

ORDINANCE #10510-17

Alley Vacation

Date Vacated: April 10, 2017

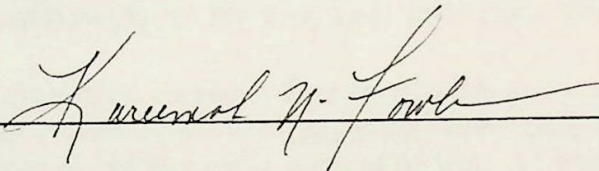
Description: **The purpose/intent of this ordinance is to correct a scrivener's error in Ordinance 9717-06** (vacating certain parts of Frances Street) which was adopted by this Council on November 29, 2006 a copy of which is attached for reference.

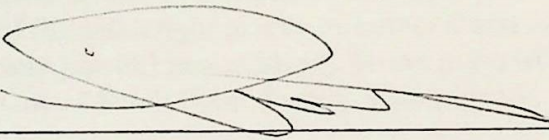
Ordinance 9717-06 is otherwise reaffirmed in its entirety. (Frances St. from the North ROW line of Colfax Ave. to the first E/W alley North of Colfax Ave. for a distance of 198 ft. and width of 66 ft. Additionally an area 45 ft. North of the South ROW of Luther Court and 23 ft. west of the East ROW line of Frances St. Being part of Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

ORDINANCE No. 10510-17

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

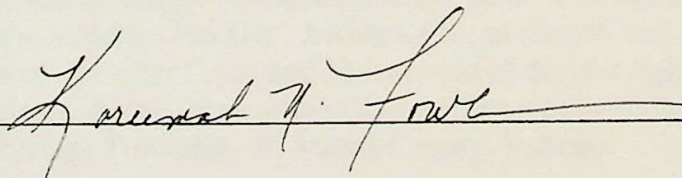
_____ April 10, _____ 20 17

Attest: _____  _____ City Clerk

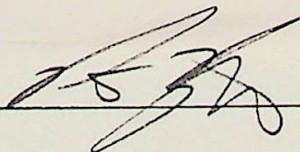
Attest: _____  _____ President of Common Council

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

_____ April 11, _____ 20 17

_____  _____ City Clerk

Approved and signed by me April 19 _____ 20 17

_____  _____ Mayor

BILL NO. 20-17

ORDINANCE NO. 10510-17

AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, CORRECTING A
SCRIVENER'S ERROR IN ORDINANCE NO. 9717-06 AS
TO THE DESCRIPTION OF REAL PROPERTY FOR THE
VACATION OF CERTAIN PARTS OF FRANCES STREET

STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this ordinance is to correct a scrivener's error in Ordinance 9717-06 (vacating certain parts of Frances Street) which was adopted by this Council on November 29, 2006, a copy of which is attached for reference. Ordinance 9717-06 is otherwise reaffirmed in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

SECTION I. The caption of Ordinance No. 9717-06 is amended to read in its entirety as follows:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first East/West ~~North/South~~ alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

SECTION II. Section I of Ordinance Numbered 9717-06 shall be corrected to read in its entirety as follows:


The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first East/West ~~North/South~~ alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.

hereby determines that it is desirable to vacate said property.

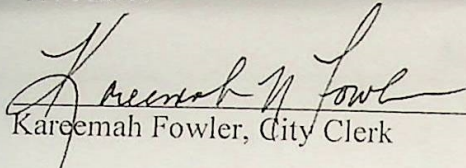
SECTION III. The rest and remainder of Ordinance No. 9717-06 is hereby and in all ways reaffirmed, a copy of which is attached hereto for informational purposes.

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



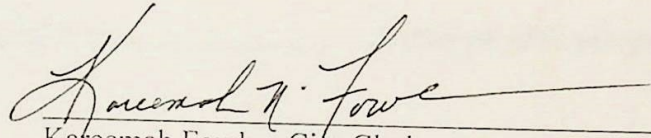
Member, South Bend Common Council

ATTEST:



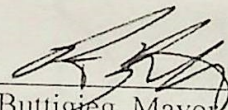
Kareemah Fowler, City Clerk

Presented by me, to Pete Buttigieg the Mayor of the City of South Bend, Indiana, on the 11th day of April, 2017, at 11 o'clock a.m.



Kareemah Fowler, City Clerk

Approved and signed by me on the 19th day of April, 2017, at 3 o'clock p.m.



Pete Buttigieg, Mayor

1st READING 3-27-17
PUBLIC HEARING 4-10-17
3rd READING 4-10-17
NOT APPROVED
REFERRED 3-27-17
PASSED 4-10-17

Filed in Clerk's Office
MAR 22 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

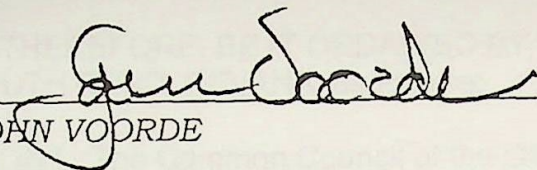
MAR 22 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

ORDINANCE No. 9717-06

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

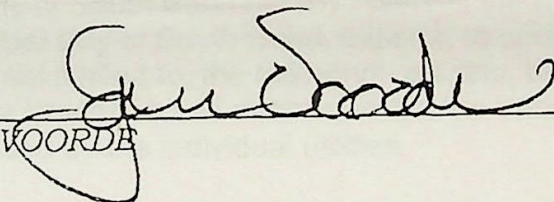
November 27, 20 06

Attest:  City Clerk
JOHN VOORDE

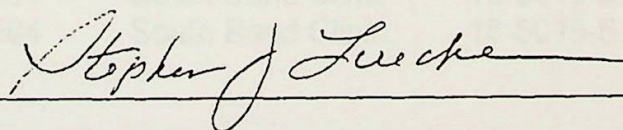
Attest: Timothy A. Rouse President of Common Council

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

November 28, 20 06

 City Clerk
JOHN VOORDE

Approved and signed by me November 29 20 06

 Mayor

ORDINANCE NO.

9717-06

MAR 22 2017

KAREEMAH FOWLER
SOUTH BEND, IN

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY;

The street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now 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 street to be vacated is Frances Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Additionally, an area 45 feet north of the south right of way of Luther Court and 23 feet west of the east right of way line of Frances Street. Being a part of the Original Town of Lowell, now 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:

18-5016-0516-01	South Bend Clinic	18-5016-1	South Bend Clinic
18-5016-0516-02	South Bend Clinic	18-5016-4	South Bend Clinic
18-5016-0564	South Bend Clinic	18-5016-5	South Bend Clinic
18-5016-0564	South Bend Clinic	18-5016-6	South Bend Clinic

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

To allow the property owner of all the adjacent properties, South Bend Clinic to construct an addition to their medical clinic and add additional parking without patients and staff having to cross a public street.

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.

Timothy A. Rouse
Member of the Common Council

Attest:

John Voorde
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the 28th day of November, 2006, at 3:00 o'clock p. .m.

Janeen Tallon
City Clerk Deputy

Approved and signed by me on the 29th day of Nov, 2006, at 9:30 o'clock a. .m.

Stephen J. Truex
Mayor, City of South Bend, Indiana

1st READING 11-13-06
PUBLIC HEARING 11-27-06
3rd READING 11-27-06
NOT APPROVED
DEFERRED
PASSED 11-27-06

Filed In Clerk's Office
NOV 7 2006
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

Filed in Clerk's Office

MAR 22 2017

KAREEMAH FOWLER
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.

80-06

A BILL TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE STREET TO BE VACATED IS FRANCES STREET FROM THE NORTH RIGHT OF WAY LINE OF COLFAX AVENUE TO THE FIRST NORTH/SOUTH ALLEY NORTH OF COLFAX AVENUE FOR A DISTANCE OF 198 FEET AND A WIDTH OF 66 FEET. ADDITIONALLY, AN AREA 45 FEET NORTH OF THE SOUTH RIGHT OF WAY OF LUTHER COURT AND 23 FEET WEST OF THE EAST RIGHT OF WAY LINE OF FRANCES STREET. BEING A PART OF THE ORIGINAL TOWN OF LOWELL, NOW CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

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.

Karen L. White
Chairperson

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

Filed in Clerk's Office

MAR 22 2017

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

DATE: 10/11/06
KARLEEMART FOWLER
CITY CLERK, SOUTH BEND, IN

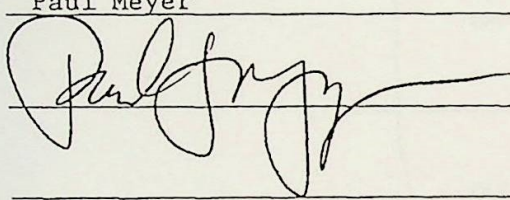
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

N/A

B. THE STREET DESCRIBED AS:

South portion of Frances Street from the South R.O.W. of Luther Court to Colfax
Street, plus an area 45 feet North of the South R.O.W. of Luther Court and
23 feet West of the East R.O.W. line of Frances Street.

NAME (signed & printed)	ADDRESS	LOT #
Paul Meyer 	211 N. Eddy Street	

Filed In Clerk's Office
NOV 7 2006
JOHN VOORDE
CITY CLERK, SO. BEND, IN.

CONTACT PERSON (S)

NAME: Paul Meyer

RETURN TO:

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

ADDRESS: 211 N. Eddy Street

South Bend, IN 46617

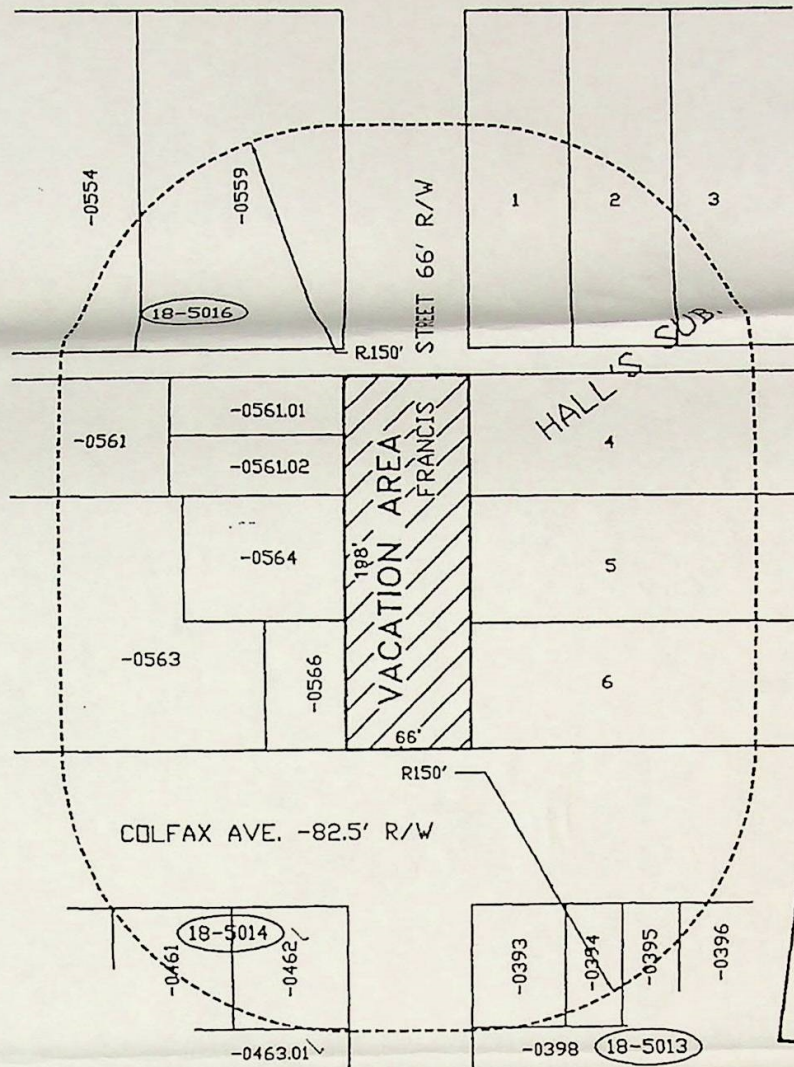
PHONE: (574) 234-8161

Filed in Clerk's Office

MAR 22 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

LASALLE ST. -82.5' R/W



Filed In Clerk's Office

NOV 7 2005

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

The street to be vacated is Francis Street from the North right of way line of Colfax Avenue to the first North/South alley North of Colfax Avenue for a distance of 198 feet and a width of 66 feet. Being a part of the Original Town of Lowell, now City of South Bend, Portage Township, St. Joseph County, Indiana.



DEPARTMENT OF PUBLIC WORKS
CITY OF SOUTH BEND, INDIANA

- DIVISION
- CIVIL
 - TRAFFIC
 - WATER
 - WASTEWATER

SOUTH BEND CLINIC
FRANCIS STREET VACATION