

ALLEY VACATION
ORDINANCE NO. 9867-08

Date 10/27/2008

Description:

The first N/S alley W of Dr. Martin Luther King Blvd from W Washington St N to the first E/W alley for a distance of 198 feet, more or less, and a width of 8 feet, more or less. Being a part of Dunbar's Subdivision of Bank Outlots 31 and 31, City of South Bend, Portage Township, St. Joseph County, Indiana.

ORDINANCE NO. 9867-08

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first North/South alley West of Dr. Martin Luther King Blvd from W Washington St North to the first East/West alley for a distance of 198 feet, more or less, and a width of 8 feet, more or less. Being a part of Dunbar's Subdivision of Bank Outlots 31 and 32, 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:

The first North/South alley West of Dr. Martin Luther King Blvd from W Washington St North to the first East/West alley for a distance of 198 feet, more or less, and a width of 8 feet, more or less. Being a part of Dunbar's Subdivision of Bank Outlots 31 and 32, City of South Bend, Portage Township, 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 properties may be injuriously or beneficially affected by such vacating:

Lot Number: 3 of Dunbar's Sub of Bank Outlots 31 & 32

Key Number: 18-1025-1058

Lot Number: 2 of Dunbar's Sub of Bank Outlots 31 & 32

Key Number: 18-1025-1060

Section IV. The purpose of the vacation of the real property is

To reverse City of South Bend, Board of Public Works Condemnation Resolution Number 70, adopted January 9, 1923 entitled: Opening of an Alley in Dunbar's Subdivision of Bank out lots 31 and 32. Thus allowing the property described in Section I to be consolidated into Lot 2 Ex 8 Ft W Side Alley Dunbar's Sub Bol 31 (Key Number 18-1025-1060) returning this parcel to it's original dimensions and legal description: Lot 2 Dunbar's Sub Bol 31.

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. Rouse
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 28th day of October, 2008, at 2:30 o'clock p.m.

Jamie Talboom
City Clerk, Deputy

Approved and signed by me on the 28th day of Oct., 2008, at 3:40 o'clock p. m.

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

1st READING 8-25-08
PUBLIC HEARING 10-27-08
3rd READING 10-27-08
NOT APPROVED
REFERRED
PASSED 10-27-08

Filed In Clerk's Office

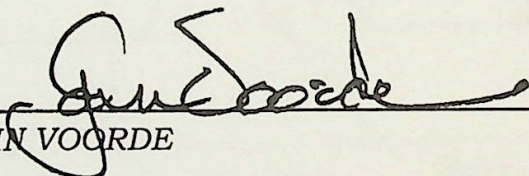
AUG 14 2008

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

ORDINANCE No. 9867-08

Passed by the Common Council of the City of South Bend, Indiana _____

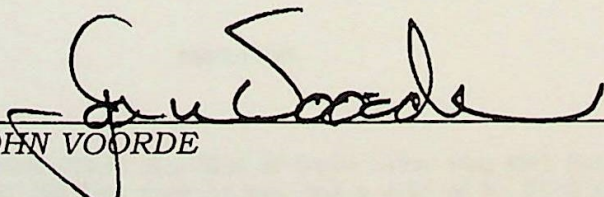
_____ October 27, _____ 20 08

Attest:  _____ City Clerk
JOHN VOORDE

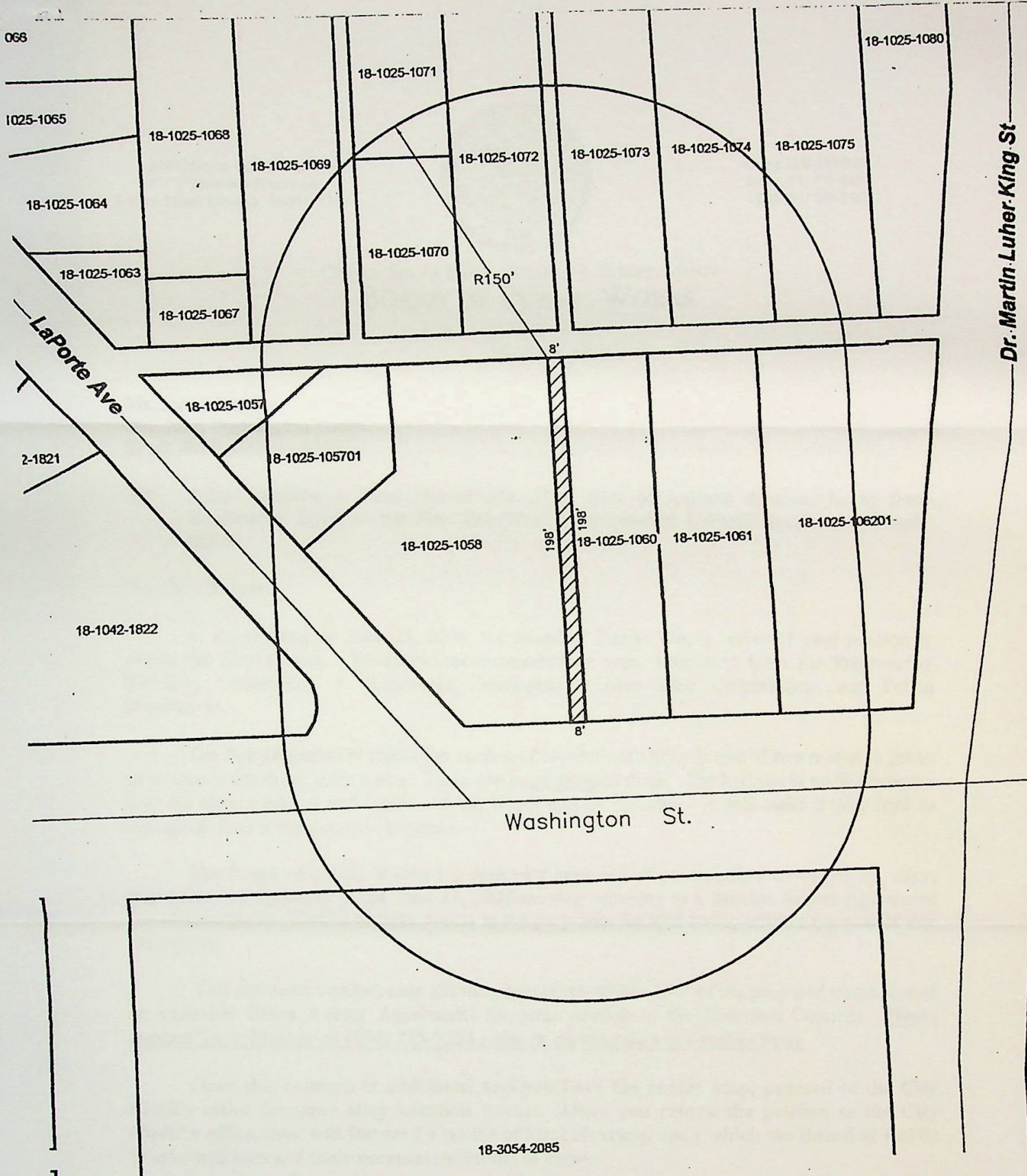
Attest: Timothy A. Rouse _____ President of Common Council

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

_____ October 28, _____ 20 08

 _____ City Clerk
JOHN VOORDE

Approved and signed by me _____ October 28, _____ 20 08



Dr. Martin Luther King St

LaPorte Ave

Washington St.

The alley to be vacated is the first North/South alley West of Martin Luther King Blvd from Washington Street North to the first East/West alley for a distance of 198 feet, more or less, and a width of 8'. Being a part of Dunbar's Subdivision of Bank Outlots 31 and 32, City of South Bend, Portage Township, St. Joseph County, Indiana.

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

June 23, 2008

Mr. James Bognar
807 West Washington Street
South Bend, Indiana 46601

RE: Alley Vacation – First North/South Alley East of LaPorte Avenue, North from Washington Street to the First East/West Alley between LaPorte Avenue and Chapin Street

Dear Mr. Bognar:

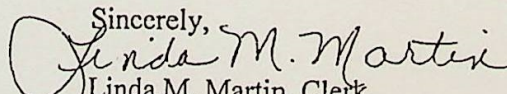
At its meeting on June 23, 2008, the Board of Public Works reviewed your petition to vacate the above alley. Favorable recommendations were submitted from the Engineering Division, Community & Economic Development, Area Plan Commission, and Police Department.

The Fire Department stated the section of North/South alley is one of two means to get to structures at the cross alley paths. There are large garages there. The hydrant is on Washington near the alley entrance and Colfax on the North end of the alley. It will make it very hard to extinguish fires if the vacation happens.

The Board of Public Works has given its' approval of your petition to vacate the alley, based on your statement at the June 23, 2008 meeting agreeing to a Blanket Access Agreement for all emergency vehicles to have access to the properties located on the alley in the case of any emergency.

You will need a radius map showing properties within 150' of the proposed vacation and an executed Cross Access Agreement for your petition to the Common Council. Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map.

Once this concern is addressed and you have the radius map, 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,

Linda M. Martin, Clerk

GARY A. GILOT, P.E.
PRESIDENT

CARL P. LITRELL, P.E.
MEMBER

DONALD E. INKS
MEMBER

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

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

DATE: 08-14-2008

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

A. THE ALLEY DESCRIBED AS:

THE FIRST NORTH/SOUTH ALLEY WEST OF DR. MARTIN LUTHER KING BLVD FROM W. WASHINGTON ST
NORTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET, MORE OR LESS, AND A WIDTH
OF 8 FEET, MORE OR LESS. BEING A PART OF DUNBAR'S SUBDIVISION OF BANK OUTLOTS 31 AND 32,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

B. THE STREET DESCRIBED AS:

DIRECTLY WEST OF 807 W WASHINGTON ST

NAME (signed & printed)

ADDRESS

LOT #

JAMES E BOGNAR

807 W WASHINGTON ST
SOUTH BEND IN 46601-1438

#2 of Dunbar's Sub of
Bank Outlots 31 & 32
Key #: 18-1025-1060

CONTACT PERSON

NAME: JAMES E BOGNAR

ADDRESS: 807 W WASHINGTON ST
SOUTH BEND IN 46601-1438

PHONE: 574-233-6191

RETURN TO:

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

Property Owners Of Record

Northern Indiana Historical Society
808 W Washington St
South Bend IN 46601

Key Numbers: 18-3054-2085, 18-1042-1822, 18-1025-1058

Vera Brown
110 LaPorte Ave
South Bend IN 46616

Key Number: 18-1025-105701

Dennie Schrock
219 N Elder
Mishawaka IN 46544

Key Number: 18-1025-1057

Historic Dunbar Corner Partnership
914 LWW
South Bend IN 46616

Key Number: 18-1025-1069

Danny & Lisa K Phillips
AKA: Lisa K Bognar
AKA: Paul M & Lisa K Bognar
832 W Colfax Ave
South Bend IN 46601

Key Numbers: 18-1025-1070 (Lisa K Bognar), 18-1025-1071 (Paul M & Lisa K Bognar), 18-1025-1072 (Danny & Lisa K Phillips)

Lee F and Janice L Barnhart
828 W Colfax Ave
South Bend IN 46601

Key Numbers: 18-1025-1073 and 18-1025-107401

Thomas F & Jan A Kaade
820 W Colfax Ave
South Bend IN 46601

Key Number: 18-1025-1075

John Freidline
108 N Main St STE 711
South Bend IN 46601

Key Number: 18-1025-106201

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

Your Committee of the Whole, to whom was referred:

BILL NO.

50-08

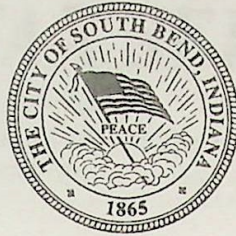
A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH/SOUTH ALLEY WEST OF DR. MARTIN LUTHER KING BLVD. FROM W. WASHINGTON STREET NORTH TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 198 FEET, MORE OR LESS, AND A WIDTH OF 8 FEET, MORE OR LESS. BEING A PART OF DUNBAR'S SUBDIVISION OF BANK OUTLOTS 31 AND 32, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, 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.

Derek D. Dieter
Chairperson, Committee of the Whole



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



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CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR
BOARD OF PUBLIC WORKS

June 23, 2008

Mr. James Bogнар
807 West Washington Street
South Bend, Indiana 46601

RE: Alley Vacation – First North/South Alley East of LaPorte Avenue, North from Washington Street to the First East/West Alley between LaPorte Avenue and Chapin Street

Dear Mr. Bogнар:

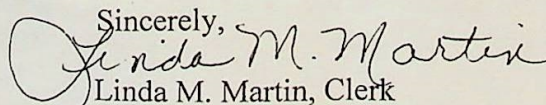
At its meeting on June 23, 2008, the Board of Public Works reviewed your petition to vacate the above alley. Favorable recommendations were submitted from the Engineering Division, Community & Economic Development, Area Plan Commission, and Police Department.

The Fire Department stated the section of North/South alley is one of two means to get to structures at the cross alley paths. There are large garages there. The hydrant is on Washington near the alley entrance and Colfax on the North end of the alley. It will make it very hard to extinguish fires if the vacation happens.

→ The Board of Public Works has given its' approval of your petition to vacate the alley, based on your statement at the June 23, 2008 meeting agreeing to a Blanket Access Agreement for all emergency vehicles to have access to the properties located on the alley in the case of any emergency.

You will need a radius map showing properties within 150' of the proposed vacation and an **executed Cross Access Agreement** for your petition to the Common Council. **Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map.**

Once this concern is addressed and you have the radius map, 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,

Linda M. Martin, Clerk

BOGNAR TAX SERVICE INC

* Accounting / Payroll Services * Income Tax Preparation

807 West Washington Street • South Bend, Indiana • 46601-1438

Phone: (574) 233-6191

Fax: (574) 232-9655

Monday, June 23, 2008

City of South Bend
Board of Public Works
1316 County-City Building
227 W Jefferson Blvd
South Bend IN 46601-1830

RE: Board Meeting of Monday, June 23, 2008
Recommendations, Section 9, Point H
“Alley Vacation-First North/South Alley East of LaPorte Avenue, North from Washington Street to the first East/West Alley between LaPorte Avenue and Chapin Street.”

Dear Board of Public Works:

I wish to express my appreciation to the Board for placing this issue on your agenda. As the petitioner it is important to provide timely and accurate information regarding this request. I believe that all parties involved in this matter need to be fully vetted. I do not take this request lightly.

The alley in question is exactly 8 foot wide and was created by this Board on January 9, 1923 (Condemnation Resolution No. 70). The purpose of this alley was to provide connection with other alleys to allow city children a path to Colfax School on Lincoln Way West. The alley is too narrow for public service vehicles (Ambulance, Fire, and Solid Waste) and the connection at the junction of east/west north/south point is not a “true plus” design. The alley is a safety hazard for children as those autos that can use the alley cannot see pedestrians on foot.

Several weeks ago I was made aware of concerns the South Bend Fire Department had with the *vacation issue*. I was not present when the Fire Department performed their preliminary review on April 2, 2008. Upon studying the document I contacted the Fire Department and requested that we have a meeting to review their comments and recommendations. On Thursday, June 12, 2008 I met with the Fire Department representative, Assistant Chief Federico Rodriguez to review his concerns. He focused on issues relating to structures that are setback from the street and possible limitations with fire hydrants.

I am concerned that the Board of Public Works may be uncomfortable with this matter because of the Fire Department’s concerns. I believe it is important that the Board make a positive recommendation on this matter and that there are always ways to improve an original request.

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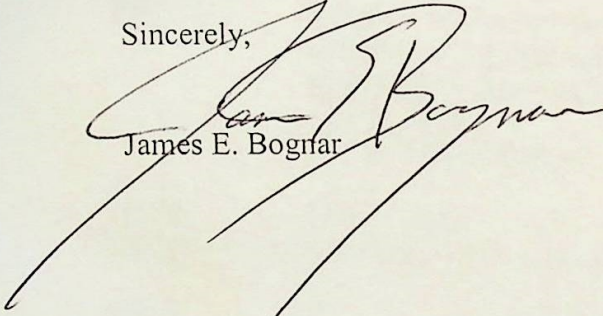
Fax: (574) 232-9655

The alley in question is surrounded by open area, a grass lot on one side (where the fire hydrant is located) and a parking lot on the other. When considering the totality of the area there are very few, if any, alley vacations with as many access points. In the unfortunate event that emergency personnel were called to react to a fire, equipment would have ample access to both space and direct hose line.

Should the Board see fit to give this request a favorable recommendation any further action will include an access easement for emergency vehicles and personnel.

I again thank the Board for it's time and effort in this matter.

Sincerely,


James E. Bogtard



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

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
✓ Federico Rodriguez, Fire Department
Andre Price, 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 - Alley Vacation
Location: First North/South Alley East of LaPorte Avenue, North from
Washington Street to the First East/West Alley between LaPorte Avenue and
Chapin Street
(Preliminary Review)

*2nd Request.
6/6/11/08*

DATE: April 1, 2008

DUE: April 7, 2008

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

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

BY: _____ DATE: _____

* * * Memory TX Result Report (Apr. 2. 2008 7:41AM) * * *

1) BRD PUB WORKS & SAFETY
2) BOARD OF PUBLIC WORKS & SAFETY

Date/Time: Apr. 2. 2008 7:40AM

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Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail sizeE. 2) Busy
E. 4) No facsimile connection

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Stephen Goen, Police Department
Cheryl Groeno, City Attorney's Office
Jim Bettin, NIPSCO (rbettin@nisource.com or 284-2220 fax) For Informational Purposes Only

FROM: Linda M. Martin, Clerk *LM*

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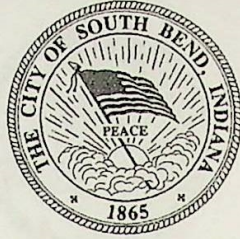
DUE: April 7, 2008

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

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BY: _____ DATE: _____



**INTER-OFFICE MEMORANDUM
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TO: Carl Littrell, Engineering Department
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Chris Dressel, Community & Economic Development
Bob Mathia, Community & Economic Development
Federico Rodriguez, Fire Department
Andre Price, 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 - Alley Vacation
Location: First North/South Alley East of LaPorte Avenue, North from
Washington Street to the First East/West Alley between LaPorte Avenue and
Chapin Street
(Preliminary Review)

DATE: April 1, 2008

DUE: April 7, 2008

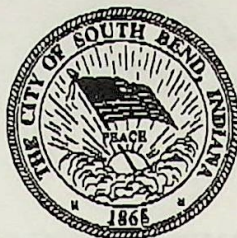
FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Carl P. Littrell* **DATE:** *4/2/08*



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

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

FROM: Linda M. Martln, Clerk *lrm*

RE: Request for Recommendation - Alley Vacatlon
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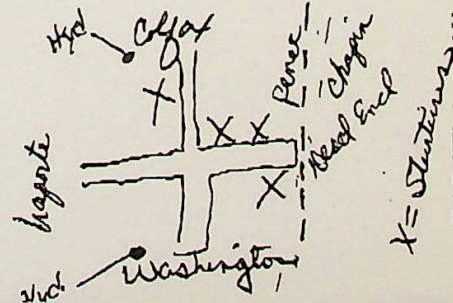
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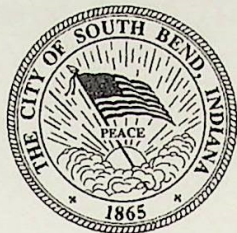
COMMENTS & RECOMMENDATIONS:

*This section of North/South alley is one of our only two
means to get to structures at the cross alley paths. There
are large Garages there. Hydrant is on Washington near alley entrance
and colfax on the North of alley. It will make it very hard to
extinguish fires if it happen. S.B.F.D. Recommends NO*

A/C Federico Rodriguez

4.02.08





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

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
Federico Rodriguez, Fire Department
Andre Price, Solid Waste
Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
Jim Bettin, NIPSCO (jrbettin@nisource.com or 284-2220 fax) **For Informational
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COMMENTS & RECOMMENDATIONS:

I have no objection to this vacation request,

BY: *Bob Mathia* **DATE:** *4/2/08*

* * * Memory TX Result Report (Jun. 11. 2008 6:35AM) * * *

- 1) BRD PUB WORKS & SAFETY
- 2) BOARD OF PUBLIC WORKS & SAFETY

Date/Time: Jun. 11. 2008 6:34AM

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Reason for error

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| E. 1) Hang up or line fail | E. 2) Busy |
| E. 3) No answer | E. 4) No facsimile connection |
| E. 5) Exceeded max. E-mail size | |



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*2nd Request
6/11/08*

DATE: April 1, 2008

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

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

BY: _____ **DATE:** _____

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

June 13th, 2008

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

RE: Alley Vacation

First North-South Alley East of LaPorte Avenue, North from Washington Street to the First East-West Alley between LaPorte Avenue and Chapin Street.

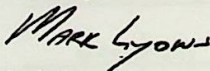
Dear Board Members:

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.

Staff recommends that the alley be vacated subject to any further utility or access easements recommended by the Engineering and Building Departments.

Sincerely,



Mark Lyons
Planner





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

TO: *✓* Carl Littrell, Engineering Department
John Byorni, Area Plan Commission (235-9813 fax)
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COMMENTS & RECOMMENDATIONS:

Vacation is recommended.

BY: Christopher Dressel **DATE:** 6/13/08



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

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
✓ Federico Rodriguez, Fire Department
Andre Price, Solid Waste
Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
Jim Bettin, NIPSCO (irbettin@nisource.com or 284-2220 fax) **For Informational
Purposes Only**

FROM: Linda M. Martin, Clerk *lm*

RE: Request for Recommendation - Alley Vacation
Location: First North/South Alley East of LaPorte Avenue, North from
Washington Street to the First East/West Alley between LaPorte Avenue and
Chapin Street
(Preliminary Review)

*2nd Request.
6/11/08*

DATE: April 1, 2008

DUE: April 7, 2008

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

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

No objection

BY: *Lt. Goen* **DATE:** *6/16/08*

Cathy Daniels - Re: alley vacation-e of laporte, n of washington

From: Andre Price
To: Cathy Daniels
Date: 7/9/2008 7:02 AM
Subject: Re: alley vacation-e of laporte, n of washington

BPOW: 6/23. mtg

will not affect trash collection.

>>> "Daniels, Cathy" <cdaniels@southbendin.gov> 6/11/2008 7:33 AM >>>
This E-mail was sent from "RNP83D994" (C3828).

Scan Date: 11.06.2008 06:33:41 (-0500)
Queries to: admin@southbendin.gov