

ALLEY VACATION
ORDINANCE NO. 10053-10
Status Vacated

Date 1/17/2011

Description:

The West 129 Feet of the East/West Alley Between
LaSalle Street and Colfax Avenue Lying West of
Sycamore Street, Portage Township, City of South
Bend, St. Joseph County, Indiana



Office of the City Clerk

John Voorde, City Clerk

January 17, 2011

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

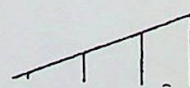
FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 10053-10 for the vacation of the following property:

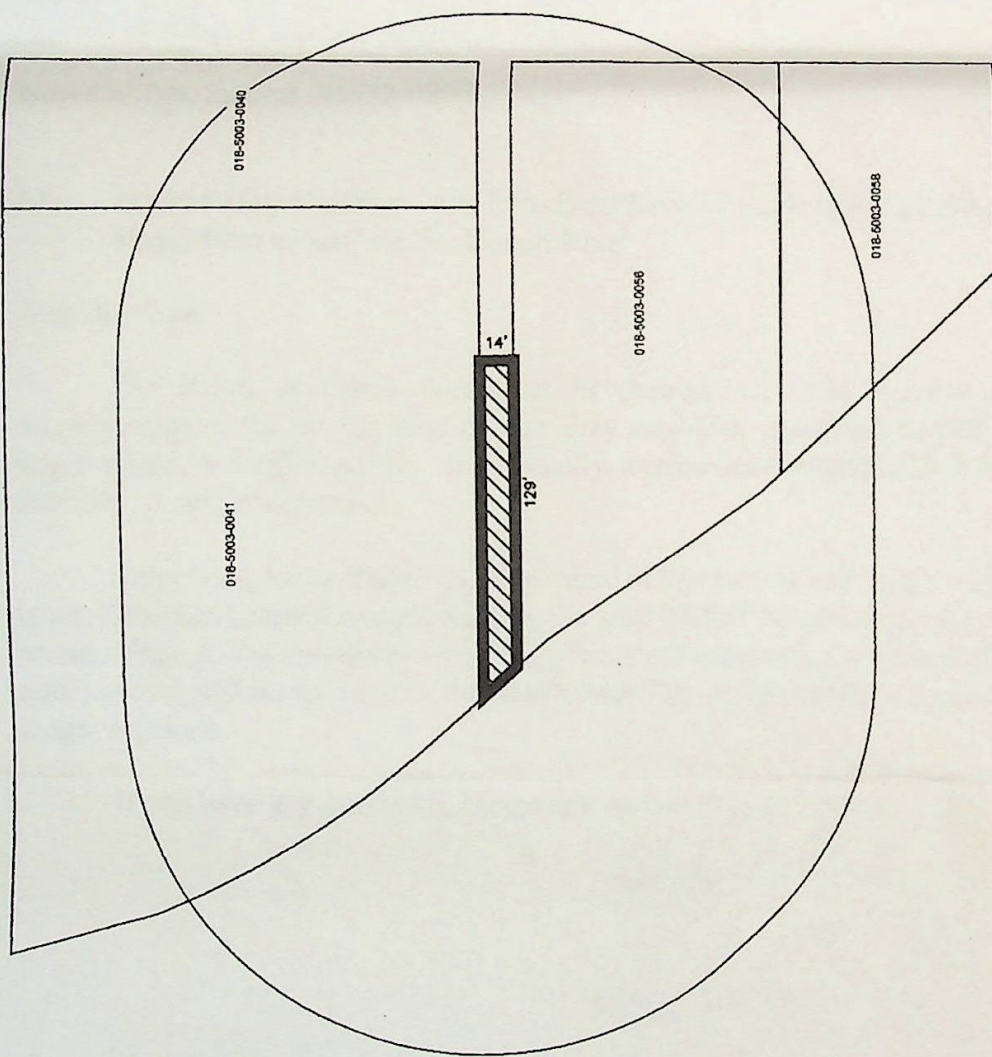
THE WEST 129 FEET OF THE EAST/WEST ALLEY BETWEEN LASALLE STREET AND COLFAX AVENUE LYING WEST OF SYCAMORE STREET, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

is closed and this area is vacated.

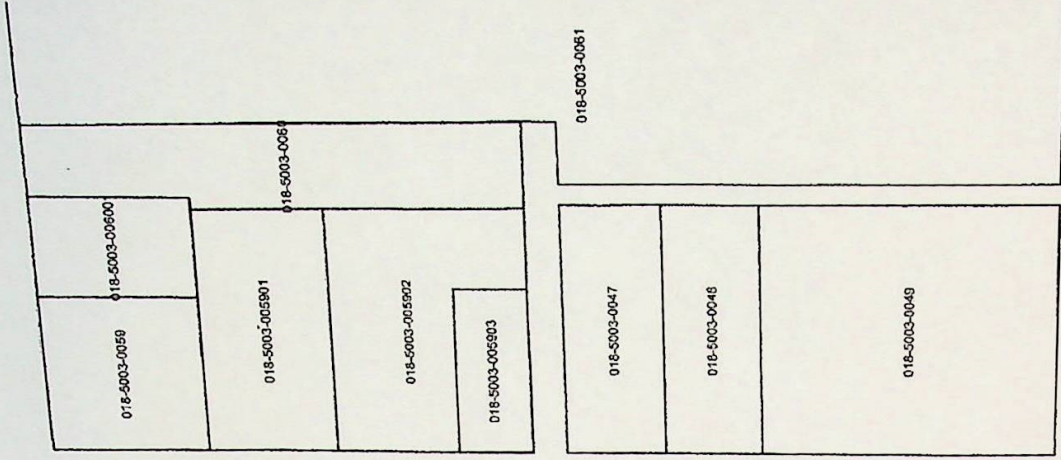
LASALLE AVE



ST. JOSEPH ST



SYCAMORE ST



LEGAL DESCRIPTION:

The West 129 feet of the first East/West alley North of Colfax Avenue, from Sycamore Street to the St. Joseph River, said alley being 14 feet in width. Being a part of Miller's Subdivision and also being a part of the Original Town of Lowell, Portage Township, City of South Bend, St. Joseph County, Indiana.

COLFAX AVE

CITY CLERK, SOUTH BEND, IN.

NOV - 5 2010

Filed in Clerk's Office

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, 2010

Mr. Bob Palm
East Bank South Bend Development, LLC
Post Office Box 960
New Carlisle, Indiana 46552-0960

RE: Revised Alley Vacation – The First East/West Alley South of LaSalle Avenue from Sycamore Street West toward the St. Joseph River

Dear Mr. Palm:

The Board of Public Works, at its October 11, 2010 meeting, provided a favorable recommendation for the vacation of this alley subject to a permanent easement for construction, maintenance, and utility access. Additionally, a cross-access agreement with the affected adjacent property owners was needed.

It has come to the attention of the Board of Works that a revised site plan has been submitted to the Common Council requesting only the west half of the alley be vacated. After reviewing the revised plan, it was determined that the permanent easement for construction, maintenance, and utility access will be recorded in the Real Estate Plat. Additionally, a cross-access agreement is no longer required.

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, City Clerk's Office
Carl Littrell, Engineering
Dave Relos, Community and Economic Development

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

October 11, 2010

Mr. Bob Palm
East Bank South Bend Development, LLC
Post Office Box 960
New Carlisle, Indiana 46552-0960

RE: Alley Vacation – The First East/West Alley South of LaSalle Avenue from Sycamore Street West toward the St. Joseph River
(Preliminary Review)

Dear Mr. Palm:

The Board of Public Works, at its October 11, 2010 meeting, reviewed favorable recommendations concerning this Vacation Petition from the Area Plan Commission, Police Department, Fire Department, and Community & Economic Development. Engineering recommends denial of this vacation. Community & Economic Development states they recommend approval with the understanding that Engineering's stated issues will be resolved.

Area Plan stated 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. Vacating this alley would not restrict or prevent the growth or development of any adjacent parcel. It is their understanding that this alley will be vacated so the East Bank Townhome project to the south can utilize the existing vehicular access for access to the townhomes. The vacation will eliminate one of the pedestrian access points to the river walk. This access point and area to the east extending to the parking lot access will be brought up to grade to match the first floor elevation of the building to the north. This area will be utilized as open space for the townhome development. The vacation may make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The petitioner spoke with the owners of the River Place office complex of their intentions to vacate this alley and they do support the vacation. If the northern half of the vacated alley is transferred to the developer of the East Bank Townhomes, an access or ingress/egress easement will be required in order for the River Place office to maintain their rights to utilize this access. Pedestrian access to the river walk would not be negatively affected with the elimination of the mid-block access to the river walk. Access to the river walk will continue to be maintained at both LaSalle Avenue to the north and Colfax Avenue to the south. Access to the river walk will be maintained via the access points along LaSalle Avenue and Colfax Avenue. The vacation may hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous. This is a dead end alley with the River Place office complex using the alley as a secondary access.

GARY A. GILOT, P.E.
PRESIDENT

DONALD E. INKS
MEMBER

CARL P. LITRELL
MEMBER

October 11, 2010

Bob Palm

Alley Vacation – The First East/West Alley South of LaSalle Avenue from Sycamore Street West toward the St. Joseph River

Page 2 of 2

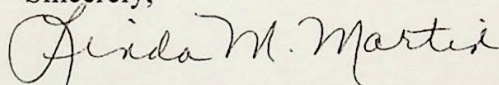
Engineering stated the alley is necessary for the maintenance and operation of the East Bank walkway between Colfax Avenue and LaSalle Avenue. In addition to public access for use of the walkway, eventually access will be needed to the structure overhanging the river for maintenance, repair and refurbishing. Engineering is also concerned with the developer's plans *precluding leaving a maintenance and access easement open* and the Fire Department losing access to different exposures of two existing buildings and the new condominiums.

The Board of Public Works is providing a favorable recommendation for the vacation of this alley subject to a permanent easement for construction, maintenance, and utility access. Additionally, you will need a cross-access agreement with the affected adjacent property owners.

Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map.

You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,



Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office
Carl Littrell, Engineering
Dave Relos, Community and Economic Development

Nancy Schrader - Re: Alley Vacation Recommendation - LaSalle/Sycamore

From: Stephen Goen
To: Nancy Schrader
Date: 9/8/2010 11:04 AM
Subject: Re: Alley Vacation Recommendation - LaSalle/Sycamore

No Objections

This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was original addressed. Any use by others is strictly prohibited.

Lt. Stephen Goen
Traffic Commander
St Joe Co. **Fatal Alcohol Crash Team**
South Bend Police Department - Traffic Investigations
701 W. Sample St
South Bend, IN 46601
(574) 235-7515
(574) 235-7538

>>> Nancy Schrader 9/8/2010 8:28 AM >>>
Please provide your recommendation.

Thank you.

Nancy Schrader
City of South Bend
Department of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Office: (574) 235-9251
Fax: (574) 235-9171

~~~~~  
This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.  
~~~~~


From: <pmgriffin@NiSource.com>
To: "Nancy Schrader" <NJSCHRAD@southbendin.gov>, <lmartin@southbendin.gov>
Date: 9/8/2010 1:07 PM
Subject: Re: Alley Vacation Recommendation - LaSalle/Sycamore
Attachments: S45C-510090808250.pdf

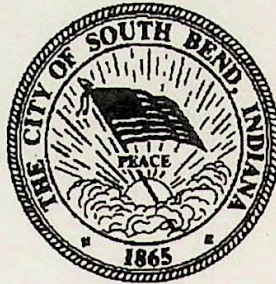
NIPSCO has no objections to vacate this alley.

Philip M. Griffin
Project Engineer - South Bend LOA
Office Phone: 574-284-2214
Mobile Phone: 574-220-3804
FAX: 574-284-2220

"Nancy Schrader"
<NJSCHRAD@southbendin.gov>
AM 09/08/2010 08:28 To
<jbyorni@co.st-joseph.in.us>, <pmgriffin@nisource.com>, "Andre Price" <APRICE@southbendin.gov>, "Chris Dressel" <CDRESSEL@southbendin.gov>, "Cheryl Greene" <CGREENE@southbendin.gov>, "Carl Littrell" <CLITTREL@southbendin.gov>, "Federico Rodriguez" <frodrigu@southbendin.gov>, "Jeff Gibney" <jgibney@southbendin.gov>, "Robert Mathia" <RMATHIA@southbendin.gov>, "Stephen Goen" <SGOEN@southbendin.gov>
cc
"Nancy Schrader" <NJSCHRAD@southbendin.gov>
Subject
Alley Vacation Recommendation - LaSalle/Sycamore

Please provide your recommendation.

Thank you.



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 9/8/2010

TO: Andre Price, Solid Waste
Bob Mathia, Community & Economic Development
Carl Littrell, Engineering Department
Chris Dressel, Community & Economic Development
Federico Rodriguez, Fire Department
Jeff Gibney, Community & Economic Development
John Byorni, Area Plan Commission (jbyorni@co.st-joseph.in.us or 235-9813 fax)
Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk ^{LM} _{WNS}

FROM: Linda M. Martin, Clerk ^{LM} _{WNS}

SUBJECT: **REQUEST FOR RECOMMENDATION - ALLEY VACATION**

APPLICANT: **East Bank South Bend Development, LLC - Bob Palm**

LOCATION: **First East/West Alley South of LaSalle from Sycamore West toward St. Joseph River**

DATE DUE: **9/20/2010**

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

RECOMMENDATIONS AND COMMENTS:

While I have no objection to the proposed alley vacation, Carl Littrell's concerns should be addressed before final action is taken.

By

Bob Mathia

Date

9/9/10

Nancy Schrader - Re: Alley Vacation Recommendation - LaSalle/Sycamore

From: Federico Rodriguez
To: Nancy Schrader
Date: 9/10/2010 7:38 AM
Subject: Re: Alley Vacation Recommendation - LaSalle/Sycamore

Approved S.B.F.D.

Federico "Chico" Rodriguez
Fire Marshal
South Bend Fire Dept.
1222 S. Michigan Street
South Bend, In.
574-235-7564(O)
574-235-9305(F)
frodrigu@southbendin.gov

>>> Nancy Schrader 9/8/2010 8:28 AM >>>
Please provide your recommendation.

Thank you.

Nancy Schrader
City of South Bend
Department of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Office: (574) 235-9251
Fax: (574) 235-9171

~~~~~  
This message may contain confidential and/or proprietary information and is intended for the person/entity  
to whom it was originally addressed. Any use by others is strictly prohibited.  
~~~~~


From: Phil StClair
To: Nancy Schrader
Date: 9/15/2010 4:12 PM
Subject: Re: Alley Vacation Recommendation LaSalle/Sycamore

ok with the parks and recreation dept.

>>> Nancy Schrader 9/15/2010 12:09 PM >>>
Please provide your recommendation.

Thank you.

Nancy Schrader
City of South Bend
Department of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Office: (574) 235-9251
Fax: (574) 235-9171

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Nancy Schrader - Re: Fwd: Alley Vacation Recommendation - LaSalle/Sycamore

From: Chris Dressel
To: Nancy Schrader
Date: 9/20/2010 4:32 PM
Subject: Re: Fwd: Alley Vacation Recommendation - LaSalle/Sycamore
Attachments:

I recommend for approval with understanding that the concerns listed below would be resolved.

Christopher D. Dressel
Planner
City of South Bend
Division of Community Development
1200 County-City Building
227 W. Jefferson
South Bend, IN 46601
Phone: 574-235-5847
Fax: 574-235-9697
cdressel@southbendin.gov

>>> Carl Littrell 9/8/2010 8:43 AM >>>
David,

I am reluctant to part with this alley. I think it is necessary for the maintenance and operation of the East Bank Walkway between Colfax and LaSalle. In addition to public access for use of the walkway, eventually we'll need access to the structure overhanging the river for maintenance, repair, refurbishing, etc.

Does the condo developer's plans preclude leaving a maintenance and access easement open? I also expect the Fire Department to be recalcitrant about losing what is now good access to different exposures of two existing buildings and the new condos to come.

Was Matthews given an expectation that the alley could/should be vacated for his use? Do you know if the neighbor to the north has been consulted? One of my sons married one of his daughters. I don't mind asking, I just don't want to pester him on a closed issue.

Carl

>>> Nancy Schrader 9/8/2010 8:28 AM >>>
Please provide your recommendation.

Thank you.

Nancy Schrader
City of South Bend
Department of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Office: (574) 235-9251
Fax: (574) 235-9171

~~~~~

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~~~~~


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 17, 2010

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

RECEIVED

SEP 20 2010

CITY OF SOUTH BEND
DIV. OF ENGINEERING

RE: Alley Vacation
Applicant: East Bank South Bend Development, LLC
Vacation of an East/West Alley Between LaSalle Street and Colfax Avenue lying
West of Sycamore Street

Dear Board Members:

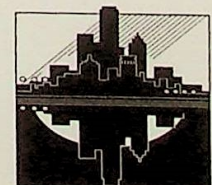
The staff has reviewed this petition. It is the staff's opinion that:

- (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.

Vacating this alley would not restrict or prevent the growth or development of any adjacent parcel. It is our understanding that this alley will be vacated so that the East Bank Townhome project to the south can utilize the existing vehicular access for access to the townhomes. The vacation will eliminate one of the pedestrian access points to the river walk. This access point and area to the east extending to the parking lot access will be brought up to grade to match the first floor elevation of the building to north. This area will be utilized as open space for the townhome development.

- (2) The vacation *may* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

The petitioner spoke with the owners of the River Place office complex of their intentions to vacate this alley, and they do support the vacation. If the northern half of the vacated alley is transferred to the developer of the East Bank Townhomes, an access or ingress/egress easement will be required in order for the River Place office to maintain their rights to utilize this access. Pedestrian access to the river walk would not be negatively affected with the elimination of the mid-block access to the river walk. Access to the river walk will continue to be maintained at both LaSalle Avenue to the north and Colfax Avenue to the south.



- (3) The vacation *would not* hinder the public's access to a church, school, or other public building or place.

Access to the river walk will be maintained via the access points along LaSalle Avenue and Colfax Avenue.

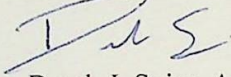
- (4) The vacation *may* hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

This is a dead end alley, with the River Place office complex using the alley as a secondary access. The owners have agreed to the closure subject to an access easement to Sycamore Street.

Due to the above stated reasons and understanding that the adjacent owner to the north supports the vacation, the staff recommends that the proposed alley vacation be approved.

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

Sincerely,



Derek J. Spier, AICP
Planner

FROM: _____
SUBJECT: REQUEST FOR VACATION OF ALLEY
APPLICANT: East East South West Development, LLC - One Park
LOCATION: _____
DATE DUE: _____
FOR OFFICIAL USE: _____



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 9/8/2010

TO: Andre Price, Solid Waste
Bob Mathia, Community & Economic Development
Carl Littrell, Engineering Department
Chris Dressel, Community & Economic Development
Federico Rodriguez, Fire Department
Jeff Gibney, Community & Economic Development
John Byorni, Area Plan Commission (ibyorni@co.st-joseph.in.us or 235-9813 fax)
Stephen Goen, Police Department
Cheryl Greene, City Attorney's Office
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk ^{LM} _{WNS}

FROM: Linda M. Martin, Clerk ^{LM} _{WNS}

SUBJECT: **REQUEST FOR RECOMMENDATION - ALLEY VACATION**

APPLICANT: **East Bank South Bend Development, LLC - Bob Palm**

LOCATION: First East/West Alley South of LaSalle from Sycamore West toward St. Joseph River

DATE DUE: **9/20/2010**

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

RECOMMENDATIONS AND COMMENTS:

*This vacation will reduce access to a public facility.
I recommend denial.*

By Carl P. Littrell Date 9/28/10



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

DATE SENT: 9/8/2010

TO:

Phil St. Clair

- Andre Price, Solid Waste
- ✓ Bob Mathia, Community & Economic Development
- ✓ Carl Littrell, Engineering Department
- ✓ Chris Dressel, Community & Economic Development
- ✓ Federico Rodriguez, Fire Department
- Jeff Gibney, Community & Economic Development
- ✓ John Byorni, Area Plan Commission (jbyorni@co.st-joseph.in.us or 235-9813 fax)
- ✓ Stephen Goen, Police Department
- Cheryl Greene, City Attorney's Office
- ✓ Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
- Linda M. Martin, Clerk *LMWNS*

FROM:

SUBJECT:

REQUEST FOR RECOMMENDATION - ALLEY VACATION

APPLICANT:

East Bank South Bend Development, LLC - Bob Palm

LOCATION:

First East/West Alley South of LaSalle from Sycamore West toward St. Joseph River

DATE DUE:

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FAX OR E-MAIL TO:

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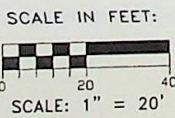
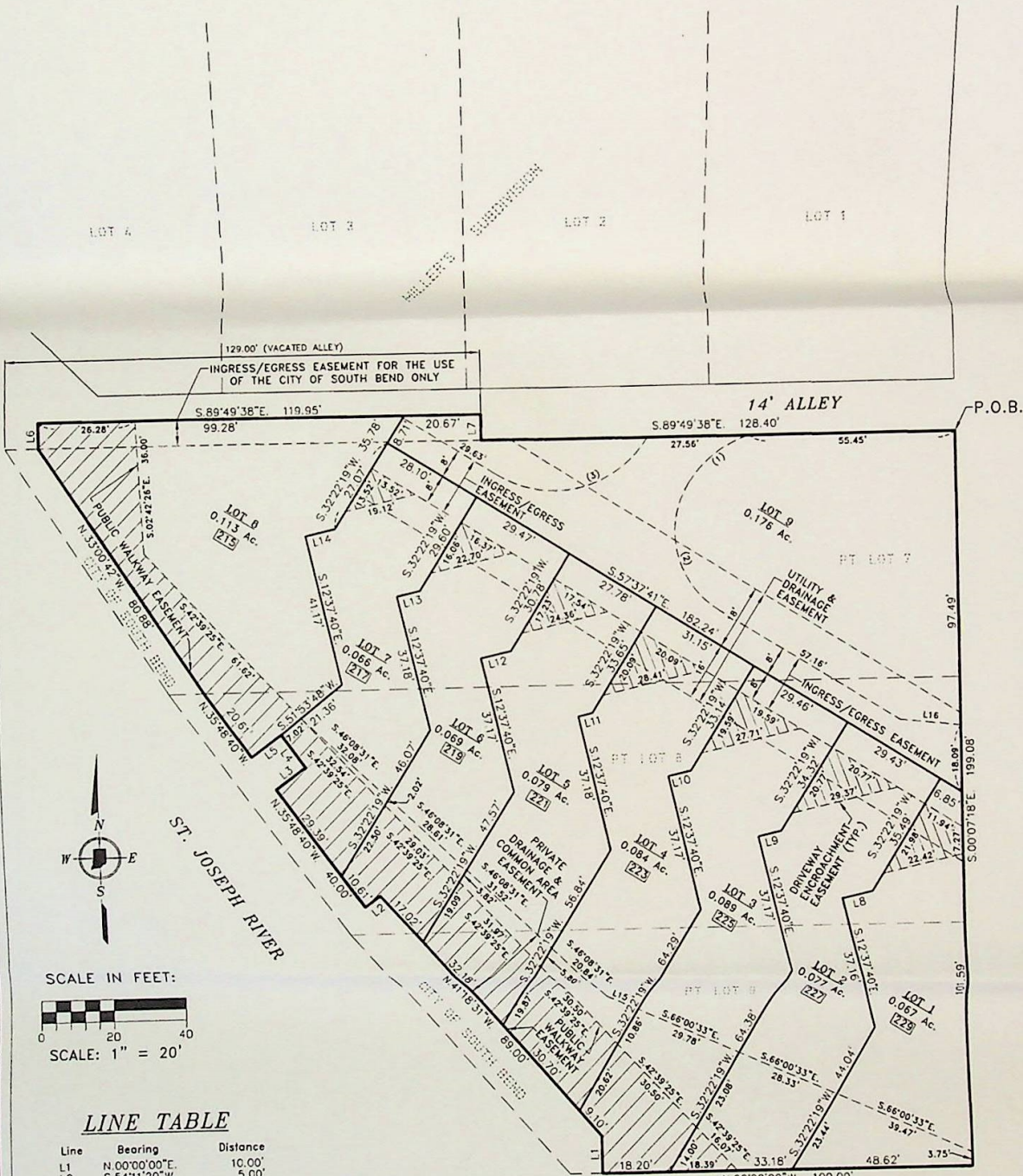
RECOMMENDATIONS AND COMMENTS:

By _____

Date _____

EAST BANK TOWNHOMES MIN

CITY OF SOUTH BEND, PORTAGE TOWNSHIP, INDIANA
 PART OF LOTS 7, 8 AND 9 OF "LOWELL ORIGINAL TOWNSHIP"
 NW 1/4, SECTION 12, TOWNSHIP 37 NORTH, RANGE 12 WEST



LINE TABLE

| Line | Bearing | Distance |
|------|----------------|----------|
| L1 | N. 00°00'00"E. | 10.00' |
| L2 | S. 54°11'20"W. | 5.00' |
| L3 | N. 54°11'20"E. | 10.00' |
| L4 | N. 35°48'40"W. | 11.00' |
| L5 | S. 54°11'20"W. | 10.00' |
| L6 | N. 00°10'22"E. | 7.00' |
| L7 | S. 00°10'22"W. | 7.00' |
| L8 | S. 77°22'20"W. | 8.36' |
| L9 | S. 77°22'20"W. | 6.37' |
| L10 | S. 77°22'20"W. | 6.38' |
| L11 | S. 77°22'20"W. | 4.00' |
| L12 | S. 77°22'20"W. | 8.38' |
| L13 | S. 77°22'20"W. | 6.38' |
| L14 | S. 77°22'20"W. | 8.30' |
| L15 | S. 66°00'33"E. | 9.14' |

CURVE TABLE

| NO. | RADIUS | DELTA | ARC | TANGENT | CHORD | CHORD BEARING |
|-----|--------|-----------|--------|---------|--------|----------------|
| 1 | 30.00' | 40°59'03" | 21.46' | 11.21' | 21.00' | S. 52°51'50"W. |
| 2 | 25.00' | 90°00'00" | 39.27' | 25.00' | 35.36' | S. 12°37'41"E. |
| 3 | 30.00' | 89°58'47" | 47.11' | 29.99' | 42.42' | S. 77°22'55"W. |

LEGEND

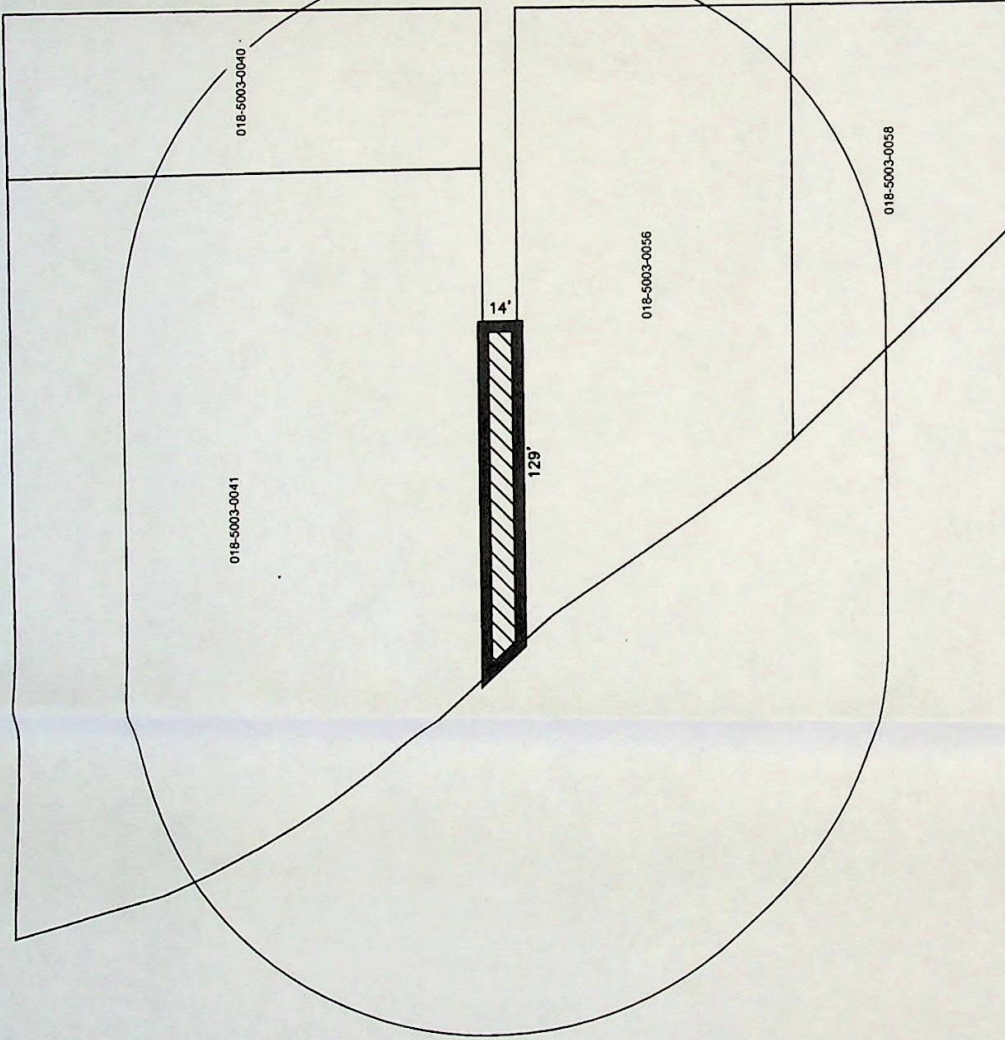
[229] = DENOTES STREET ADDRESS

ALL ENGINEERING AND SURVEYING DRAWINGS ARE IN CONFORMANCE WITH THE PROFESSIONAL ENGINEERING ACT AND REGULATIONS THEREOF AS ENACTED BY THE LEGISLATURE OF THE STATE OF INDIANA. THE CONSULTING ENGINEER HAS REVIEWED THIS DRAWING AND APPROVES IT AS ACCURATE AND COMPLETE. ALL RIGHTS ARE RESERVED BY THE ENGINEER AND ARCHITECT.

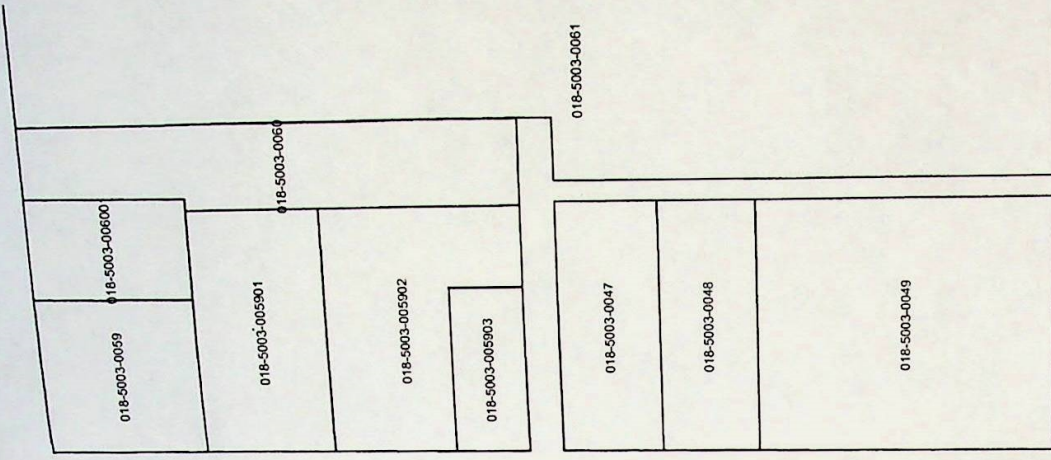
LASALLE AVE



ST. JOSEPH ST



SYCAMORE ST



COLFAX AVE

LEGAL DESCRIPTION:

The West 129 feet of the first East/West alley North of Colfax Avenue from Sycamore Street to the St. Joseph River, said alley being 14 feet in width. Being a part of Miller's Subdivision and also being a part of the Original Town of Lowell, Portage Township, City of South Bend, St. Joseph County, Indiana.