

**ORDINANCE #10421-16**

Alley Vacation

Date Vacated: February 22, 2016

**Description:** First North/South Alley west of 29<sup>th</sup> Street  
From Mishawaka Avenue to the first East/West for a distance  
of 130 feet and a width of 16 feet. Being part of Eggleston's  
1<sup>st</sup> Addition, City of South Bend, Portage Township, St.  
Joseph County, Indiana

AN ORDINANCE TO REPEAL THE FOLLOWING CITY ORDINANCE:

The City of South Bend, Indiana, hereby repeals Ordinance No. 10421-16, which was adopted on February 22, 2016, and which is hereby repealed with full force and effect.

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**ORDINANCE No. 10421-16**

Passed by the Common Council of the City of South Bend, Indiana \_\_\_\_\_

February 22, 20 16

Attest: \_\_\_\_\_

*Karenah Fowler*

City Clerk

Attest: \_\_\_\_\_

*[Signature]*

President of Common Council

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

February 23, 20 16

*Karenah Fowler*

City Clerk

Approved and signed by me

*February 23, 20 16*

ORDINANCE NO. 10421-16

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first North/South alley West of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

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 alley to be vacated is the first North/South alley West of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> 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.

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

71-09-17-201-001.000-026, 71-09-17-128-005.000-026

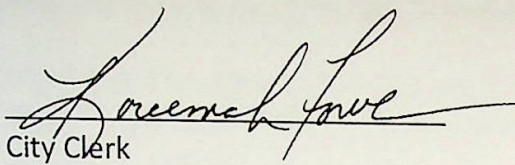
SECTION IV. The purpose of the vacation of the real property is to increase the onsite parking and also to interconnect the east property which is parking to the west property which is the business in which it will serve.

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.

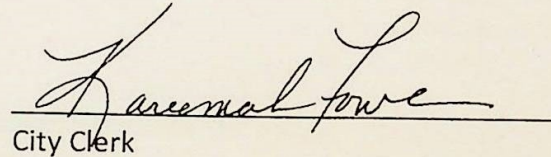


Member of the Common Council

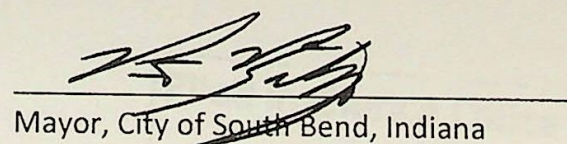
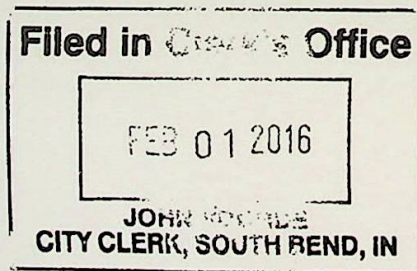
Attest:

  
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m.

  
City Clerk

Approved and signed by me on the 23<sup>rd</sup> day of February, 2016,  
at 9:00 o'clock 9 .m.

  
Mayor, City of South Bend, Indiana

1s.  
PUBLIC READING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED

**Construction Services**

Architectural & General Contracting Specialists

Bus 219-465-7555  
Fax 219-464-2562  
www.chesterinc.com

January 21, 2016

City of South Bend  
Common Council  
227 West Jefferson Boulevard  
South Bend, IN 46601

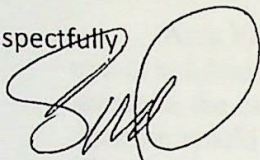
RE: Alley Vacation, 2910 Mishawaka Avenue

Common Council Members:

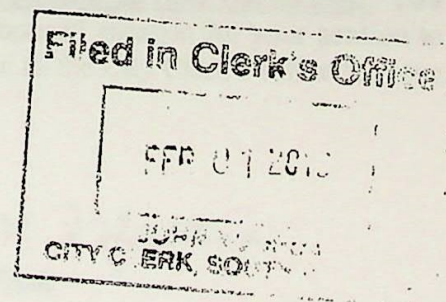
The alley to be vacated is the first north/south alley west of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

The purpose of the vacation of the real property is to increase the onsite parking and also to interconnect the east property which is parking to the west property which is the business in which it will serve.

Respectfully



Steve DeBold



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



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

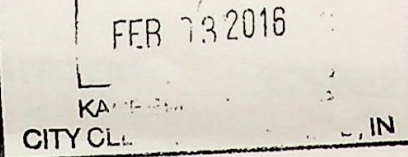
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

BOARD OF PUBLIC WORKS

Filed in Clerk's Office

October 13, 2015

Chester Arch  
Family Pet Health Center  
2910 Mishawaka Ave  
South Bend, IN 46615



RE: Alley Vacation – First North/South Alley South of Mishawaka Avenue to the First East/West Alley between 28<sup>th</sup> and 29<sup>th</sup> Street (Preliminary Review)

Dear Mr. Arch:

The Board of Public Works, at its October 13, 2015, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division regarding your request to vacate the above alley. The following comments and recommendations were submitted:

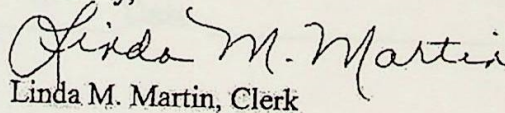
Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation 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. Solid Waste stated the vacation would hinder trash collection in the alley. Engineering stated the request is to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular section, but 14' is the narrowest alley Engineering will recommend. They recommended that the requestor provide for vehicular turning by increasing the width of the perpendicular alley circuit.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to working out the turning radius issues with the City Engineering Department.

**\*\*You will need an executed Cross Access Agreement with your neighbors.**

**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

GARY A. GILOT    DAVID P. RELOS    ELIZABETH A. MARADIK    JAMES A. MUELLER    THERESE J. DORAU



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

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 ([lmaglioz@co.st-joseph.in.us](mailto:lmaglioz@co.st-joseph.in.us) or 235-9813 fax)  
✓ Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk

DATE SENT: 9/24/2015

FROM: \_\_\_\_\_  
SUBJECT: REQUEST FOR RECOMMENDATION – ALLEY VACATION  
APPLICANT: Family Pet Health Center  
LOCATION: First N/S Alley South of Mishawaka Avenue to the first E/W Alley between 28<sup>th</sup> and 29<sup>th</sup> St.  
DATE DUE: October 6, 2015  
FAX OR E-MAIL TO: 235-9171 / [lmartin@southbendin.gov](mailto: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 \_\_\_\_\_

**CONTACTS:**  
**CHESTER ARCH SERVICES**  
 219-465-9555

**PETITIONER:**  
**FAMILY PET HEALTH CENTER**  
 2910 MISHAWAKE

**OLD RIVER PARK FUTURE**



**PURPOSE:**  
**TO CONVERT PARKING LOT**

APPROVED  
 Board of Public Works

SEP 13 2015

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## Elizabeth Horvath

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**From:** Eugene Eyster  
**Sent:** Thursday, September 24, 2015 3:56 PM  
**To:** Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi  
**Subject:** RE: Alley Vacation - Family Pet Health Center

Ms. Horvath,  
The Police Department would have no objection to this request.

*Lt. E. Eyster*

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



**Elizabeth Horvath**

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**From:** Federico Rodriguez  
**Sent:** Friday, September 25, 2015 9:38 AM  
**To:** Elizabeth Horvath  
**Subject:** RE: Alley Vacation - Family Pet Health Center

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:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



**Elizabeth Horvath**

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**From:** Matthew Chappuies <mchappui@co.st-joseph.in.us>  
**Sent:** Friday, September 25, 2015 9:44 AM  
**To:** Elizabeth Horvath  
**Subject:** Alley Vacation  
**Attachments:** Alley Vacation - Family Pet Health Center.pdf

Lizzy,

*APC recommends favorably.*

Sincerely,

Matthew P. Chappuies, Planner  
Area Plan Commission  
(574) 235-9571

FROM: Matthew P. Chappuies, Planner  
SUBJECT: REQUEST FOR RECOMMENDATION - ALLEY VACATION  
APPLICANT: Family Pet Health Center  
LOCATION: 1115 S. 11th Street, Suite 100, Ellettsville, IN 47120  
DATE DUE: October 1, 2015  
FAX OR EMAIL TO: Elizabeth Horvath, Planning Director

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING  
IC 20-7-4-13 CRITERIA:

- 1. The location shall not hinder the growth or development of the area or neighborhood in which the location is situated.
- 2. The location shall not be in violation of any applicable zoning ordinance.
- 3. The location shall not be in violation of any applicable subdivision ordinance.
- 4. The location shall not be in violation of any applicable health or safety ordinance.

THE APPLICANT REQUESTS THAT THE ALLEY VACATION BE GRANTED  
IN THE ALLEY BETWEEN 11th AND 12th STS.  
BY THE BOARD ON SEPTEMBER 25, 2015



## Elizabeth Horvath

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**From:** Patrick C. Kerr  
**Sent:** Sunday, October 04, 2015 8:46 PM  
**To:** Elizabeth Horvath; Tony Molnar; Carl Littrell  
**Subject:** RE: Alley Vacation - Family Pet Health Center

The requestor is asking to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular alley section. Engineering recommends against vacating this alley unless the requestor can provide for vehicular turning and account for the change in width to the narrower alley. 14' is the narrowest alley Engineering will recommend, so it recommends that the requestor increase the width of the perpendicular alley circuit.

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



CONTACT:  
CHESTER ARCH WLEY TO BE REATED  
SERVICES  
219-4652-9555

RETIREMENT:  
FAMILY PET HEALTH  
CENTER / 2910 MISHAWAKA  
AVE. - 50 BEND, MO

OLD RIVER PARK  
FUTURE



1-1901 1-1912 1-1923 1-1934 1-1945 1-1956 1-1967 1-1978 1-1989 1-2000 1-2011 1-2022 1-2033 1-2044 1-2055 1-2066 1-2077 1-2088 1-2099 1-2110 1-2121 1-2132 1-2143 1-2154 1-2165 1-2176 1-2187 1-2198 1-2209 1-2220 1-2231 1-2242 1-2253 1-2264 1-2275 1-2286 1-2297 1-2308 1-2319 1-2330 1-2341 1-2352 1-2363 1-2374 1-2385 1-2396 1-2407 1-2418 1-2429 1-2440 1-2451 1-2462 1-2473 1-2484 1-2495 1-2506 1-2517 1-2528 1-2539 1-2550 1-2561 1-2572 1-2583 1-2594 1-2605 1-2616 1-2627 1-2638 1-2649 1-2660 1-2671 1-2682 1-2693 1-2704 1-2715 1-2726 1-2737 1-2748 1-2759 1-2770 1-2781 1-2792 1-2803 1-2814 1-2825 1-2836 1-2847 1-2858 1-2869 1-2880 1-2891 1-2902 1-2913 1-2924 1-2935 1-2946 1-2957 1-2968 1-2979 1-2990 1-3001 1-3012 1-3023 1-3034 1-3045 1-3056 1-3067 1-3078 1-3089 1-3100 1-3111 1-3122 1-3133 1-3144 1-3155 1-3166 1-3177 1-3188 1-3199 1-3210 1-3221 1-3232 1-3243 1-3254 1-3265 1-3276 1-3287 1-3298 1-3309 1-3320 1-3331 1-3342 1-3353 1-3364 1-3375 1-3386 1-3397 1-3408 1-3419 1-3430 1-3441 1-3452 1-3463 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1-8193 1-8204 1-8215 1-8226 1-8237 1-8248 1-8259 1-8270 1-8281 1-8292 1-8303 1-8314 1-8325 1-8336 1-8347 1-8358 1-8369 1-8380 1-8391 1-8402 1-8413 1-8424 1-8435 1-8446 1-8457 1-8468 1-8479 1-8490 1-8501 1-8512 1-8523 1-8534 1-8545 1-8556 1-8567 1-8578 1-8589 1-8600 1-8611 1-8622 1-8633 1-8644 1-8655 1-8666 1-8677 1-8688 1-8699 1-8710 1-8721 1-8732 1-8743 1-8754 1-8765 1-8776 1-8787 1-8798 1-8809 1-8820 1-8831 1-8842 1-8853 1-8864 1-8875 1-8886 1-8897 1-8908 1-8919 1-8930 1-8941 1-8952 1-8963 1-8974 1-8985 1-8996 1-9007 1-9018 1-9029 1-9040 1-9051 1-9062 1-9073 1-9084 1-9095 1-9106 1-9117 1-9128 1-9139 1-9150 1-9161 1-9172 1-9183 1-9194 1-9205 1-9216 1-9227 1-9238 1-9249 1-9260 1-9271 1-9282 1-9293 1-9304 1-9315 1-9326 1-9337 1-9348 1-9359 1-9370 1-9381 1-9392 1-9403 1-9414 1-9425 1-9436 1-9447 1-9458 1-9469 1-9480 1-9491 1-9502 1-9513 1-9524 1-9535 1-9546 1-9557 1-9568 1-9579 1-9590 1-9601 1-9612 1-9623 1-9634 1-9645 1-9656 1-9667 1-9678 1-9689 1-9700 1-9711 1-9722 1-9733 1-9744 1-9755 1-9766 1-9777 1-9788 1-9799 1-9810 1-9821 1-9832 1-9843 1-9854 1-9865 1-9876 1-9887 1-9898 1-9909 1-9920 1-9931 1-9942 1-9953 1-9964 1-9975 1-9986 1-9997 2000-2010 2011-2020 2021-2030 2031-2040 2041-2050 2051-2060 2061-2070 2071-2080 2081-2090 2091-2100 2101-2110 2111-2120 2121-2130 2131-2140 2141-2150 2151-2160 2161-2170 2171-2180 2181-2190 2191-2200 2201-2210 2211-2220 2221-2230 2231-2240 2241-2250 2251-2260 2261-2270 2271-2280 2281-2290 2291-2300 2301-2310 2311-2320 2321-2330 2331-2340 2341-2350 2351-2360 2361-2370 2371-2380 2381-2390 2391-2400 2401-2410 2411-2420 2421-2430 2431-2440 2441-2450 2451-2460 2461-2470 2471-2480 2481-2490 2491-2500 2501-2510 2511-2520 2521-2530 2531-2540 2541-2550 2551-2560 2561-2570 2571-2580 2581-2590 2591-2600 2601-2610 2611-2620 2621-2630 2631-2640 2641-2650 2651-2660 2661-2670 2671-2680 2681-2690 2691-2700 2701-2710 2711-2720 2721-2730 2731-2740 2741-2750 2751-2760 2761-2770 2771-2780 2781-2790 2791-2800 2801-2810 2811-2820 2821-2830 2831-2840 2841-2850 2851-2860 2861-2870 2871-2880 2881-2890 2891-2900 2901-2910 2911-2920 2921-2930 2931-2940 2941-2950 2951-2960 2961-2970 2971-2980 2981-2990 2991-3000 3001-3010 3011-3020 3021-3030 3031-3040 3041-3050 3051-3060 3061-3070 3071-3080 3081-3090 3091-3100 3101-3110 3111-3120 3121-3130 3131-3140 3141-3150 3151-3160 3161-3170 3171-3180 3181-3190 3191-3200 3201-3210 3211-3220 3221-3230 3231-3240 3241-3250 3251-3260 3261-3270 3271-3280 3281-3290 3291-3300 3301-3310 3311-3320 3321-3330 3331-3340 3341-3350 3351-3360 3361-3370 3371-3380 3381-3390 3391-3400 3401-3410 3411-3420 3421-3430 3431-3440 3441-3450 3451-3460 3461-3470 3471-3480 3481-3490 3491-3500 3501-3510 3511-3520 3521-3530 3531-3540 3541-3550 3551-3560 3561-3570 3571-3580 3581-3590 3591-3600 3601-3610 3611-3620 3621-3630 3631-3640 3641-3650 3651-3660 3661-3670 3671-3680 3681-3690 3691-3700 3701-3710 3711-3720 3721-3730 3731-3740 3741-3750 3751-3760 3761-3770 3771-3780 3781-3790 3791-3800 3801-3810 3811-3820 3821-3830 3831-3840 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PETITION TO VACATE PUBLIC RIGHTS-OF-WAY  
(STREETS/ALLEYS)

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

DATE: 1/21/2016

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

A. THE ALLEY DESCRIBED AS:

NORTH/SOUTH ALLEY WEST OF 29th St. FROM MISHAWAKA AVE. TO THE FIRST  
EAST/WEST ALLEY FOR A DISTANCE OF 130 FEET AND A WIDTH OF 16 FEET.  
SAID ALLEY BEING A PART OF EGGLESTON'S 1st ADDITION, CITY OF  
SOUTH BEND, PORTAGE TOWNSHIP, St. JOSEPH COUNTY, INDIANA.

B. THE STREET DESCRIBED AS:

N/A

NAME (signed & printed)

ADDRESS

LOT #

JOHN BOGNAR

2910 MISHAWAKA AVENUE

~~16~~ 16 17

WENDY BOGNAR

71-09-17-128-005.000-  
026

→ John J. Bognar

2920 MISHAWAKA AVENUE

1 2

→ Wendy Bognar

71-09-17-201-001.000-02

CONTACT PERSON (S)

NAME:

STEVE DEBOLD - CHESTER, INC

ADDRESS:

555 EASTPORT CENTRE DR.

PO BOX 2237

VALPARAISO, IN 46384

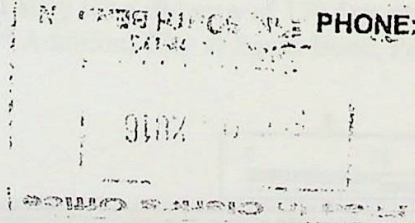
219-465-7555

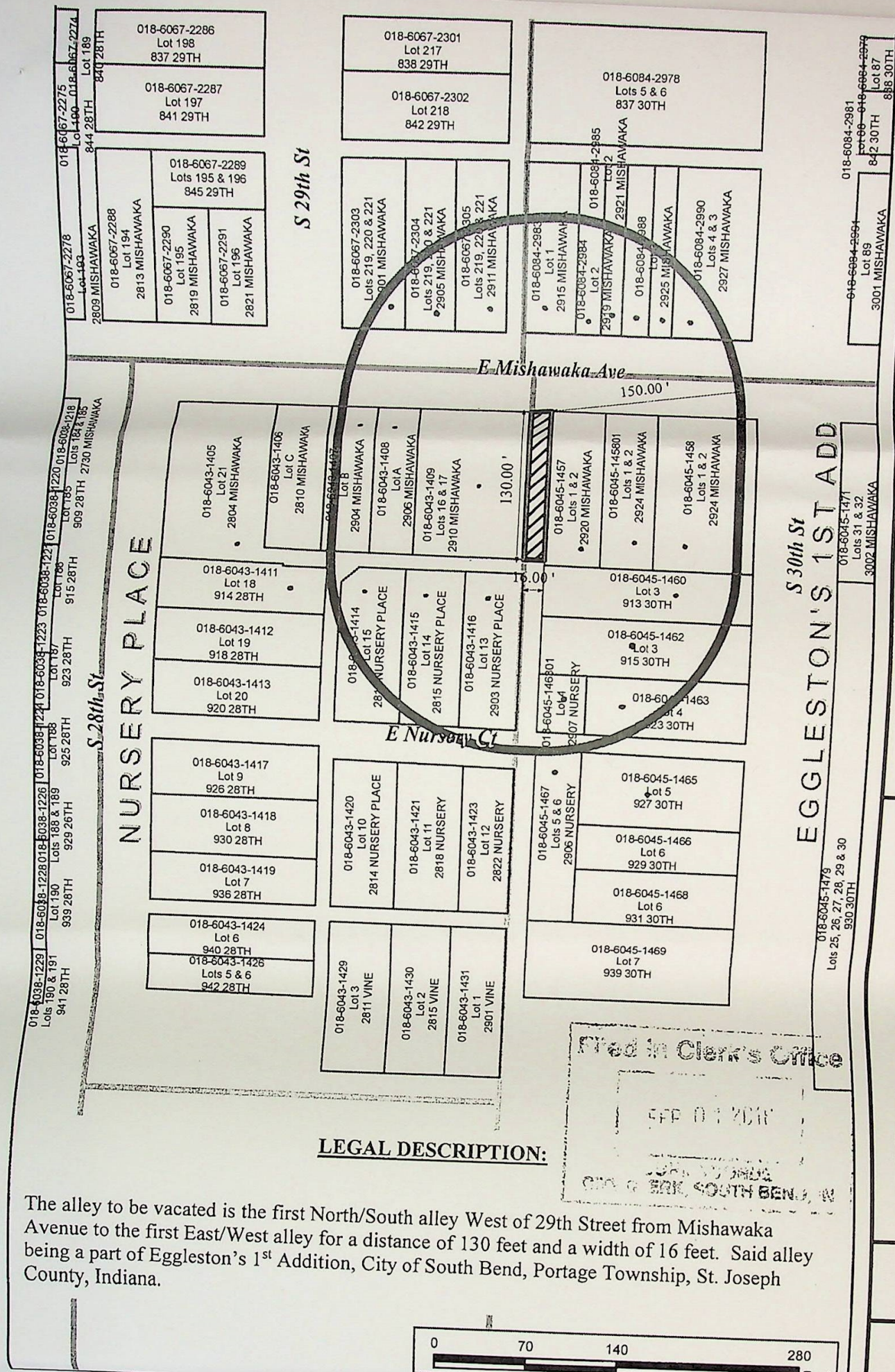
RETURN TO:

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

574-235-9221

PHONE:





**Alley Vacation**  
**2910 Mishawaka Avenue**

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



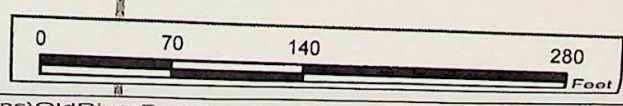
Project No.

Page No.

Date

**LEGAL DESCRIPTION:**

The alley to be vacated is the first North/South alley West of 29th Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.







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CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF PUBLIC WORKS**  
Eric Horvath, Director

February 22, 2016

Tim Scott  
Council President  
City of South Bend  
455 County-City Building, 227 W. Jefferson Blvd.  
South Bend, IN 46601

Re: Bill No. 08-16 – Vacate the first North/South alley west of 29<sup>th</sup> Street from Mishawaka Ave.

Dear Mr. Scott,

This letter is to clarify the Department of Public Works position on Bill No. 08-16 concerning the vacation of the first North/South alley west of 29<sup>th</sup> Street from Mishawaka Avenue. The recommendation provided by the Board of Public Works to the petitioner, in its letter dated October 13, 2015 outlined two conditions as part of its favorable recommendation to the Common Council:

1. Provide for vehicular turning by increasing the width of the perpendicular alley circuit
2. Provide an executed cross access agreement with the neighbor

The petitioner, Chester Arch, representing Family Pet Health Center, has worked closely with the City's Engineering staff in coming up with a solution to address the turning radius concern expressed by Solid Waste. The solution involves the petitioner offering an easement through the property to allow for truck access. This solution has been reviewed and vetted by the City Engineer as well as the Director of Solid Waste, who both find it satisfactory.

The City asks that the petitioner record such easement upon approval of the alley vacation by the Common Council and ensure that access to the Solid Waste vehicles is maintained during the current and future construction projects on the site.

It has also been determined that the cross access easement is unnecessary after the current solution for vehicle access was developed jointly by the petitioner and Engineering staff.

Sincerely,

Jitin Kain  
Deputy Director

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



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

10421-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**BOARD OF PUBLIC WORKS**

October 13, 2015

Chester Arch  
Family Pet Health Center  
2910 Mishawaka Ave  
South Bend, IN 46615

RE: Alley Vacation – First North/South Alley South of Mishawaka Avenue to the First East/West Alley between 28<sup>th</sup> and 29<sup>th</sup> Street (Preliminary Review)

Dear Mr. Arch:

The Board of Public Works, at its October 13, 2015, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division regarding your request to vacate the above alley. The following comments and recommendations were submitted:

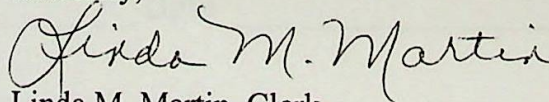
Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation 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. Solid Waste stated the vacation would hinder trash collection in the alley. Engineering stated the request is to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular section, but 14' is the narrowest alley Engineering will recommend. They recommended that the requestor provide for vehicular turning by increasing the width of the perpendicular alley circuit.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to working out the turning radius issues with the City Engineering Department.

**\*\*You will need an executed Cross Access Agreement with your neighbors.**

**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



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 9/24/2015

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 ([lmagloz@co.st-joseph.in.us](mailto:lmagloz@co.st-joseph.in.us) or 235-9813 fax)  
 Gene Eyster, Police Department  
FROM: Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
SUBJECT: Linda M. Martin, Clerk *LM*  
APPLICANT: REQUEST FOR RECOMMENDATION – ALLEY VACATION  
Family Pet Health Center  
LOCATION: First N/S Alley South of Mishawaka Avenue to the first E/W  
Alley between 28<sup>th</sup> and 29<sup>th</sup> St.  
DATE DUE: October 6, 2015  
FAX OR E-MAIL TO: 235-9171 / [lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)

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

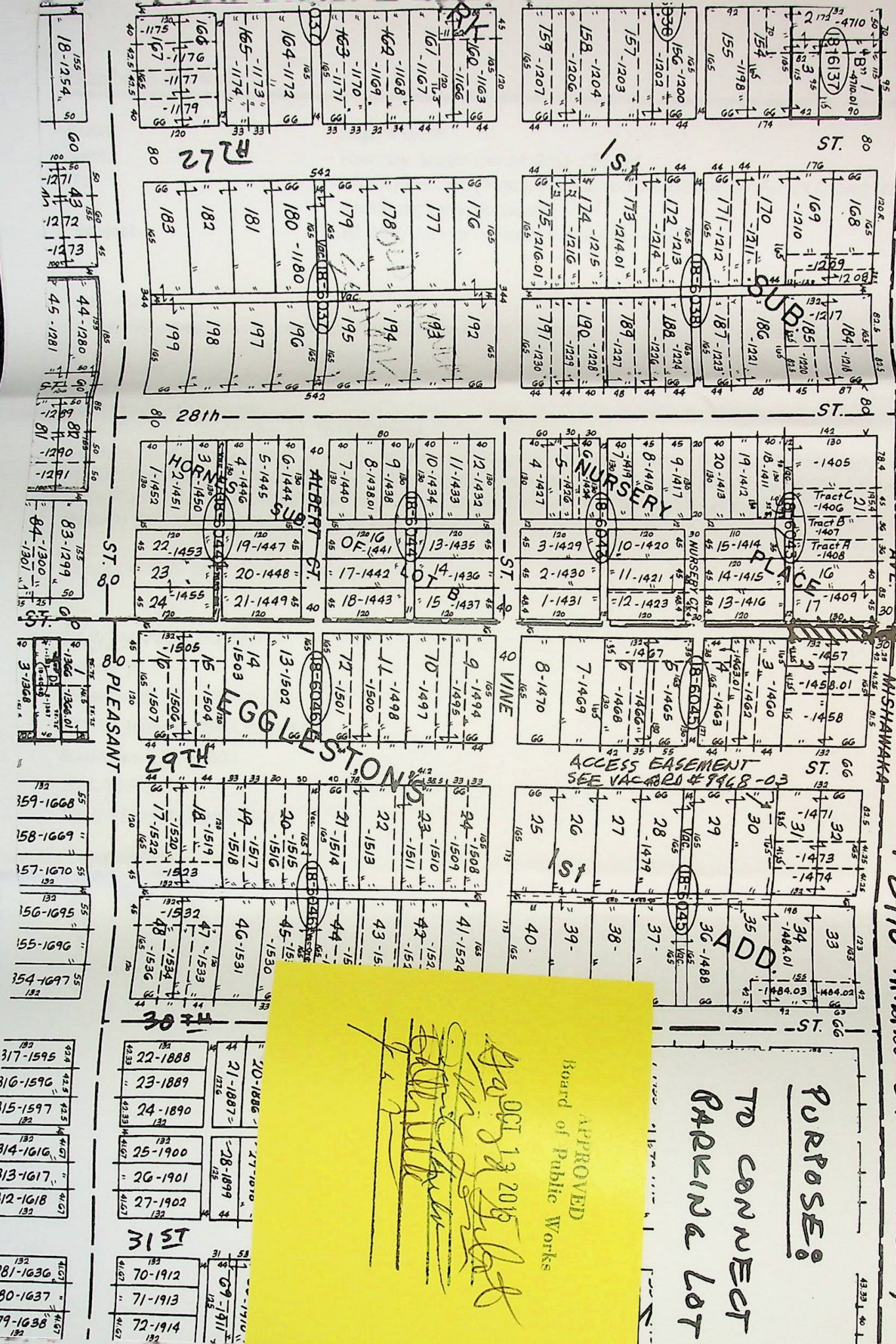
1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation 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 \_\_\_\_\_

CONTACTS:  
CHESTER ARON ALLEY TO BE VACATED  
 219-4652-9555

PETITIONER:  
FAMILY PET HEALTH CENTER / 2910 MISHAWAKE  
OLD RIVER PARK FUTURE  
50 BEND, IN



APPROVED  
 Board of Public Works  
 OCT 19 2015  
*[Signature]*

PURPOSE:  
TO CONNECT  
PARKING LOT

## Elizabeth Horvath

---

**From:** Eugene Eyster  
**Sent:** Thursday, September 24, 2015 3:56 PM  
**To:** Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi  
**Subject:** RE: Alley Vacation - Family Pet Health Center

Ms. Horvath,  
The Police Department would have no objection to this request.

*Lt. E. Eyster*

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



## Elizabeth Horvath

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**From:** Federico Rodriguez  
**Sent:** Friday, September 25, 2015 9:38 AM  
**To:** Elizabeth Horvath  
**Subject:** RE: Alley Vacation - Family Pet Health Center

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:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



**Elizabeth Horvath**

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**From:** Matthew Chappuies <mchappui@co.st-joseph.in.us>  
**Sent:** Friday, September 25, 2015 9:44 AM  
**To:** Elizabeth Horvath  
**Subject:** Alley Vacation  
**Attachments:** Alley Vacation - Family Pet Health Center.pdf

Lizzy,

*APC recommends favorably.*

Sincerely,

Matthew P. Chappuies, Planner  
Area Plan Commission  
(574) 235-9571





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

**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 ([lmagloz@co.st-joseph.in.us](mailto:lmagloz@co.st-joseph.in.us) or 235-9813 fax)  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk *LM*

**DATE SENT:** 9/24/2015

**FROM:**

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

**APPLICANT:** Family Pet Health Center

**LOCATION:** First N/S Alley South of Mishawaka Avenue to the first E/W Alley between 28<sup>th</sup> and 29<sup>th</sup> St.

**DATE DUE:** October 6, 2015

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

THIS VACATION WOULD HINDER SOLID WASTE FROM ALLEY COLLECTION IN THE ALLEY BETWEEN 28<sup>TH</sup> AND 29<sup>TH</sup>

By Mike Bronstetter

Date 9/28/15

## Elizabeth Horvath

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**From:** Patrick C. Kerr  
**Sent:** Sunday, October 04, 2015 8:46 PM  
**To:** Elizabeth Horvath; Tony Molnar; Carl Littrell  
**Subject:** RE: Alley Vacation - Family Pet Health Center

The requestor is asking to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular alley section. Engineering recommends against vacating this alley unless the requestor can provide for vehicular turning and account for the change in width to the narrower alley. 14' is the narrowest alley Engineering will recommend, so it recommends that the requestor increase the width of the perpendicular alley circuit.

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 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 - Family Pet Health Center

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](mailto:lhovath@southbendin.gov)



