

ALLEY VACATION
ORDINANCE NO. 98/19-08
Status Vacated

Date 3/17/2008

Description:

A portion of right of way located on the Southeast corner of Eddy Street and Angela Boulevard (AKA Edison Road), being a part of the Northwest quarter of section 6, City of South Bend, Portage Township, St. Joseph County, Indiana



Office of the City Clerk

John Voorde, City Clerk

March 17, 2008

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 – Pam Meyer
County Auditor - Paula
Ed Herman - Water Works - North Station

FROM: John Voorde, City Clerk

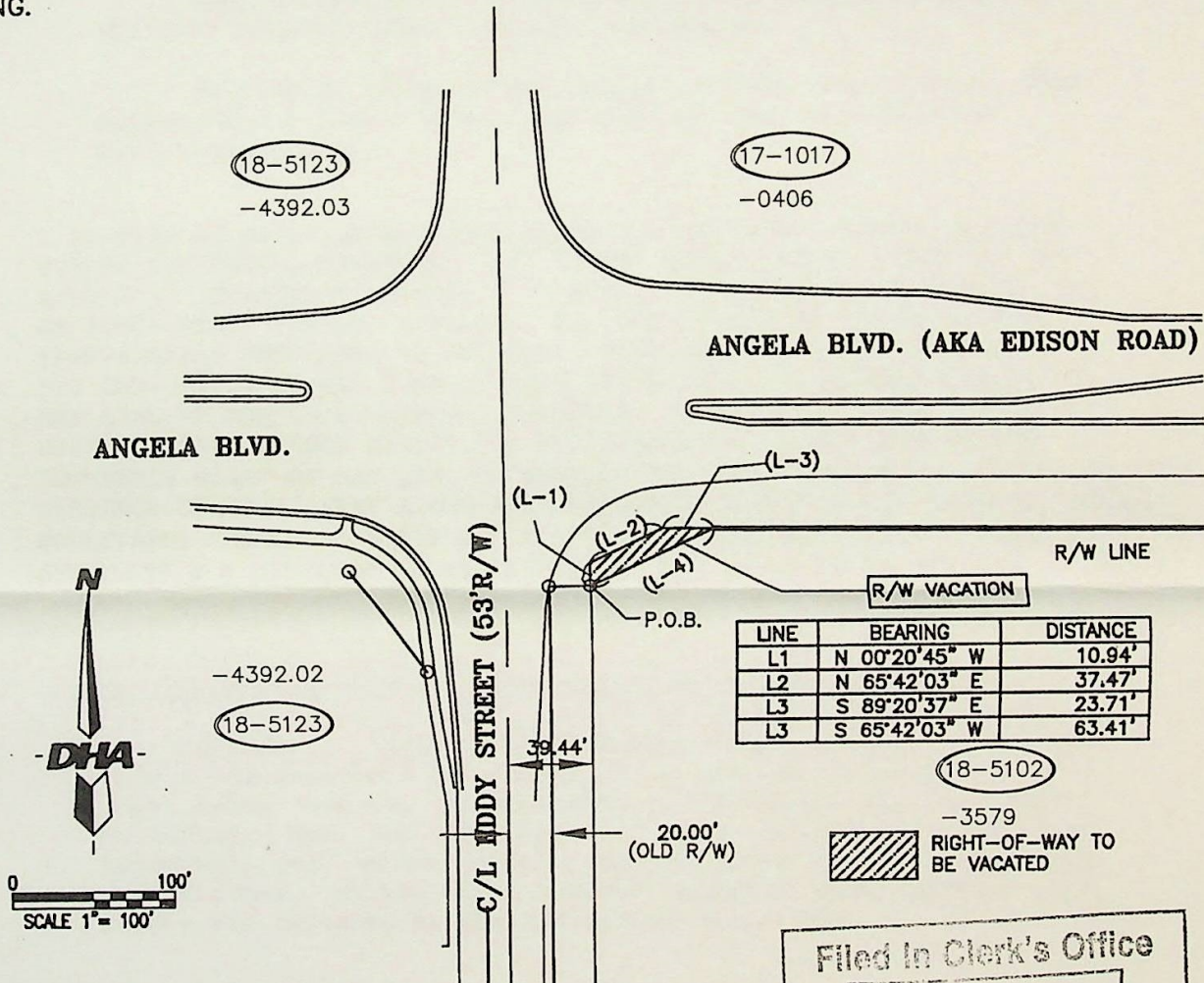
All proceedings with reference to Ordinance No. 9819-08 for the vacation of the following property:

A PORTION OF RIGHT-OF-WAY LOCATED ON THE SOUTHEAST CORNER OF EDDY STREET AND ANGELA BOULEVARD (AKA EDISON ROAD), BEING A PART OF THE NORTHWEST QUARTER OF SECTION 6, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

is closed and this area is vacated.

cc: South Bend Community School Corp. Transportation Dept.
Jim Betin - Northern Indiana Public Service Co.

A PORTION OF RIGHT-OF-WAY LOCATED ON THE SOUTHEAST CORNER OF EDDY STREET AND ANGELA BOULEVARD (AKA EDISON ROAD), BEING A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF EDDY STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE N. 00°20'45" W, ALONG THE EAST RIGHT-OF-WAY OF EDDY STREET FOR A DISTANCE OF 10.94 FEET; TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE N 65°42'03" E A DISTANCE OF 37.47 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE S. 89°20'37"E A DISTANCE OF 23.71 FEET; THENCE S 65°42'03" W A DISTANCE OF 63.41 FEET TO THE POINT OF BEGINNING.



LINE	BEARING	DISTANCE
L1	N 00°20'45" W	10.94'
L2	N 65°42'03" E	37.47'
L3	S 89°20'37" E	23.71'
L3	S 65°42'03" W	63.41'

Filed in Clerk's Office
 DEC 5 2007
 JOHN VOORDE
 CITY CLERK, SO. BEND, IN.

ORDINANCE NO. 9819-08

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
A PORTION OF RIGHT-OF-WAY LOCATED ON THE SOUTHEAST CORNER OF EDDY STREET AND ANGELA BOULEVARD (AKA EDISON ROAD), BEING A PART OF THE NORTHWEST QUARTER OF SECTION 6, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, 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:

A PORTION OF RIGHT-OF-WAY LOCATED ON THE SOUTHEAST CORNER OF EDDY STREET AND ANGELA BOULEVARD (AKA EDISON ROAD), BEING A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF EDDY STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE N. 00°20'45" W, ALONG THE EAST RIGHT-OF WAY OF EDDY STREET FOR A DISTANCE OF 10.94 FEET; TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE N 65°42'03" E A DISTANCE OF 37.47 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BOULEVARD; THENCE S. 89°20'37" E A DISTANCE OF 23.71 FEET; THENCE S 65°42'03" W A DISTANCE OF 63.41 FEET TO THE POINT OF BEGINNING.

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:

Tax Key Number 17-1017-0406

SECTION IV. The purpose of the vacation of the real property is to allow for the construction of the Eddy Street Commons facility. The proposed project will use the proposed vacated right-of ways.

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.

Timothy A. Fouse
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 29th day of January, 2007, at 3:10 o'clock p. m.

Janice Tallon
Deputy City Clerk

Approved and signed by me on the 29th day of January, 2007, at 5 o'clock p. m.

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

Filed In Clerk's Office
DEC - 5 2007
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

1st READING 1-14-08
PUBLIC HEARING 1-28-08
3rd READING 1-28-08
NOT APPROVED
REFERRED
PASSED 1-28-08



Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners

MICHAEL J. DANCH, L.A.
RON HARNER, P.S.
DANIEL W. AKIN, P.E., L.S.

December 3, 2007

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

RE: Vacation Petition for a portion of the following:

- 9818-08 1.) Northwest corner of Napoleon Street and Eddy Street right-of-way
- 9819-08 2.) Southeast corner of Eddy Street and Angela Boulevard right-of-ways
- 9820-08 3.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Burns Street to the west right-of-way line of Duey Street.
- 9821-08 4.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Georgiana Street to the west right-of-way line of Burns Street.

Dear Council Members:

Our clients, the University of Notre Dame Du Lac., Northeast Neighborhood Revitalization Organization, Inc., and the South Bend Heritage Foundation are requesting the approval of the Vacation of a portion of the following:

- 1.) Northwest corner of Napoleon Street and Eddy Street right-of-way
- 2.) Southeast corner of Eddy Street and Angela Boulevard right-of-ways
- 3.) alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Burns Street to the west right-of-way line of Duey Street.
- 4.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Georgiana Street to the west right-of-way line of Burns Street.

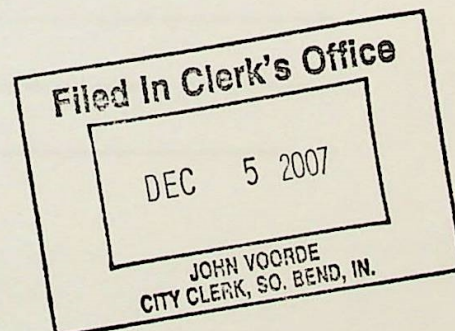
The reason for this request is to allow for the construction of the Eddy Street Commons facility. The proposed project will use the proposed vacated right-of-ways. The City and the Petitioners believe that vacating the above mentioned right-of-ways will not have a detrimental effect on the adjacent properties.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch
President
Danch, Harner & Associates

File # 070189.2 pjh





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

APPROVED

TO: ✓ Carl Littrell, Engineering Department
✓ John Byorni, Area Plan Commission (235-9813 fax)
✓ Jeff Gibney, Community & Economic Development
✓ Chris Dressel, Community & Economic Development
✓ Bob Mathia, Community & Economic Development
✓ Robert Sanders, Fire Department
✓ Jack Dillon, Solid Waste
✓ Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
Jim Bettin, NIPSCO (jrbettin@nisource.com or 284-2220 fax) **For Informational
Purposes Only**

FROM: Linda M. Martin, Clerk *LM*

RE: Request for Recommendation - Property Vacation
Location: Vacation of the Right-of-Way located on the Southwest Corner of Eddy
Street and Angela Boulevard (aka Edison Road)
(Preliminary Review)

Should have
been
South EAST
Corner.

DATE: August 28, 2007

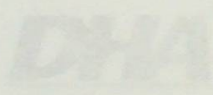
DUE: September 17, 2007

FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

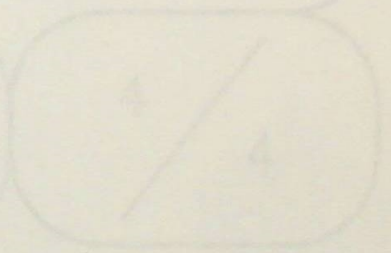
RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

BY: _____ **DATE:** _____



David J. ...
and Services ...
...
...
...



APPROVED
Board of Public Works

SEP 24 2007

STREET VACATION DIAGRAM

SURVEY ORDERED BY: KITE REALTY GROUP
SURVEY DATED: 8-28-07
PROJECT NO.: 070189.S

RE: LEGAL DESCRIPTION FOR THE VACATION OF RIGHT-OF-WAY LOCATED ON THE SOUTHWEST CORNER OF EDDY ST. AND ANGELA BLVD. (AKA EDISON ROAD)

PARCEL R/W VACATION "B"

A PORTION OF RIGHT-OF-WAY LOCATED ON THE SOUTHWEST CORNER OF EDDY STREET AND ANGELA BLVD. (AKA EDISON ROAD). BEING A PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF EDDY ST. AND ANGELA BLVD. RIGHT-OF-WAY; THENCE N. 00°20'45" W, ALONG THE EAST RIGHT-OF-WAY OF EDDY STREET FOR A DISTANCE OF 10.94 FEET; TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ANGELA BLVD, THENCE N 65°42'03" E A DISTANCE OF 63.41 FEET ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE; THENCE S. 89°21'11"E A DISTANCE OF 23.71 FEET; THENCE S 65°42'03" W A DISTANCE OF 63.14 FEET TO THE POINT OF BEGINNING.

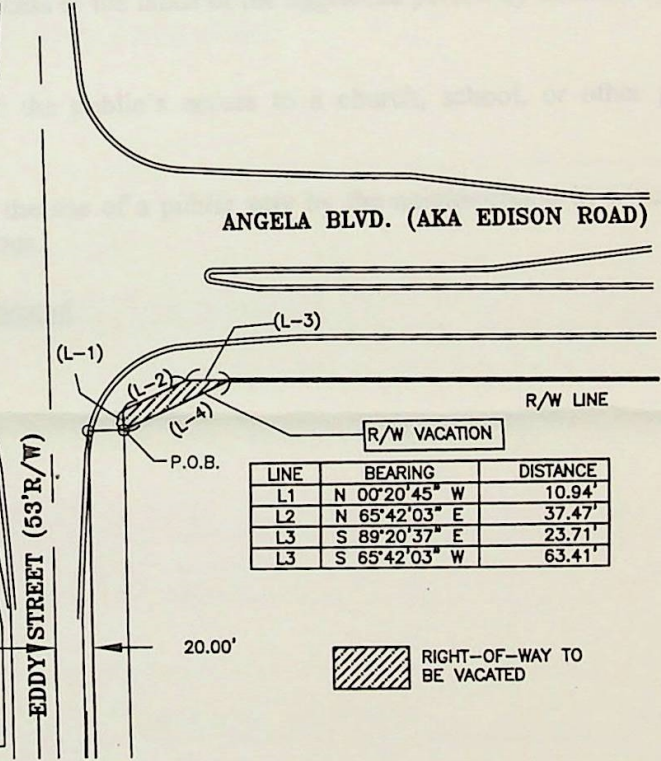
APPROVED
Board of Public Works

SEP 24 2007

Gary A. Pilot
Carl P. Little
Nancy E. Smith

ANGELA BLVD.

ANGELA BLVD. (AKA EDISON ROAD)



LINE	BEARING	DISTANCE
L1	N 00°20'45" W	10.94'
L2	N 65°42'03" E	37.47'
L3	S 89°20'37" E	23.71'
L3	S 65°42'03" W	63.41'

RIGHT-OF-WAY TO BE VACATED

Danch, Harner & Associates, Inc.

DHA

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

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kite_8-16VACATION.dwg
8-28-2007 9:34 A.M.
PUH

Area Plan Commission of St. Joseph County

1140 County-City Building
South Bend, Indiana 46601

John W. Byorni
Executive Director

Larry P. Magliozzi
Assistant Director

Phone 574 235-9571

www.stjosephcountyindiana.com/areaplan

Fax 574 235-9813

September 5, 2007

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

RE: Vacation
SouthEAST corner of Edison Road and Eddy Street

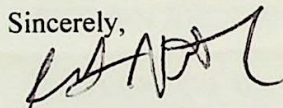
Dear Board Members:

The staff has reviewed this petition. It is the staff's opinion that:

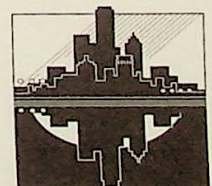
- (1) The vacation *would not hinder* the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.\
- (2) The vacation *would not* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation *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 the right-of-way be vacated.

Sincerely,



Robert Nemeth
Senior Planner





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

TO: Carl Littrell, Engineering Department
John Byomi, Area Plan Commission (235-9813 fax)
Jeff Gibney, Community & Economic Development
Chris Dressel, Community & Economic Development
✓ Bob Mathia, Community & Economic Development
Robert Sanders, Fire Department
Jack Dillon, Solid Waste
Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
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Purposes Only**

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RE: Request for Recommendation - Property Vacation
Location: Vacation of the Right-of-Way located on the Southwest Corner of Eddy
Street and Angela Boulevard (aka Edison Road)
(Preliminary Review)

DATE: August 28, 2007

DUE: September 17, 2007

FAX OR E-MAIL TO: 235-9171 / lmartin@southbend.in.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

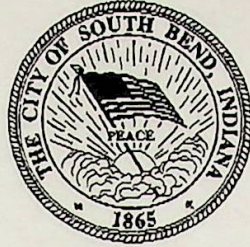
COMMENTS & RECOMMENDATIONS:

I have no objection so long as the turning radius
for the corner is not affected

BY: Bobo Mathia

DATE: 8/24/07

446
120



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

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John Byorni, Area Plan Commission (235-9813 fax)
Jeff Gibney, Community & Economic Development
Chris Dressel, Community & Economic Development
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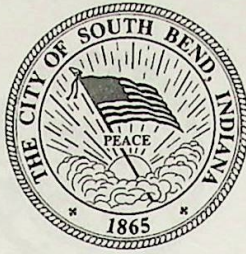
FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

Won't affect trash collection

BY: _____ **DATE:** _____



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BOARD OF PUBLIC WORKS**

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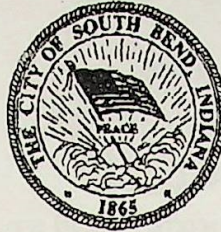
RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Carl P. Littrell*

DATE: *8/28/07*



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

TO: Carl Littrell, Engineering Department
John Byomi, Area Plan Commission (235-9813 fax)
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DATE: August 28, 2007

DUE: September 17, 2007

FAX OR E-MAIL TO: 235-9171 / lmartin@southbend.in.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Sept Goen* **DATE:** *8/29*

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

September 25, 2007

Mr. Mike Danch
Danch Harner & Associates, Inc.
1653 Commerce Drive
South Bend, Indiana 46628

RE: Right-of-Way Vacation – Southwest ~~West~~ Corner of Eddy Street and Angela Boulevard
(Preliminary Review)

Dear Mr. Danch:

On September 24, 2007, the Board of Public Works reviewed your petition to vacate the above right-of-way. The following comments and recommendations were submitted from the Engineering Division, Area Plan Commission, Community & Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office:

Area Plan stated that 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. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Community & Economic Development recommended favorably for this vacation as long as the turning radius on the corner is not affected.

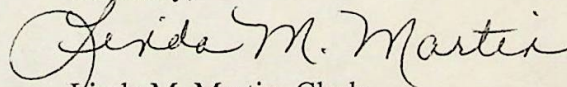
The Board recommended this vacation favorably as long as the turning radius on the corner is not affected.

Danch Harner
Page 2 of 2
September 25, 2007

Please present evidence that the above stated issue(s) are resolved. I will inform you of the next step in the vacation process at that time.

Please call me at (574) 235-9251 with questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Martin". The signature is written in dark ink and is positioned above the printed name.

Linda M. Martin, Clerk

c: Jeff Gibney, CED
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office
Carl Littrell, Engineering