ALLEY VACATION ORDINANCE NO. 9898-09 Status Vacated

Date 3/17/2009

Description:
First Est-West 14-ft. Wide Alley N. of Monroe St.,
Running east from the east ROW Line of S. Main St.
for a distance of approximately 165 feet +/- and the first
morth/south 14-foot wide alley east of S. Main St.
maning north from the north ROW line of Monroe St.
for a distance of approximately 198' +/- located directly
morth and east of lots 28, 29, & 30. The street to be
wacated is a portion of Michigan Street south from
Western Ave approximately 250'



Office of the City Clerk

John Voorde, City Clerk

March 17, 2009

MEMORANDUM

TO:

Area Plan Commission

Board of Public Works/Engineering Dept.

Building Department 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. 9898-09 for the vacation of the following property:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: THE ALLEYS TO BE VACATED ARE DESCRIBED AS THE FIRST EAST-WEST 14 FT. WIDE ALLEY NORTH OF MONROE STREET, RUNNING EAST FROM THE EAST RIGHT-OF-WAY LINE OF SOUTH MAIN STREET, FOR A DISTANCE OF APPROXIMATELY 165 FEET ± AND THE FIRST NORTH-SOUTH 14 FOOT WIDE ALLEY EAST OF SOUTH MAIN STREET, RUNNING NORTH FROM THE NORTH RIGHT-OF-WAY LINE OF MONROE STREET FOR A DISTANCE OF APPROXIMATELY 198 FEET ± LOCATED DIRECTLY NORTH AND EAST OF LOTS 28, 29 AND 30. THE STREET TO BE VACATED IS A PORTION OF MICHIGAN STREET, SOUTH FROM WESTERN AVENUE APPROXIMATELY 250 FEET

is closed and this area is vacated.

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

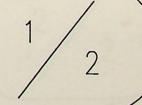


vunch, marner & Associates, Inc.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fox: (574)234-4119

1643 Commerce Drive • South Bend, IN 46628



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

January 5, 2009

Mr. Mike Danch Danch, Harner & Associates, Inc. 1643 Commerce Drive South Bend, IN 46628

Alley Vacation - Portion of Michigan Street - North/South alley from Monroe Street parallel with Michigan Street, and east/west alley from Main Street to said RE: north/south alley.

Street Vacation - Michigan Street, south of Western Avenue

Dear Mr. Danch:

At its meeting on November 10, 2008, the Board of Public Works reviewed your petition to vacate the above alley and street. Favorable recommendations were submitted from the Engineering Division, Community & Economic Development, Area Plan Commission, and Police Department.

The Engineering Department questioned whether the City had the authority to grant this vacation, or if the street property belonged to the State. Mr. McFadden, INDOT, has since informed our department that he could find no transfer of ownership of the subject right-of-way to INDOT when the street was used as a State highway. The original subdivision for the City of South Bend was recorded and dedicated the right-ofway to the City.

Therefore, the Board of Works has given a favorable recommendation to your request for the vacations subject to easements for water main and two separate sewer lines. Engineering states that gas, power and other utilities may also occupy the area.

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

GARY A. GILOT, P.E. PRESIDENT

DONALD E. INKS MEMBER

JOHN H. MURPHY MEMBER

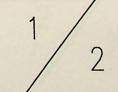


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Once this concern is addressed and you have the radius map, proceed to the City Clerk's office for your alley vacation packet. Once you return the petition to the City Clerk's office, they will forward a notice of First Hearing, upon which the Board of Public Works will forward their recommendations to them.

Sincerely,

Jerda M. Martin Linda M. Martin, Clerk

C: Jeff Gibney, CED
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office
Carl P. Littrell, City Engineer

vanch, Harner & Associates, Inc.

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Phone 574/ 235-9251 Fax 574/ 235-9171 TDD 574/ 235-5567

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

January 5, 2009

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

RE: Alley Vacation - north/south alley from Monroe Street parallel with Michigan Street and east/west alley from Main Street to said north/south alley.

Street Vacation - Michigan Street south of Western Avenue

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 alley and street vacations.

First east/west 14' alley north of Monroe Street, running east from the east right-of-way line of South Main Street, for a distance of approximately 165'; and the first north/south 14' alley east of south Main Street, running north from the north right-of-way line of Monroe Street for a distance of approximately 198'; located directly north and east of lots 28, 29, and 30 in the recorded plat of "Martin's Addition to the City of South Bend".

A part of the southwest quarter of section 12, Township 37 North, range 2 east in Portage Township, the City of South Bend, Indiana, beginning at the northeast corner of lot number 13 of the plat of the St. Joseph County Recorder's office and extending to lot number 16.

The Board of Public Works submits to you a **favorable recommendation** concerning these vacations, subject to an easement for water main and two separate sewer lines. Gas, power and other utilities may also occupy the area.

Sincerely,

Lynda M. Martin, Clerk Board of Public Works

 Rosemary Mandrici, Assessor' Office Melinda Stopczynski, Auditor's Office

GARY A. GILOT, P.E. PRESIDENT

Donald E. Inks Member JOHN H. MURPHY MEMBER

12

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1/2



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO:

Linda Martin, Clerk Board of Works

FROM:

Tony Molnar

SUBJECT:

Street and alley vacation

DATE:

October 10, 2008

Please find attached copies of two maps relating to proposed vacations of a portion of Michigan Street, a North/South alley from Monroe Street parallel with Michigan Street and an East/West alley from Main Street to said North/South alley. The vacation of a portion of Michigan Street is being proposed by the owner of the building citing security considerations for the Federal Bankruptsy Court. The two alleys are proposed for vacation so that the entire block can be re-platted to combine various lots into developable areas. Community Development is the contact for the vacations.

Any questions, please let me know.

Thanks,

Tony

F:\DATA\SHARE\ENGINEER\WPDATA\memoboard.wpd

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1643 Commerce Drive . South Bend, IN 46628



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS **DIVISION OF ENGINEERING**

TO:

Linda Martin, Clerk Board of Works

FROM:

Tony Molnar

SUBJECT:

Michigan Street Vacation

DATE:

January 6, 2009

Please be advised that the question regarding the ownership of the portion of Michigan Street at Western Avenue and going south along the Federal Bankruptcy Court, has been cleared by INDOT. Danch/Harner talked to John McFadden at the LaPorte office of INDOT and he indicated that he could find no transfer of ownership of the subject right of way to INDOT when the street was used as a State Highway.

The original subdivision for the City of South Bend was recorded and dedicated the right of way to the City. I would recommend that the street vacation be forwarded to the City Council with a favorable recommendation.

Please see my original memo for additional information.

Any questions, please let me know.

Thanks,

Tony

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ALLEY VACATION DIAGRAM

ALLEY VACATION

THE ALLEYS TO BE VACATED ARE DESCRIBED AS THE FIRST EAST—WEST 14' ALLEY NORTH OF MONROE STREET, RUNNING EAST FROM THE EAST RIGHT—OF—WAY LINE OF SOUTH MAIN STREET, FOR A DISTANCE OF APPROXIMATELY 165 FEET± AND THE FIRST NORTH—SOUTH 14' ALLEY EAST OF SOUTH MAIN STREET, RUNNING NORTH FROM THE NORTH RIGHT—OF—WAY LINE OF MONROE STREET FOR A DISTANCE OF APPROXIMATELY 198 FEET± LOCATED DIRECTLY NORTH AND EAST OF LOTS 28, 29 AND 30 IN THE RECORDED PLAT OF "MARTIN'S ADDITION TO THE CITY OF SOUTH BEND" AS RECORDED IN PLAT BOOK #3, PAGE #28 IN THE RECORDS OF THE ST. JOSEPH COUNTY, RECORDER'S OFFICE. RECORDS OF THE ST. JOSEPH COUNTY, RECORDER'S OFFICE.

C/L WESTERN AVENUE R/W 82.5'

S.B. DEPT. OF REDEVELOPMENT TAX ID #18-3016-0585 01 WESTERN AVENUE PROPERTIES LLC TAX ID \$18-3016-0593 LOT 13 LOT 25 S.B. DEPT. OF REDEVELOPMENT TAX ID #18-3016-0586 01 WESTERN AVENUE PROPERTIES LLC TAX ID #18-3016-0594 ESTEDIN AVENUE PROPERTIES LLC TAX D \$10-3010-0005 WESTERN AVENUE PROPERTIES LLC TAX ID \$18-3016-0596 LOT 15 //////CIU BE VACATEDY// WESTERN AVENUE PROPERTIES LLC
TAX ID \$18-3016-0597

TO BEOT 16

ADD ON BETT 16

ADD ON BETT 18

ADD ON BETT 18 MARIA & LUIS SOTELO TAX ID \$18-3016-0558 02 LOT 28 CITY OF SOUTH BEND REDEVELOPMENT DEPT. TAX ID #18-3016-058 INDIANA LAND TRUST 425/524 TAX ID \$18-3016-0599 THE 40 MARIA & LUIS SOTELO 2 TAX ID \$18-3016-0590 01 DX D #18-3018-0800 LOT 18 LOT 30 165.00+

C/L MONROE STREET R/W 82.5'

APPROVED Board of Public Works

SCALE 1" = 100"

AREA OF ALLEY TO BE VACATED

C/L MICHIGAN STREET R/W VARIES

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olley vacation 10-1-08 080190.dwg 10-3-2008 7:55 A.M. PJH

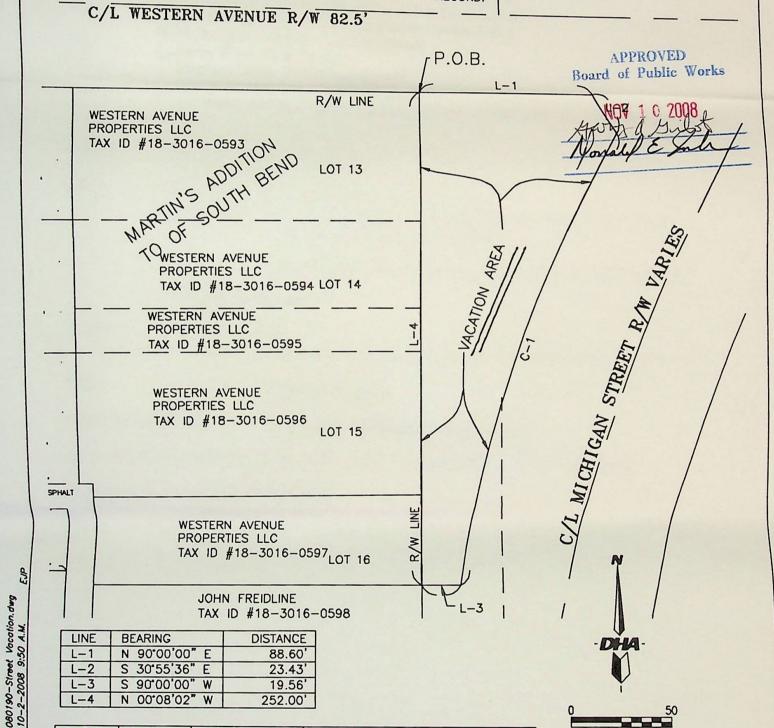
STREET R/W

173

STREET VACATION DIAGRAM

LEGAL DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST IN PORTAGE TOWNSHIP, THE CITY OF SOUTH BEND INDIANA. BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 13 OF THE PLAT OF THE ST. JOSEPH COUNTY RECORDERS OFFICE, SAID POINT ALSO BEING ON THE SOUTH RIGHT—OF—WAY LINE OF WESTERN AVENUE; THENCE N. 90'00'00" E., 88.60 FEET ALONG THE EASTERLY EXTENSION OF SAID RIGHT—OF—WAY LINE; THENCE S. 30'55'36" E., 23.43 FEET TO A POINT ON A NON—TANGENT CURVE; THENCE ALONG SAID CURVE A CHORD BEARING S. 19'08'29" W., AND HAVING AN ARC DISTANCE OF 245.47 FEET; THENCE S. 90'00'00" W., 19.56 RIGHT—OF—WAY LINE OF MICHIGAN STREET: THENCE ALONG SAID PLAT, SAID POINT ALSO BEING ON THE WEST RIGHT—OF—WAY LINE OF MICHIGAN STREET: THENCE ALONG SAID WEST LINE N. 00'08'02" W., 252.00 FEET; TO THE RIGHT-OF-WAY LINE OF MICHIGAN STREET; THENCE ALONG SAID WEST LINE N. 00'08'02" W., 252.00 FEET; TO THE CONTAINING 0.32 ACRES MORE OR LESS
SUBJECT TO ALL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



Danch, Harner & Associates, Inc.

245.47



RADIUS

676.95

CURVE

Land Surveyors • Professional Engineers Landscape Architects · Land Planners

CHORD LENGTH

CHORD BEARING

S 19'08'29" W

SCALE 1"=

2

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ARC LENGTH

246.84



INTER-OFFICE MEMORANDUM

	BOARD OF PUBLIC WORKS
TO:	Carl Littrell, Engineering Department John Byorni, Area Plan Commission (jbyorni@co.st-joseph.in.us or 235-9813 fax Jeff Gibney, Community & Economic Development Bøb 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
FROM:	Purposes Only
	Linda M. Martin, Clerk
RE:	Request for Recommendation - Alley Vacations Location: (1) Portion of Michigan Street - North/South alley from Monroe Street parallel with Michigan Street
	(2) East/West alley from Main Street to said North/South alley
	(Preliminary Review)
DATE:	October 10, 2008
DUE:	October 21, 2008
FAX OR E	-MAIL TO: 235-9171 / Imartin@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

Phone 574 235-9571

Larry P. Magliozzi Assistant Director

www.stjosephcountyindiana.com/areaplan

Fax 574 235-9813

October 14, 2008

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

RE: Street Vacation

- (1) Michiagan Street, south of Western Avenue
- (2) North/South Alley from Monroe Street parallel with Michigan Street
- (3) East/West Alley from Main Street to said North/South alley

Dear Board Members:

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

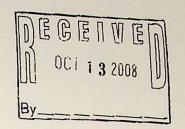
- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would not make access to the lands of the aggrieved person by means of public
- (3) The vacation would not hinder the public's access to a church, school, or other public
- (4) The vacation would not hinder the use of a public way by the neighborhood in which it is

Staff recommends that the street be vacated subject to any required utility or access easements.

Sincerely,

a naydr





TO:

Carl Littrell, Engineering Department

John Byorni, Area Plan Commission (ibyomi@co.st-joseph.in.us or 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

RE:

Request for Recommendation - Alley Vacations

Location:

(1) Portion of Michigan Street - North/South alley from Monroe

Street parallel with Michigan Street

(2) East/West alley from Main Street to said North/South alley

(Preliminary Review)

DATE:

October 10, 2008

DUE:

October 21, 2008

FAX OR E-MAIL TO:

235-9171 / Imartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

Recommended for approval

BY: Chris Diessel DATE: 10/21/08

b/l 'd Received Time Oct. 21. 4:15PM Al33VS 8 SXXXXX 8NJ 089

Oct. 10. 2008 2:25PM



Landscape Architects • Land Planners

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TO:

Carl Littrell, Engineering Department

John Byorni, Area Plan Commission (ibyorni@co.st-joseph.in.us or 235-9813 fax)

Jeff Gibney, Community & Economic Development Chris Dressel, Community & Economic Development Beb 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

RE:

Request for Recommendation - Alley Vacations

Location:

(1) Portion of Michigan Street - North/South alley from Monroe

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(Preliminary Review)

DATE:

October 10, 2008

DUE:

October 21, 2008

FAX OR E-MAIL TO:

235-9171 / Imartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

whigan Street vacation is

, ---- w Adductates, Inc. Land Surveyors • Professional Engineers Landscape Architects - Land Planners

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TO:

Carl Littrell, Engineering Department

John Byorni, Area Plan Commission (ibvorni@co.st-joseph.in.ua or 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

RE:

Request for Recommendation - Alley Vacations

Location:

(1) Portion of Michigan Street - North/South alley from Monroe

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(Preliminary Review)

DATE:

October 10, 2008

DUE:

October 21, 2008

FAX OR E-MAIL TO:

235-9171 / Imartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

OK S.BFD.

BY: A/C Deslevier.

DATE: 10-15.08

Received Time Oct. 15. 12:30PM No. 3/22 P. 1/4

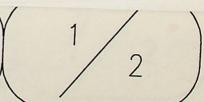
GARY A. GILUI, PRESIDENT

BKD FUB WORKS & SAFETY

Net. 10, 2008 2:30PM

---- w Mooveates, Inc. Land Surveyors • Professional Engineers Landscape Architects - Land Planners

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TO:

Carl Littrell, Engineering Department

John Byorni, Area Plan Commission (ibyorni@co.st-joseph.in.us or 235-9813 fax)

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

RE:

Request for Recommendation - Alley Vacations Location:

(1) Portion of Michigan Street - North/South alley from Monroe

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(Preliminary Review)

DATE:

October 10, 2008

DUE:

October 21, 2008

FAX OR E-MAIL TO:

235-9171 / Imartin@southbendin.gov

RETURN RECOMMENDATION PAGE ONLY. ATTACHMENTS NOT REQUIRED.

COMMENTS & RECOMMENDATIONS:

I naummend approval of the East/ Wast- Worth/South allog was a fran (Stem2), Thave no objection to the Meanting and Struction Struction (Struct), however, Sure of the inpact is the lity avar decide to struighten Michingen 59. usgain.

BY: Bols Marking DATE: 10/15/49

No. 3722 P. 1/4

BRD PUB WORKS & SAFETY

Oct. 10. 2008 2:24PM



.... a risouciates, inc. Land Surveyors • Professional Engineers Landscape Architects - Land Planners

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Cathy Daniels - Re: Fwd: vacations-2 alleys michigan/monroe/main

From: Andre Price To: Cathy Daniels Date:

10/15/2008 3:29 PM Subject:

Re: Fwd: vacations-2 alleys michigan/monroe/main

this will not effect trash collection

>>> Cathy Daniels 10/10/2008 3:54 PM >>>

file://C:\Documents and Settings\CDANIELS\Local Settings\Temp\XPgrpwise\48F60C5... 10/15/2008

GARY A. GILUI, r.c. PRESIDENT

MEMBER



vanch, Harner & Associates, Inc.

Land Surveyors • Professional Engineers Landscape Architects - Land Planners

Office: (574)234-4003 / (800)594-4003 - Fax: (574)234-4119

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