacation

Dear Members of the Council:

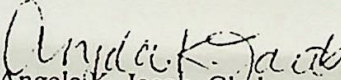
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following property vacation:

Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3<sup>rd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

Engineering stated that even though the petitioner currently owns the property on both sides of the alley, if he sells one and not the other parcel, the alley will be split to go with the property on each side. Also, the fence he wishes to erect must receive a permit from the Building Department and conform to zoning requirements. The alley vacation is subject to any utility or turn-around 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's Office

---







**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:** Alley Vacation

**DATE:** November 8, 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. Please remind petitioner, Mr. Herbert, that even though he currently owns the property on both sides of the alley, if he sells one and not the*

**BY:** Carl B. Littrell **DATE:** 11/10/04

*other, the alley will be split to go with the property on each side. Also the fence he wishes to erect must receive a permit from the Building Dept and conform to zoning requirements.*



NOV - 9 2004

**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:** November 8, 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:**

Can close we do not use  
Alley

**BY:**

*Angie Jacob*

**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  
13<sup>th</sup> Floor, County-City Building  
South Bend, Indiana 46601

RE: Right-of-way Vacation – Generally described as the first North/South alley east of Kaley Street from Western Avenue south 132'

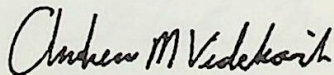
Dear Board Members:

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 turn-around 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 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:** November 8, 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:** *11/16/04*



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

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

FROM: Angie Jacob, Clerk

RE: Alley Vacation

DATE: November 8, 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 Bent 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:** Alley Vacation

**DATE:** November 8, 2004

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

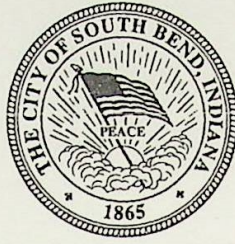
**COMMENTS & RECOMMENDATIONS:**

RECOMMEND APPROVAL. NEW OWNER Emilio GALVEZ (286-3418)  
OWNS Bld. & ADJ. LOTS. Currently improving Bld.  
Alley is overgrown and unused. NEW OWNER will USE FOR Business EXPANSION.  
BY: MARCO MARIANI DATE: 11-16-04

NOV 9 2004



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



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

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR

## BOARD OF PUBLIC WORKS

March 23, 2005

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

RE: Property Vacation

Dear Members of the Council:

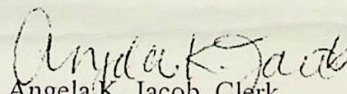
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following property vacation:

Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3<sup>rd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

Engineering stated that even though the petitioner currently owns the property on both sides of the alley, if he sells one and not the other parcel, the alley will be split to go with the property on each side. Also, the fence he wishes to erect must receive a permit from the Building Department and conform to zoning requirements. The alley vacation is subject to any utility or turn-around 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's Office



## OFFICE OF THE CITY CLERK

**TO: BOARD OF PUBLIC WORKS**

**DATE: MARCH 22, 2005**

I am referring to you the following vacation:

20-05 AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF KALEY STREET FROM WESTERN AVENUE SOUTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 132 FEET AND A WIDTH OF 14 FEET. BEING A PART OF SUMMIT PLACE 3<sup>RD</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

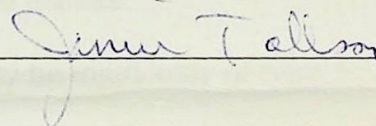
For your information, the Common Council will have first reading on this vacation request on Monday, March 28, 2005. I assume the council will set this bill for public hearing at its regularly scheduled meeting of April 11, 2005.

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

Thanks!

**CITY CLERK  
JOHN VOORDE**

**DEPUTY**

A handwritten signature in blue ink, appearing to read "Jimmie Tallon", is written over a horizontal line.



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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF  
KALEY STREET FROM WESTERN AVENUE SOUTH TO THE FIRST  
EAST/WEST ALLEY FOR A DISTANCE OF 132 FEET AND A WIDTH OF 14  
FEET. BEING A PART OF SUMMIT PLACE 3<sup>RD</sup> ADDITION TO THE CITY OF  
SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a public hearing on the petition to vacate the following property:

The alley to be vacated is the first North/South alley East of Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3<sup>rd</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

Hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

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

Lot #826  
Lot #830  
Lot #843  
Lot #844



SECTION IV. The purpose of the vacation of the real property is that the Petitioner has an ongoing business on site and desires to fence the property to stop traffic from using the alley. There is a door that leads to the upstairs apartment by the alley. Possible danger.

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:

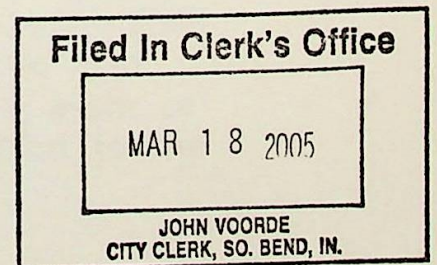
\_\_\_\_\_  
City Clerk

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

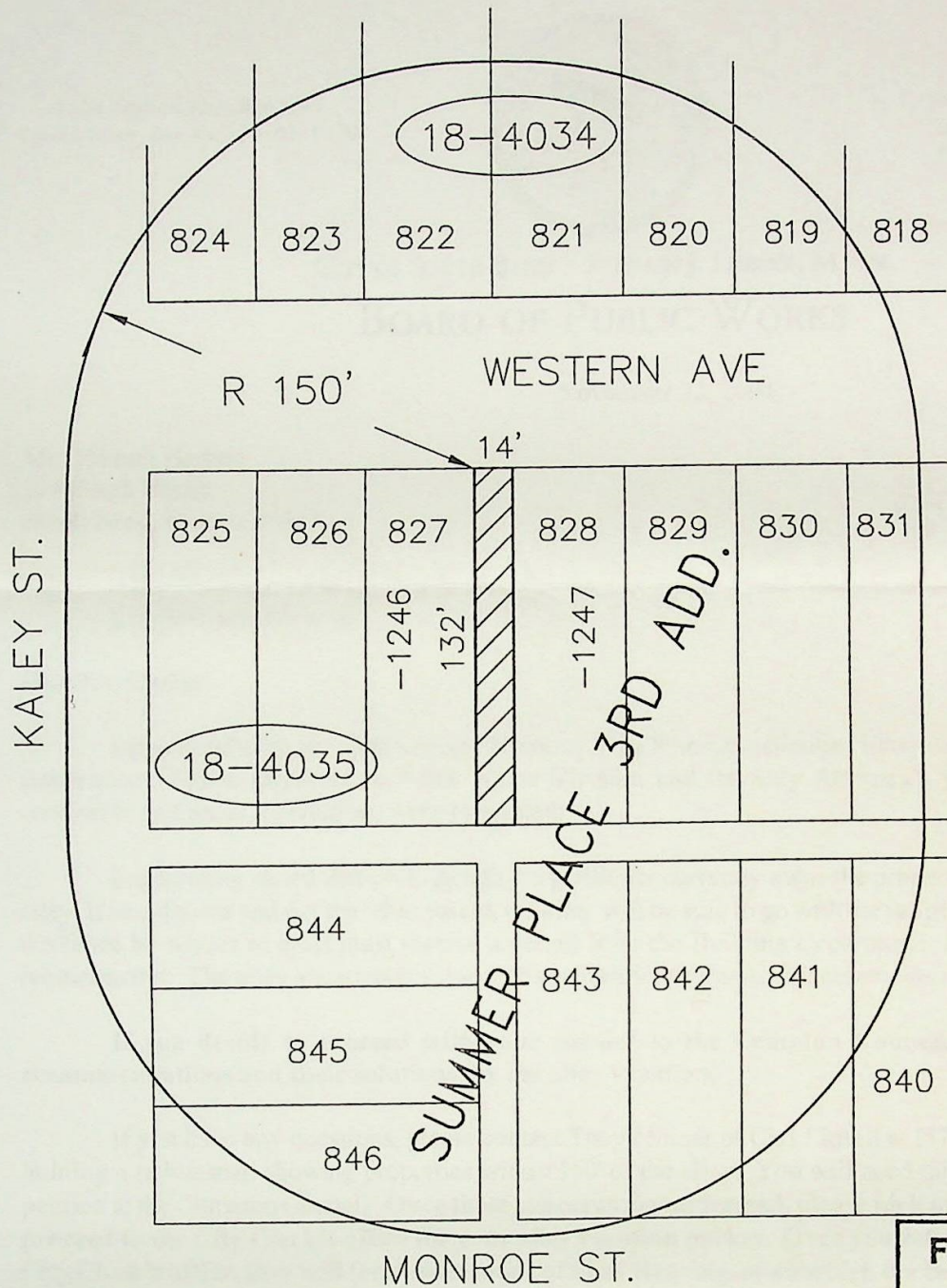
\_\_\_\_\_  
City Clerk

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

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







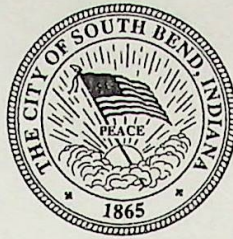
ALLEY VACATION

The alley to be vacated is the first North/South alley East of Kaley Street from Western Avenue South to the first East/West alley for a distance of 132 feet and a width of 14 feet. Being a part of Summit Place 3rd Addition to the City of South Bend, St. Joseph County, Indiana.

**Filed In Clerk's Office**  
 MAR 18 2005  
 JOHN VOORDE  
 CITY CLERK, SO. BEND, IN.



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. Manuel Herbert  
524 South Harris  
South Bend, Indiana 46619

RE: Alley Vacation - First North/South Alley East of Kaley Street  
(Preliminary Review)

Dear Mr. Herbert:

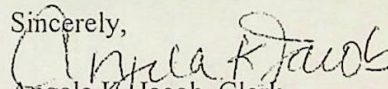
Upon review by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office, the following comments and recommendations were submitted:

Engineering stated that even though the petitioner currently owns the property on both sides of the alley, if he sells one and not the other parcel, the alley will be split to go with the property on each side. Also the fence he wishes to erect must receive a permit from the Building Department and conform to zoning requirements. The alley vacation is subject to any utility or turn-around 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  
Vanice Talboom, City Clerk's Office  
Carl Littrell, Engineering

Filed In Clerk's Office

NOV 23 2004

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.