

ALLEY VACATION
ORDINANCE NO. 10409-15

Status Vacated

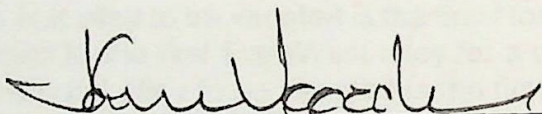
Date: December 14, 2015

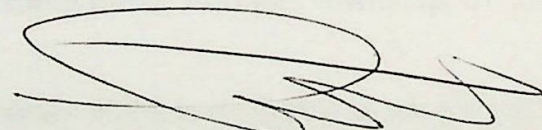
Description: The first alley to be vacated is the first North/South Alley West of Arnold Street from Donald Street to the First East/West Alley for a Distance of 455.95 feet and a width of 14 feet. The second alley to be vacated is the first east/west alley north of Ewing Avenue.

ORDINANCE No. 10409-15

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

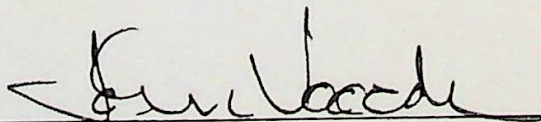
December 14, 20 15

Attest:  City Clerk
JOHN VOORDE

Attest:  President of Common Council

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

December 15, 20 15

 City Clerk
JOHN VOORDE

Approved and signed by me December 16 20 15

ORDINANCE NO. 10409-15

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF ARNOLD STREET FROM DONALD STREET TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 455.95 FEET AND A WIDTH OF 14 FEET. THE SECOND ALLEY TO BE VACATED IS THE FIRST EAST/WEST ALLEY NORTH OF EWING AVENUE

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 alley to be vacated is the first North/South alley West of Arnold Street from Donald Street to the first East/West alley for a distance of 455.95 feet and a width of 14 feet. The second alley to be vacated is the first East/West alley North of Ewing Avenue for a distance of 138 feet and a width of 14 feet. Both alleys being a part of Rum village Park, City of South Bend, Portage Township, St. Joseph County, Indiana

hereby determines that it is desirable to vacate said property.

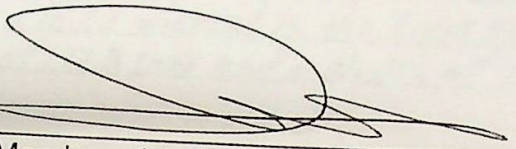
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures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

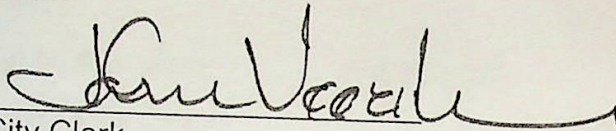
018-8072-2724
018-8072-2725
018-8072-2722
018-8072-2709

Section IV. The purpose of the vacation of the real property is to consolidate the property due to the fact that the alley is not in use.

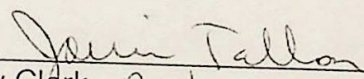
SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.


Member of the Common Council

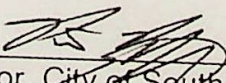
Attest:


City Clerk

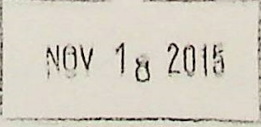
Presented by me to the Mayor of the City of South Bend, Indiana on the 15th day of December, 2015, at 10:55 o'clock a. m.


City Clerk, Deputy

Approved and signed by me on the 16 day of December, 2015, at 2 o'clock 30. m.


Mayor, City of South Bend, Indiana

1st READING 11-23-15
PUBLIC HEARING 12-14-15
3rd READING 12-14-15
NOT APPROVED
REFERRED
PASSED 12-14-15

Filed in Clerk's Office

JOHN VOORDE
CITY CLERK, SOUTH BEND, IN

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

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

DATE: 11/18/11

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

A. THE ALLEY DESCRIBED AS:

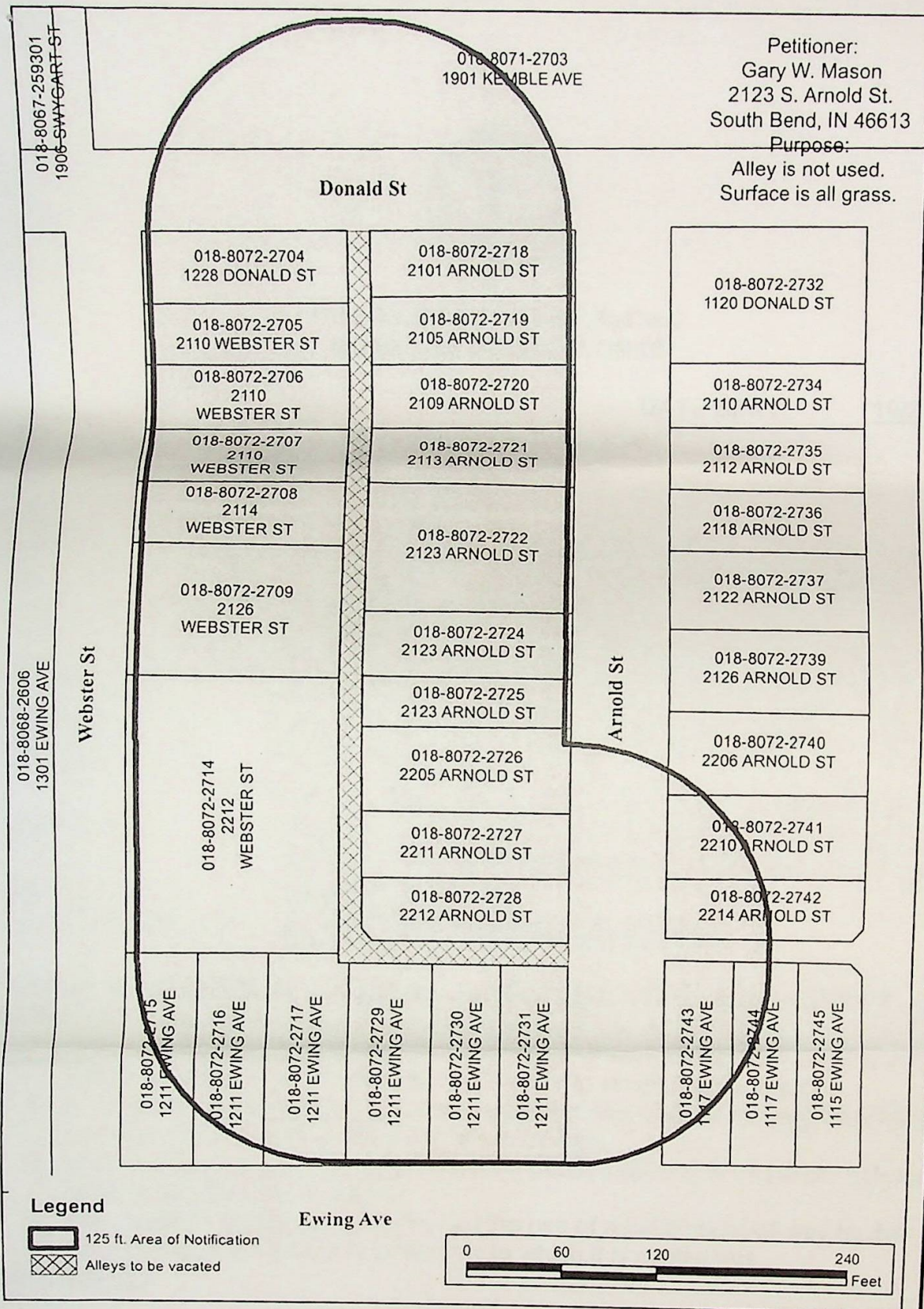
THE first alley to be vacated is the first north/south alley west of ARNOLD ST. from Donald ST. to the first east/west alley for a distance of 455.95 feet and a width of 14 feet. THE second alley to be vacated is the first east/west alley north of EWING AVE. for a distance of 128 feet and a width of 14 feet.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
<u>Gary W. Mason</u> <u>Mary W. Mason</u>	<u>2123 S. ARNOLD ST.</u>	<u>018-8072-2724</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)
NAME: Gary Mason
ADDRESS: 2123 S. Arnold
PHONE: 360-2359

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



Petitioner:
 Gary W. Mason
 2123 S. Arnold St.
 South Bend, IN 46613
 Purpose:
 Alley is not used.
 Surface is all grass.



Alley Vacation

N/S Alley West of Arnold Between Ewing and Donald
 & E/W Alley North of Ewing Between Arnold and Webster

City of South Bend
 Dept. of Public Works
 227 W Jefferson Blvd. #1316
 South Bend, IN 46601
 Phone: (574) 235-9251
 Fax: (574) 235-9171



LEGAL DESCRIPTION:

The first alley to be vacated is the first North/South alley West of Arnold Street from Donald Street to the first East/West alley for a distance of 455.95 feet and a width of 14 feet. The second alley to be vacated is the first East/West alley North of Ewing Avenue for a distance of 128 feet and a width of 14 feet. Both alleys being a part of Rum Village Park, City of South Bend, Portage Township, St. Joseph County, Indiana.

Document Path: I:\Projects\Engineering\Tony\AlleyVacations\MasonOnArnold.mxd
 Date: 11/17/2015 Time: 4:53:54 PM User Name: dkuehn

Project No.

Page No.

Date



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/2/2015

TO: ✓ Pete Kaminski, Street Department
✓ Mike Bronstetter, Solid Waste
✓ Corbitt Kerr, Engineering Department
✓ Jitin Kain, Community Investment
✓ Federico Rodriguez, Fire Department
✓ Larry Magliozzi, Area Plan Commission (Imaglio@co.st-joseph.in.us or 235-9813 fax)
✓ Gene Eyster, Police Department
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: **Gary Mason**

LOCATION: **First N/S Alley South of Donald St. to the first E/W Alley between Webster and Arnold and First E/W Alley from Arnold St. to First N/S Alley between Donald and Ewing**

DATE DUE: **October 6, 2015**

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 _____



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/2/2015

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Corbitt Kerr, Engineering Department
Jitin Kain, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (Imagloz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
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:

By Matthew Chappuies, Area Plan Date 11/13/2015

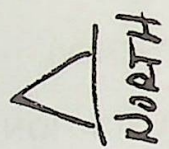
PETITONEE:

GARY W. MASON
2123 S. ARNOLD ST
SO. BEND, IN
46613

574-360-2359

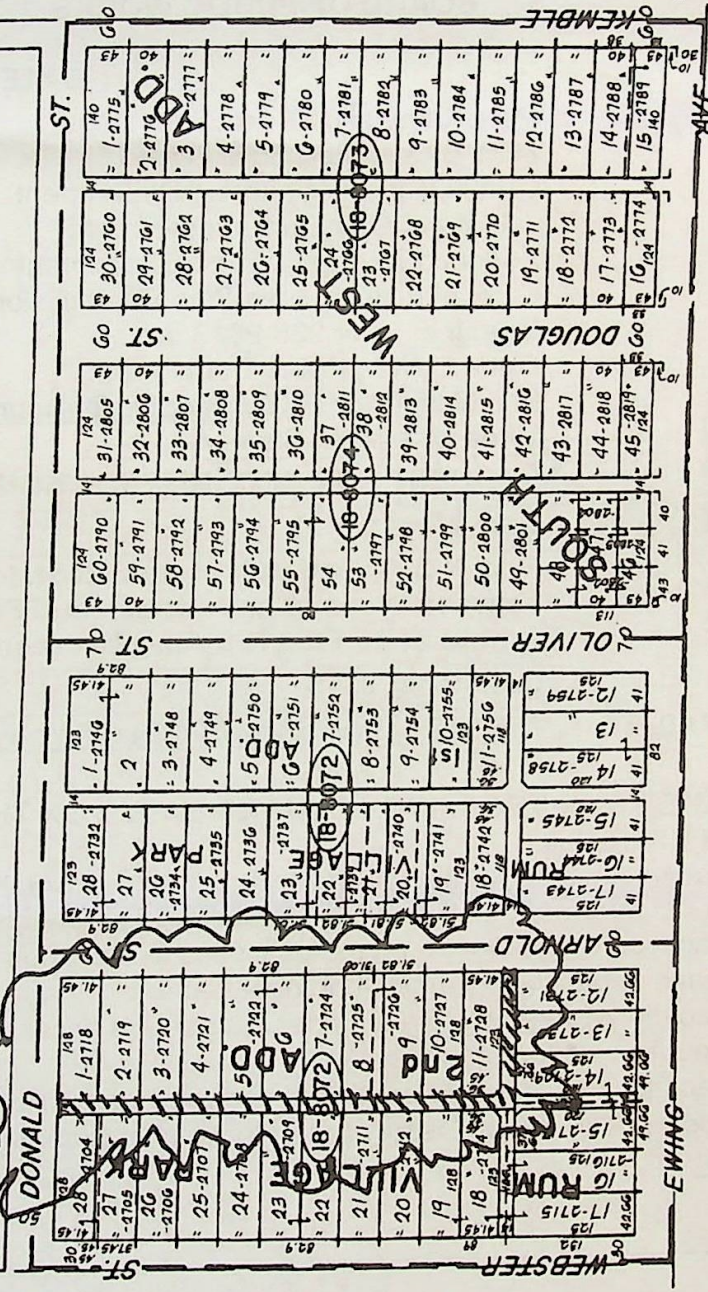
PURPOSE:

ALLEY IS NOT
BEING USED.
ALL GRASS



18-8071
2703
26.029

ALLEYS TO BE
VACATED



Revised Copyright 2004
Copyright 1986
THE SIDWELL COMPANY

SCALE: 1" = 100'

8-14F

8-L
PORTAGE TWP.
E. 1/2 S.W. 1/4 SEC. 14 T.37N. R.2E.

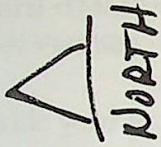
PETITIONER:

GARY W. MASON
2123 S. ARNOLD ST
SO. BEND, IN
46613

574-360-2359

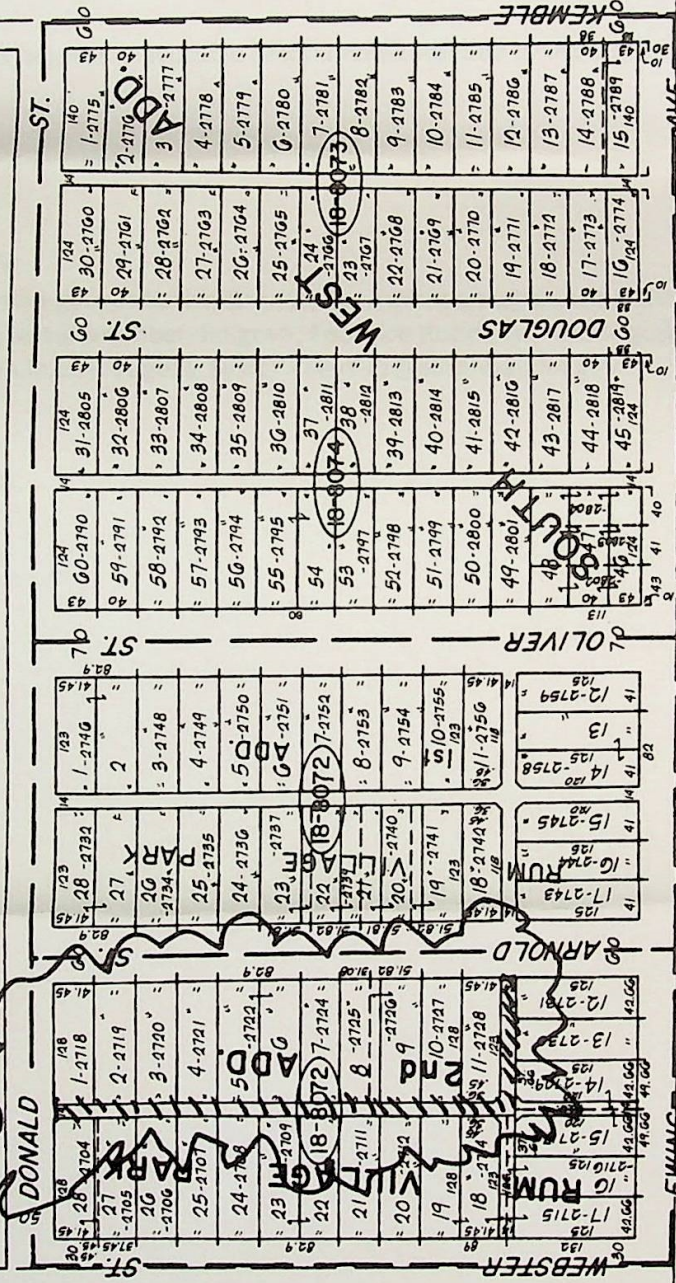
PURPOSE:

ALLEY IS NOT
BEING USED.
ALL GRASS



18-8071
2703
26.649

ALLEYS TO BE
VACATED



Revised Copyright 2004
Copyright 1986
THE SIDWELL COMPANY

SCALE: 1" = 100'

8-14F

8-L
PORTAGE TWP.

E. 1/2 S.W. 1/4 SEC. 14 T.37N. R.2E.

APPROVED
Board of Public Works

OCT 27 2015
[Handwritten signatures and initials]

Elizabeth Horvath

From: Eugene Eyster
Sent: Tuesday, October 06, 2015 7:14 AM
To: Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi
Subject: RE: Alley Vacation - Gary Mason

Ms. Horvath,

The Police Department cannot give this request a favorable recommendation due to the number of individual properties it would affect.

Lt. E. Eyster

From: Elizabeth Horvath
Sent: Monday, October 05, 2015 3:13 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Gary Mason

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Elizabeth Horvath

From: Patrick C. Kerr
Sent: Monday, October 05, 2015 4:09 PM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Gary Mason

No Objections

From: Elizabeth Horvath
Sent: Monday, October 05, 2015 3:13 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Gary Mason

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Elizabeth Horvath

From: Federico Rodriguez
Sent: Tuesday, October 06, 2015 11:28 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Gary Mason

Favorable 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: Elizabeth Horvath
Sent: Monday, October 05, 2015 3:13 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Gary Mason

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Elizabeth Horvath

From: Michael Bronstetter
Sent: Tuesday, October 06, 2015 2:18 PM
To: Elizabeth Horvath; Pete Kaminski; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozi; Eugene Eyster
Subject: RE: Alley Vacation - Gary Mason

This alley vacation will not hinder Solid Waste's operation.

Thanks,

Mike Bronstetter

Manager of Solid Waste

From: Elizabeth Horvath
Sent: Monday, October 05, 2015 3:13 PM
To: Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozi; Eugene Eyster
Subject: Alley Vacation - Gary Mason

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Elizabeth Horvath

From: Jitin Kain
Sent: Monday, October 19, 2015 11:09 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Gary Mason

Favorable Recommendation.

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

SMART STREETS

From: Elizabeth Horvath
Sent: Monday, October 05, 2015 3:13 PM
To: Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi; Eugene Eyster
Subject: Alley Vacation - Gary Mason

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-3168
lhovath@southbendin.gov



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

October 27, 2015

Gary W. Mason
2123 S. Arnold
South Bend, IN 46613

CORRECTED LETTER RE: Alley Vacation – The First North/South Alley South of Donald Street to the First East/West Alley between Webster and Arnold and First East/West Alley from Arnold Street to First North/South Alley between Donald and Ewing (Preliminary Review)

Dear Mr. Mason:

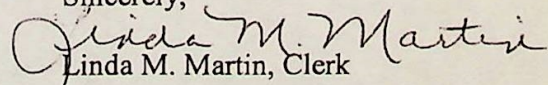
The Board of Public Works, at its October 27, 2015 meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations submitted are corrected from your previous letter:

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 recommended against the vacation due to the number of properties affected.

After further review, Engineering confirmed there are no garages with access via this alley, and in fact, all garages have driveways. Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to all aggrieved property owners being notified prior to the vacation.

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 Dept.
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office