

ALLEY VACATION
ORDINANCE NO. 9886-08
Status Vacated

Date 1/26/2009

Description:

All rights of way within the Crescent Oaks Section 1
Subdivision excluding the 40' wide half right of way on
Ironwood Road

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 24, 2008

Mr. Derek Spier
Abonmarche Consultants, LLC
750 Lincoln Way East
South Bend, Indiana 46601

RE: Street and Right-of Ways Vacations – All Streets and Rights-of-Way in the Crescent Oaks Subdivision
(Preliminary Review)

Dear Mr. Spier:

The Board of Public Works, at its November 24, 2008, meeting, reviewed your request to vacate all of the streets and right-of-ways in the Crescent Oaks Subdivision due to an incorrect survey. The Board found that no city utilities or property transfers have been made so no comments were sought from other departments.

The Board is submitting a positive recommendation for the vacation to the Common Council.

If you have any questions, please call me at (574) 235-9251.

Sincerely,

A handwritten signature in cursive script that reads "Linda M. Martin".

Linda M. Martin, Clerk

c: Tony Molnar, Engineering
Janice Talboom, Engineering
Federico Rodriguez, Fire Department
Carl Littrell, Engineering



November 12, 2008

City of South Bend
Board of Public Works
1316 County-City Building
South Bend, Indiana 46601

ENGINEERS
ARCHITECTS
PLANNERS
SURVEYORS

Attn: Tony Molnar, Assistant to City Engineer / Board of Public Works

**RE: Rights-of-Way Vacation
Crescent Oaks, Section One**

750 Lincoln Way East
South Bend, IN 46601
T. 574-232-8700
F. 574-251-4440
www.abonmarche.com

FORT WAYNE, IN
BENTON HARBOR, MI
MANISTEE, MI
SOUTH HAVEN, MI

Dear Mr. Molnar:

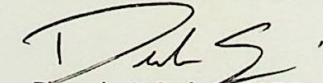
We are requesting, on behalf of our client, Tampico Developments, L.L.C., the vacation of all rights-of-way within the Crescent Oaks, Section One subdivision as recorded under Instrument Number 0829850 excluding the 40 foot half right-of-way of Ironwood Road. The rights-of-way to be vacated include Canal Street, Royal Street, St. Charles Avenue, and Basin Street. The areas for which we are requesting the rights-of-way vacation are depicted upon the attached drawings.

The reason we are submitting this vacation request is to correct an error between the locations of the rights-of-way as shown on the recorded subdivision plat and the locations of the rights-of-way as constructed. The rights-of-way as constructed are located approximately 10 feet east and 4 feet north of the rights-of-way as recorded.

We respectfully request that this request be placed on the Board of Public Work's agenda for the November 24th meeting.

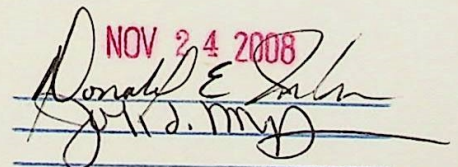
Please contact our office if you have any questions or need any additional information.

Sincerely,
ABONMARCHE CONSULTANTS, L.L.C.


Derek J. Spier, AICP
Planner

Attachments

APPROVED
Board of Public Works

NOV 24 2008

Donald E. Spier

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

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

DATE: 11/12/08

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

A. THE ALLEY DESCRIBED AS:

B. THE STREET DESCRIBED AS:

ALL RIGHTS-OF-WAY WITHIN THE CRESCENT OAKS, SECTION ONE SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 0829850 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCLUDING THE 40 FOOT WIDE HALF RIGHT-OF-WAY OF IRONWOOD ROAD. MORE SPECIFICALLY BEING THE CANAL STREET, ROYAL STREET, ST. CHARLES AVENUE, AND BASIN STREET RIGHTS-OF-WAY.

NAME (signed & printed)

ADDRESS

LOT #

TAMPICO DEVELOPMENTS, L.L.C.
BRIAN MILLER, VICE PRESIDENT
OF OPERATIONS

828 EAST JEFFERSON BOULEVARD
SOUTH BEND, IN 46617

1 THROUGH 26


SIGNATURE

CONTACT PERSON (S)

NAME: DEREK J. SPIER, AICP

RETURN TO:

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

ADDRESS: 750 LINCOLN WAY EAST
SOUTH BEND, IN 46601

PHONE: 574-232-8700

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

ALL RIGHTS-OF-WAY WITHIN THE CRESCENT OAKS, SECTION ONE SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 0829850 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCLUDING THE 40 FOOT WIDE HALF RIGHT-OF-WAY OF IRONWOOD ROAD.

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:

ALL RIGHTS-OF-WAY WITHIN THE CRESCENT OAKS, SECTION ONE SUBDIVISION AS RECORDED UNDER INSTRUMENT NUMBER 0829850 IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCLUDING THE 40 FOOT WIDE HALF RIGHT-OF-WAY OF IRONWOOD ROAD. MORE SPECIFICALLY BEING THE CANAL STREET, ROYAL STREET, ST. CHARLES AVENUE, AND BASIN STREET RIGHTS-OF-WAY.

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:

LOTS 1 THROUGH 31 IN CRESCENT OAKS, SECTION ONE
AS RECORDED UNDER INSTRUMENT NUMBER 0829850
IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY,
INDIANA.

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

TO CORRECT AN ERROR BETWEEN THE LOCATION OF
THE RIGHTS-OF-WAY AS SHOWN ON THE RECORDED
SUBDIVISION PLAT AND THE ACTUAL LOCATION OF THE
RIGHTS-OF-WAY AS CONSTRUCTED.

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

NICHOLAS J. BRADY REV. TRUST
17833 BROMLEY CHASE
SOUTH BEND, IN 46614
14-1035-0590.55

RANDALL R. & NANCY L. FISH
17851 BROMLEY CHASE
SOUTH BEND, IN 46614
14-1035-0590.54

WORALAK KALYAWONGSA
60284 U.S. 31 SOUTH
SOUTH BEND, IN 46614
26-1035-0589.01

JOHN C. & NANCY J. KINNER
17891 BROMLEY CHASE
SOUTH BEND, IN 46614
14-1035-0590.52

NATIONAL ORGANIZATION OF THE
NEW APOSTOLIC CHURCH
3753 NORTH TROY STREET
CHICAGO, IL 60618
26-1035-0590.17

KURT L. & MARY B. WARNER
17871 BROMLEY CHASE
SOUTH BEND, IN 46614
14-1035-0590.53

WSBT INC.
300 WEST JEFFERSON BOULEVARD
SOUTH BEND, IN 46601
23-1034-1726

TAMPICO DEVELOPMENTS, L.L.C.
828 EAST JEFFERSON BOULEVARD
SOUTH BEND, IN 46619
26-1035-0589.02 (PT.)

F:\Projects\M7-0784\Right-of-Way Vacation\Tax Key
List.doc



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO: Linda Martin, Clerk Board of Works
FROM: Tony Molnar
SUBJECT: Street Vacations
DATE: November 13, 2008

Please find attached a drawing showing the platted streets for Crescent Oaks and the proposed relocation of the streets. The plat was recorded by Abonmarche and then an error was discovered in the survey of the land. The lots and streets are four feet to far North and ten feet to far East. So Abonmarche has begun the process of vacating the streets in the subdivision. Once this has been completed they will re-dedicate the streets in the proper location using a re-plat. We have checked the sewer and water mains that have been installed for the subdivision and they appear to be in the proper location so no problems should occur in the future with tapping the sewer and water for new houses.

No property has been transferred from Weiss so no problems will be encountered with ownership. And since no City services have begun in the subdivision the other City agencies will not need to review the proposed vacation.

Any questions, please let me know.

Thanks,

Tony



**OFFICE OF THE CONTROLLER AND
BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date 11/13/08 Department Engineering
 BPW Date 11/24/08 Phone 9254
 Name Tony Molnar

Required Prior to Submittal to Board

Legal Attorney Name: _____
 Controller ~~Controller review is required for all Contracts \$5,000.00 or more and greater than one year in length per the City Purchasing Policy~~
 Other Appropriate Reviewers Other, as appropriate: _____

Contracts, Agreements, Proposals And Miscellaneous Items

Type of Item Contract/Agreement Proposal Addendum Claim
 Easement/Encroachment Resolution Traffic Control Device
 Other: Vacation of street in Crescent Oaks Subdivision

Company or Vendor Name _____
 Project Name _____
 Project Number (Engineering) _____
 Amount \$ _____ Funding Source _____
 Purpose/Description: See Memo
 Terms of Contract: _____

Projects

Type of Item Advertise Bid Opening Bid Award Quote Opening Quote Award
 Title Sheet Other _____

Company Name _____
 Project Name _____
 Project Number (Engineering) _____
 Contract/Project Amount \$ _____ Funding Source _____

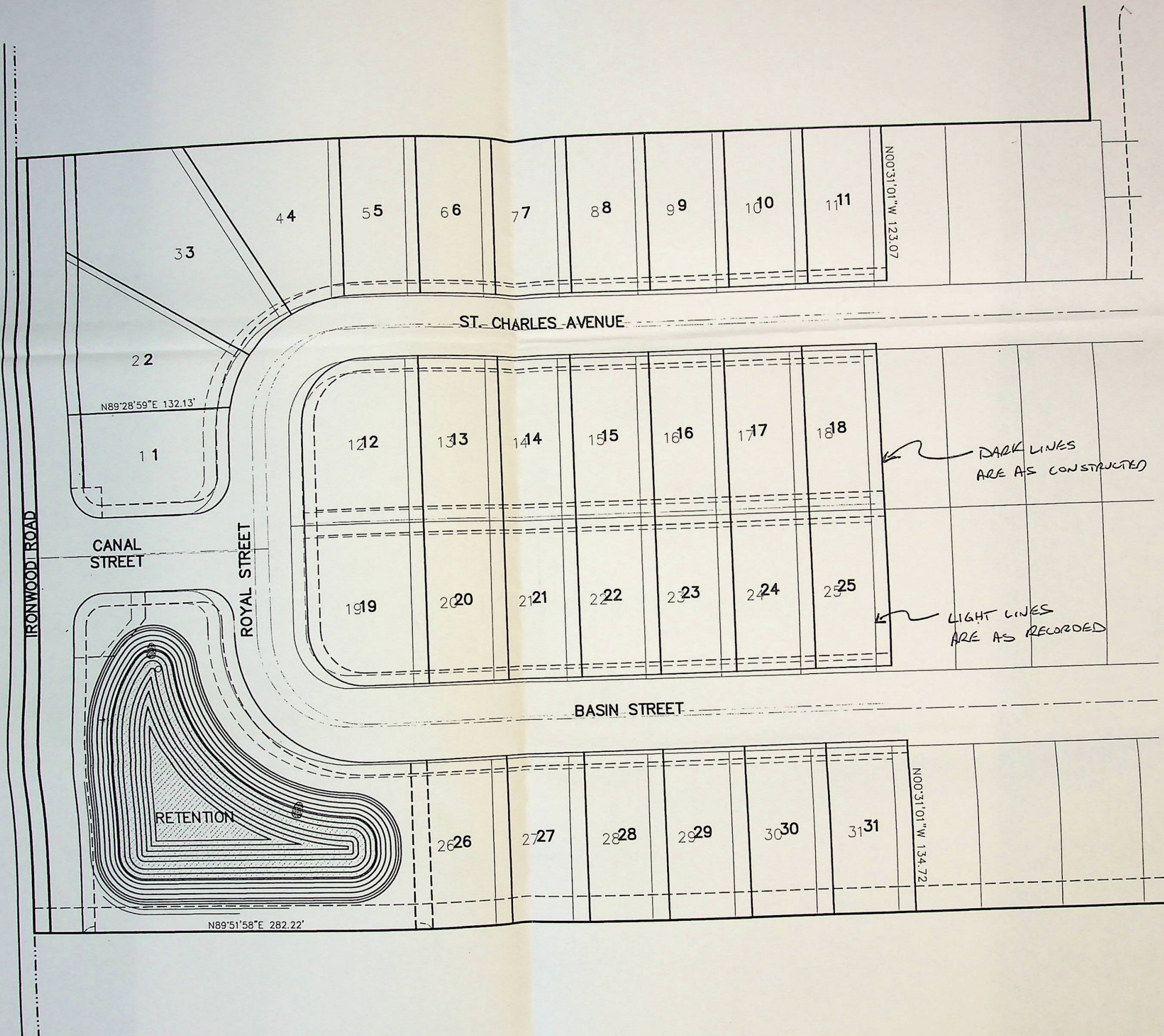
Change Orders

Type of Item Chg Order C/O & PCA PCA Other: _____

Contractor/Consultant Name _____
 Project Name _____
 Project Number (Engineering) _____ PO Number _____
 Amount of Increase Decrease \$ _____ Funding Source _____
 Original Contract/Project Amount \$ _____ Current Percent of Change: _____ %
 New Contract/Project Amount \$ _____ Total Percent of Change: _____ %
 Purpose/Description: _____

List Name, Dept., Address (if appropriate) of who should receive document

Dispersal After Approval	Copy Original	
	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____



DARK LINES
ARE AS CONSTRUCTED

LIGHT LINES
ARE AS RECORDED

SCALE
1" = 80'



Office of the City Clerk

John Voorde, City Clerk

January 26, 2009

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
Water Works – North Station-Ed Herman

FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 9886-08 for the vacation of the following property:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
ALL RIGHTS-OF-WAY WITHIN THE CRESCENT OAKS, SECTION ONE
SUBDIVISION, EXCLUDING THE 40 FOOT WIDE HALF RIGHT-OF-WAY OF
IRONWOOD ROAD

is closed and this area is vacated.

cc: NIPSCO – Jim Betin
South Bend Community School Transportation Department

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

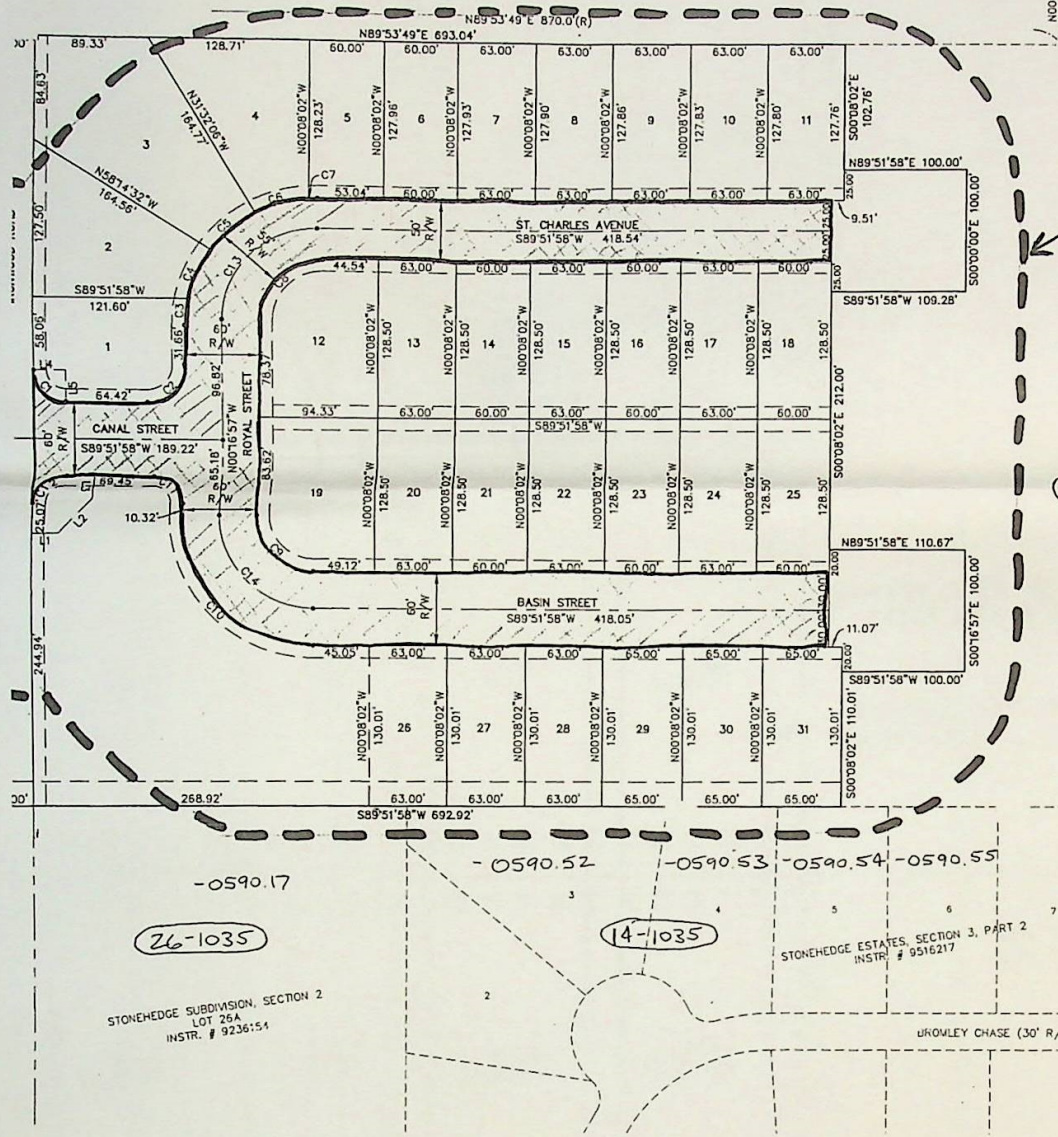
Winona Hays
Ordinance Violation Clerk

1-5
TO
SON ROAD

CURRENTLY OR PREVIOUSLY
KALYAWONGSA WORALAK
60284 U.S. J. S.
SOUTH BEND, IN 46614
INSTR. #0534826
26-1035
-0589.01

LOCATION / RADIUS MAP

CRESLENT OAKS,
SECTION ONE
INSTR. #0829850



PROPERTY OWNERS WITHIN 150'

Filed in Clerk's Office
NOV 12 2008
JOHN VORDE
CITY CLERK, SO. BEND, IN.

26-1035
-0589.02

↑ SCALE
N 1" = 100'

HATCHED AREA TO BE VACATED

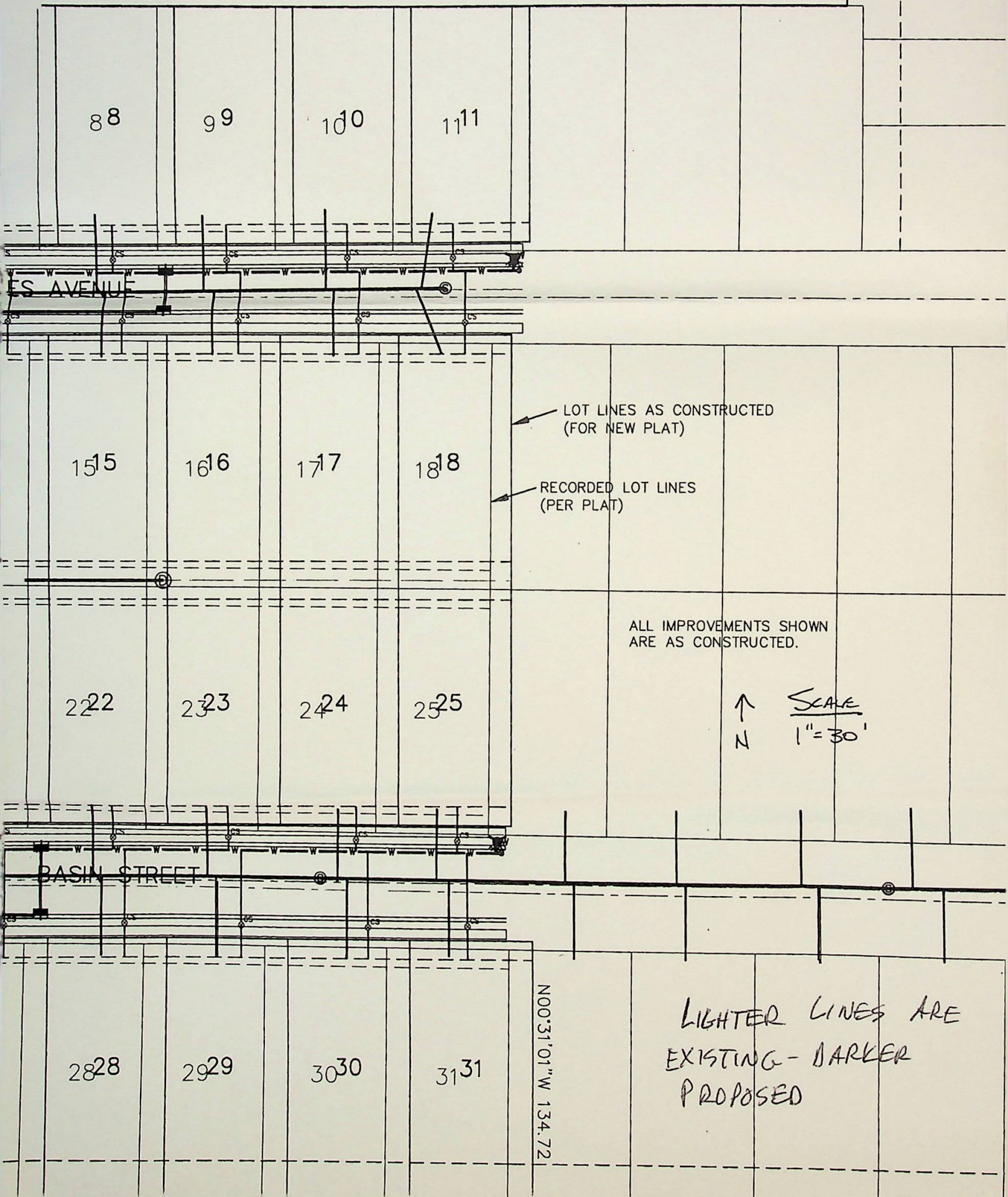
26-1035
STONEHEDGE SUBDIVISION, SECTION 2
LOT 25A
INSTR. # 9236154

14-1035

STONEHEDGE ESTATES, SECTION 3, PART 2
INSTR. # 9516217

URWOLEY CHASE (30' R/W)

1-5, SECTION ONE



88

99

100

111

1515

1616

1717

1818

222

2323

2424

2525

2828

2929

3030

3131

N00°31'01\" W 134.72'

LOT LINES AS CONSTRUCTED
(FOR NEW PLAT)

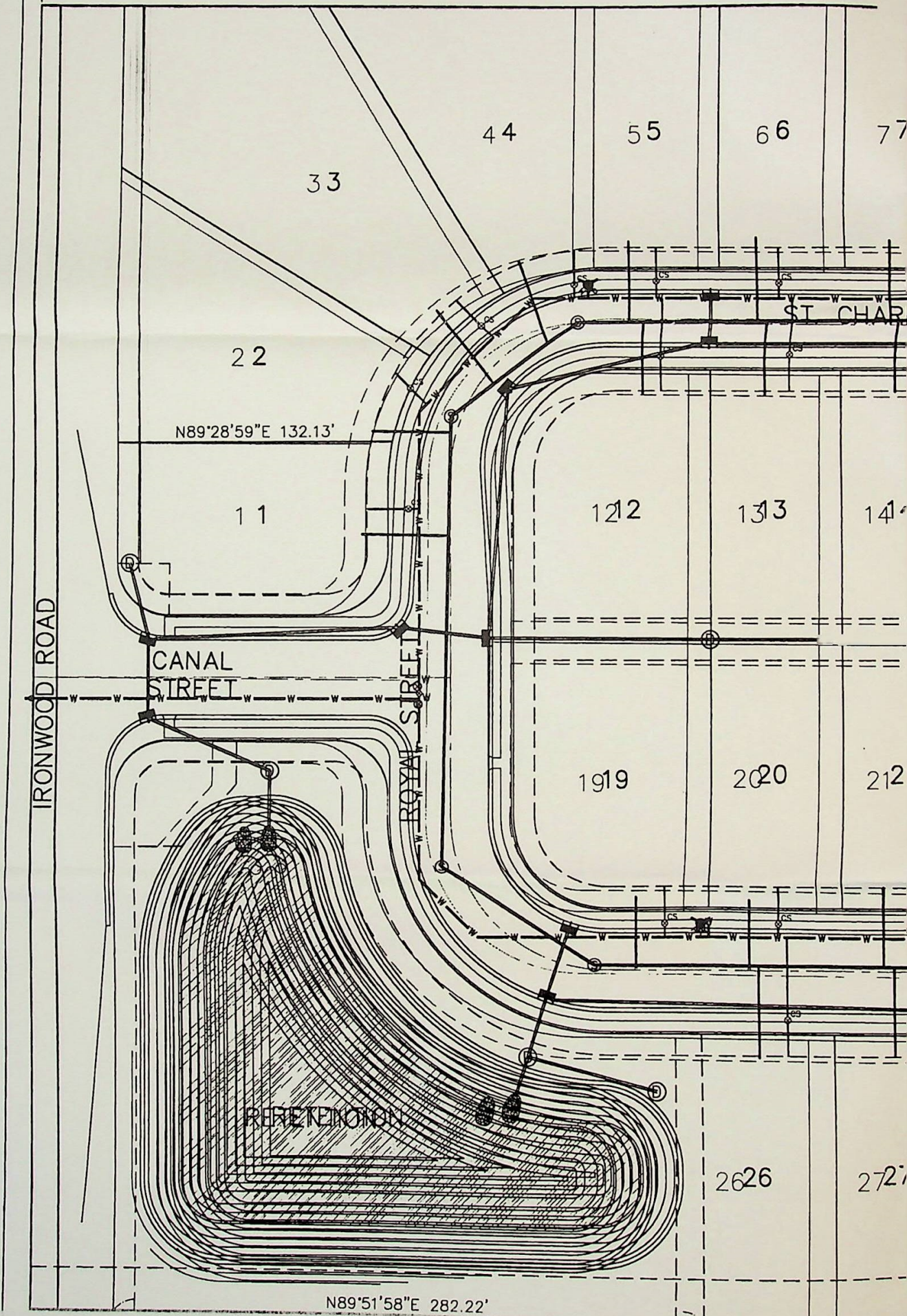
RECORDED LOT LINES
(PER PLAT)

ALL IMPROVEMENTS SHOWN
ARE AS CONSTRUCTED.

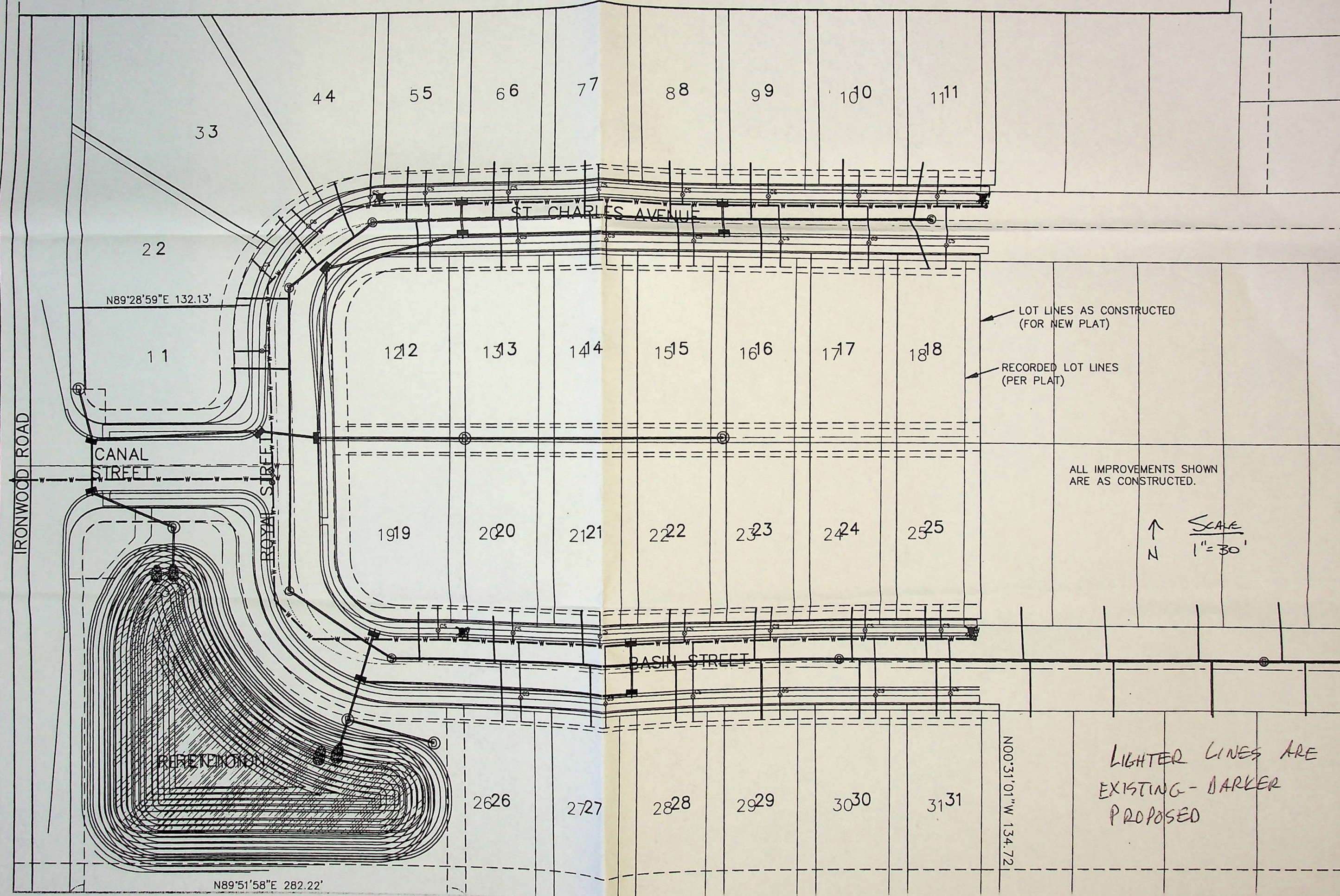
↑ SCALE
N 1" = 30'

LIGHTER LINES ARE
EXISTING - DARKER
PROPOSED

CRESCENT PA



CRESCENT OAKS, SECTION ONE



LOT LINES AS CONSTRUCTED
 (FOR NEW PLAT)
 RECORDED LOT LINES
 (PER PLAT)

ALL IMPROVEMENTS SHOWN
ARE AS CONSTRUCTED.

↑ SCALE
 N 1" = 30'

LIGHTER LINES ARE
 EXISTING - DARKER
 PROPOSED

N89°28'59"E 132.13'

N89°51'58"E 282.22'

N00°31'01"W 134.72'