

ALLEY VACATION 10234-13  
Status Vacated

Date 8/29/2013

Description: The First East/West Alley South of  
Donmoyer Avenue from the West Lot Loine of Lot 4,  
Forest Hill Addition and East Lot Line of Said Lot 4 for  
a Distance of 40' and a Widgth of 16'



# Office of the City Clerk

John Voorde, City Clerk

August 29, 2013

## MEMORANDUM

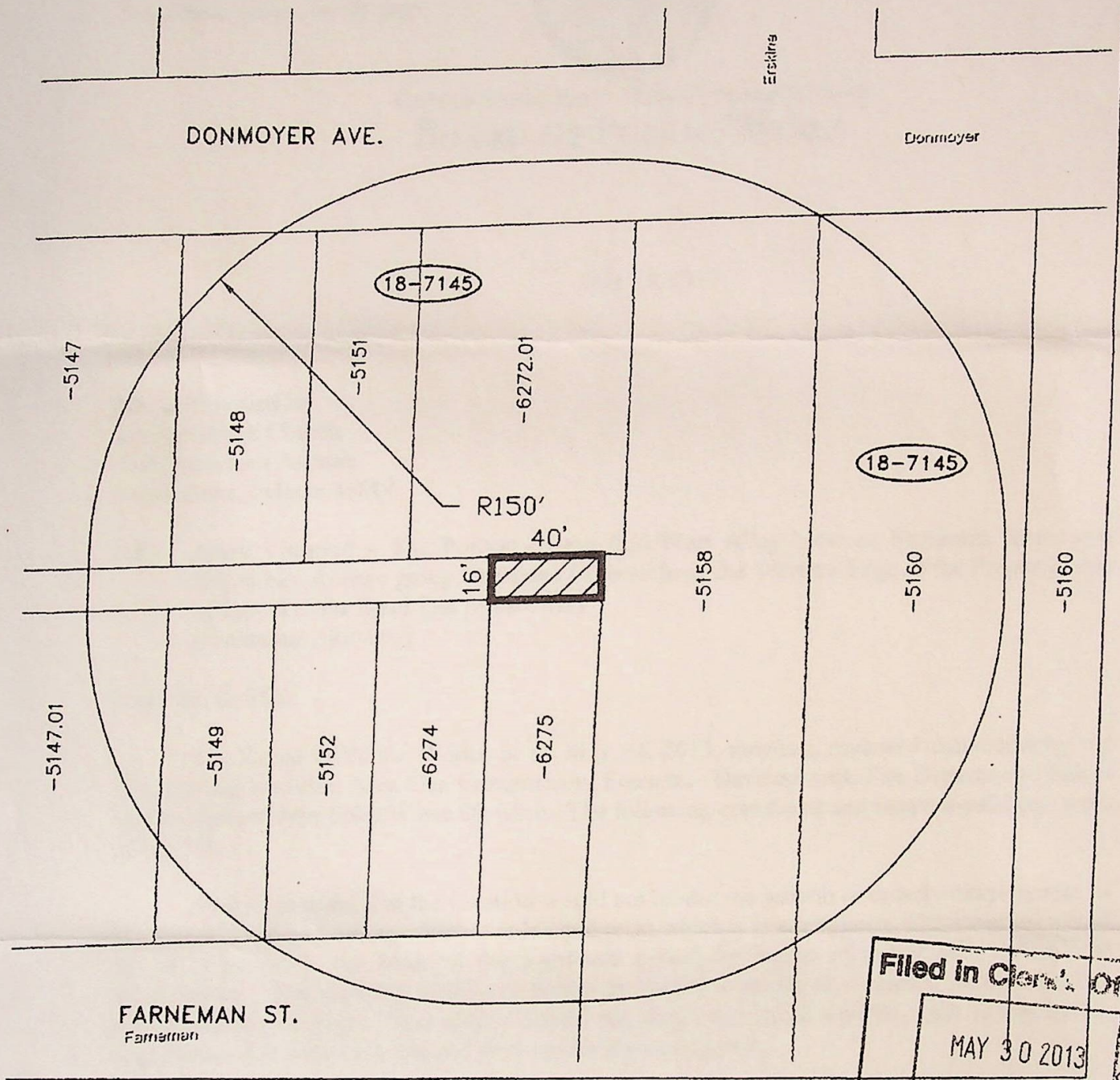
TO: Area Plan Commission  
Board of Public Works/Engineering Dept.  
Building Department  
Fire Department  
Northern Indiana Public Service Company – Phil Griffin  
Police Department  
Street Department  
Bureau of Traffic & Lighting – Mark  
Community & Economic Development – Pam Meyer  
County Auditor – Mark  
Water Works – North Station-Ed Herman

FROM: Janice Talboom, Deputy City Clerk

All proceedings with reference to Ordinance No. 10234-13 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY SOUTH OF DONMOYER AVENUE FROM THE WEST LOT LINE OF LOT 4, FOREST HILL ADDITION AND EAST LOT LINE OF SAID LOT 4 FOR A DISTANCE OF 40 FEET AND A WIDTH OF 16 FEET

are closed and this area is vacated.



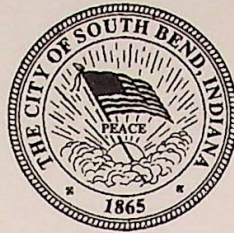
Legal Description:

The alley to be vacated is the first East/West alley South of Donmoyer Avenue from the West lot line of Lot 4, Forest Hill Addition (an unrecorded subdivision) and the East lot line of said Lot 4 for a distance of 40 feet and a width of 16 feet, City of South Bend, Portage Township, St. Joseph County, Indiana.

Filed in Clerk's Office  
 MAY 30 2013  
 JOHN VOORHEE  
 CITY CLERK, SOUTH BEND, IN

KLINGSTUBBINS

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**

May 14, 2013

Mr. Jeffrey Griffon  
Living Stones Church  
718 Donmoyer Avenue  
South Bend, Indiana 46614

RE: Alley Vacation – The Portion of the East/West Alley between Farneman Street and Donmoyer Avenue going East from Fellows from the Western Edge of the Property Line of Lot #4 to the Dead End of the Alley  
(Preliminary Review)

Dear Mr. Griffon:

The Board of Public Works, at its May 14, 2013, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, and the Solid Waste Division. 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.

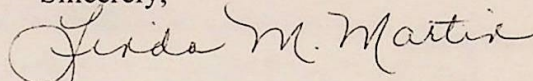
St. Joseph County stated that several abutting property owners are currently encroaching into the public right of way along this alley.

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

**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,

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

Linda M. Martin, Clerk

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

APPROVED  
Board of Public Works

MAY 14 2013

GREST HILL  
PARK GRANT MINOR SUB  
RICE'S FARMENAN ST. MINOR SUB

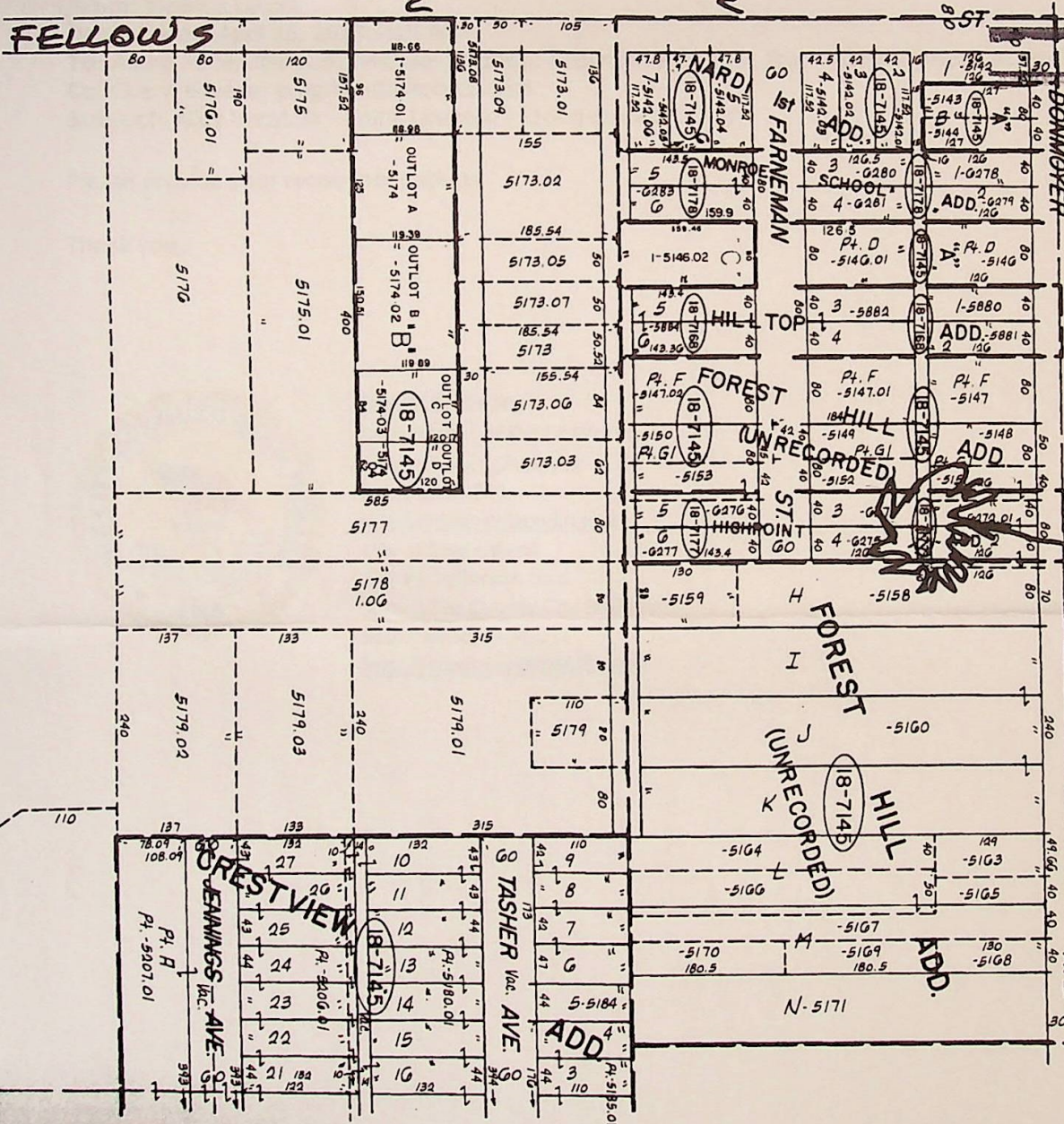
*[Signature]*

Date/Erskine/Hgh

**PETITIONER:**  
LIVING STONES  
CHURCH  
718 DOWNMYER AV  
SOUTH BEND, IN  
46614

**CONTACT:**  
JEFFERY GRIFCON  
574-904-9824

**PURPOSE:**  
BUILDING PLAY  
GROUND FOR  
CHURCH.



8-24 TO BE VACATED  
PORTION OF ALLEY

## Melinda Lercel

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**From:** Eugene Eyster  
**Sent:** Friday, April 26, 2013 1:50 PM  
**To:** Melinda Lercel; Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; jbyorni@co.st-joseph.in.us  
**Cc:** Cheryl Greene; pmgriffin@nisource.com  
**Subject:** RE: Alley Vacation - Frank Linarello - Living Stones Church

Melinda,  
The Police Department would have no objection to the granting of this request.

Lt. Eyster

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**From:** Melinda Lercel  
**Sent:** Friday, April 26, 2013 9:15 AM  
**To:** Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; jbyorni@co.st-joseph.in.us; Eugene Eyster  
**Cc:** Cheryl Greene; pmgriffin@nisource.com  
**Subject:** Alley Vacation - Frank Linarello - Living Stones Church

Please provide your recommendations.

Thank you,



**Melinda Lercel**  
Department of Public Works  
Division of Engineering  
(574) 235-9251  
[mlercel@southbendin.gov](mailto:mlercel@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd.  
Suite 1316 County City Building  
South Bend, IN 46601  
<http://www.southbendin.gov>

## Melinda Lercel

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**From:** Federico Rodriguez  
**Sent:** Monday, April 29, 2013 8:22 AM  
**To:** Melinda Lercel  
**Subject:** RE: Alley Vacation - Frank Linarello - Living Stones Church

Approved S.B.F.D

### Federico (Chico) Rodriguez

Fire Marshal  
Fire Prevention Bureau  
(574) 235-7564  
[frodrigu@southbendin.gov](mailto:frodrigu@southbendin.gov)  
South Bend Fire Department  
1222 S. Michigan St. 46601



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**From:** Melinda Lercel  
**Sent:** Friday, April 26, 2013 9:15 AM  
**To:** Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; jbyorni@co.st-joseph.in.us; Eugene Eyster  
**Cc:** Cheryl Greene; pmgriffin@nisource.com  
**Subject:** Alley Vacation - Frank Linarello - Living Stones Church

Please provide your recommendations.

Thank you,



### Melinda Lercel

Department of Public Works  
Division of Engineering  
(574) 235-9251  
[mlercel@southbendin.gov](mailto:mlercel@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd.  
Suite 1316 County City Building  
South Bend, IN 46601  
<http://www.southbendin.gov>



**Melinda Lercel**

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**From:** Angela Smith <ASmith@co.st-joseph.in.us>  
**Sent:** Wednesday, May 01, 2013 9:53 AM  
**To:** Linda Martin; Melinda Lercel  
**Subject:** Alley Vacation  
**Attachments:** Living Stone Church.doc; Smith, Angela.vcf

Attached please find our recommendation for the proposed alley vacation for the portion of the East/West alley between Farneman and Donmoyer going East from Fellows from the Western edge of the property line of Lot #4 to the end of the alley.

Please note, several property owners along this alley are encroaching in the public right of way.

Please let me know if you have any questions.

thanks,

*Angela M. Smith*, Planner  
Area Plan Commission  
(574) 235-9571



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

April 26, 2013

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

**RE: Alley Vacation**

**Applicant: Frank Linarello**

**Vacation of the portion of the East/West Alley between Farneman and Donmoyer going East from Fellows from the Western edge of the property line of Lot#4 to the dead end of the 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.**

The portion of the alley to be vacated is at the end of a dead-end alley that does not appear to be in use, therefor vacating this portion would not hinder the growth or development of the area.

**(2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.**

This alley does not appear to provide direct access to any of the adjacent properties.

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

There are no churches, schools, or other public places lying along this alley.

**(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.**

The portion of the alley to be vacated is not being used as a public way. The surrounding properties have access on Donmoyer and Farneman Ave.

Due to the above stated reasons, 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,

A handwritten signature in cursive script that reads 'Angela M. Smith'.

Angela M. Smith  
Planner

## Linda Martin

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**From:** Michael Divita  
**Sent:** Friday, May 03, 2013 8:36 AM  
**To:** Linda Martin  
**Cc:** Jitin Kain  
**Subject:** FW: Alley Vacation - Frank Linarello - Living Stones Church  
**Attachments:** Alley Vacation - Frank Linarello - Living Stones Church.pdf

Alley Vacation - Frank Linarello - Living Stones Church

Approval recommended. Given that this is the end of a little used dead-end alley, no neighborhood or access issues would be apparent with this vacation.



**Michael Divita**  
Planner  
Department of Community Investment  
City of South Bend  
227 W. Jefferson Blvd., Suite 1400S  
South Bend, IN 46601  
(574) 235-5843  
[mdivita@southbendin.gov](mailto:mdivita@southbendin.gov)

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**From:** Jitin Kain  
**Sent:** Thursday, May 02, 2013 3:38 PM  
**To:** Michael Divita  
**Subject:** FW: Alley Vacation - Frank Linarello - Living Stones Church

FYI



**Jitin Kain**  
Director, Planning  
Department of Community Investment  
(574) 235-5835  
[jkain@southbendin.gov](mailto:jkain@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd., Suite 1400 S.  
South Bend, IN 46601



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**From:** Melinda Lercel  
**Sent:** Friday, April 26, 2013 9:15 AM  
**To:** Andre Price; Jitin Kain; Michael Mecham; Federico Rodriguez; [jbyorni@co.st-joseph.in.us](mailto:jbyorni@co.st-joseph.in.us); Eugene Eyster  
**Cc:** Cheryl Greene; [pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)  
**Subject:** Alley Vacation - Frank Linarello - Living Stones Church

Please provide your recommendations.

*Talk to Tony*



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

**DATE SENT:** 4/25/2013

**TO:** Andre Price, Solid Waste  
Jitin Kain, Community Investment  
Michael Mecham, Engineering Department  
Federico Rodriguez, Fire Department  
John Byorni, Area Plan Commission ([lbyorni@co.st-joseph.in.us](mailto:lbyorni@co.st-joseph.in.us) or 235-9813 fax)  
Gene Eyster, Police Department  
Cheryl Greene, City Attorney's Office  
Phil Griffin, NIPSCO ([pmgriffin@nipsource.com](mailto:pmgriffin@nipsource.com)) (FYI Only)  
Linda M. Martin, Clerk *LM*

**FROM:**  
**SUBJECT:** REQUEST FOR RECOMMENDATION – ALLEY VACATION

**APPLICANT:** Frank Linarello  
**LOCATION:** The portion of the East/West alley between Farneman and Donmoyer going East from Fellowes from the Western edge of the property line of Lot #4 to the dead end of the alley.  
**DATE DUE:** January 28, 2013  
**FAX OR E-MAIL TO:** [235-9171](mailto:235-9171) / [lmartin@southbend.in.gov](mailto:lmartin@southbend.in.gov)

**RECOMMENDATIONS AND COMMENTS:**

*No Comment*  
By Michael Mecham Date 05/07/13

"A"  
FOREST HILL ADD. (UNREC.)  
"B"  
PARK GRANT MINOR SUB  
"C"  
RICE'S FARNEMAN ST. MINOR SUB.

*Drake/Eisk and Hook*

8-24  
PORTION OF ALLEY  
TO BE VACATED

PETITIONER:

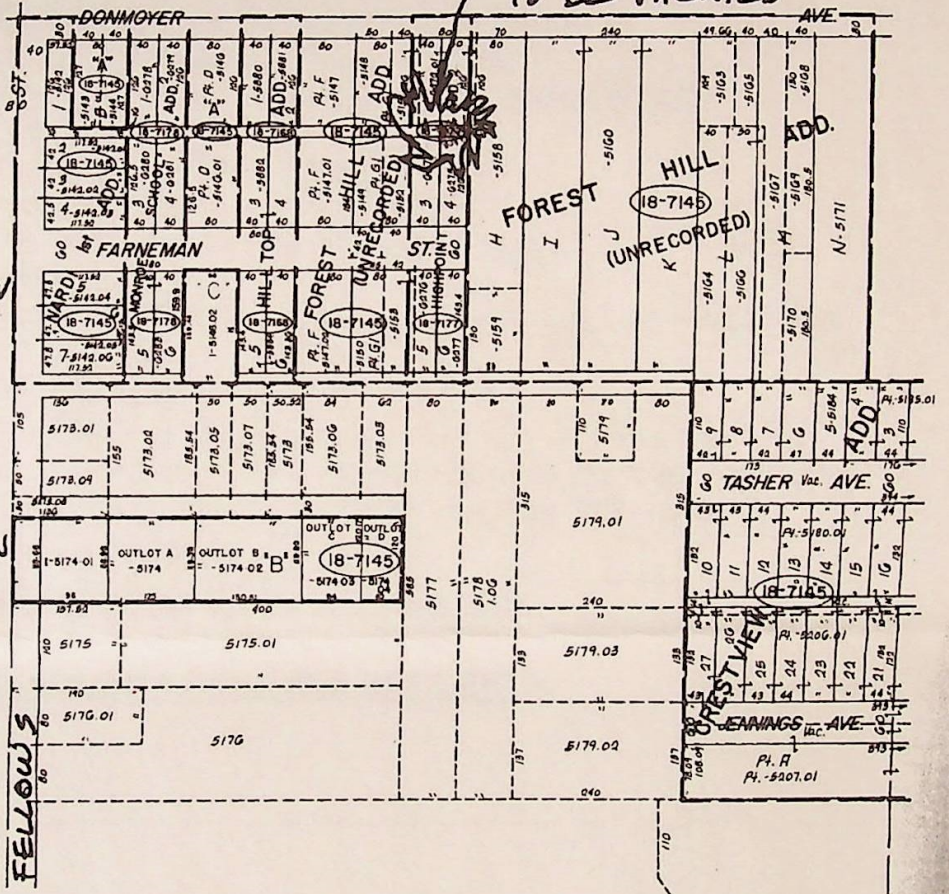
LIVING STONES  
CHURCH  
718 DONMIYER AV  
SOUTH BEND, IN  
46614

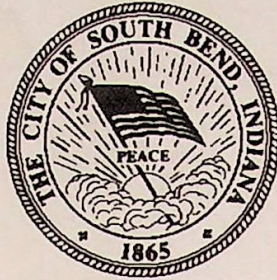
CONTACT:

JEFFERY GRIFFON  
57A-90A-9824

PURPOSE:

BUILDING PLAY  
GROUND FOR  
CHURCH.





INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 4/25/2013

TO: Andre Price, Solid Waste  
✓ Jitin Kain, Community Investment  
✓ Michael Mecham, Engineering Department  
✓ Federico Rodriguez, Fire Department  
✓ John Byorni, Area Plan Commission ([jbyorni@co.st-joseph.in.us](mailto: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](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk *lm*

FROM:

SUBJECT:

REQUEST FOR RECOMMENDATION – ALLEY VACATION

APPLICANT:

~~Frank Linarello~~ *Living Stones Church*

LOCATION:

The portion of the East/West alley between Farneman and Donmoyer going East from Fellowes from the Western edge of the property line of Lot #4 to the dead end of the alley.

DATE DUE:

January 28, 2013

FAX OR E-MAIL TO:

235-9171 / [lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)

RECOMMENDATIONS AND COMMENTS:

By \_\_\_\_\_

Date \_\_\_\_\_