

ALLEY VACATION
ORDINANCE NO. 10263-13
Status Vacated

2 of 2

Date: 12/10/2013

Description:

The First North/South Alley East of Burns Street, West of Duey Avenue running North from the first East-West Alley South of Napoleon Street for a distance of approximately 56 feet to its termination point.

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

December 19, 2013

Mr. Michael Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628

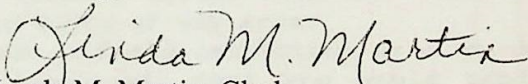
RE: Utility Easement Release – Two (2) Alleys Bounded by Napoleon Street, Duey Street,
Georgiana Street, and a Dedicated Alley

Dear Mr. Danch:

The Board of Public Works, at its meeting held on December 10, 2013, approved the Release of the Utility Easement for the above location.

If you have any further questions regarding this matter, please call this office at (574) 235-9251.

Sincerely,


Linda M. Martin, Clerk



Danch, Harner & Associates, Inc.

MICHAEL J. DANCH, L.A.
RON HARNER, P.S.

Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners

Resent November 26, 2013
October 17, 2013

Ms. Linda Martin
Board of Public Works Secretary
13th Floor County-City Building
South Bend, Indiana 46601

RE: Release of Utility Easement Rights for 2 (Two) 12 ft. wide vacated alleys bounded by Napoleon Street, Duey Street, Georgiana Street, and a dedicated alley, all in the City of South Bend, Indiana:

Dear Mr. Clark;

Please accept this letter as our firm's written request on behalf of our client, University of Notre Dame, to have your company/department make a field inspection of 2 (two) 12 ft. wide vacated Public Alleys in the area bounded by Napoleon Street on the North, Duey Street on the East and Georgiana Street on the West and a dedicated Alley on the South. The University of Notre Dame is in the process of developing the property for Townhomes. For your convenience we have attached a diagram. We have highlighted in yellow on that plan the Vacated alleys we are requesting release of your easements rights over. The release of the easement rights will allow the University of Notre Dame to develop the property into single-family attached Townhomes. We have highlighted on the Subdivision those Vacated Public Alleys we are requesting a release of easement rights over.

The building permit procedure requires that any right-of-ways be cleared of any potential easement rights, if a structure is to be placed over the vacated right-of-way. This process requires that we receive a written verification from each Utility Company confirming that there are no existing utility lines in the highlighted Vacated Alleys and the Utility Company releases any easements rights in said Right-of-way areas.

We would appreciate that once a field inspection or a check of your utility line location records is completed, that you would send written verification on your letterhead to us, stating that you have no utility lines in the highlighted Vacated Public Alleys and that your Company releases any easements rights in said areas.

If you have any questions concerning this matter, please feel free to give me a call at (574) 234-4003.

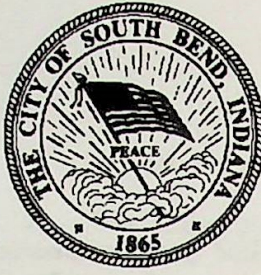
Sincerely,

Michael J. Danch
President
Danch, Harner & Associates, Inc.

File No. 130155

APPROVED
Board of Public Works

DEC 10 2013
James A. Pilot
[Signature]
[Signature]



INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO: Linda Martin, Clerk Board of Works
FROM: Tony Molnar
SUBJECT: Release of easements
DATE: December 3, 2013

Please find attached a map showing two stub alleys that are in the process of being vacated. As you know when an alley is vacated the utility easement remains and each utility has to release the easement so the property owner can use the vacated land. The City has no sewer or water mains in the vacated alleys so I would recommend that the Board release the easements from the two alleys.

If you have any questions, please let me know.

Thanks,

Tony

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

- 1). The first North/South Alley East of Georgiana Street, West of Burns Street running North from the first East-West Alley South of Napoleon Street for a distance of approximately 54.5 feet to its' termination point.
- 2). The first North/South Alley East of Burns Street, West of Duey Avenue running North from the first East-West Alley South of Napoleon Street for a distance of approximately 56 feet to its' termination point.

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:

- 1). The first North/South Alley East of Georgiana Street, West of Burns Street running North from the first East-West Alley South of Napoleon Street for a distance of approximately 54.5 feet to its' termination point. All situated in the "Hartman and Miller's Plat", Recorded in Plat Book 7, Page 29, in the office of the recorder of St. Joseph County, Indiana.
- 2). The first North/South Alley East of Burns Street, West of Duey Avenue running North from the first East-West Alley South of Napoleon Street for a distance of approximately 56 feet to its' termination point. All situated in the "Hartman and Miller's Plat", Recorded in Plat Book 7, Page 29, in the office of the recorder of 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 71 "Hartman & Miller's Plat	Tax Key Number 018-5101-3557
Lot 72 "Hartman & Miller's Plat	Tax Key Number 018-5101-3556
Lot 73 "Hartman & Miller's Plat	Tax Key Number 018-5100-3525

ORDINANCE NO.

10263-13

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Lot 107 "Hartman & Miller's Plat	Tax Key Number 018-5100-3557
Lot 108 "Hartman & Miller's Plat	Tax Key Number 018-5100-3526
Lot 109 "Hartman & Miller's Plat	Tax Key Number 018-5100-3527
Lot 110 "Hartman & Miller's Plat	Tax Key Number 018-5100-3530
Unplatted land	Tax Key Number 018-5102-3579

SECTION IV. The purpose of the vacation of the real property is to allow for the development of the property on the south side of Napoleon Street into single-family attached townhomes.

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 _____ day of _____, 2013, at _____ o'clock ____ M.

City Clerk

Approved and signed by me on the _____ day of _____, 2013, at _____ o'clock ____ M.

MAYOR, CITY OF SOUTH BEND, INDIANA

1st READING 10-14-13
PUBLIC HEARING 10-28-13
2nd READING 10-28-13
NOT APPROVED
REFERRED
PASSED 10-28-13

Filed in Clerk's Office
SEP 24 2013
JOHN
CITY CLERK

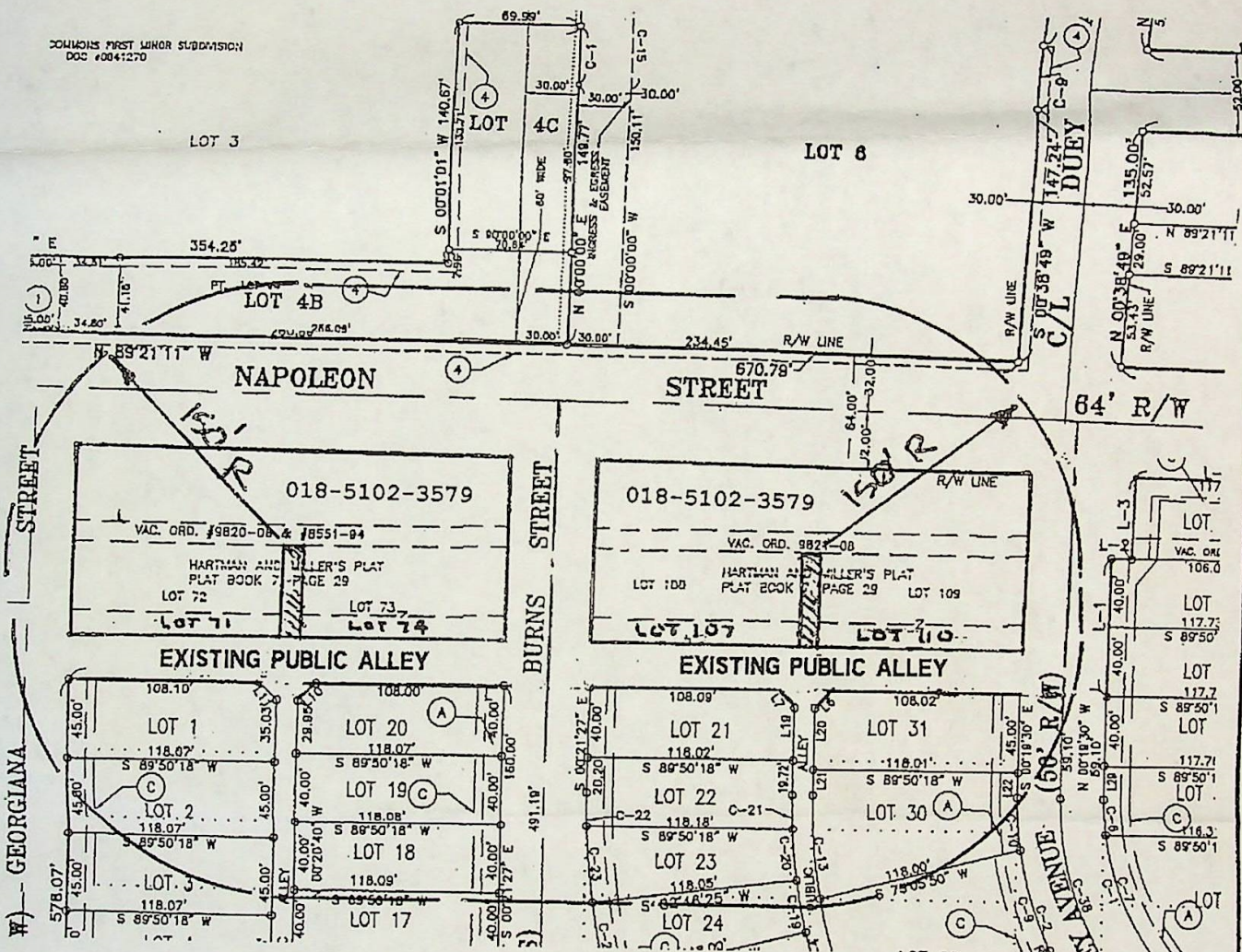
Filed in Clerk's Office

SEP 24 2013

J. L. VOORDE
CITY CLERK, SOUTH BEND, IN

VACATION DIAGRAM

COLLENS FIRST MINOR SUBDIVISION
DCC #0041270



RELEASE OF EASEMENTS DIAGRAM

A PART OF THE NORTHWEST QUARTER SECTION 6, T.37 N., R.3 E.
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

Alleys are described as: 1). The first North/South Alley East of Georgiana Street, West of Burns Street running North from the first East-West Alley South of Napoleon Street for a distance of approximately 54.5 feet to its' termination point. All situated in the "Hartman and Miller's Plat", Recorded in Plat Book 7, Page 29, in the office of the recorder of St. Joseph County, Indiana. 2). The first North/South Alley East of Burns Street, West of Duey Avenue running North from the first East-West Alley South of Napoleon Street for a distance of approximately 56 feet to its' termination point. All situated in the "Hartman and Miller's Plat", Recorded in Plat Book 7, Page 29, in the office of the recorder of St. Joseph County, Indiana.

