

ALLEY VACATION
ORDINANCE NO. 10302-14
Status Vacated

Date: 4/15/2014

Description:

First East/West Alley South of Fairview St from the East Right of Way
Line of Kaley St. to the First Northeasterly/Southwesterly Alley for a
distance of 360 feet more or less.

ORDINANCE NO. 1030244

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST/WEST ALLEY SOUTH OF FAIRVIEW STREET FROM THE EAST RIGHT OF WAY LINE OF KALEY STREET TO THE FIRST NORTHEASTERLY/SOUTHWESTERLY ALLEY FOR A DISTANCE OF 360 FEET MORE OR LESS

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:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST EAST/WEST ALLEY SOUTH OF FAIRVIEW STREET FROM THE EAST RIGHT OF WAY LINE OF KALEY STREET TO THE FIRST NORTHEASTERLY/SOUTHWESTERLY ALLEY FOR A DISTANCE OF 360 FEET MORE OR LESS, AND A WIDTH OF 14 FEET. BEING A PART OF HOMELAND ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, 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.



Office of the City Clerk

John Voorde, City Clerk

June 4, 2014

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. 10302-14 for the vacation of the following property:

THE FIRST EAST/WEST ALLEY SOUTH OF FAIRVIEW STREET FROM THE EAST RIGHT OF WAY LINE OF KALEY STREET TO THE FIRST NORTHEASTERLY/SOUTHWESTERLY ALLEY FOR A DISTANCE OF 360 FEET MORE OR LESS

are closed and this area is vacated.

455 County-City Building 227 W. Jefferson Blvd South Bend, Indiana 46601 • 574/235-9221 Fax 574/235-9173

Mary Beth Wisniewski
Chief Deputy

Janice Talboom
Deputy

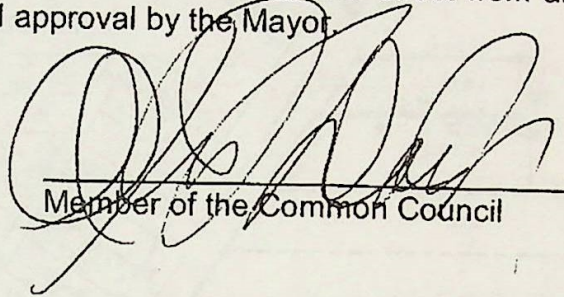
Kareemah Fowler
Ordinance Violation Clerk

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

| | | |
|------|---------------|---------------|
| Lots | 018-8109-5473 | 018-8109-5472 |
| | 018-8109-5174 | 018-8109-5471 |
| | 018-8109-5475 | 018-8109-5470 |
| | 018-8109-5476 | 018-8109-5469 |
| | 018-8109-5468 | 018-8109-5467 |
| | 018-8109-5466 | 018-8109-5465 |
| | 018-8109-5464 | |

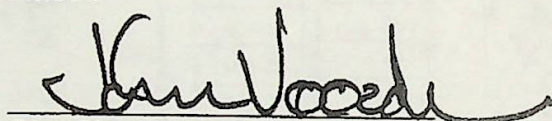
Section IV. The purpose of the vacation of the real property is to consolidate the property and put a fence up to help keep the neighborhood looking nice. There are many people walking up and down the alley and throwing trash. We have had several break ins in the area too.

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.



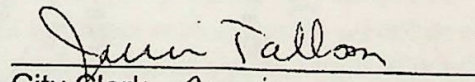
Member of the Common Council

Attest:




City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the 15th day of April, 2014, at 10:30 o'clock a. m.



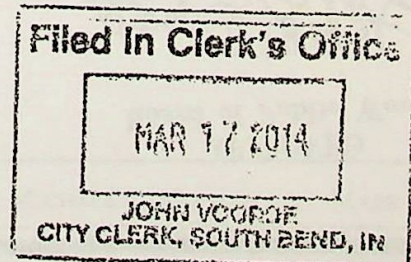
City Clerk, Deputy

Approved and signed by me on the 15 day of APRIL, 2014, at 5:00 o'clock P. m.

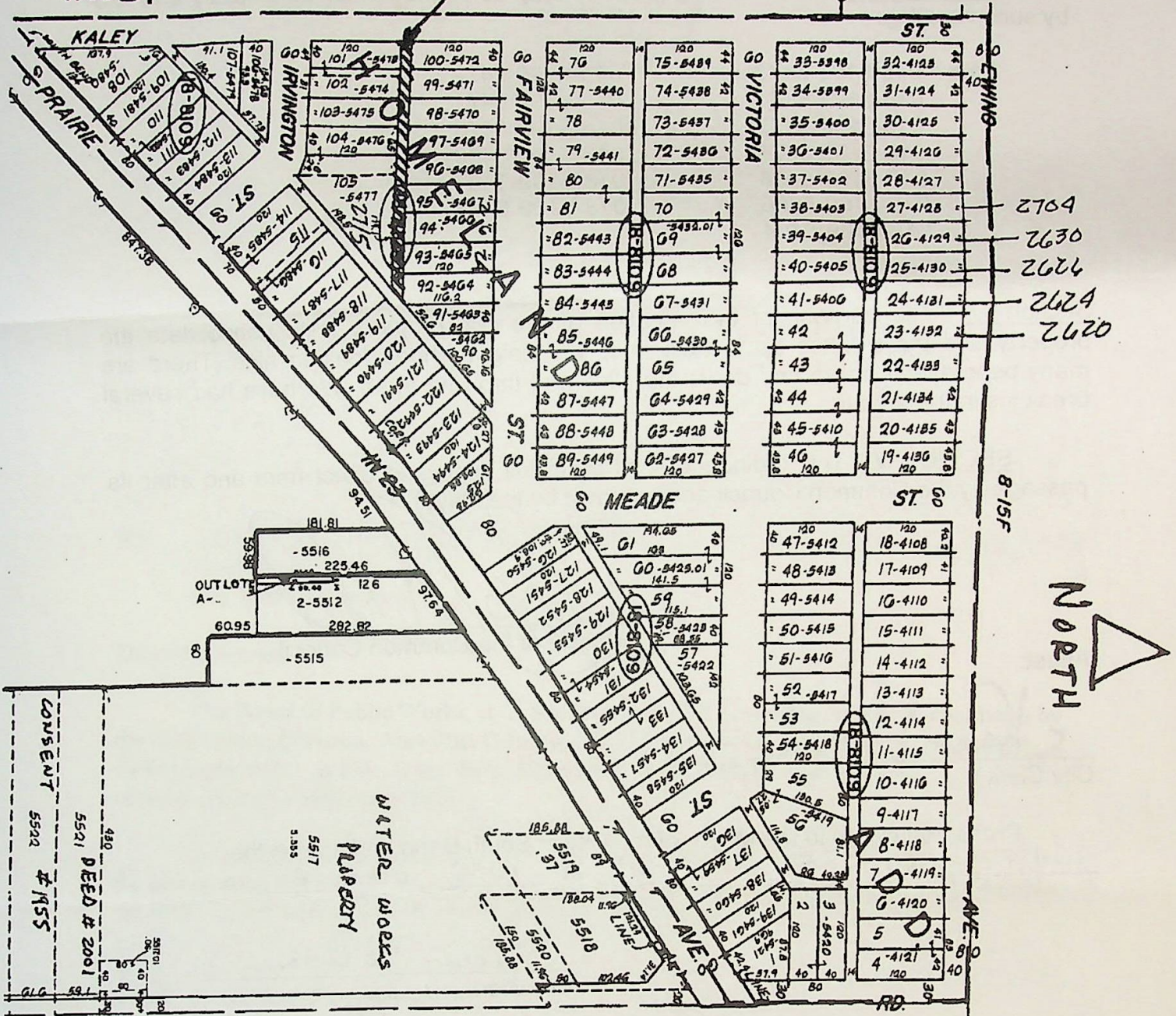


DEPUTY Mayor, City of South Bend, Indiana

1st READING 3-24-14
PUBLIC HEARING 4-14-14
3rd READING 4-14-14
NOT APPROVED
REFERRED
PASSED 4-14-14



ALLEY TO BE VACATED



2704
2630
2624
2624
2620

NORTH

PETITIONER:
Pablo Gomez
2624 FAIRVIEW AV
SOUTH BEND, IN
46619
574-370-3002

PURPOSE:
FENCE BOTH
2624 FAIRVIEW &
2715 IRVINGTON
SAME OWNER

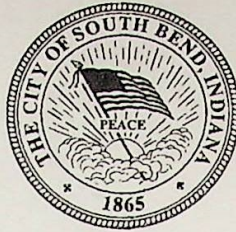
APPROVED
Board of Public Works
SEP 18 2013

CONSENT
5521 DEED # 2001
5522 # 1955

OUTLOT
A-
5516
225.46
2-5512
126
60.95
282.82
-5515

WATER WORKS
PROPERTY

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

September 10, 2013

Mr. Pablo Gomez
2624 Fairview Street
South Bend, Indiana 46614

RE: Alley Vacation – The East/West Alley between Fairview and Irvington from Kaley to the North/South Alley
(Preliminary Review)

Dear Mr. Gomez:

The Board of Public Works, at its September 10, 2013, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, 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.

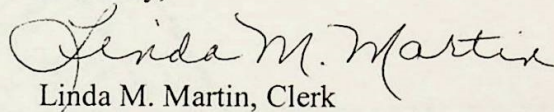
The Police Department stated there are utility poles in the alley. Area Plan states the alley does not appear to provide direct access to any of the adjacent properties and is an unimproved alley that is not in use.

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

September 10, 2013
Gomez, Pablo
Page 2 of 2

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

PETITIONER:

PABLO GOMEZ

262A FAIRVIEW AV
SOUTH BEND, IN
46614

574-370-3002

PURPOSE:

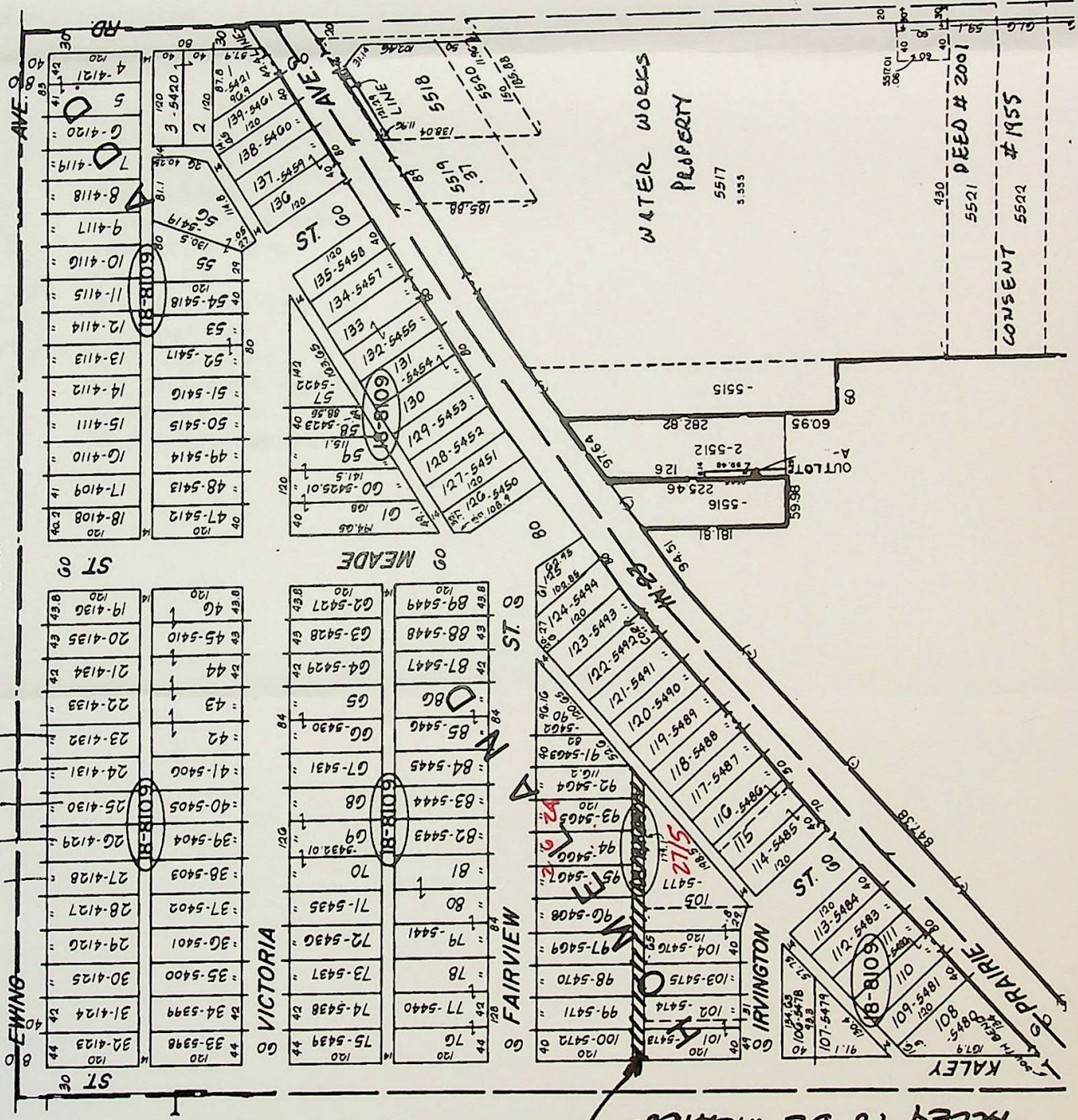
FENCE BOTH
262A FAIRVIEW &
2715 IRVINGTON
SAME OWNER

APPROVED
Board of Public Works

SEP 10 2013
Katey...
...



2620
2629
2626
2630
2639



ALLEY TO BE VACATED

Melinda Lercel

From: Melinda Lercel
Sent: Monday, August 12, 2013 2:40 PM
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 - Pablo Gomez
Attachments: Alley Vacation - Pablo Gomez.pdf

Please provide your recommendations.

Thank you,



Melinda Lercel

Department of Public Works
Division of Engineering
(574) 235-9251
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

From: Federico Rodriguez
Sent: Wednesday, August 14, 2013 11:13 AM
To: Melinda Lercel
Subject: RE: Alley Vacation - Pablo Gomez

Approved S.B.F.D. Alley is already grass over and not being used anymore.



Federico (Chico) Rodriguez
Fire Marshal
Office: (574) 235-7564
Mobile: (574) 876-6734
1222 S. Michigan Street
City of South Bend, In 46601
frodrigu@southbendin.gov

From: Melinda Lercel
Sent: Monday, August 12, 2013 2:38 PM
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 - Pablo Gomez

Please provide your recommendations.

Thank you,



Melinda Lercel
Department of Public Works
Division of Engineering
(574) 235-9251
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

From: Brad Rohrscheib
Sent: Friday, August 16, 2013 8:10 PM
To: Melinda Lercel
Subject: RE: Alley Vacation - Pablo Gomez

After review, the police department has no objections, however I noticed that utility poles and overhead lines run the length of this alley and didn't know if that affected vacation possibilities. Also was curious if the other neighbors affected by this signed a petition in acceptance or not? Thank you



PFC Brad Rohrscheib
South Bend Police Department
Uniform Patrol Division
701 W. Sample St.
South Bend, IN 46601
(574) 235-5888 ext. 2250
brohrsch@southbendin.gov
www.southbendin.gov



From: Eugene Eyster
Sent: Friday, August 16, 2013 10:48 AM
To: Brad Rohrscheib
Subject: FW: Alley Vacation - Pablo Gomez

From: Melinda Lercel
Sent: Monday, August 12, 2013 2:38 PM
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 - Pablo Gomez

Please provide your recommendations.

Thank you,



Melinda Lercel
Department of Public Works
Division of Engineering
(574) 235-9251
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

From: Angela Smith <ASmith@co.st-joseph.in.us>
Sent: Tuesday, August 20, 2013 10:42 AM
To: Melinda Lercel
Subject: Re: Alley Vacation - Pablo Gomez
Attachments: Fairview-Irvington-Kaley.doc; Smith, Angela.vcf

Attached please find our comments for the above referenced alley vacation.

Angela M. Smith, Planner

Area Plan Commission
(574) 235-9571

>>> Melinda Lercel <mlercels@southbendin.gov> 8/12/2013 2:38 PM >>>

Please provide your recommendations.

Thank you,



Melinda Lercel

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

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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

August 13, 2013

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

RE: Alley Vacation
Applicant: Pablo Gomez
Vacation of the East/West Alley between Fairview and Irvington from Kaley Street to the North/South Alley

Dear Board Members:

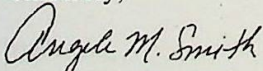
The staff has reviewed this petition. It is the staff's opinion that:

- (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 unimproved and does not appear to be in use. It is a small alley that only services a few homes, however, there are utility lines located in the current alleyway.
- (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 Fairview or Irvington.

Due to the above stated reasons, the staff recommends that the proposed alley vacation be approved subject to utility easement release.

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

Sincerely,


Angela M. Smith
Planner

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA, & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM

Linda Martin

From: Elizabeth Maradik
Sent: Thursday, September 05, 2013 11:30 AM
To: Linda Martin
Cc: Jitin Kain
Subject: FW: Alley Vacation - Pablo Gomez
Attachments: Alley Vacation - Pablo Gomez.pdf

The Department of Community Investment gives a favorable recommendation to this request. The alley in its current condition does not function as one - it is a "paper alley." Formally vacating it will not negatively impact neighbors or the neighborhood.

Please let me know if you have any questions.

Thanks,
Liz

From: Jitin Kain
Sent: Wednesday, September 04, 2013 11:09 AM
To: Elizabeth Maradik
Subject: FW: Alley Vacation - Pablo Gomez

Pls review and provide recommendation asap.

Jitin



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



From: Melinda Lercel
Sent: Monday, August 12, 2013 2:38 PM
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 - Pablo Gomez

Please provide your recommendations.

Thank you,



Melinda Lercel

Department of Public Works

Division of Engineering

(574) 235-9251

mlercel@southbendin.gov

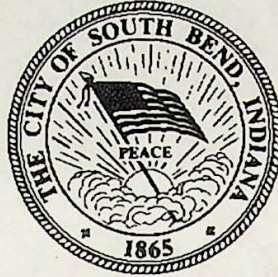
City of South Bend

227 W. Jefferson Blvd.

Suite 1316 County City Building

South Bend, IN 46601

<http://www.southbendin.gov>



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

DATE SENT: 8/12/2013

TO: Andre Price, Solid Waste
✓ Jitin Kain, Community Investment
✓ Michael Mecham, Engineering Department
✓ Federico Rodriguez, Fire Department
✓ John Byorni, Area Plan Commission (ibyorni@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)
Linda M. Martin, Clerk *LM*

FROM:

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

APPLICANT: **Pablo Gomez**

LOCATION: The East/West Alley between Fairview and Irvington from Kaley Street to the North/South Alley

DATE DUE: **August 26, 2013**

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

RECOMMENDATIONS AND COMMENTS:

By _____ Date _____