

ALLEY VACATION 10217-13
Status Vacated

Date 3/22/2013

Description: An Irregularly Shaped Portion of Right of
Way of Indiana Avenue Located at the Nothwest
Intersection of Said Indiana Avenue with Kemble Street



Office of the City Clerk

John Voorde, City Clerk

March 22, 2013

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

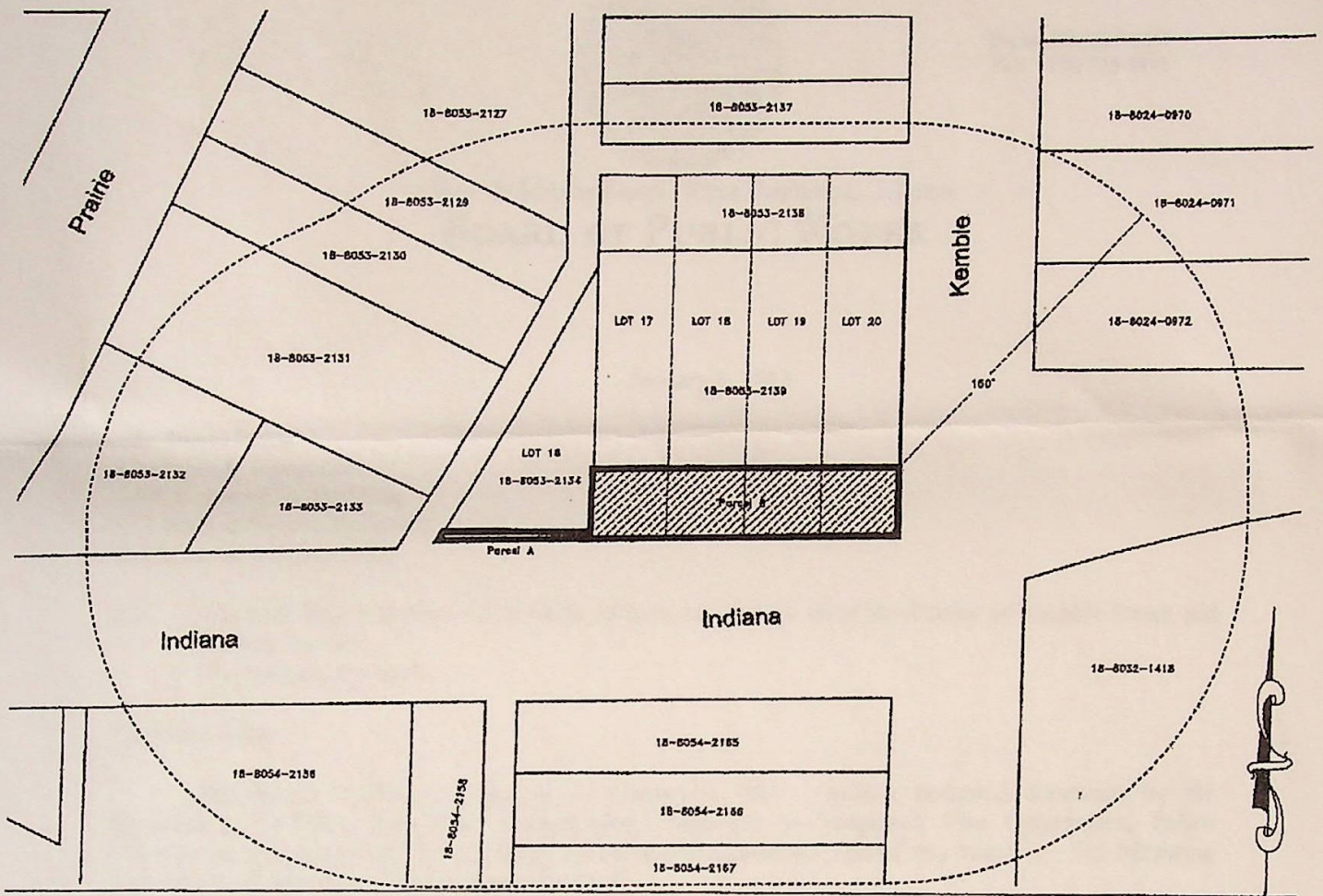
FROM: Janice Talboom, Deputy City Clerk

All proceedings with reference to Ordinance No. 10217-13 for the vacation of the following property:

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: AN IRREGULARLY SHAPED PORTION OF RIGHT-OF-WAY OF INDIANA AVENUE LOCATED AT THE NORTHWEST INTERSECTION OF SAID INDIANA AVENUE WITH KEMBLE STREET

are closed and this area is vacated.

cc: South Bend Community School Corporation Transportation Dept.



LEGAL DESCRIPTION:

PARCEL A

A PARCEL OF LAND DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHWEST CORNER OF LOT NUMBERED SIXTEEN (16) IN PART OF BYERLY'S ADDITION THENCE EAST A DISTANCE OF SIXTY-FIVE AND SIXTH TENTHS (65.6) FEET ALONG THE SOUTH PROPERTY LINE OF SAID LOT NUMBERED SIXTEEN (16), TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED SIXTEEN (16); THENCE NORTH FIVE FEET (5') ALONG THE EAST PROPERTY LINE OF SAID LOT SIXTEEN (16) THENCE SOUTHWESTERLY A DISTANCE OF THIRTEEN AND SIXTENTHS FEET (13.6) TO A POINT FOUR FEET (4) NORTH OF THE SOUTH PROPERTY LINE OF SAID LOT NUMBERED SIXTEEN (16); THENCE DUE WEST ALONG A LINE PARALLEL TO AND FOUR FEET (4) NORTH OF THE SOUTH PROPERTY LINE OF SAID LOT NUMBERED SIXTEEN (16) TO THE WEST PROPERTY LINE OF SAID LOT NUMBERED SIXTEEN (16); THENCE SOUTHWESTERLY ALONG THE WEST PROPERTY LINE OF SAID LOT NUMBERED SIXTEEN TO THE POINT OF BEGINNING; THIS PARCEL BEING TAKEN OFF OF AND FROM THE ENTIRE SOUTH END OF SAID LOT NUMBERED SIXTEEN (16) IN PART OF BYERLY'S ADDITION.

PARCEL B

A LOT OR PARCEL OF LAND THIRTY-THREE (33) FEET IN WIDTH, NORTH AND SOUTH, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE SOUTH ENDS OF LOTS NUMBERED 17, 18, 19 AND 20 AS SHOWN ON THE RECORDED PLAT OF THOMAS E.A. BYERLY'S ADDITION TO THE TOWN OF MYLER, NOW A PART OF THE CITY OF SOUTH BEND.

Filed in Clerk's Office
 JAN - 8 2013
 JOHN VOONDE
 CITY CLERK, SOUTH BEND, IN

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



PHONE 574/ 235-9251
FAX 574/ 235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

January 8, 2013

Mr. David Relos
Community Investment
1400 County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601

RE: Right of Way Vacation – A Portion of Lots 16 through 20 at the Corner of Kemble Street and Indiana Avenue
(Preliminary Review)

Dear Mr. Relos:

The Board of Public Works, at its January 8, 2013, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, and the Solid Waste Division for the above referenced right of way vacation. 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.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this property.

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 right of way vacation packet.

Sincerely,

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office
Michael Mecham, Engineering

GARY A. GILOT

DONALD E. INKS

KATHRYN E. ROOS

MICHAEL C. MECHAM

MARK W. NEAL

Jennifer Corle

From: John Byorni <JBYORNI@co.st-joseph.in.us>
Sent: Monday, November 26, 2012 1:15 PM
To: Christa Nayder; pmgriffin@nisource.com; Andre Price; Cheryl Greene; Eugene Eyster; Federico Rodriguez; Jennifer Corle; Jitin Kain; Michael Mecham
Cc: Bill Schalliol
Subject: Re: Property Vacation Request - Kemble/Indiana
Attachments: John Byorni.vcf

The Staff of the Area Plan Commission has no objection to the request.

John W. Byorni, Executive Director
Area Plan Commission of St. Joseph County
1140 County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601
Phone 574 235-9571
Fax 574 235-9813

jbyorni@co.st-joseph.in.us>>> Jennifer Corle <jcorle@southbendin.gov> 11/26/2012 12:44 PM >>>

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171

IMPORTANT NOTICE! This E-Mail transmission and any accompanying attachments may contain confidential information intended only for the use of the individual or entity named above. Any dissemination, distribution, copying or action taken in reliance on the contents of this E-Mail by anyone other than the intended recipient is strictly prohibited and is not intended to, in anyway, waive privilege or confidentiality. If you have received this E-Mail in error please immediately delete it and notify sender at the above E-Mail address. Please note that incoming e-mails are not routinely screened for response deadlines, and as such, please notify the sender separately by fax of any message containing deadlines. In addition, E-Mail information cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain virus. Therefore, the sender does not accept liability for any errors or omissions in the contents of this message which arise as a consequence of E-Mail transmission. If verification is required, please request a hard-copy version.

Jennifer Corle

From: Eugene Eyster
Sent: Monday, November 26, 2012 1:54 PM
To: Jennifer Corle
Subject: RE: Property Vacation Request - Kemble/Indiana

Ms. Corle,
I do not see any issues on behalf of the Police Department.

Lt. E. Eyster

From: Jennifer Corle
Sent: Monday, November 26, 2012 12:45 PM
To: Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; CNayder@co.st-joseph.in.us; jbyorni@co.st-joseph.in.us; Eugene Eyster; Cheryl Greene; pmgriffin@nisource.com
Cc: Bill Schalliol; Jennifer Corle
Subject: Property Vacation Request - Kemble/Indiana

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171

Jennifer Corle

From: Federico Rodriguez
Sent: Tuesday, November 27, 2012 11:33 AM
To: Jennifer Corle
Subject: RE: Property Vacation Request - Kemble/Indiana

Approved by SBF.D.

Federico (Chico) Rodriguez

Fire Marshal
Fire Prevention Bureau
(574) 235-7564
frodrigo@southbendin.gov
South Bend Fire Department
1222 S. Michigan St. 46601

From: Jennifer Corle
Sent: Monday, November 26, 2012 12:45 PM
To: Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; CNayder@co.st-joseph.in.us; jbyorni@co.st-joseph.in.us; Eugene Eyster; Cheryl Greene; pmgriffin@nisource.com
Cc: Bill Schalliol; Jennifer Corle
Subject: Property Vacation Request - Kemble/Indiana

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

JOHN W. BYORNI
EXECUTIVE DIRECTOR

LARRY MAGLIOZZI
DEPUTY DIRECTOR

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

November 28, 2012

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

RE: Property Vacation
Petitioner: Community and Economic Development
Location: A portion of Lots 16 through 20 at the corner of Kemble Street and Indiana Avenue

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.

Only a small portion of this parcel is actually used as right-of-way. The area being used as part of the road, will be rededicated via Thos E.A. Byerly's Addition, First Replat subdivision. The additional property gained by the adjacent property owner will allow them to rezone without needing a front yard setback variance.

Due to the above stated reasons, the staff recommends that the proposed property vacation be approved.

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

Sincerely,

A handwritten signature in black ink that reads 'Christa Nayder'.

Christa Nayder, Planner

Jennifer Corle

From: Jitin Kain
Sent: Wednesday, November 28, 2012 10:41 AM
To: Jennifer Corle
Subject: RE: Property Vacation Request - Kemble/Indiana

Favorable Recommendation.

Thanks,



Jitin Kain
Sr. Economic Development Specialist
Community & Economic Development
(574) 235-5835
jkain@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Suite 1200
South Bend, IN 46601



From: Jennifer Corle
Sent: Monday, November 26, 2012 12:45 PM
To: Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; CNayder@co.st-joseph.in.us; jbyorni@co.st-joseph.in.us; Eugene Eyster; Cheryl Greene; pmgriffin@nisource.com
Cc: Bill Schalliol; Jennifer Corle
Subject: Property Vacation Request - Kemble/Indiana

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171

Jennifer Corle

From: Andre Price
Sent: Monday, December 31, 2012 2:02 PM
To: Jennifer Corle
Subject: Re: Vacations

Jennifer, I thought I replied, these vacation will not affect teach collection

Sent from my iPhone

On Dec 31, 2012, at 12:43 PM, "Jennifer Corle" <jcorle@southbendin.gov> wrote:

Andre,

There are two recommendations for vacations we haven't received back. One is for Miami Street the other is for property at Indiana and Kemble. I need to put these on the next agenda so will you please provide your recommendations?

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171

Jennifer Corle

From: Michael Mecham
Sent: Monday, December 31, 2012 3:04 PM
To: Jennifer Corle
Subject: RE: Recommendation

Propose approval from engineering

From: Jennifer Corle
Sent: Monday, December 31, 2012 12:46 PM
To: Michael Mecham
Subject: Recommendation

Mike,

I haven't gotten a recommendation from you for the property vacation near the Indiana and Kenmore. Please provide it so I can put it on the next agenda.

Jennifer Corle
City of South Bend
Division of Engineering and Board of Public Works
227 West Jefferson, Room 1316
South Bend, Indiana 46601
Main Office: (574) 235-9251
Direct Line: (574) 235-5927
Fax: (574) 235-9171



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

DATE SENT: 11/26/2012

TO: ✓ Andre Price, Solid Waste
✓ Jitin Kain, Community & Economic Development
✓ Michael Mecham, Engineering Department
✓ Federico Rodriguez, Fire Department
✓ John Byorni, Area Plan Commission (jbyorni@co.st-joseph.in.us or 235-9813 fax)
✓ Gene Eyster, 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 – PROPERTY VACATION**

APPLICANT: **Community & Economic Development**

LOCATION: A Portion of Lots 16 through 20 at the corner of Kemble Street and Indiana Avenue

DATE DUE: **December 3, 2012**

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

RECOMMENDATIONS AND COMMENTS:

By _____ Date _____