

10/26-11

ALLEY VACATION10126-11
StatusVacated

Date 1/31/2012

Description: A Portion of Roase Street and Three
Adjacent Alleys



Office of the City Clerk

John Voorde, City Clerk

January 31, 2012

MEMORANDUM

TO: Area Plan Commission
Board of Public Works/Engineering Dept.
Building Department
Fire Department
Northern Indiana Public Service Company – Phil Griffin
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. 10126-11 for the vacation of the following property:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF ROSE ST. AND THREE ADJACENT ALLEYS

are closed and this area is vacated.

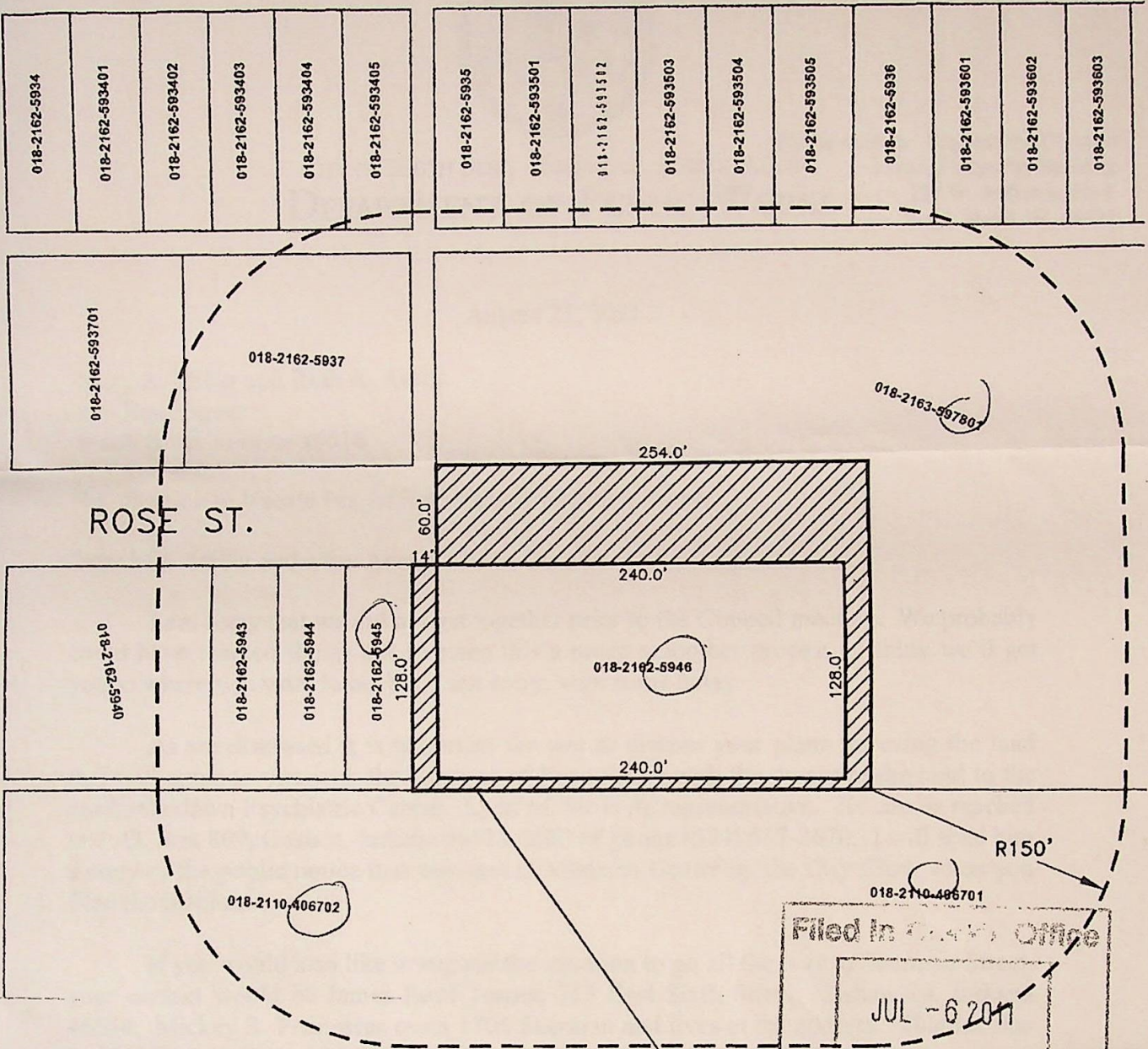
cc: South Bend Community School Corporation
Transportation Department

SHERMA

ROOSEVELT ST

SHERMAN AVE.

ROSE ST.



LEGAL DESCRIPTION:

The first alley to be vacated is the first East/West alley South of Rose Street from the first North/South alley East of Sherman Street to the second North/South alley East of Sherman Street for a distance of 240 feet and a width of 7 feet.

The second alley to be vacated is the first North/South alley East of Sherman Street from Rose Street South to the first East/West alley for a distance of 128 feet and a width of 14 feet.

The third alley to be vacated is the second North/South alley East of Sherman Street from Rose Street South to the first East/West alley for a distance of 128 feet and a width of 14 feet.

The street to be vacated is a portion of Rose Street from the East right of way of the first North/South alley East of Sherman Street to the East right of way line of the second alley East of Sherman Street for a distance of 254 feet and a width of 60 feet.

All four vacations are located in the Northwest Addition, 3rd Plat, being a part of the City of South Bend, Portage Township, St Joseph County, Indiana.

018-2110-406701

Filed in City Office

JUL - 6 2011

CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR Please reply to: Engineering Division
1316 County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

DEPARTMENT OF PUBLIC WORKS

August 25, 2011

Mary A. Miller and Ruth A. Amos
930 Rose Street
South Bend, Indiana 46616

Re: Petition to Vacate Part of Rose Street and Some Alleys

Dear Mrs. Miller and Miss Amos:

I am sorry that we did not get together prior to the Council meeting. We probably could have worked things out to make this a much smoother process. I think we'll get you to where you want to be, but, I am sorry, with some delay.

As we discussed it is important for you to discuss your plans for using the land that will come to you with the vacation of Rose Street with the owner of the land to the north, Oaklawn Psychiatric Center. Lynn Miller is its representative. He can be reached at P. O. Box 809, Goshen, Indiana 46527-0809 or phone (574) 537-2670. I will send him a copy of the public notice that was sent to Madison Center by the City Clerk when you filed the petition.

If you would also like to expand the vacation to go all the way to Sherman Street, your contact would be James Estol Turner, 713 East Sixth Street, Mishawaka, Indiana 46544. Mickey R. Fennessee owns 1706 Sherman and lives at the address. That lot also borders Rose, but would still have access to Sherman if Rose were to be vacated.

I'll be happy to discuss this further. My direct phone is (574) 235-5937.

Sincerely,

Carl P. Littrell, P.E.
City Engineer

c: City Clerk's Office

Department of Public Works	Engineering	Water Works	Central Services	Streets	Wastewater
Gary A. Gilot, Director	Carl P. Littrell, P.E.	David Tungate	Matt Chlebowski	Sam Hensley	Al Greek
574/235-9251	574/235-9251	574/235-9322	574/235-9316	574/235-9244	574/277-8515
Fax 574/235-9171	Fax 574/235-9171	Fax 574/235-5595	Fax 574/235-9007	Fax 574/235-9272	Fax 574/277-8980

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

December 13, 2010

Ms. Mary A. Miller and Ruth A. Amos
930 Rose Street
South Bend, Indiana 46616

RE: Alley Vacation – The Square Block Encompassing the First and Second North/South Alleys East of Sherman Street; Rose Street between Said Alleys and the East/West Alley South of Rose between the First and Second North/South Alleys
(Preliminary Review)

Dear Ms. Miller and Ms. Amos:

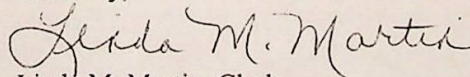
The Board of Public Works, at its December 6, 2010, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, Solid Waste Division and the City Attorney's Office. The following comments and recommendations were submitted:

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.

The City of South Bend Engineering Department noted that Lot 230 would have access only via alleys and the thirty foot wide remnant of the vacated street which would attach to that lot. Ownership of the vacated alley would be split with the property owner to the north. An Access Agreement with that landowner may be needed. That property owner's agreement to this vacation is essential. Also, the north/south alley north of Rose Street should be vacated or the vacation of Rose Street should be 14-feet less.

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

GARY A. GILOT, P.E.
PRESIDENT

DONALD E. INKS
MEMBER

JOHN H. MURPHY
MEMBER



NORTH

PETITIONER:

MARY A. MILLER
(RUTH A. AMOS)

930 ROSE ST.

SOUTH BEND, IN 46616

PHONE 574-855-4678

RUTH A. AMOS
574-232-8784

PURPOSE:

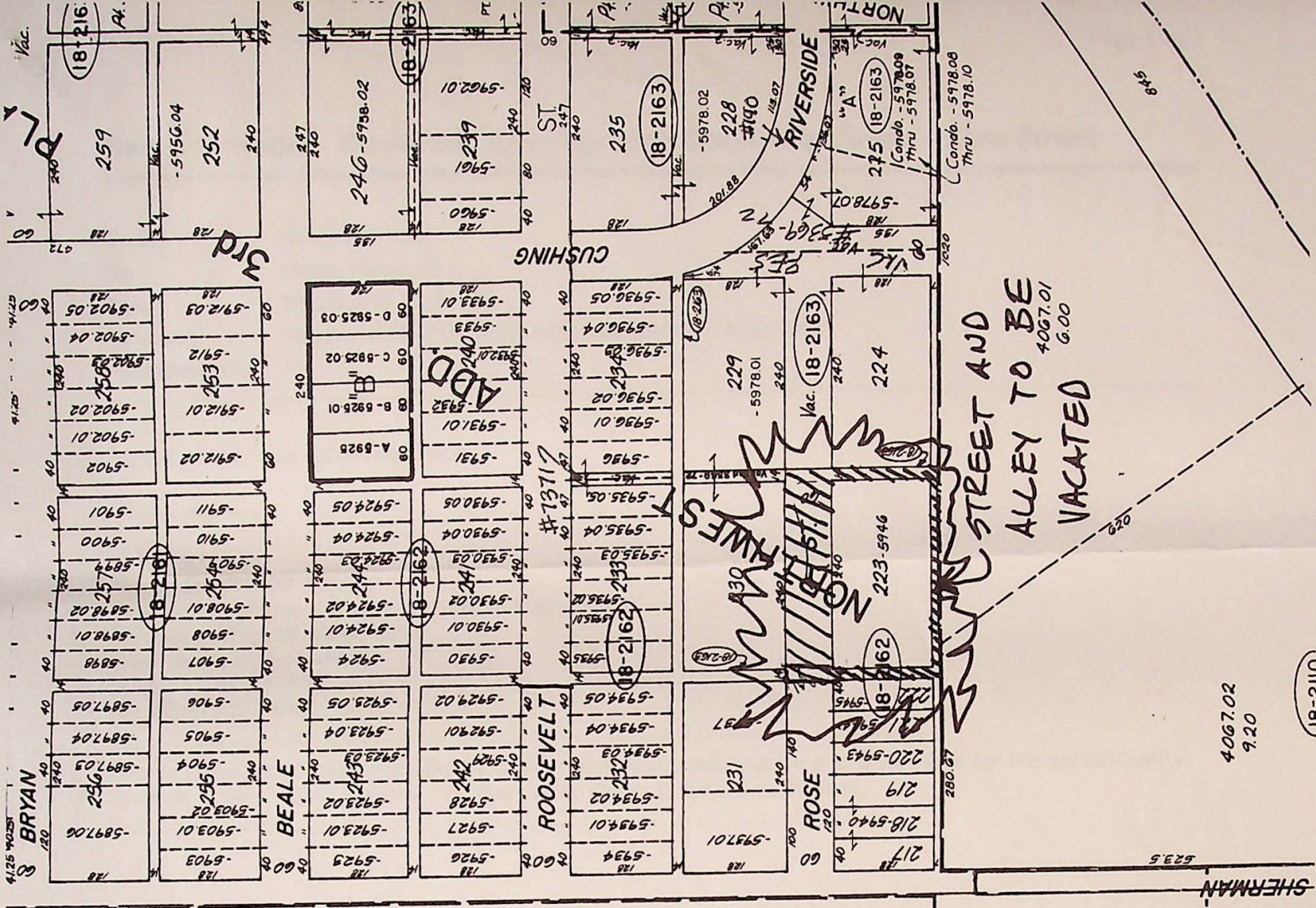
FENCE AND
SECURITY

APPROVED
Board of Public Works

DEC 6 2010

Mary A. Miller
Ruth A. Amos
Carl P. Mitchell

3-35F



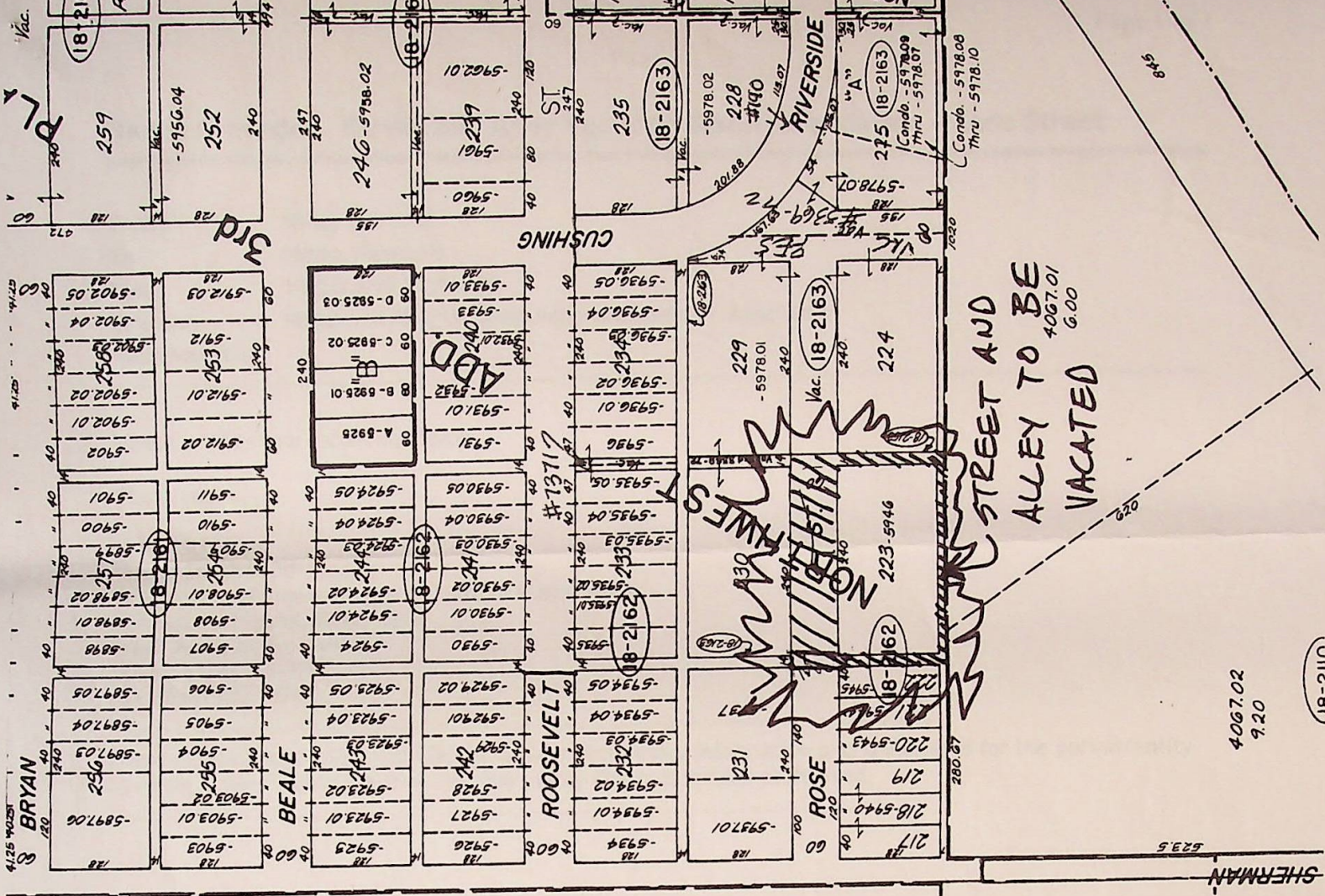
4067.02
9.20

18-2110

WALKWAY STREET AND
ALLEY TO BE
4067.01
6.00
VACATED

FENCES

ADD



Nancy Schrader - Street and Alley Vacation Recommendation - Rose Street

From: Nancy Schrader
To: Memo-Vacations
Date: 10/12/2010 11:40 AM
Subject: Street and Alley Vacation Recommendation - Rose Street
Attachments:

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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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: 10/12/2010 1:06 PM
Subject: Re: Street and Alley Vacation Recommendation - Rose Street
Attachments: S45C-510101211330.pdf

NIPSCO has no objection to this street and alley vacation request.

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

"Nancy Schrader"
<NJSCHRAD@southbendin.gov>
10/12/2010 11:39 AM
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
Street and Alley Vacation Recommendation - Rose Street

Please provide your recommendation.

Thank you.

From: Federico Rodriguez
To: Nancy Schrader
Date: 10/13/2010 8:21 AM
Subject: Re: Street and Alley Vacation Recommendation - Rose Street

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)
frodrigo@southbendin.gov

>>> Nancy Schrader 10/12/2010 11:39 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: Stephen Goen
To: Nancy Schrader
Date: 10/13/2010 8:31 AM
Subject: Re: Street and Alley Vacation Recommendation - Rose Street

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 10/12/2010 11:39 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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INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/12/2010

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*

FROM:

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

APPLICANT: **Mary A. Miller**

LOCATION: The Square Block Encompassing the First and Second North/South Alleys East of Sherman Street; Rose Street Between Said Alleys, and the East/West Alley South of Rose Street Between the First and Second North/South Alleys

DATE DUE: **10/25/2010**

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

RECOMMENDATIONS AND COMMENTS:

I have no objection to this vacation request so long as necessary rights of way for the public and neighbors are not negatively impacted.

By *Bob Mathia* Date 10/13/10

Nancy Schrader - Re: Street and Alley Vacation Recommendation - Rose Street

From: Chris Dressel
To: Nancy Schrader
Date: 10/23/2010 10:39 AM
Subject: Re: Street and Alley Vacation Recommendation - Rose Street
Attachments:

Recommended for approval.

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

>>> Nancy Schrader 10/12/2010 11:39 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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~~~~~




INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/12/2010

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Carl Littrell, Engineering Department
Chris Dressel, Community & Economic Development
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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)

FROM: Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION - STREET AND ALLEY VACATION

APPLICANT: Mary A. Miller

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DATE DUE: 10/25/2010

FAX OR E-MAIL TO: [235-9171 / lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)

RECOMMENDATIONS AND COMMENTS:

No objection. However petitioner will need to come to agreement with landowner to north of vacated street concerning access to the vacated area. Also the ^Nalley north of Rose

By _____

Date _____

should be vacated or the vacation of Rose should be 14' less.

Carl P. Littrell 11/8/10

Area Plan Commission of St. Joseph County

1140 County-City Building
South Bend, Indiana 46601

John W. Byorni
Executive Director

Larry P. Maglozzi
Assistant Director

Phone 574 235-9571

www.stjosephcountyindiana.com/areaplan

Fax 574 235-9813

November 30, 2010

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

RE: Street and Alley Vacation

The square block encompassing the first and second north/south always east of Sherman Street; Rose Street between said alleys, and the east/west alley south of Rose Street between the first and second north/south alleys.

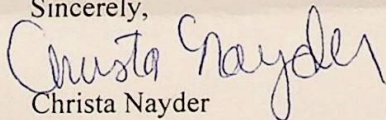
Dear Board Members:

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

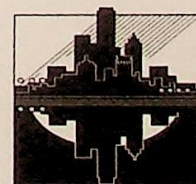
- (1) The vacation *would not* hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation *would not* make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation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

Sincerely,



Christa Nayder
Planner





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

DATE SENT: 10/12/2010

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)

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DATE DUE: **10/25/2010**

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

RECOMMENDATIONS AND COMMENTS:

By _____ Date _____