

ALLEY VACATION  
ORDINANCE NO. 10263-13  
Status Vacated

1 of 2

Date: 12/10/2013

Description:

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.

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

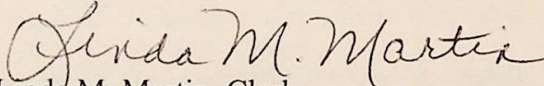
RE: Utility Easement Release – Two (2) Alleys Bounded by Napoleon Street, Duey Street,  
Georgiana Street, and a Dedicated Alley

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

---

GARY A. GILOT

DAVID P. RELOS

KATHRYN E. ROOS

MICHAEL C. MECHAM

MARK W. NEAL



# 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  
13<sup>th</sup> 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. Gilot*  
*[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

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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

Lot 74 "Hartman & Miller's Plat	Tax Key Number 018-5100-3528
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.

*[Handwritten Signature]*

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 [unclear]  
CITY CLERK

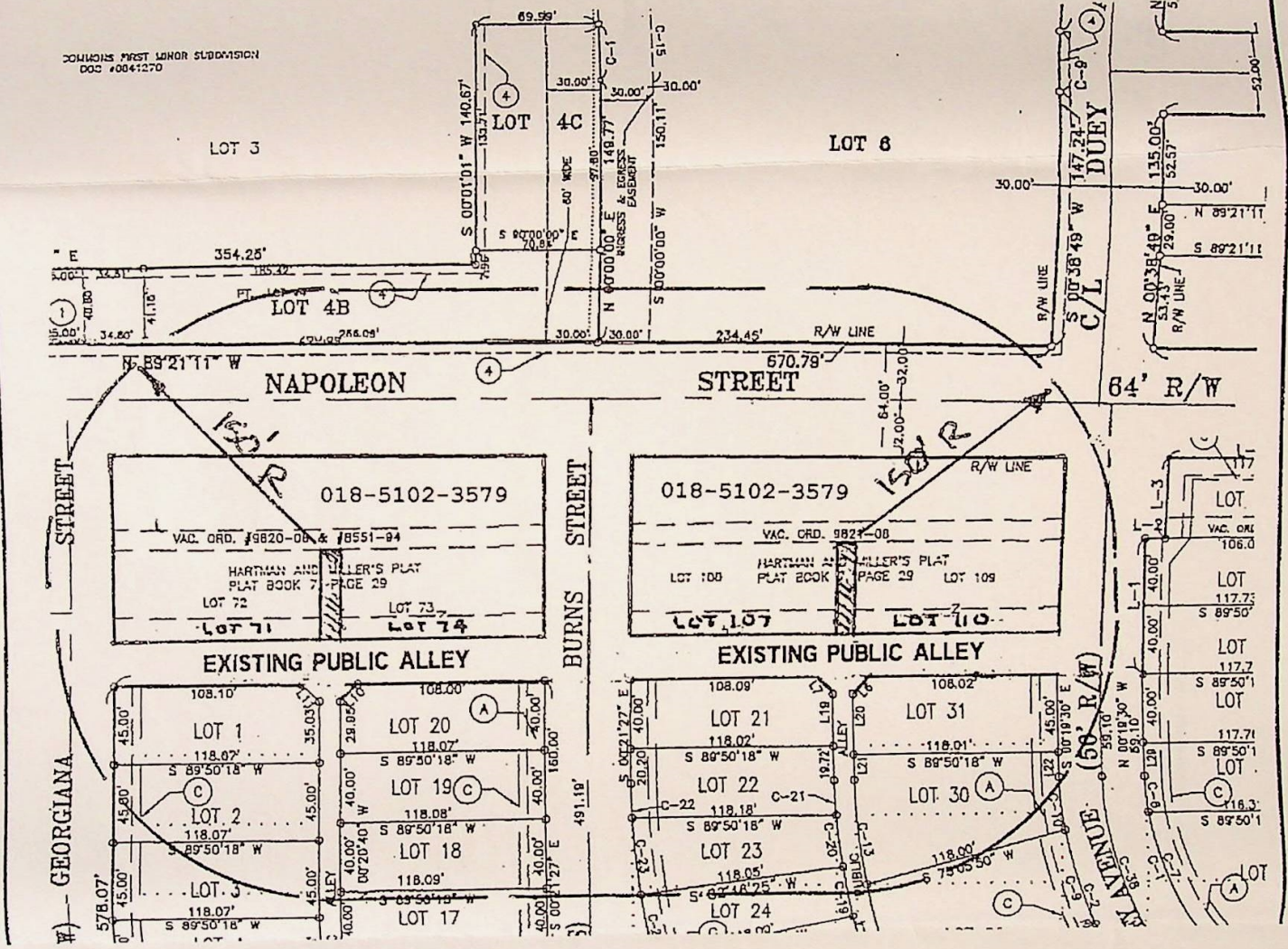
Filed in Clerk's Office

SEP 24 2013

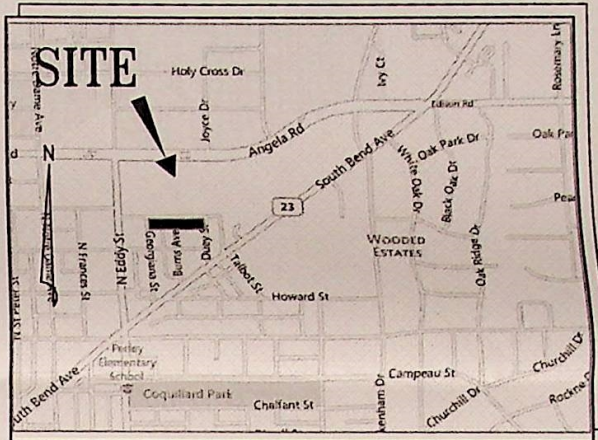
JC WOODRUFF  
CITY CLERK, SOUTH BEND, IN

# VACATION DIAGRAM

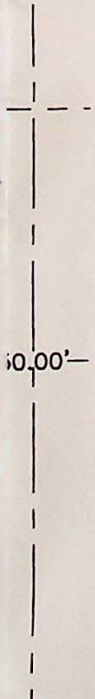
OWNER'S FIRST LONOR SUBMISSION  
DOC #0841270



0.00'



SITE LOCATION MAP  
N.T.S.

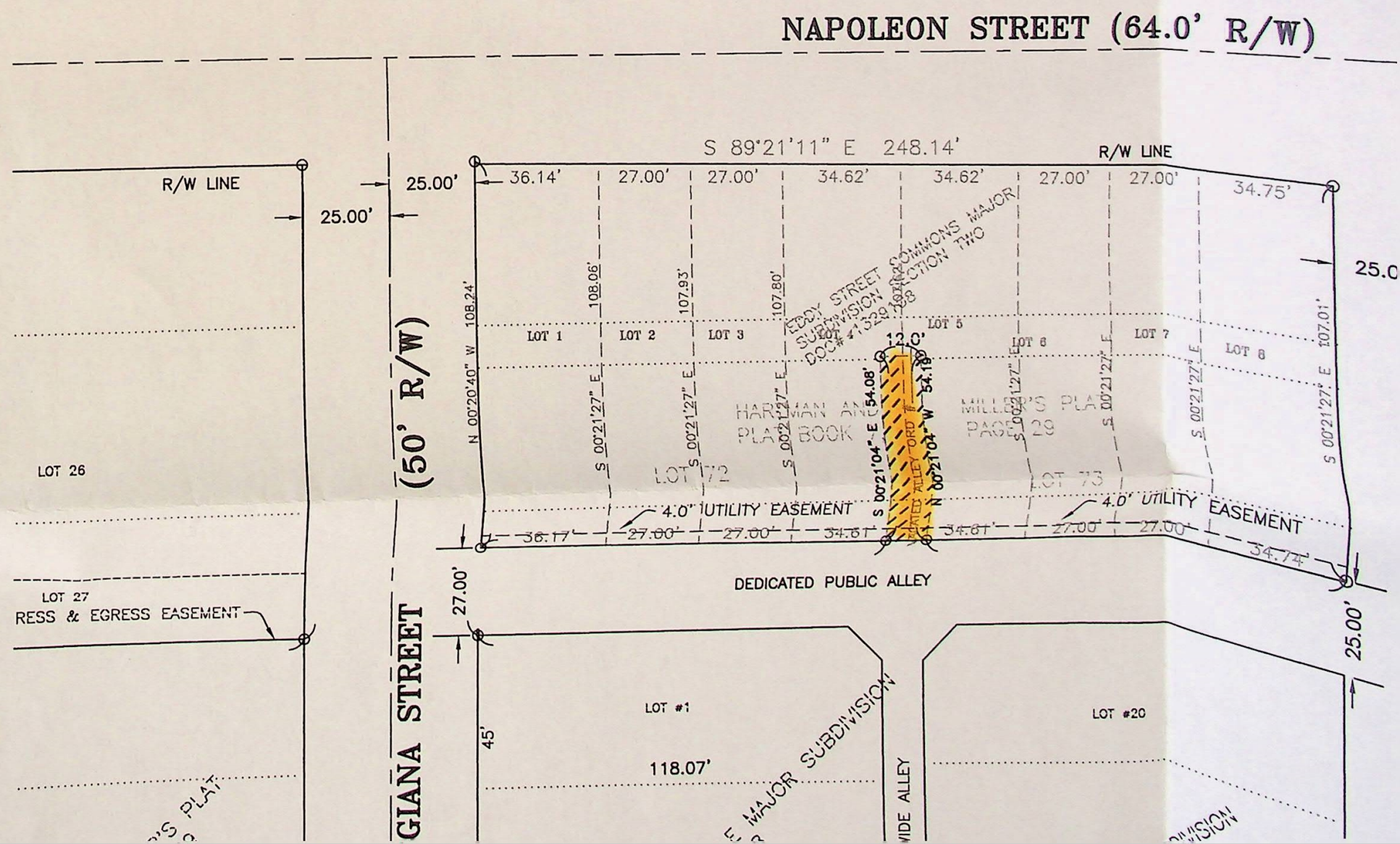




# RELEASE OF EASEMENTS

A PART OF THE NORTHWEST QUARTER SECTION  
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, West of Duey Avenue 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.



**EXISTING LEGEND**

- △ SET P.K. NAIL
- FND. IRON AT GROUND LEVEL
- SET FLUSH, 5/8" CAPPED REBAR
- ☆ PINE TREE
- IN. REG. #910032
- MI. REG. #22436

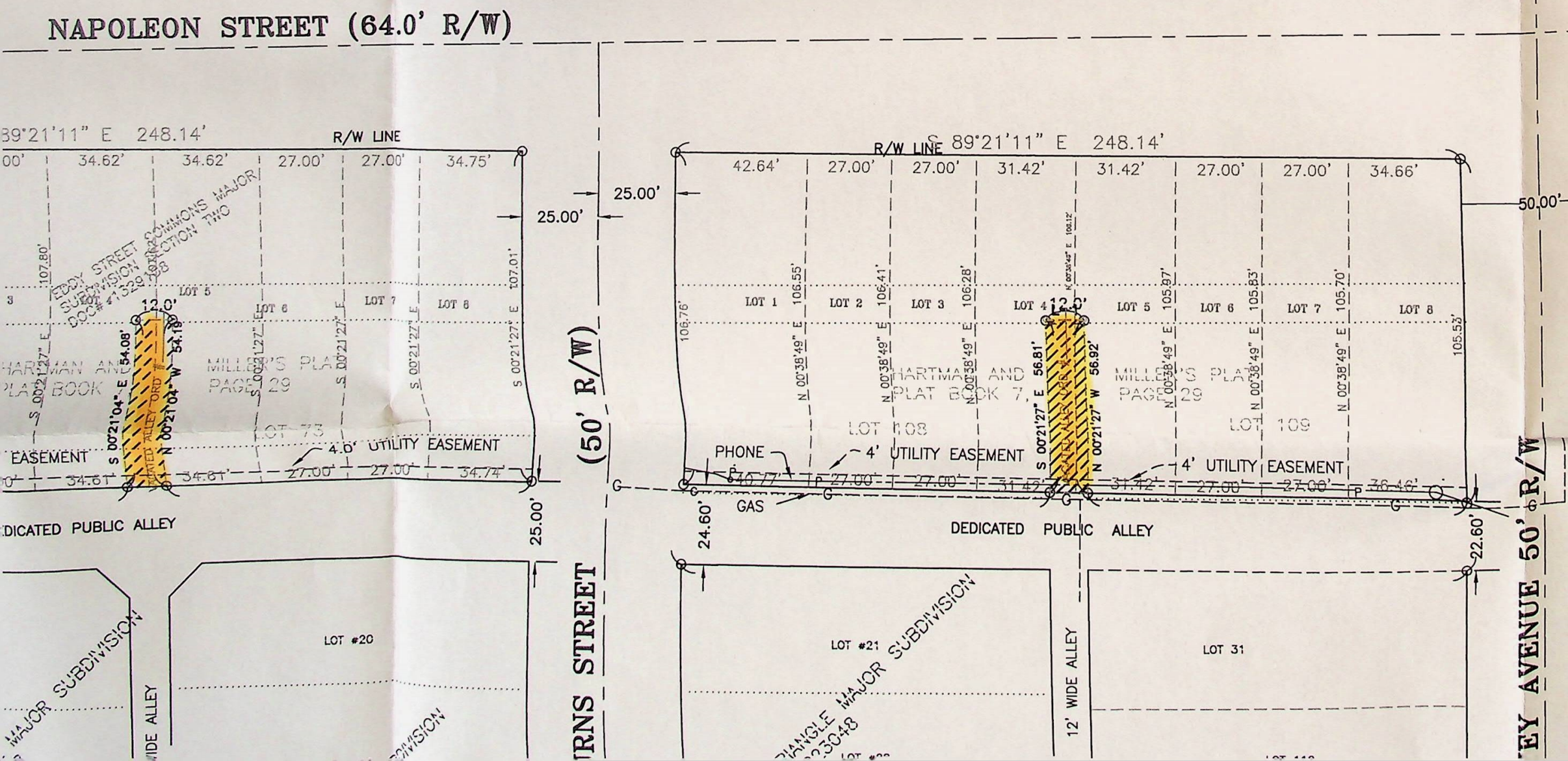
# ASE OF EASEMENTS DIAGRAM

F THE NORTHWEST QUARTER SECTION 6, T.37 N., R.3 E.  
 UTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

uth Alley East of Georgiana Street, West of Burns Street running North from the first East-West  
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 rth from the first East-West Alley South of Napoleon Street for a distance of approximately 56  
 ie "Hartman and Miller's Plat", Recorded in Plat Book 7, Page 29, in the office of the recorder

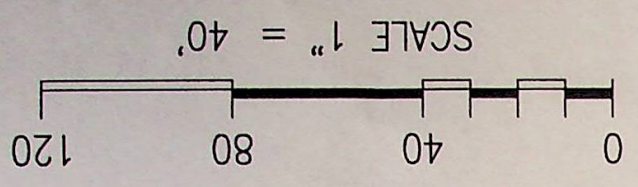
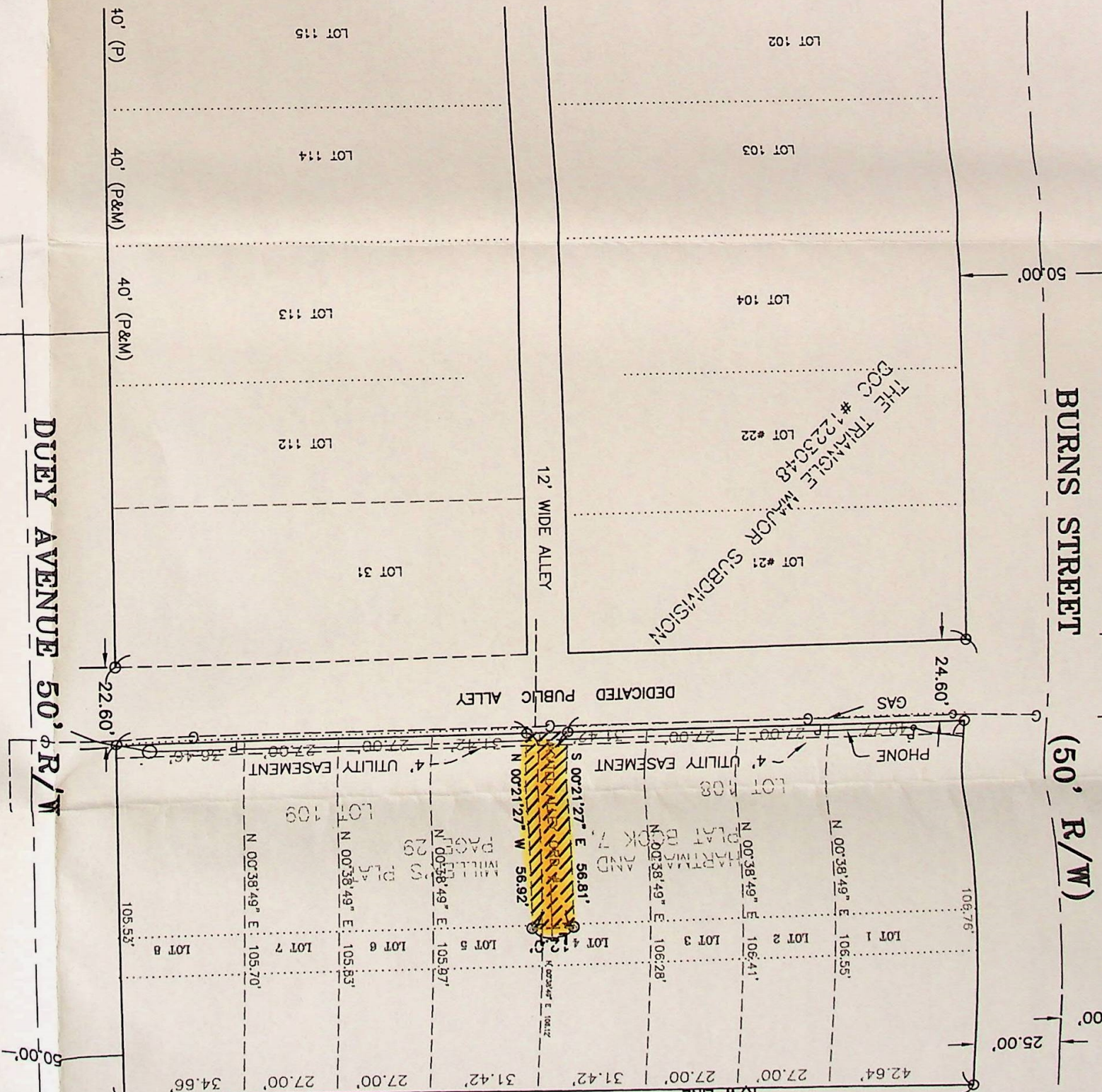
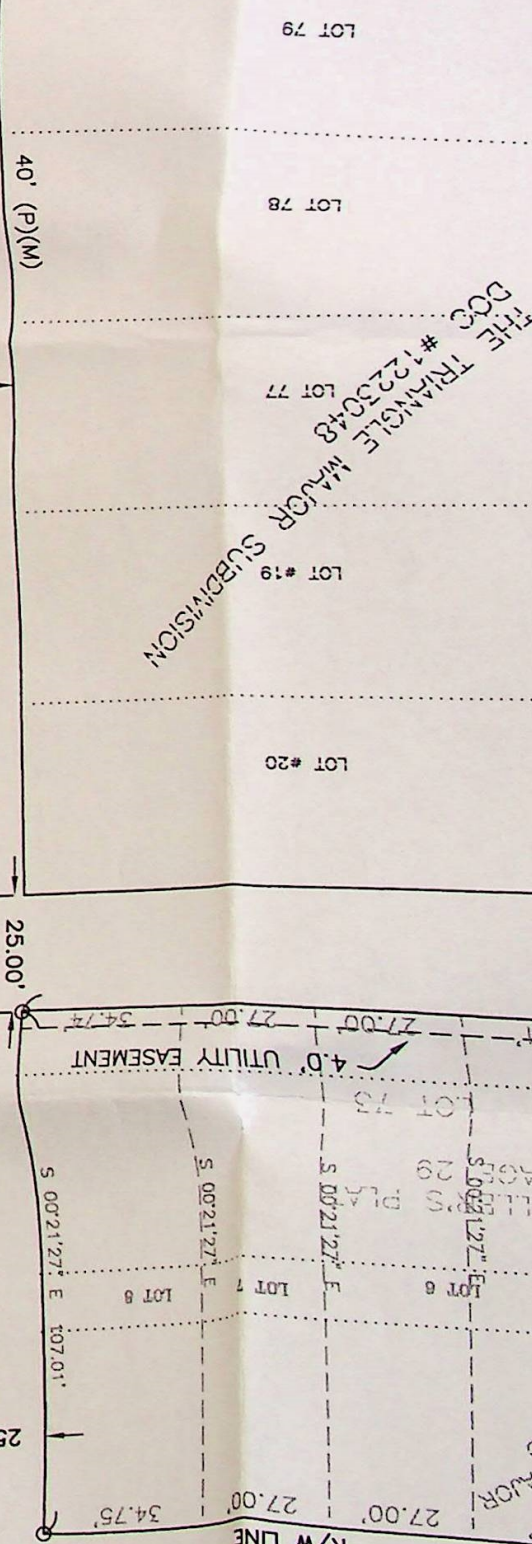
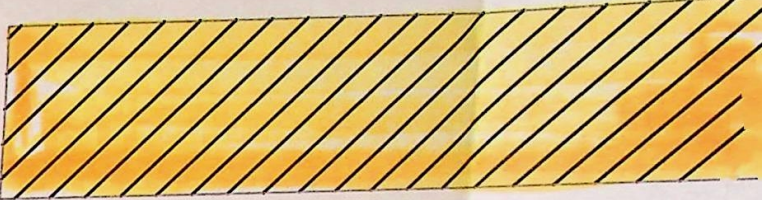


SITE LOCATION  
N.T.S.



**SURVEYORS & ENGINEERS:**  
 DANCH, HARNER & ASSOCIATES, INC.  
 1643 COMMERCE DRIVE  
 SOUTH BEND, IN. 46628  
 (574) 234-4003  
 MICHAEL DANCH

**LEGEND**  
 AREA TO BE RELEASED

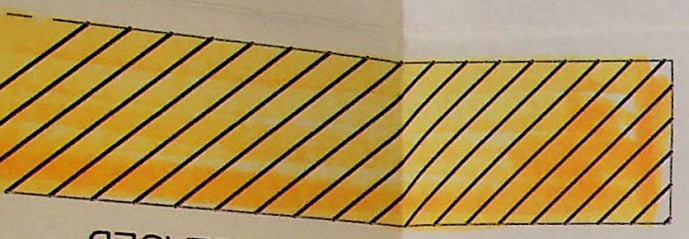


**REVISIONS**

DATE	BY	DESCRIPTION
10-1-13	PJH	DRAWN BY:
		CHECKED BY: MJD
		PROJ. MANGR: 130155

1 OF 1 SHEET

**Danch, Harner & Associates, Inc.**  
 Land Surveyors • Professional Engineers  
 Landscape Architects • Land Planners  
 Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119  
 1643 Commerce Drive • South Bend, IN 46628



LEGEND  
AREA TO BE RELEASED



**EXISTING LEGEND**

△ SET P.K. NAIL	○ FND. IRON AT	● GROUND LEVEL	○ CAPPED REBAR	MI. REG. #22436
○ PINE TREE	○ SET FLUSH, 5/8"	○ IN. REG. #910032		
○ BUSH				
○ TREE				
○ FOUNTAIN/IRRIGATION				
○ POST/POLE/BOLLARD				
○ LIGHT POLE				
○ UTILITY POLE				
○ GUY ANCHOR				
○ SIGN				
○ WELL				
○ VALVE				
○ HYDRANT				
○ CATCH BASIN				
○ DRY WELL				
○ MANHOLE				
○ CLEAN-OUT				
BC BOTTOM/CURB				
W WATER				
W WATER BOX				
G GAS				
C CTV BOX				
T UT UNDER GROUND TELEPHONE				
E PEDESTAL				
E PEDESTAL				
E ELECTRIC				
OHE OVERHEAD ELECTRIC				
MB MAILBOX				
AC AIR COND.				
XXXXXX EX. ELEVATION				
--- EXIST. FENCE				
--- EXIST. CONTOUR				
--- ELECTRIC				
--- PHONE				
--- CABLE TV				
--- GAS LINE				
--- WATER MAIN				
--- STORM PIPE				
--- SANITARY				

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