

PROPERTY VACATION
ORDINANCE NO. 10377-15

Status Vacated

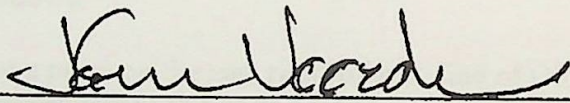
Date: October 12, 2015

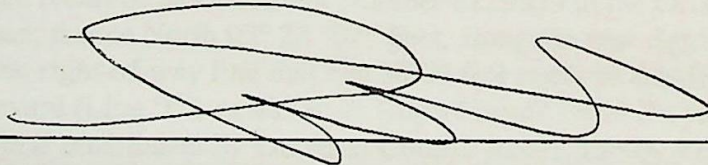
Description: An Ordinance to Vacate the Following Described Property: A full Width Portion of Old South Main Street (Formerly south Main Street) That Lies Between Lafayette Boulevard an South Main Street, Adjacent to Property Owned by City of South Bend, Board of Public Works, Located at 4201-4219 South Main Street

ORDINANCE No. 10377-15

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


October 12, 2015

Attest:  City Clerk
JOHN VOORDE

Attest:  President of Common Council

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

October 13, 2015

 City Clerk
JOHN VOORDE

Approved and signed by me October 13, 2015

ORDINANCE NO. 10377-15

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: A FULL WIDTH PORTION OF OLD SOUTH MAIN STREET (FORMERLY SOUTH MAIN STREET) THAT LIES BETWEEN LAFAYETTE BOULEVARD AND SOUTH MAIN STREET, ADJACENT TO PROPERTY OWNED BY CITY OF SOUTH BEND, BOARD OF PUBLIC WORKS, LOCATED AT 4201-4219 SOUTH MAIN STREET

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:

A portion of the right-of-way of Old South Main Street (formerly South Main Street), as depicted on Myers & Funk's Third Chippewa Heights Addition to South Bend, recorded in Plat Book 10, Page 176 in the Office of Recorder of St. Joseph County, Indiana, being more particularly described as follows:

Commencing at a point on the east right-of-way line of Old South Main Street, said point also being the southwest corner of Lot 85A of Myers and Funk's Third Chippewa Heights First Replat, recorded as Document Number 0229039 in the Office of Recorder of St. Joseph County, Indiana; thence North $03^{\circ} 28' 02''$ East, along the east right-of-way line, 5.01 feet to a point on the east right-of-way line that lies 30.00 feet north of the design alignment for Lafayette Boulevard (Line 'E') as shown in City of South Bend Project Number 110-058B construction plans and established by Location Control Route Survey Plat recorded as document number 1134039 in the Office of Recorder of St. Joseph County, Indiana; thence South $89^{\circ} 04' 04''$ West, along a 30 foot offset of Line 'E', 55.80 feet; thence Northwesterly 4.37 feet along a 30 foot offset of Line 'E' being a tangent curve to the right having a radius of 120.00 feet and subtended by a long chord having a bearing North $89^{\circ} 53' 19''$ West and a length of 4.37 feet; thence North $03^{\circ} 28' 02''$ East, 166.30 feet to a point that lies at a 40 foot offset of South Main Street (Line 'D') as shown in City of South Bend Project Number 110-058B construction plans and established by Location Control Route Survey Plat recorded as document number 1134039 in the Office of Recorder of St. Joseph County, Indiana; thence Northeasterly 188.85 feet along a non-tangent curve to the left having a radius of 640.00 feet and subtended by a long chord having a bearing of North $22^{\circ} 03' 44''$ East and a length of 188.16 feet to a point on the east right-of-way of South Main Street; thence South $03^{\circ} 28' 02''$ West, 340.11 feet to the point of beginning and containing 14,322 square feet, more or less.

hereby determines that it is desirable to vacate said properties.

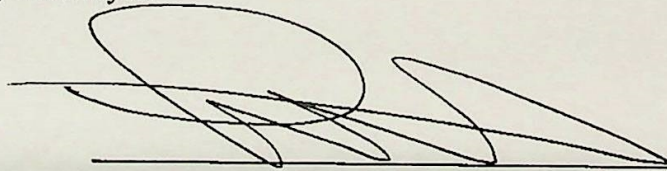
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures 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:

- Tax Key Number 023-1025-1389
- Tax Key Number 023-1025-1384
- Tax Key Number 023-1025-1427
- Tax Key Number 023-1025-1428
- Tax Key Number 023-1025-1429
- Tax Key Number 023-1025-1430

SECTION IV. The purpose of the vacation of the real property is: The right-of-way area under petition to vacate has had the existing roadway improvements removed and a private drive entrance constructed across the former road corridor to connect the relocated South Main Street with Wendy's existing entrance. Vacation will make property currently owned by Wendy's of Fort Wayne, property currently owned by the city of South Bend board of public works, and the Portion of South Main Street currently petitioning to be vacated, into a single-ownership property that can be replatted into a contiguous parcel.

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 13th day of Oct., 2015, at 2:50 o'clock P. m.

Janice Tallon
City Clerk, Deputy

Approved and signed by me on the 13th day of October, 2015, at
4:30 o'clock p. m.

[Signature]
Mayor, City of South Bend, Indiana

1st READING 9-28-15
PUBLIC HEARING 10-12-15
3rd READING 10-12-15
NOT APPROVED
REFERRED
PASSED 10-12-15

Filed in Clerk's Office
SEP 15 2015
JOHN [Signature]
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

July 28, 2015

Mr. P. C. Kerr
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601

RE: Vacations:

- a) Ireland Rd., East Side of Main Street (formerly Lafayette alignment), North of Ireland Road relocation of the Roadway slightly West (No split with property on other side.)
- b) Old Main St. at Lafayette Blvd.(formerly Walter Street) along Wendy's

Dear Mr. Kerr:

The Board of Public Works, at its July 28, 2015, meeting, reviewed your request to vacate excess portions of the Right of Way left due to development and construction of Main-Lafayette Connector Alley.

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.

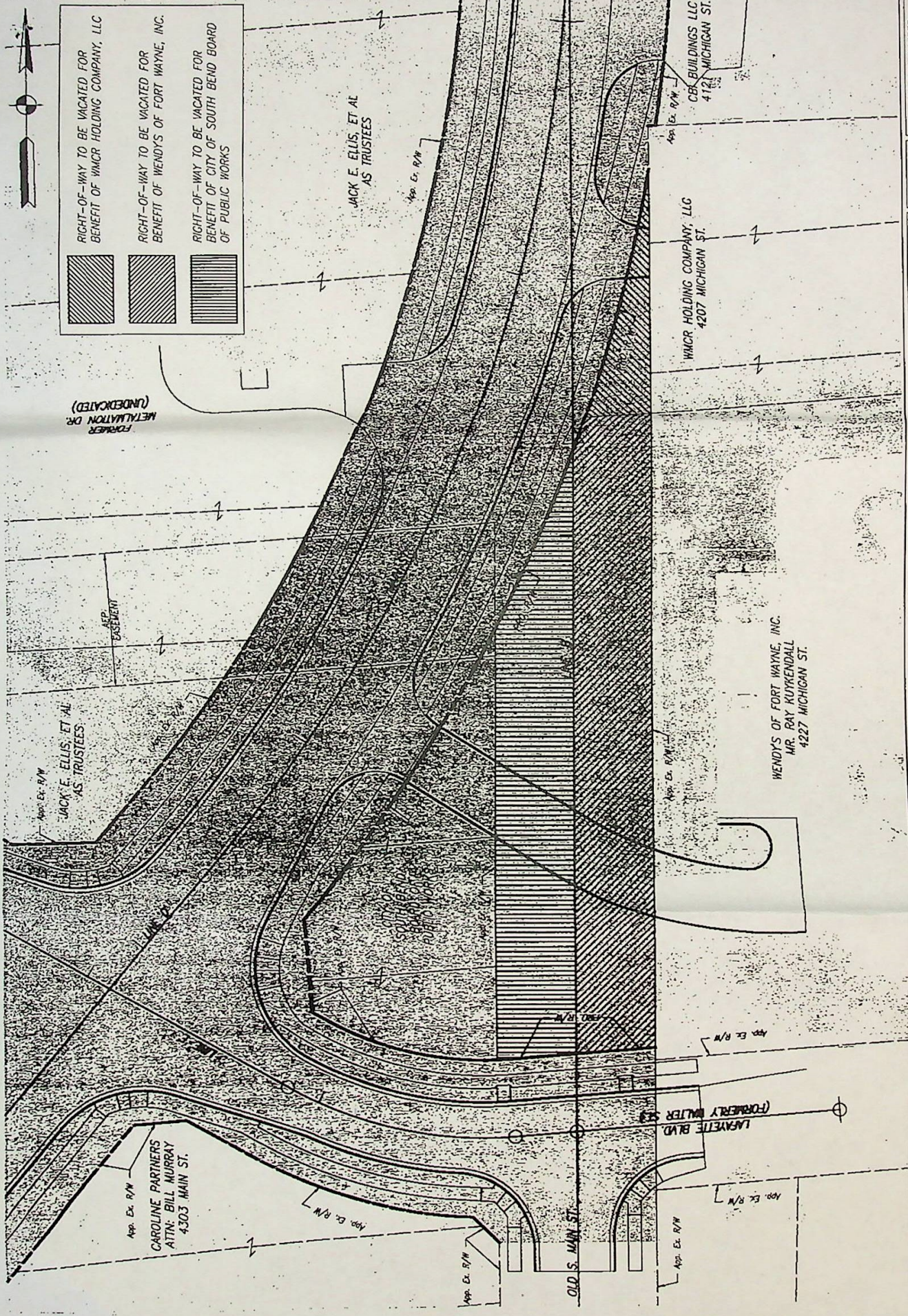
Therefore, the Board of Public Works submitted a favorable recommendation for these vacations.

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



RIGHT-OF-WAY TO BE VACATED FOR BENEFIT OF WHCR HOLDING COMPANY, LLC

RIGHT-OF-WAY TO BE VACATED FOR BENEFIT OF WENDYS OF FORT WAYNE, INC.

RIGHT-OF-WAY TO BE VACATED FOR BENEFIT OF CITY OF SOUTH BEND BOARD OF PUBLIC WORKS

PROJECT NUMBER
201024.00

DRAWN: JAJ
CHK: AWB
DATE: 07/15

CITY OF SOUTH BEND
SOUTH BEND, INDIANA

PETITION TO VACATE RIGHT-OF-WAY
EXHIBIT 1

LFAM

LAWSON-FISHER ASSOCIATES P.C.
525 W. WASHINGTON AVENUE
SOUTH BEND, INDIANA 46601