

ALLEY VACATION
ORDINANCE NO. 10335-14

Status Vacated

Date: November 10, 2014

Description: the First East/West Alley South of Colfax
Avenue from Lafayette Boulevard to the Frist
North/South Alley

ORDINANCE No. 10335-14

Passed by the Common Council of the City of South Bend, Indiana _____

November 10, 20 14

Attest:

John Voorde
JOHN VOORDE

City Clerk

Chief Deputy

Attest:

[Signature]

President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana _____

November 12, 20 14

John Voorde
JOHN VOORDE

City Clerk

Chief Deputy

Approved and signed by me

Nov 12th 20 14

ORDINANCE NO. 10335-14

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The first E/W alley South of Colfax Avenue from LaFayette Blvd. to the first N/S alley.

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 East/West alley South of Colfax Avenue from the East right of way of line of LaFayette Blvd. to the first North/South alley for a distance of 165 feet and a width of 10 feet. Being a part of Knoblock's Subdivision and a Part of the Original Plat of South Bend, 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.

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

018-1012-0475
018-1012-0473

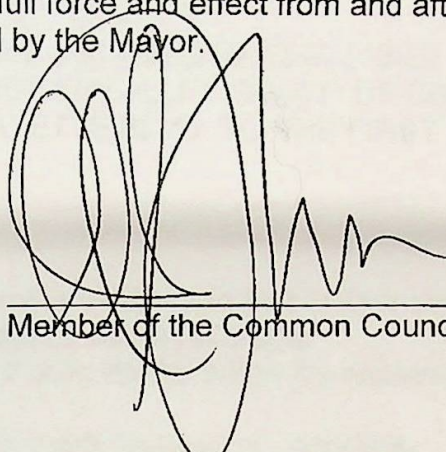
018-1012-0474

018-1012-0471

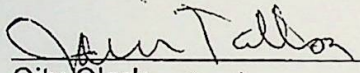
SECTION IV: The purpose of the vacation of the real property is

The alley has been paved and used for parking for many years. Colfax Place Associates owns the four (4) abutting parcels and maintains the area designated as an alley for parking.

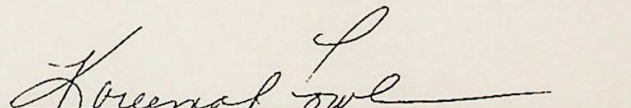
SECTION V: This ordinance shall be if full force and effect from and after its passage by the Common Council and approval by the Mayor.


Member of the Common Council

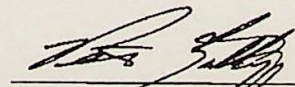
Attest:


City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the 12th day of November, 2014, at 1:00 o'clock p. m.


City Clerk Deputy Clerk

Approved and signed by me on the 12th day of Nov., 2014, at 5:30 o'clock p. m.


Mayor, City of South Bend, Indiana

1st READING 10-13-14
PUBLIC HEARING 11-10-14
3rd READING 11-10-14
NOT APPROVED
REFERRED
PASSED 11-10-14

Filed in Clerk's Office
OCT-8 2014
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND:

Your Committee of the Whole, to whom was referred:

BILL NO.

56-14

A BILL TO VACATE THE FOLLOWING DESCRIBED
PROPERTY: THE FIRST E/W ALLEY SOUTH OF COLFAX
AVENUE FROM LAFAYETTE BLVD. TO THE FIRST N/S
ALLEY

Respectfully report that they have examined the matter and that in their opinion,
this bill is being recommended to the full Council with a favorable
recommendation subject to an easement if Public Works thinks it's necessary.

This bill was heard by the Public Works & Property Vacation Committee.

Valerie Schey
Chairperson, Committee of the Whole

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: 10/6/2014

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

First East/West alley South of Colfax Avenue from the East right of line of LaFayette
Blvd. to the first North/South alley for a distance of 165 feet and a width of 10 feet.
Being a part of Knoblock's Subdivision and a Part of the Original Plat of South
Bend, City of South Bend, Portage Township, St. Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)

ADDRESS

LOT #

Colfax Place Associates, LP

122 Lafayette

244

Timothy A. Baker

CONTACT PERSON (S)

NAME:

Timothy A. Baker

ADDRESS:

227 S. Main Street

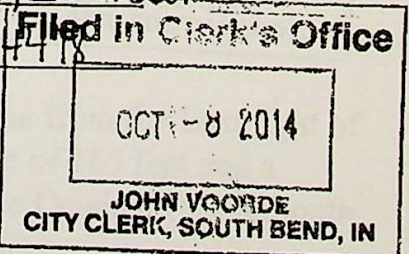
South Bend, IN 46601

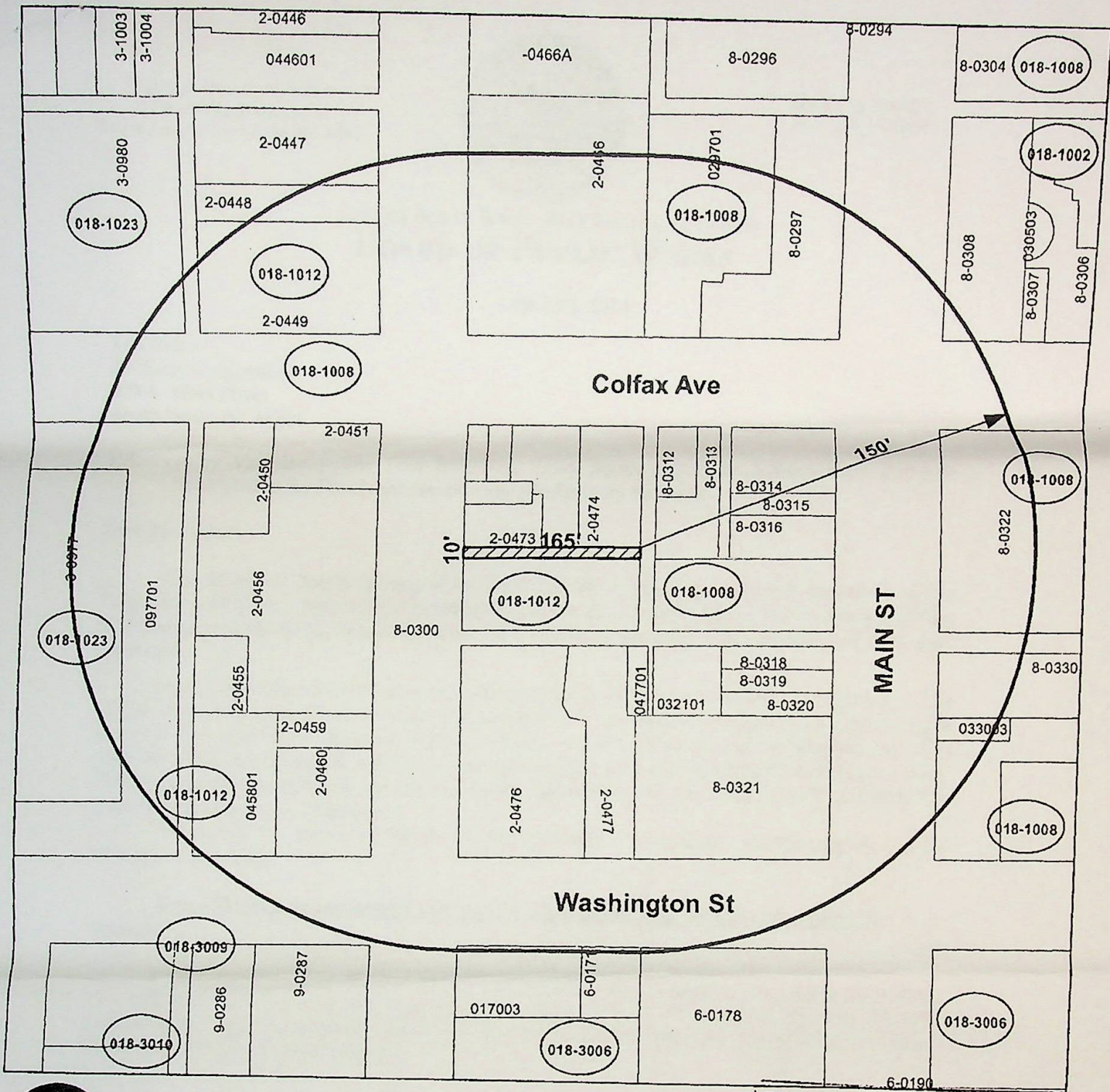
PHONE:

574-217-4778

RETURN TO:

OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221





LEGAL DESCRIPTION:

Filed in Clerk's Office
CCT-8 2014
JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

The alley to be vacated is the first East/West alley South of Colfax Avenue from the East right of way of line of LaFayette Blvd. to the first North/South alley for a distance of 165 feet and a width of 10 feet. Being a part of Knoblock's Subdivision and a Part of the Original Plat of South Bend, City of South Bend, Portage Township, St. Joseph County, Indiana.

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

April 22, 2014

Tim Baker
Holladay Corporation
227 S. Main Street
South Bend, IN 46601

RE: Alley Vacation – The First East/West Alley South of Colfax Avenue from Lafayette Boulevard to the First North/South Alley (Preliminary Review)

Dear Mr. Baker:

The Board of Public Works, at its April 22, 2014, 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.

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

You will need an executed Cross Access Agreement with all affected property owners.

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

GARY A. GILOT

DAVID P. RELOS

KATHRYN E. ROOS

PATRICK M. HENTHORN

BRIAN J. PAWLOWSKI

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9251
FAX 574/ 235-9171

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Sincerely,

Linda M. Martin, Clerk

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

APR 22 2014

PURPOSE: CONSOLIDATE PROPERTY UNDER ONE LOT AND ONE TAX KEY NO

John P. Baker
4/22/14

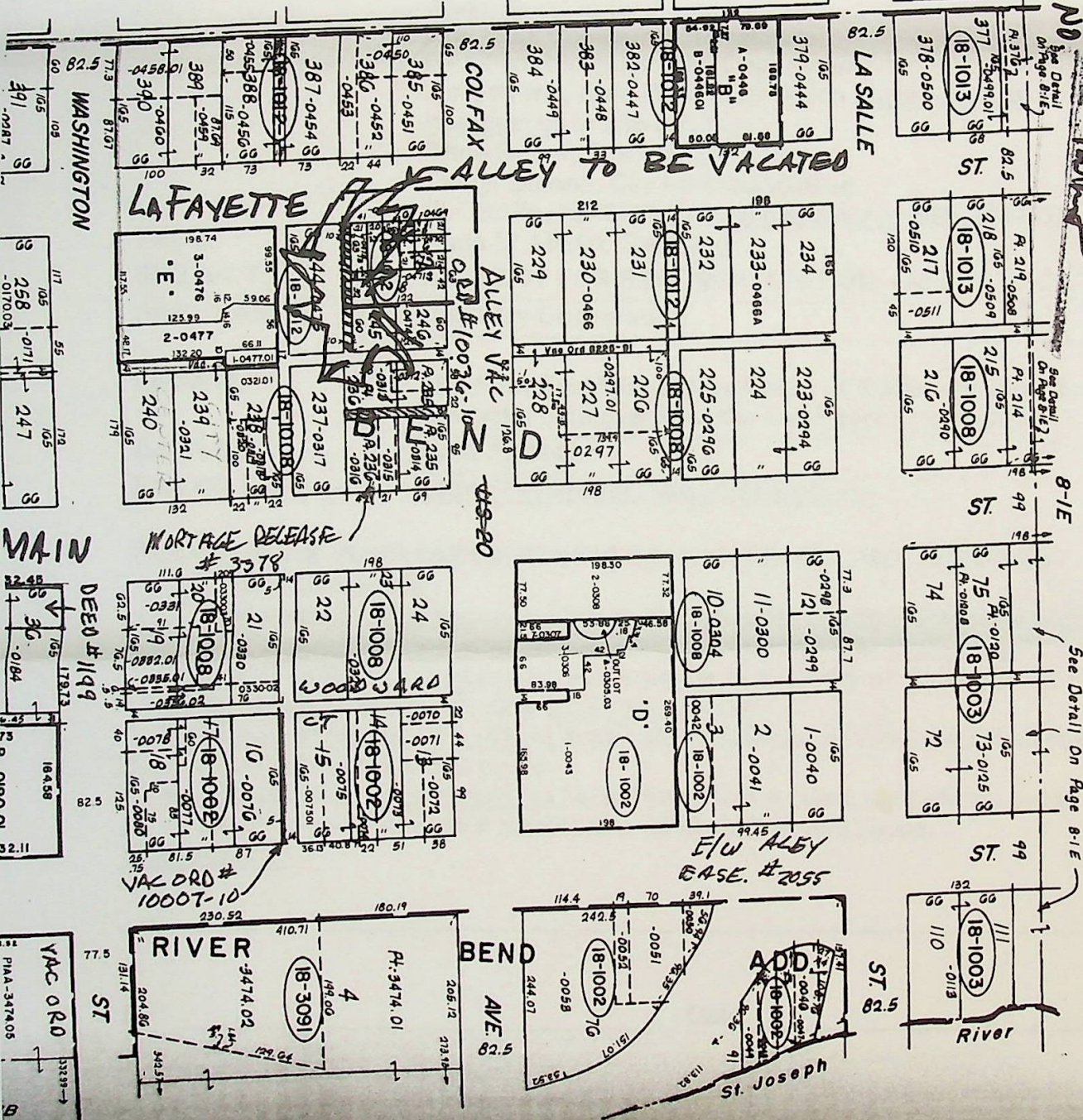


- *A* KNOBLOCK'S SUB
- *B* MADOW REPLAT OF PLOTS 280-281 ORIGINAL PLAT S. BEND
- *C* HALL OF FAME & CHOCOLATE CAFE MINOR SUB
- *D* MORRIS CIVIC MINOR SUB
- *E* VALLEY AMERICAN BANK WASHINGTON ST MINOR SUB
- *F* ORIGINAL PLAT OF THE TOWN OF SOUTH BEND LEIGHTON PLAZA REPLAT
- *G* ORIGINAL TOWN OF SO BEND JEFFERSON & MAIN REPLAT

RETURNED:

HOLLADAY CORP
227 S. MAIN ST
SOUTH BEND IN
46601

CONTACT:
TIM BAKER
217-4484





INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 4/2/2014

TO: ✓ Corbitt Kerr , Engineering
✓ Andre Price, Solid Waste
✓ Jitin Kain, Community Investment
✓ Federico Rodriguez, Fire Department
✓ John Byorni, Area Plan Commission (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) (FYI Only)
Linda M. Martin, Clerk *LM*

FROM: Linda M. Martin, Clerk *LM*

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

APPLICANT: **Holladay Corporation**

LOCATION: **The First East/West Alley South of Colfax Avenue from Lafayette Boulevard to the First North South Alley**

DATE DUE: **April 7, 2014**

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

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

1. The vacation would/would not hinder the growth or orderly development of the *unit or neighborhood in which it is located or to which it is contiguous.*
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/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.

COMMENTS:

By _____ Date _____

10335-15

Lee Bene

From: Lee Bene
Sent: Wednesday, April 23, 2014 12:05 PM
To: Federico Rodriguez; Tony Molnar; Janice Talboom
Subject: BOPW Action - Alley Vacation Tim Baker Holladay Corp Colfax/Lafayette
Attachments: SEngineerin14042312100.pdf

For your records.

Lee Bené
Department of Public Works
Division of Engineering
(574) 235-5927

From: SouthBend
Sent: Wednesday, April 23, 2014 1:11 PM
To: Lee Bene
Subject: Message from 45C-5



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 4/2/2014

TO: Corbitt Kerr , Engineering
Andre Price, Solid Waste
Jitin Kain, Community Investment
Federico Rodriguez, Fire Department
John Byorni, Area Plan Commission (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) (FYI Only)
Linda M. Martin, Clerk *LM*

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3. The vacation ~~would~~/would not hinder the public's access to a church, school or other public building or place.
4. The vacation ~~would~~/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.

COMMENTS:

The preferred way to combine property is through the subdivision process.

By Christa Hill, Planner Date 4/3/2014

Dawn Pulliam

From: Patrick C. Kerr
Sent: Friday, April 04, 2014 10:39 AM
To: Dawn Pulliam
Subject: RE: Request for Recommendation - Alley Vacation - Holladay Corporation

No objections. It meets IC 36-7-3-13 Criteria 1-4.



Patrick Corbitt Kerr, PhD, PE

City Engineer
(574) 235-5931
pckerr@southbendin.gov
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601

From: Dawn Pulliam
Sent: Wednesday, April 02, 2014 11:31 AM
To: Patrick C. Kerr; Andre Price; Jitin Kain; Federico Rodriguez; Eugene Eyster; Cheryl Greene; jbyorni@co.st-joseph.in.us; pmgriffin@nisource.com
Cc: Linda Martin
Subject: Request for Recommendation - Alley Vacation - Holladay Corporation

Please provide your recommendations.

Dawn Pulliam

From: Federico Rodriguez
Sent: Wednesday, April 02, 2014 12:26 PM
To: Dawn Pulliam
Subject: RE: Request for Recommendation - Alley Vacation - Holladay Corporation

Approved S.B.F.D



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: Dawn Pulliam
Sent: Wednesday, April 02, 2014 12:18 PM
To: Federico Rodriguez
Subject: RE: Request for Recommendation - Alley Vacation - Holladay Corporation

Tony Molnar said no he does not think so.

From: Federico Rodriguez
Sent: Wednesday, April 02, 2014 12:14 PM
To: Dawn Pulliam; Patrick C. Kerr; Andre Price; Jitin Kain; Eugene Eyster; Cheryl Greene; jbyorni@co.st-joseph.in.us; pmgriffin@nisource.com
Cc: Linda Martin
Subject: RE: Request for Recommendation - Alley Vacation - Holladay Corporation

Is this alley Columbus Court.



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: Dawn Pulliam
Sent: Wednesday, April 02, 2014 11:31 AM

Dawn Pulliam

From: Andre Price
Sent: Wednesday, April 02, 2014 11:45 AM
To: Dawn Pulliam
Subject: RE: Request for Recommendation - Alley Vacation - Holladay Corporation

Dawn, this will not impact trash collection.

Andre

From: Dawn Pulliam
Sent: Wednesday, April 02, 2014 11:31 AM
To: Patrick C. Kerr; Andre Price; Jitin Kain; Federico Rodriguez; Eugene Eyster; Cheryl Greene; jbyorni@co.st-joseph.in.us; pmgriffin@nisource.com
Cc: Linda Martin
Subject: Request for Recommendation - Alley Vacation - Holladay Corporation

Please provide your recommendations.