

ALLEY VACATION  
ORDINANCE NO. 9660-06  
Status Vacated

Date 5/17/2006

Description:

A Portion of Kenwood Avneue, Linden Avenue,  
Lawton Avenue and 3 Nearby Adjacent Alleys



# Office of the City Clerk

John Voorde, City Clerk

MAY 17, 2006

## MEMORANDUM

TO: Area Plan Commission  
Board of Public Works  
Building Department  
Division of Engineering  
Fire Department  
Northern Indiana Public Service Company  
Police Department  
Street Department  
Bureau of Traffic & Lighting - Mark  
Community & Economic Development – Marco Mariani  
County Auditor - Paula  
Ed Herman - Water Works - North Station

FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 9660-06 for the vacation of the following property:

A PORTION OF KENWOOD AVENUE, LINDEN AVENUE, LAWTON AVENUE AND 3 NEARBY ADJACENT ALLEYS

are closed and this area is vacated.



1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
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 28, 2005

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

RE: Property Vacation – A Portion of Kenwood Avenue, Linden Avenue and Four Nearby Adjacent Alleys  
(Preliminary Review)

Dear Members of the Council:

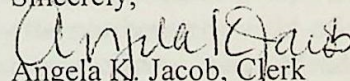
In accordance with Municipal Code Section 18-53.8, a **favorable recommendation** is being submitted to the Common Council concerning the following property vacation:

Property Vacation – A Portion of Kenwood Avenue, Linden Avenue and Four (4) Nearby Adjacent Alleys

The Division of Engineering recommends approval, pending review to assure the description is correct.

The Board of Public Works submits to you a **favorable recommendation** concerning this vacation.

Sincerely,

  
Angela K. Jacob, Clerk  
Board of Public Works

c: Rosemary Mandrici, Assessor's Office  
Melinda Stopczynski, Auditor's Office  
Carl Littrell, Engineering  
Gary Gilot, Public Works Director



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

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

A PORTION OF KENWOOD AVENUE, LINDEN AVENUE, LAWTON AVENUE AND 4 NEARBY ADJACENT ALLEYS.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charges 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:

A.) The first east-west alley lying south of Bertrand Street bounded on the west by the east right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;

B.) The first east-west alley lying south of Kenwood Avenue, bounded on the west by the east right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;

C.) The first east-west alley lying south of Linden Avenue, bounded on the west by the east right-of-way line of Kaley Street and bounded on the east by the west right-of-way line of Meade Street;

D.) The first north-south alley lying west of Meade Street, bounded on the north by the south right-of-way line of Bertrand Street and bounded on the south by the north right-of-way line of Lawton Avenue;

E.) Kenwood Avenue bounded on the west by the west right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;

F.) Linden Avenue bounded on the west by the east right-of-way line of Kaley Street and bounded on the east by the west right-of-way line of Meade Street; and

G.) Lawton Street bounded on the west by the northeasterly right-of-way line of Washington Street and bounded on the east by the west right-of-way line of Meade Street.

All within 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

APPROVED  
Board of Public Works

NOV 28 2005

*Gary A. Galt*  
*Donald E. Smith*  
*Chris J. Wetzel*



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:

Lots 84 through 96 inclusive of West End Subdivision, Lots 17 through 23 inclusive, 30 through 36 inclusive, Lots 69 through 73 inclusive, Lots 84 through 88 inclusive of Kaley's 1<sup>st</sup> Addition, and Lots 121 through 125 inclusive of Kaleys' 2<sup>nd</sup> Subdivision.

SECTION IV. The purpose of the vacation of the real property is to create consolidated ownership of adjacent properties, effective upon the development of the relocated Bendix Drive.

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

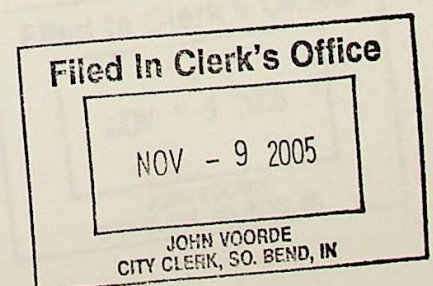
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_.m.

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

Approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Stephen J. Luecke, Mayor of the City of South Bend, Indiana

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





PETITION TO VACATE PUBLIC RIGHTS-OF-WAY  
STREETS AND ALLEY

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

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

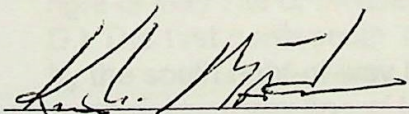
WE, THE UNDERSIGNED PROPERTY OWNERS, PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

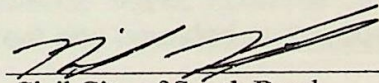
- A.) The first east-west alley lying south of Bertrand Street, bounded on the west by the east right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;
- B.) The first east-west alley lying south of Kenwood Avenue, bounded on the west by the east right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;
- C.) The first east-west alley lying south of Linden Avenue, bounded on the west by the east right-of-way line of Kaley Street and bounded on the east by the west right-of-way line of Meade Street;
- D.) The first north-south alley lying west of Meade Street, bounded on the north by the south right-of-way line of Bertrand Street and bounded on the south by the north right-of-way line of Lawton Avenue. All within the City of South bend, St. Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

- E.) Kenwood Avenue bounded on the west by the west right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;
- F.) Linden Avenue bounded on the west by the east right-of-way line of Kaley Street and bounded on the east by the west right-of-way line of Meade Street; and
- G.) Lawton Street bounded on the west by the northeasterly right-of-way line of Washington Street and bounded on the east by the west right-of-way line of Meade Street. All within the City of South bend, St. Joseph County, Indiana.

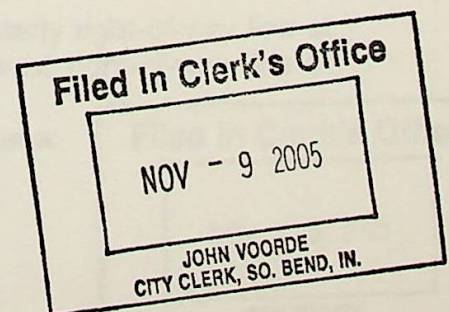


Kent G Maden  
Manager, Facilities  
Robert Bosch Corporation  
401 North Bendix Drive  
South Bend, Indiana 46601  
574-237-5733

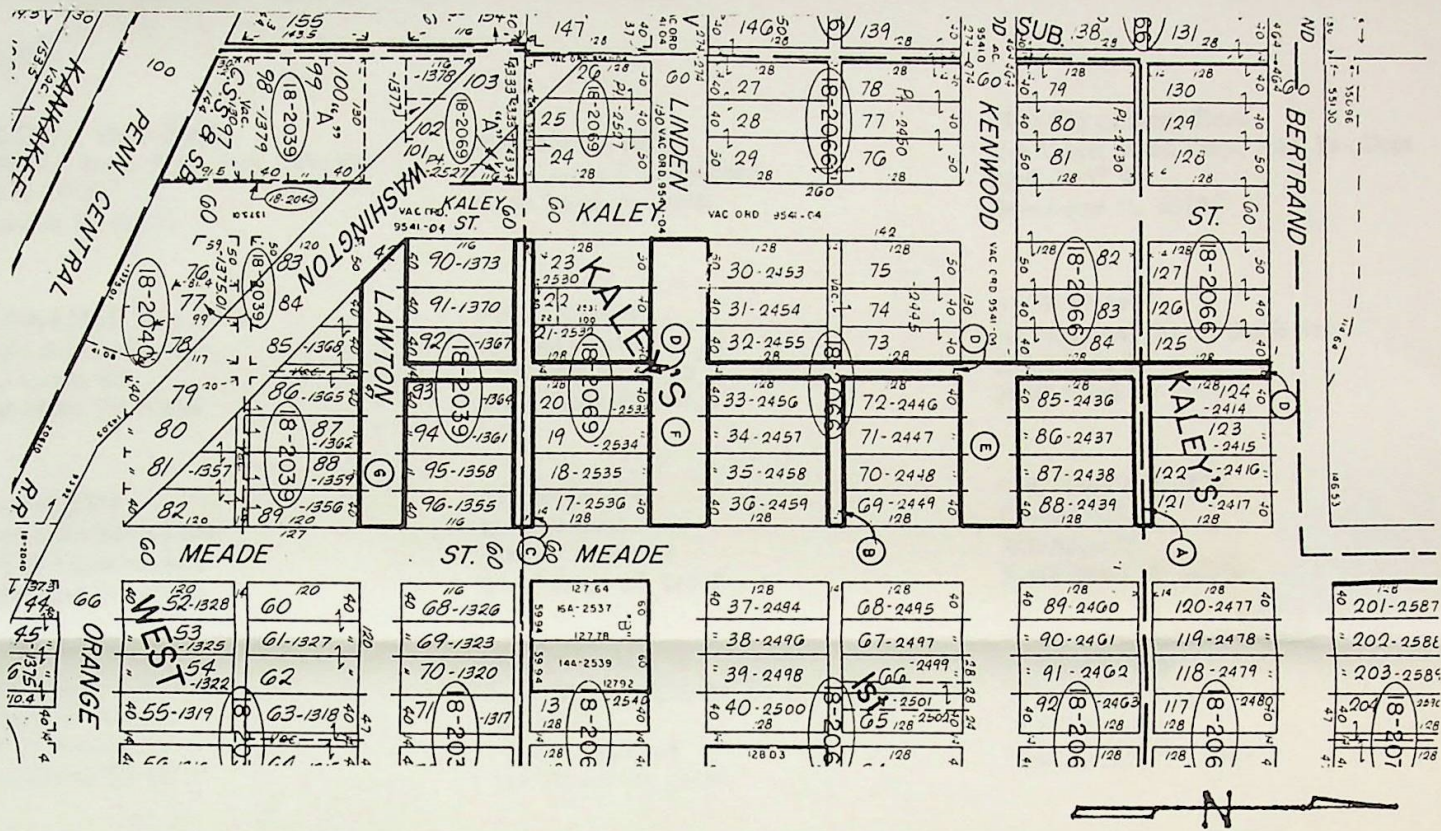


Civil City of South Bend  
Nicholas Witwer  
Economic Development Planner  
1200 County-City Building  
South Bend, Indiana 46601  
574-235-5836

Contact Person:  
Lang, Feeney & Associates, Inc.  
Terance D. Lang  
715 South Michigan Street  
South Bend, Indiana 46601  
574-233-1841







- A.) The first east-west alley lying south of Bertrand Street, bounded on the west by the east right-of-way line of the first north-south alley lying west of Meade Street and bounded on the east by the west right-of-way line of Meade Street;
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All within the City of South bend, St. Joseph County, Indiana.

**Filed In Clerk's Office**

NOV - 9 2005

JOHN VOORDE  
CITY CLERK, SO. BEND, IN.



Civil City of South Bend  
C/o Robert Bosch Corp, Attn: Luke Baer  
2800 N 25<sup>th</sup> St  
Maywood IL 60153

City of South Bend  
1200 County-City Building  
South Bend IN 46601

Civil City of South Bend  
C/o Robert Bosch Corp., Attn: Tax Dept.  
2800 S 25<sup>th</sup> St  
Broadview IL 60155

018-2066-2415, 2416, 2417  
Arnold & Petra Moreno  
3736 Locust Rd  
South Bend IN 46614

018-2067-2478  
Michael Owens  
2526 Bertrand Street  
South Bend IN 46628

018-2067-2479  
Housing Authority of South Bend  
501 S Scott St  
South Bend IN 46601

018-2066-2436  
James & Kathleen Clark  
2615 W Kenwood Ave  
South Bend IN 46628

018-2066-2437  
Ina Inez Goss  
2609 W Kenwood  
South Bend IN 46628

018-2066-2438, 2439  
Carlton Gill  
816 Allen St  
South Bend IN 46616

018-2067-2460, 2461  
Kathi & Carlton Gill  
2607 W Kenwood Ave  
South Bend IN 46628

018-2067-2462  
Laura McDonald & Joel Bernier 1/2004  
Prob Deed  
2521 W Kenwood  
South Bend IN 46628

018-2066-2446  
RCT Enterprises, LLC  
52730 Scarer Dr  
South Bend IN 46635

018-2066-2447, 2456, 2457  
Brian Templeman  
P O Box 1114  
Elkhart IN 46515

018-2066-2448  
Earl & Louisa Fuller  
C/o Larry Biesbrouck  
2606 Kenwood  
South Bend IN 46628

018-2068-2495, 2497, 2499  
Ramadan Salameh  
4002 West Western  
South Bend IN 46619

018-2066-2458, 2459, 018-2069-2537  
Habitat for Humanity  
402 E South St  
South Bend IN 46601

018-2068-2494  
Ben & Jesse Noell  
17873 Jackson Rd  
South Bend IN 46614

018-2068-2496  
Donald Alexander  
P O Box 4123  
South Bend IN 46634

018-2068-2498  
Charles Benion  
2525 Linden Ave  
South Bend IN 46628

City of South Bend  
Dept. of Redevelopment  
1200 County-City Building  
South Bend IN 46601

018-2069-2533  
Randall Flanagan  
59303 Locust Rd  
South Bend IN 46614

018-2069-2534  
Otis & Sanita Davis  
2610 W Linden Ave  
South Bend IN 46628

018-2069-2536  
Gary Griner  
P O Box 664  
Mishawaka IN 46546

018-2069-2539  
Debra Gillam  
2522 Linden Ave  
South Bend IN 46628

Northern Indiana Commuter Transportation  
District  
33 East U.S. Highway 12  
Chesterton IN 46304

018-2039-1373  
Allen Redding  
1425 Woodcrest Dr  
South Bend IN 46617

018-2039-1358  
St. Joseph County  
County-City Building  
South Bend IN 46601

City of South Bend  
Board of Public Works  
1200 County-City Building  
South Bend IN 46601

018-2038-1326  
James & Annie Harris  
228 N Meade St  
South Bend IN 46628

018-2038-1323  
William & Florine Jones  
2517 W Lawton St  
South Bend IN 46628



RECEIVED

NOV 14 2005

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

**OFFICE OF THE CITY CLERK**

**TO: BOARD OF PUBLIC WORKS**

**DATE: NOVEMBER 10, 2005**

I am referring to you the following vacation:

Bill 87-05

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF KENWOOD AVENUE, LINDEN AVENUE, LAWTON AVENUE AND 4 NEARBY ADJACENT ALLEYS

For your information, the Common Council will have first reading on this vacation request on Monday, November 14, 2005. I assume the council will set this bill for public hearing at its regularly scheduled meeting of November 28, 2005.

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

Thanks!

**CITY CLERK  
JOHN VOORDE**

**DEPUTY**

Janie Tallon

Angie - If I need to push this  
Public Hearings back, let me  
know - Thanks

Janice



RECEIVED

NOV 14 2005

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

**OFFICE OF THE CITY CLERK**

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**CITY CLERK  
JOHN VOORDE**

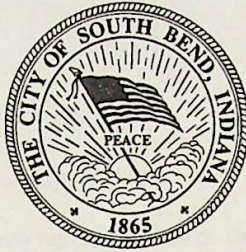
**DEPUTY**

*Janie Tallon*

*Angie - If I need to push this  
Public Hearings back, let me  
know - Thanks*

*Janice*





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

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

**FROM:** Angie Jacob, Clerk *AJ*

**RE:** Request for Recommendation - Alley Vacation  
**Location:** A portion of Kenwood Avenue, Linden Avenue and 4 nearby adjacent alleys.  
**(Preliminary Review)**

**DATE:** November 14, 2005

---

**DUE:** 11/22/2005

**FAX OR E-MAIL TO:** 235-9171 / ajacob@ci.south-bend.in.us

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

**COMMENTS & RECOMMENDATIONS:**

*RECOMMENDS APPROVAL*

**BY:**

*Larry Magliozzi*  
*Sharon J. Kendall*

**DATE:**

*11-16-05*  
*11-18-05*



**From:** William Kraus  
**To:** AJACOB@ci.south-bend.in.us  
**Date:** 11/21/2005 2:10:32 PM  
**Subject:** Re: alley vacation recommendation

I don't know vacation it is, but I usually have no objections to them.

Sgt. William G. Kraus  
South Bend Police Department  
Traffic Section  
701 W. Sample  
South Bend, IN 46601  
574-235-7515  
fax 574-235-9308

>>> Angie Jacob 11/21/05 12:35 PM >>>

I need this recommendation by Wednesday noon. It is on the City Council agenda for 1st hearing on 11/28. It was sent to you on 11/14/05.

Angie Jacob, Clerk  
Board of Public Works  
Phone (574) 235-9253  
Fax (574) 235-9171



### Hydraulic Pump:

The hydraulic pump shall be US manufactured axial piston pressure and flow compensated load sensing type. The pump shall be cast iron construction and rated to 4.00 cubic inches per revolution at maximum stroke. The pump shall have a two inch suction line. The pump shall be rated for up to 3000 rpm and pressure. The pump shall have a 1 1/4" keyed drive shaft and SAE type C mounting flange. The pump shall be model PAVC 65 Parker load sensing pump or equal. A 1" steel ball valve shall be at the outlet of the pump.

### Mounting:

The hydraulic pump shall be mounted with shaft centerline parallel to the crankshaft centerline and at a level to create not more than a three degree angle on the drive line. The pump mounting shall be incorporated with a bracket fabricated to mount in the extended rails from the pump.

### Driveline:

The hydraulic pump shall be driven directly off the engine crankshaft via a splined driveline to allow for movement. The driveline shall include grease fittings on both u-joints. Spicer model 1310 series or equal.

### Reservoir:

The hydraulic reservoir shall be of the slim line type and shall be mounted between the chassis and the dump body. The mounting of the reservoir shall not extend the cab to axle dimension of the chassis.

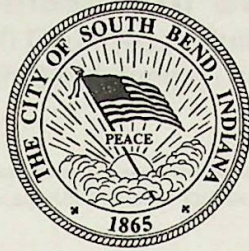
The hydraulic reservoir shall be 40-gallon capacity and be equipped with the following: Basket type filler breather cap, magnetic drain plug, 2" NPT suction with 100-mesh screen type filter, separate return port for control drain line, sight temperature gauge externally mounted, internal baffling, heavy duty 1 1/4" ball type shut off valve shall be mounted on the suction side.

### Hydraulic Lines & Plumbing:

All hydraulic lines, pipes, hoses, and fittings shall be of sufficient capacity to accommodate the volume of oil without undue heating or turbulence in the system. A 2" suction line with a minimum SAE rating of 100-R4 must be used between the reservoir and the inlet of the pump. This suction hose shall be secured on both ends via heavy duty banding straps, radiator hose clamps unacceptable. All of the pressure hoses, including the signal sensing line to the pump must have swivel fittings on BOTH ends and have a minimum SAE rating of 100-R2. Return lines and the case drain line must have a minimum SAE rating of 100-R1. All fittings shall be JIC. Push on clamp fittings are not acceptable.

Hydraulic lines shall be routed to minimize interference with equipment and chassis components





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

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

**FROM:** Angie Jacob, Clerk *aj*

**RE:** Request for Recommendation - Alley Vacation  
**Location:** A portion of Kenwood Avenue, Linden Avenue and 4 nearby adjacent alleys. *11/23*  
**(Preliminary Review)** *need by Wednesday*

**DATE:** November 14, 2005 *By 9AM*

---

**DUE:** 11/22/2005

**FAX OR E-MAIL TO:** 235-9171 / ajacob@ci.south-bend.in.us

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

**COMMENTS & RECOMMENDATIONS:**

*No objection, pending review to assure that the descriptions are correct.*

*Carl Littrell*  
**BY:** \_\_\_\_\_ **DATE:** *11/22/05*



# Area Plan Commission of St. Joseph County

1140 County-City Building  
South Bend, Indiana 46601

John W. Byorni  
Executive Director

Assistant Director

Phone 219 235-9571

www.stjosephcountyindiana.com

Fax 574-235-9813

November 21, 2005

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

RE: Right-of-way Vacation – A portion of Kenwood Avenue, Linden Avenue and four (4) nearby adjacent alleys.

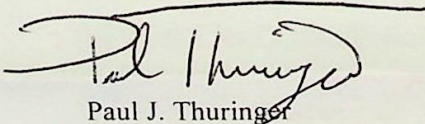
Dear Board Members:

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.

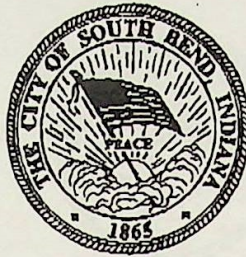
Sincerely,



Paul J. Thuringer  
Planner







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

**TO:** Carl Littrell, Engineering Department  
John Byomi, Area Plan Commission  
✓ Sharon Kendall, Community & Economic Development  
✓ Larry Magliozzi, Community & Economic Development  
Bob Mathia, Community & Economic Development  
Howard Buchanan, Fire Department  
Jack Dillon, Solid Waste  
✓ William Kraus, Police Department  
✓ Tom Bodnar, City Attorney's Office

**FROM:** Angie Jacob, Clerk *aj*

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Location: A portion of Kenwood Avenue, Linden Avenue and 4 nearby adjacent alleys. *11/23*  
(Preliminary Review) *need by Wednesday*

**DATE:** November 14, 2005 *By 9AM*

**DUE:** 11/22/2005

**FAX OR E-MAIL TO:** 235-9171 / [ajacob@ci.south-bend.in.us](mailto:ajacob@ci.south-bend.in.us)

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

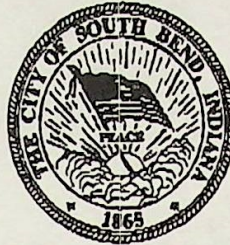
**COMMENTS & RECOMMENDATIONS:**

OK - We do not use

\_\_\_\_\_

**BY:** *Jack Dillon* **DATE:** 11-22-05





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

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John Byomi, Area Plan Commission  
✓ Sharon Kendall, Community & Economic Development  
✓ Larry Magliozzi, Community & Economic Development  
Bob Mathla, Community & Economic Development  
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✓ Tom Bodnar, City Attorney's Office

**FROM:** Angie Jacob, Clerk *AJ*

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*11/23*

*need by Wednesday  
By 9AM*

**DATE:** November 14, 2005

**DUE:** 11/22/2005

**FAX OR E-MAIL TO:** 235-9171 / ajacob@ci.south-bend.in.us

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

**COMMENTS & RECOMMENDATIONS:**

No objection

*Approved*  
**BY:** *Angie Jacob* **DATE:** 11/22/05