

ALLEY VACATION
ORDINANCE NO. 10511-17

Status Vacated

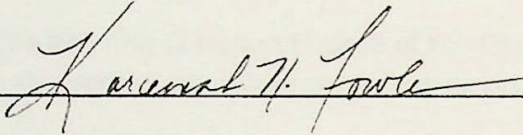
Date: May 8, 2017

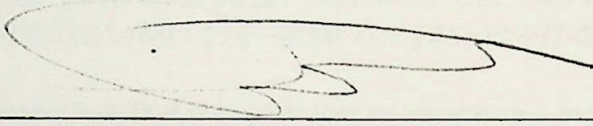
Description: First East/West Alley North of Western
and South of Wayne Running Approximately 118' from
the East Right-of-Way of South Taylor Street

ORDINANCE No. 10511-17

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

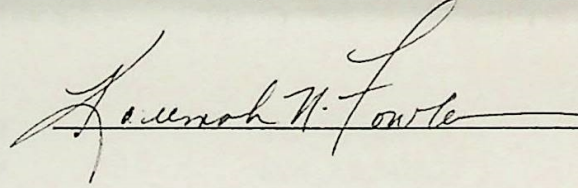
_____ May 8, _____ 20 17

Attest:  _____ City Clerk

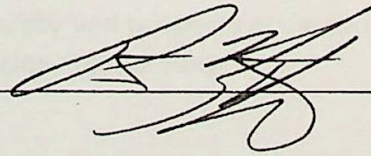
Attest:  _____ President of Common Council

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

_____ May 9, _____ 20 17

 _____ City Clerk

Approved and signed by me May 10 _____ 20 17

 _____ Mayor

ORDINANCE NO. 10511-17

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

FIRST EAST/WEST ALLEY NORTH OF WESTERN AND SOUTH OF WAYNE RUNNING APPROXIMATELY 118' FROM THE EAST RIGHT-OF-WAY OF SOUTH TAYLOR 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:

FIRST EAST/WEST ALLEY NORTH OF WESTERN AND SOUTH OF WAYNE RUNNING APPROXIMATELY 118' FROM THE EAST RIGHT-OF-WAY OF SOUTH TAYLOR STREET

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.

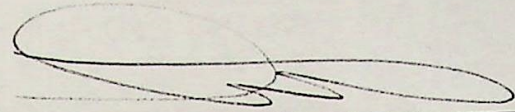
SECTION III. The following property may be injuriously or beneficially affected by such vacating:

<i>018-3012-0409</i>	<i>018-3012-0412</i>	<i>018-3048-184101</i>
<i>018-3012-0422</i>	<i>018-3012-0408</i>	<i>018-3012-0406</i>
<i>018-3012-0411</i>	<i>018-3012-0424</i>	<i>018-3012-0421</i>
<i>018-3012-041101</i>	<i>018-3012-041201</i>	<i>018-3048-1842</i>
<i>018-3012-0407</i>	<i>018-3012-042001</i>	<i>018-3012-0410</i>

Section IV. The purpose of the vacation of the real property is

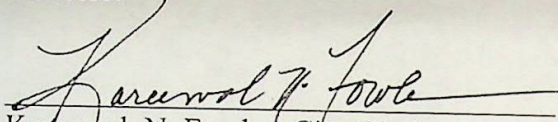
A concern for public safety and property protection along the alley as the home is positioned extremely close to the alley.

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.



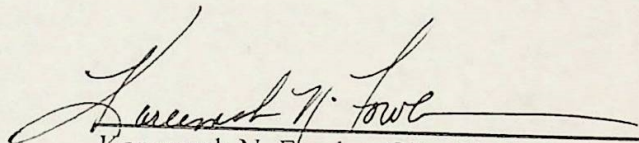
Tim Scott, Council President
South Bend Common Council

Attest:



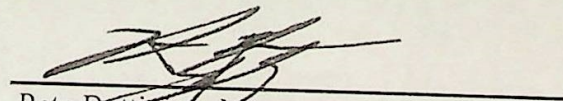
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on
the 9th day of May, 2017 at 4 o'clock P. M

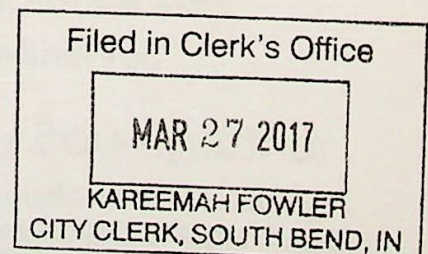


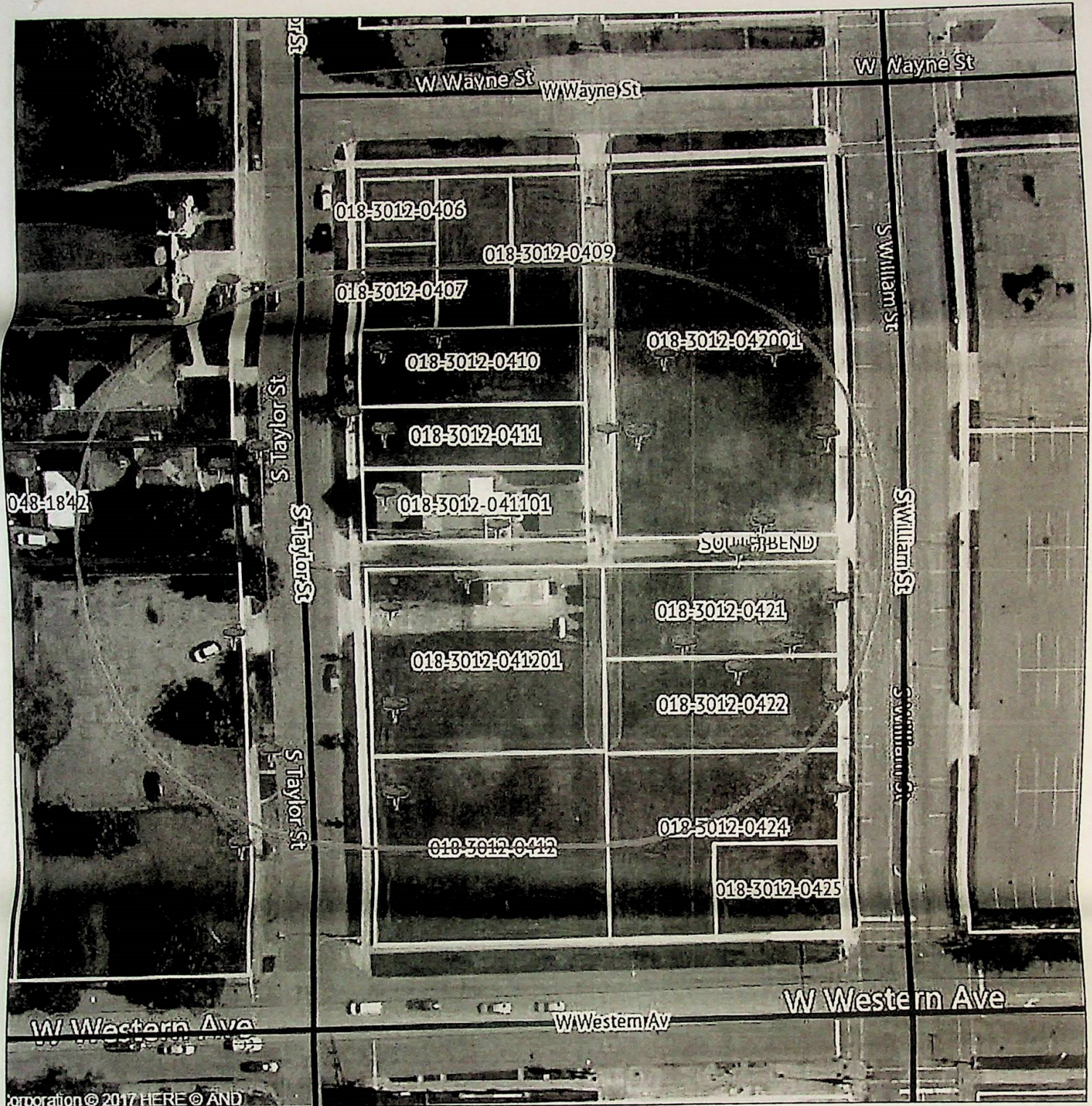
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by on the 10th day of May,
2017 at 9 o'clock A. M



Pete Battigieg, Mayor
City of South Bend, Indiana





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

Alley Vacation Radius Map

Properties within 150'

Kevin and Shelly Baumgartner

1st EW Alley N of Western and S of Wayne running approximately 118' from the E ROW of S. Taylor Street.



150' Buffer

Date Prepared: 4/4/2017

10511-17



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

DATE SENT: 4/6/2017

TO: Pete Kaminski, Street Department
~~Mike~~ Bronstetter, Solid Waste
✓ Matt Longfellow, Engineering Department
✓ Chris Dressel, Community Investment
✓ Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.in.us or 235-9813 fax)
✓ Gene Eyster, Police Department
FROM: Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION – STREET/ALLEY VACATION

APPLICANT: Kevin and Shelly Baumgartner

LOCATION: 1st E/W Alley N. of Western and S of Wayne running approximately 118' from e Row to S. Taylor Street

DATE DUE: April 18, 2017

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

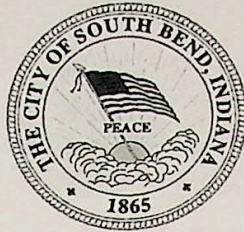
**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

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 _____

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 25, 2017

Kevin and Shelley Baumgartner
315 S Taylor
South Bend, IN 46601

RE: Alley Vacation – First East/West Alley North of Western Avenue, South of Wayne St., Crossing Over the Intersection with the North/South Alley (Preliminary Review)

Dear Mr. and Mrs. Baumgartner:

The Board of Public Works, at its April 25, 2017, 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:

Community Investment gave an unfavorable recommendation based on the vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located. As predominant land owner within the block, the City wishes to preserve each of the current alley accesses for future redevelopment.

Engineering noted the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient, as there may not be adequate space to access the west side of the back garage if the alley is vacated.

Area Plan stated, per IC 36-7-3-13, 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 an unfavorable recommendation for the vacation of this alley.

Please contact Donna Hanson 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
Donna Hanson, Engineering
Alkeyna Aldridge, City Clerk's Office

CITY OF SOUTH BEND
DEPARTMENT OF PUBLIC WORKS
Street/Alley Vacation Form



227 W. JEFFERSON BOULEVARD PHONE 574/ 235-9251
 SUITE 1316 COUNTY-CITY BUILDING FAX 574/ 235-9171
 SOUTH BEND, INDIANA 46601 TDD 574/ 235-5567

THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP

Submission Date:	4/4/17		
Applicant Name:	Kevin and Shelly Baumgartner	Phone #:	574-234-6182
		Email:	skgambit@gmail.com
Property Address:	316 S. Taylor		
Applicant property information:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	1st EW Alley N of Western and S of Wayne running approximately 118' from the E ROW of S. Taylor Street		
Is your property adjacent to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Do you own all adjacent properties to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent for the proposed alley vacation			
Reason for street/alley vacation and proposed use:			
Traffic is very close to house and is dangerous. Alley is unused.			
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:

Handwritten signatures:

November 30, 2015

CITY OF SOUTH BEND
OFFICE OF THE CITY CLERK
ROOM 455, COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601

Attn: City Engineering Office

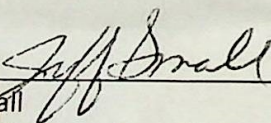
To whom it may concern:

CS&L The Communications REIT has agreed to vacate rights to our portion of the alley way between our property at 318 South Taylor Street and 316 South Taylor Street, giving all rights to Kevin and Shelly Baumgartner.

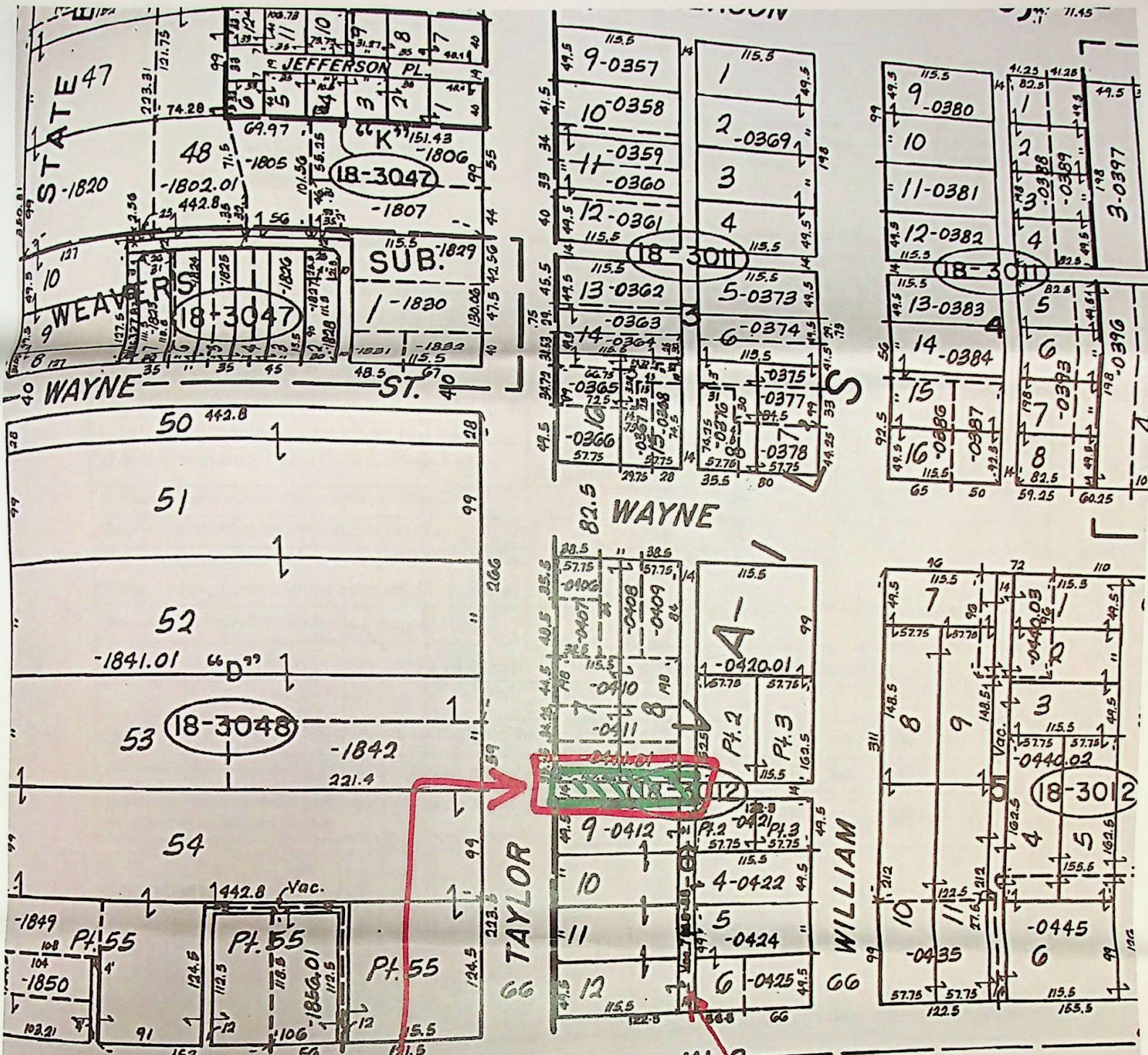
We have agreed to do so in order to make it possible for Kevin and Shelly Baumgartner to construct a gate in the alley between the two properties at the rear of the Baumgartner's property. This will result in more security and privacy for both properties.

We have no reservations regarding the vacating of our portion of the alley rights.

Sincerely,



Jeff Small
Senior Vice President of Operations
CS&L The Communications REIT



WESTERN
 Kevin and Shelly Baumgartner 8-11H
 315 S. Taylor
 South Bend, IN 46601
 574-234-6182

VAC ORD # 1868-88

PORTAGE TWP.
 E. 1/2 N.E. 1/4 SEC. 11 T.37N. R.2E.

CITY OF SOUTH BEND
DEPARTMENT OF PUBLIC WORKS
Street/Alley Vacation Form



227 W. JEFFERSON BOULEVARD PHONE 574/ 235-9251
 SUITE 1316 COUNTY-CITY BUILDING FAX 574/ 235-9171
 SOUTH BEND, INDIANA 46601 TDD 574/ 235-5567

THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP

Submission Date:	4/4/17		
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Applicant property information:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
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Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 4/6/2017

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Matt Longfellow, Engineering Department
Chris Dressel, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmaglioz@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: **REQUEST FOR RECOMMENDATION – STREET/ALLEY VACATION**

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

APPLICANT: Kevin and Shelly Baumgartner

LOCATION: 1st E/W Alley N. of Western and S of Wayne running approximately 118' from e Row to S. Taylor Street

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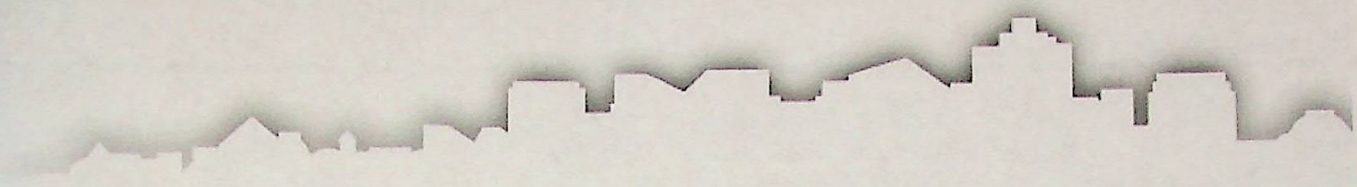
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4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

This vacation will not hinder Solid Waste operations .

By *Mike Bronstetter* Date 4-7-17



EXCELLENCE ✦ ACCOUNTABILITY ✦ INNOVATION ✦ INCLUSION ✦ E

Raschelle Beckwith

From: Federico Rodriguez
Sent: Thursday, April 06, 2017 11:15 AM
To: Raschelle Beckwith
Subject: RE: Request For Recommendation-Street/Alley Vacation

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



We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

From: Raschelle Beckwith
Sent: Thursday, April 06, 2017 10:17 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Eugene Eyster <eeyster@southbendin.gov>; Imalioz <co.st-joseph.in.us>; pmgriffin@nisource.com
Subject: Request For Recommendation-Street/Alley Vacation

Raschelle Beckwith
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-3168
Rbeckwit@southbendin.gov



South Bend, IN 46601
Phone: (574) 235-9251

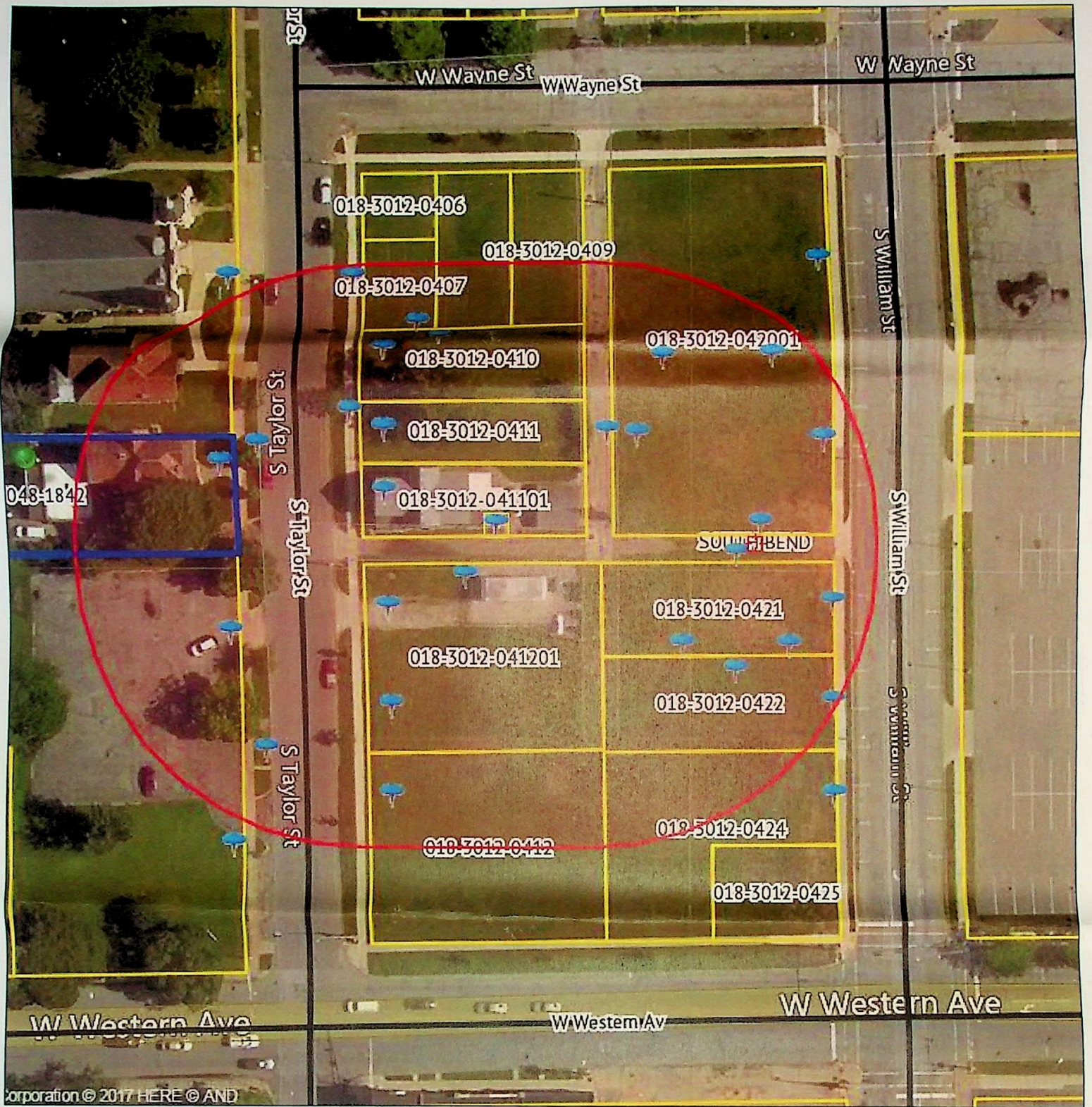


150' Buffer

Date Prepared: 4/4/2017

Kevin and Shelly Baumgartner

1St EW Alley N of Western and S of Wayne running approximately 118' from the E ROW of S. Taylor Street.



corporation © 2017 HERE © AND



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

Alley Vacation Radius Map

Properties within 150'

Kevin and Shelly Baumgartner

1st EW Alley N of Western and S of Wayne running approximately 118' from the E ROW of S. Taylor Street.



150' Buffer

Date Prepared: 4/4/2017

Raschelle Beckwith

From: Eugene Eyster
Sent: Thursday, April 06, 2017 10:36 AM
To: Raschelle Beckwith
Subject: Re: Request For Recommendation-Street/Alley Vacation

Ms. Beckwith,
The Police Department would have no recommendation regarding this request.


Lt. E. Eyster

Sent from my iPad

On Apr 6, 2017, at 10:16, Raschelle Beckwith <rbeckwit@southbendin.gov> wrote:

Raschelle Beckwith

Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-3168
Rbeckwit@southbendin.gov



EXCELLENCE ❖ ACCOUNTABILITY ❖ INNOVATION ❖ INCLUSION

<AV Baumgartner westren wayne.pdf>

Raschelle Beckwith

From: Matt Longfellow
Sent: Friday, April 14, 2017 10:27 AM
To: Raschelle Beckwith
Cc: Toy Villa; Roger Nawrot; Kara Boyles; Donna C. Hanson
Subject: RE: Request For Recommendation-Street/Alley Vacation
Attachments: Engineering response.pdf

Engineering has **no objections** to this vacation request; however, the petitioner must understand they may not have *adequate space to access the West side of their back garage* with a vehicle if the alley is vacated. They will still have garage access off of the N/S alley (East side of garage) though.

From: Raschelle Beckwith
Sent: Thursday, April 06, 2017 10:17 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Eugene Eyster <eeyster@southbendin.gov>; Imalioz@co.st-joseph.in.us; pmgriffin@nisource.com
Subject: Request For Recommendation-Street/Alley Vacation

Raschelle Beckwith

Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-3168
Rbeckwit@southbendin.gov



EXCELLENCE ✦ ACCOUNTABILITY ✦ INNOVATION ✦ INCLUSION ✦ E

Linda Martin

From: Chris Dressel
Sent: Tuesday, April 18, 2017 3:00 PM
To: Raschelle Beckwith
Cc: Linda Martin; Tim Corcoran
Subject: RE: Request For Recommendation-Street/Alley Vacation

This request receives an unfavorable recommendation based on it would hinder the growth or orderly development of the unit or neighborhood in which it is located. At this time, the City of South Bend as the predominant land owner *within the Wayne/William/Western/Taylor block* wishes to preserve each of the current alley accesses for future redevelopment.

Christopher D. Dressel, AICP
Planner
Brownfields Coordinator
Bicycle Coordinator
Department of Community Investment
(574) 235-5847
cdressel@southbendin.gov
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601
<http://www.southbendin.gov>

From: Raschelle Beckwith
Sent: Thursday, April 06, 2017 10:17 AM
To: Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Eugene Eyster; Imalioz@co.st-joseph.in.us; pmgriffin@nisource.com
Subject: Request For Recommendation-Street/Alley Vacation

Raschelle Beckwith
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
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Rbeckwit@southbendin.gov



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