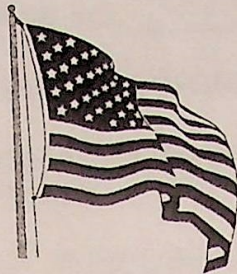


ALLEY VACATION 10240-13 ✓  
Status Vacated

Date 8/29/2013

Description: Streets and Alleys in the Area bounded by  
Sample Street, High Street and the Railroad Tracks

# United States of America



## Certificate

**STATE OF INDIANA, COUNTY OF ST. JOSEPH, ss:**

I, John Voorde, Clerk of the City of South Bend, County of St. Joseph, Indiana, hereby certify that the attached and foregoing is a full, true, and correct copy of

**ORDINANCE 10240-13**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
STREETS AND ALLEYS IN THE AREA BOUNDED BY SAMPLE STREET, HIGH  
STREET AND THE RAILROAD TRACKS**

**PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, JULY 8, 2013.**

**PRESENTED TO, APPROVED AND SIGNED BY MAYOR, PETE BUTTIGIEG,  
JULY 11, 2013.**

**ATTEST: DEREK D. DIETER, PRESIDENT OF THE COMMON COUNCIL**

**ATTEST: JOHN VOORDE, CITY CLERK**

the original of which is now on file in the office of the Clerk of the City of South Bend, St. Joseph County, Indiana.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official Seal of the City of South Bend, St. Joseph County, Indiana, this 29<sup>th</sup> day of August 2013



JOHN VOORDE

Clerk of the City of South Bend  
St. Joseph County, Indiana

By: Jamie Talbot  
Deputy

□

**ORDINANCE NO. 10240-13**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

*Streets and alleys in the area bounded by Sample Street, High Street and the Railroad tracks.*

**STATEMENT OF PURPOSE AND INTENT**

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The first street to be vacated is a portion of Marietta Street from Sample Street South to the intersection of Marietta and Ohio Street for a distance of 300 feet, more or less, and a width of 49.5 feet. The second street to be vacated is a portion of Ohio Street from the intersection of Ohio Street with Marietta Street East for a distance of 370 feet, more or less, to a point 50 feet West of the High Street right of way and a width of 50.5 feet. The first alley to be vacated is the first North/South alley West of High Street, South to the first East/West alley for a distance of 132 feet and a width of 14 feet and continuing South from the East/West alley to Ohio Street for a distance of 146 feet and a width of 14 feet. The second alley to be vacated is the first East/West alley South of Sample Street from High Street West to the first North/South alley for a distance of 198 feet and a width of 14 feet, continuing West to Marietta Street for a distance of 212 feet and a width of 14 feet. The third alley to be vacated is the first East/West alley South of Sample Street from Marietta Street West to the first North/South alley for a distance of 198 feet and a width of 14 feet. The fourth alley to be vacated is the first North/South alley West of Marietta Street, South from Sample Street to the first East/West alley for a distance of 134.64 and a width of 14 feet. The fifth alley to be vacated is the first North/South alley West of High Street from Ohio Street South a distance of 102.8 and a width of 14 feet. The sixth alley to be vacated is the first East/West alley from the first North/South alley West of High Street Southeast along the Norfolk and Western railroad right of way for a distance of 90 feet, more or less. All being a part of Wenger's Addition, Portage Township, City of South Bend, St Joseph County, Indiana.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

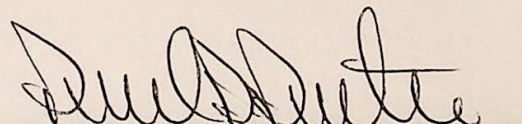
SECTION III. The following property may be injuriously or beneficially affected by such vacating:

*Lot 28, US Sprint Communications Company  
P. O. Box 12913, Overland Park, KS 66212  
Lot 29, Grand Trunk Western RR  
1 Administration Road, Concord ON 46614  
Pt of Lot 21, Redevelopment Commission  
1200 County City Building, South Bend, IN 46601  
Pt of Lot 21, South Bend Board of Public Works  
Rm 1300, 227 W. Jefferson Blvd, South Bend, IN 46601*

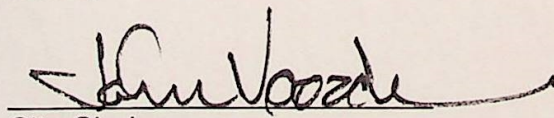
Section IV. The purpose of the vacation of the real property is

*Construction of new South Bend Fire Department Training Facility*

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

  
\_\_\_\_\_  
Member of the Common Council

Attest:

  
\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the  
9th day of July, 2013, at 11:20 o'clock a. m.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.


SECTION III. The following property may be injuriously or beneficially affected by such vacating:

*Lot 28, US Sprint Communications Company  
P. O. Box 12913, Overland Park, KS 66212  
Lot 29, Grand Trunk Western RR  
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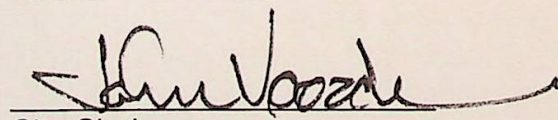
Section IV. The purpose of the vacation of the real property is

*Construction of new South Bend Fire Department Training Facility*

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

  
\_\_\_\_\_  
Member of the Common Council

Attest:

  
\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the  
9th day of July, 2013, at 11:20 o'clock a. m.

Jason Tallon  
City Clerk, Deputy

Approved and signed by me on the 13 day of JULY, 2013, at  
5:00 o'clock P. m.

[Signature]  
Mayor, City of South Bend, Indiana

1st READING 6-24-13  
PUBLIC HEARING 7-8-13  
3rd READING 7-8-13  
NOT APPROVED  
REFERRED  
PASSED 7-8-13

Fire Dept Training Facility, vacation.doc

**Filed in Clerk's Office**  
JUN 18 2013  
JOHN VOORHEE  
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**

May 28, 2013

Mr. Michael Mecham  
City of South Bend Engineering  
227 West Jefferson Boulevard, Room 1316  
South Bend, Indiana 46601

RE: Alley Vacation – All Alleys bordered by Sample Street, High Street and the Penn Central  
Rail Road Tracks  
(Preliminary Review)

Dear Mr. Mecham:

The Board of Public Works, at its May 28, 2013, meeting, reviewed comments by the Area Plan Commission, Community Investment, Fire Department, and the Police Department. The following comments and recommendations were submitted:

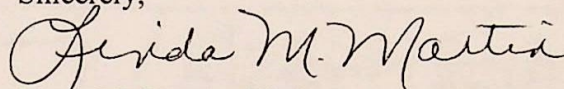
Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation 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 alley.

Page 2 of 2  
May 28, 2013

**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,



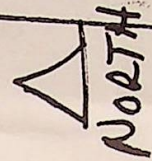
Linda M. Martin, Clerk

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



MAY 28 2013

*Gary A. Sulek*  
*Kurtis S. Gray*  
*Tommy H. ...*



BRENTWOOD ESTATES 51A  
ADD.

PETITIONER:

KAYCA PATEL  
P.O. Box 3454  
SOUTH BEND, IN  
46619

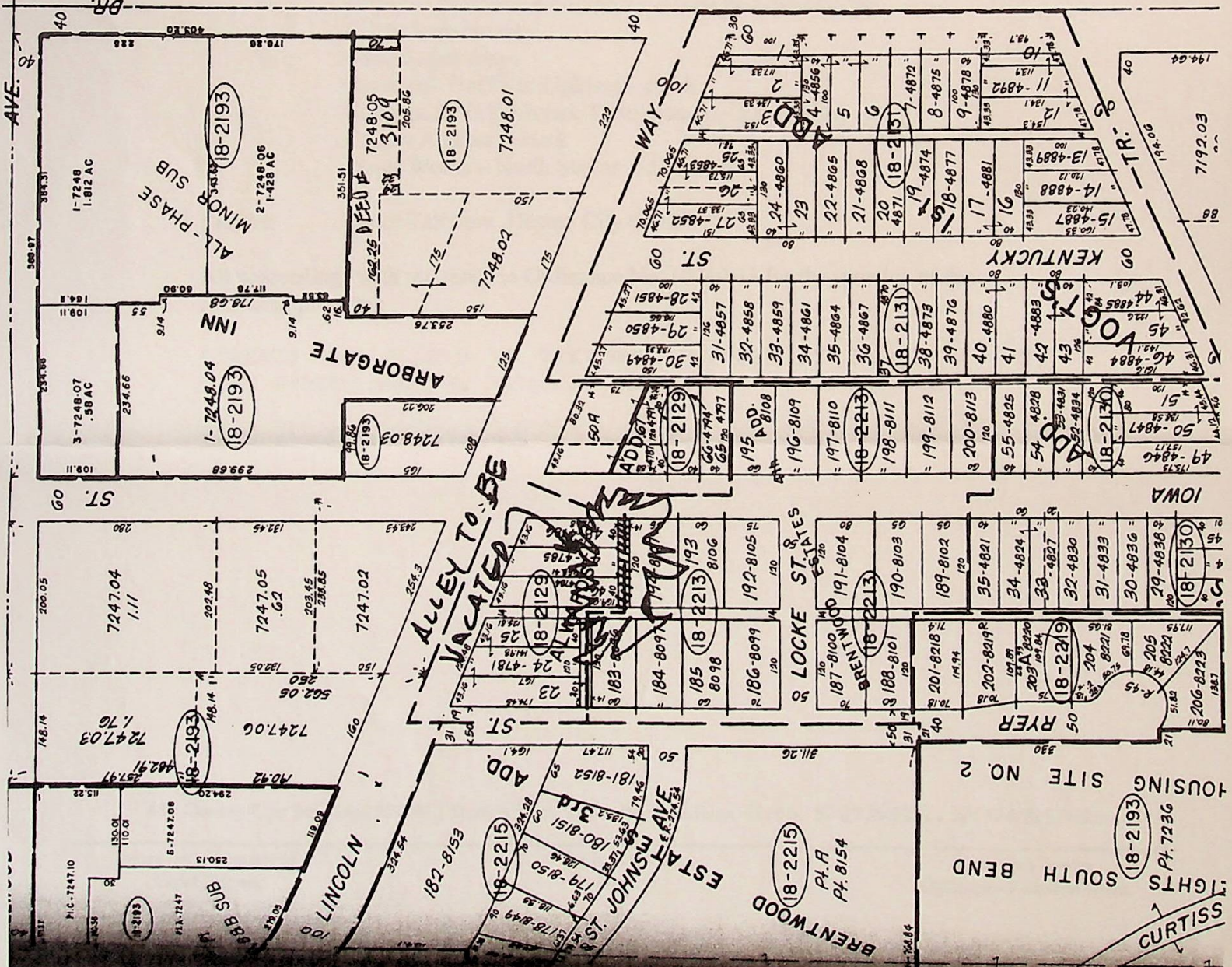
CONTACT:

GARY GRINER  
574-255-1776

PURPOSE:

EXPAND BUSINESS

8-34



RIGHTS SOUTH BEND  
HOUSING SITE NO. 2  
P.L. 7236  
(18-2193)

BRENTWOOD  
(18-2215)  
P.A.  
P.L. 8154

ALLEY TO BE  
VACATED

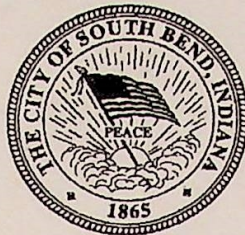
ALPHA PHASE  
MINOR SUB  
(18-2193)

INN  
(18-2193)

(18-2193)

(18-2193)

(18-2193)



# Office of the City Clerk

John Voorde, City Clerk

August 29, 2013

## MEMORANDUM

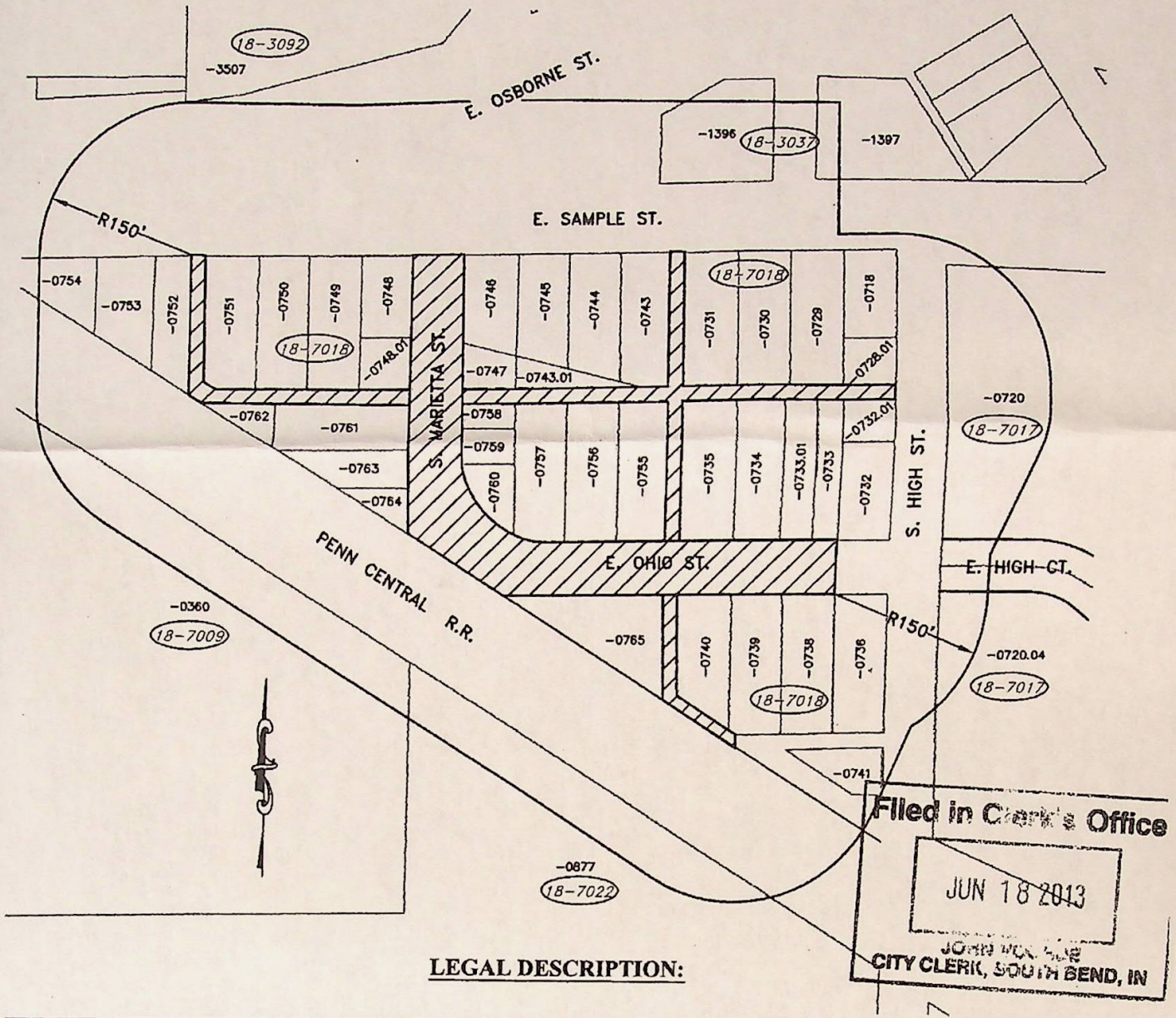
TO: Area Plan Commission  
Board of Public Works/Engineering Dept.  
Building Department  
Fire Department  
Northern Indiana Public Service Company – Phil Griffin  
Police Department  
Street Department  
Bureau of Traffic & Lighting – Mark  
Community & Economic Development – Pam Meyer  
County Auditor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

FROM: Janice Talboom, Deputy City Clerk

All proceedings with reference to Ordinance No. 10240-13 for the vacation of the following property:

STREETS AND ALLEYS IN THE AREA BOUNDED BY SAMPLE STREET,  
HIGH STREET AND THE RAILROAD TRACKS

are closed and this area is vacated.



**LEGAL DESCRIPTION:**

The first street to be vacated is a portion of Marietta Street from Sample Street South to the intersection of Marietta and Ohio Street for a distance of 300 feet, more or less, and a width of 49.5 feet. The second street to be vacated is a portion of Ohio Street from the intersection of Ohio Street with Marietta Street East for a distance of 370 feet, more or less, to a point 50 feet West of the High Street right of way and a width of 50.5 feet. The first alley to be vacated is the first North/South alley West of High Street, South to the first East/West alley for a distance of 132 feet and a width of 14 feet and continuing South from the East/West alley to Ohio Street for a distance of 146 feet and a width of 14 feet. The second alley to be vacated is the first East/West alley South of Sample Street from High Street West to the first North/South alley for a distance of 198 feet and a width of 14 feet, continuing West to Marietta Street for a distance of 212 feet and a width of 14 feet. The third alley to be vacated is the first East/West alley South of Sample Street from Marietta Street West to the first North/South alley for a distance of 198 feet and a width of 14 feet. The fourth alley to be vacated is the first North/South alley West of Marietta Street, South from Sample Street to the first East/West alley for a distance of 134.64 and a width of 14 feet. The fifth alley to be vacated is the first North/South alley West of High Street from Ohio Street South a distance of 102.8 and a width of 14 feet. The sixth alley to be vacated is the first East/West alley from the first North/South alley West of High Street Southeast along the Norfolk and Western railroad right of way for a distance of 90 feet, more or less. All being a part of Wenger's Addition, Portage Township, City of South Bend, St Joseph County, Indiana.