

ALLEY VACATION
ORDINANCE NO. 10513-17

Status Vacated

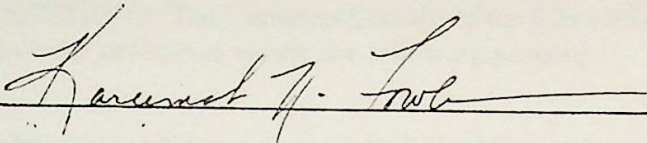
Date: May 8, 2017

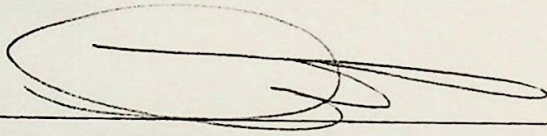
Description: 1st NW Alley running N Approximately
170' and 14' wide from Indiana Ave., W. of High Street
and E. of Marietta Street

ORDINANCE No. 10513-17

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

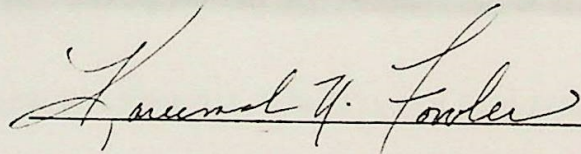
May 8, _____ 20 17

Attest:  _____ City Clerk

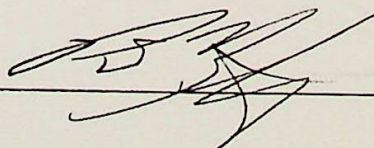
Attest:  _____ President of Common Council

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. 10513-17

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

1st NW alley running N approximately 170' and 14' wide from Indiana Ave., W. of High Street and E. of Marietta 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:

1st NW alley running N approximately 170' and 14' wide from Indiana Ave., W. of High Street and E. of Marietta Street.

hereby determines that it is desirable to vacate said property.

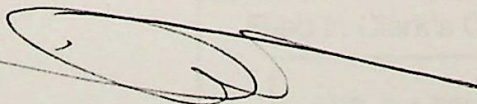
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures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

LOTS 018-7029-1145, 018-7029-1144, 018-7029-1131, 018-7029-1130

Section IV. The purpose of the vacation of the real property is to conjoin the property owners two properties.

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

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

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.*

Peter Buttigieg

Peter Buttigieg, Mayor
City of South Bend, Indiana

Filed in Clerk's Office

APR 06 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Alley Vacation

717 E. Indiana Ave.

Legend

SJC Parcel Dimensions

SJC Parcels

ELK Parcels

SJC Street

ELK Street

Building Footprint

Railroad

Railroad

Abandoned Railroad

Road Centerline

Railroad Bridge

Roadway Bridge

Major Roads

1

10

Primary Roads

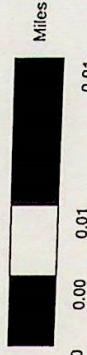
Secondary Roads

Local Roads

Rivers

Local Roads

1 inch = 75.00 feet



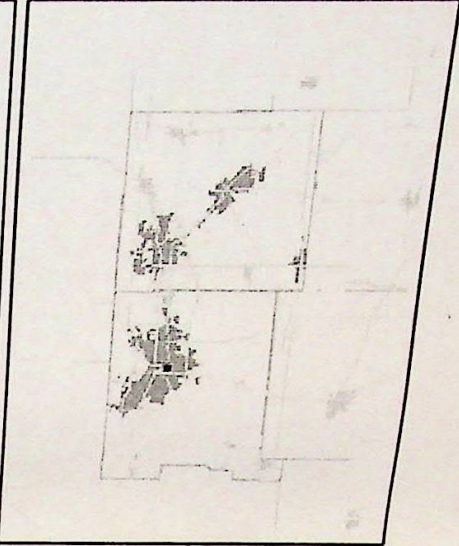
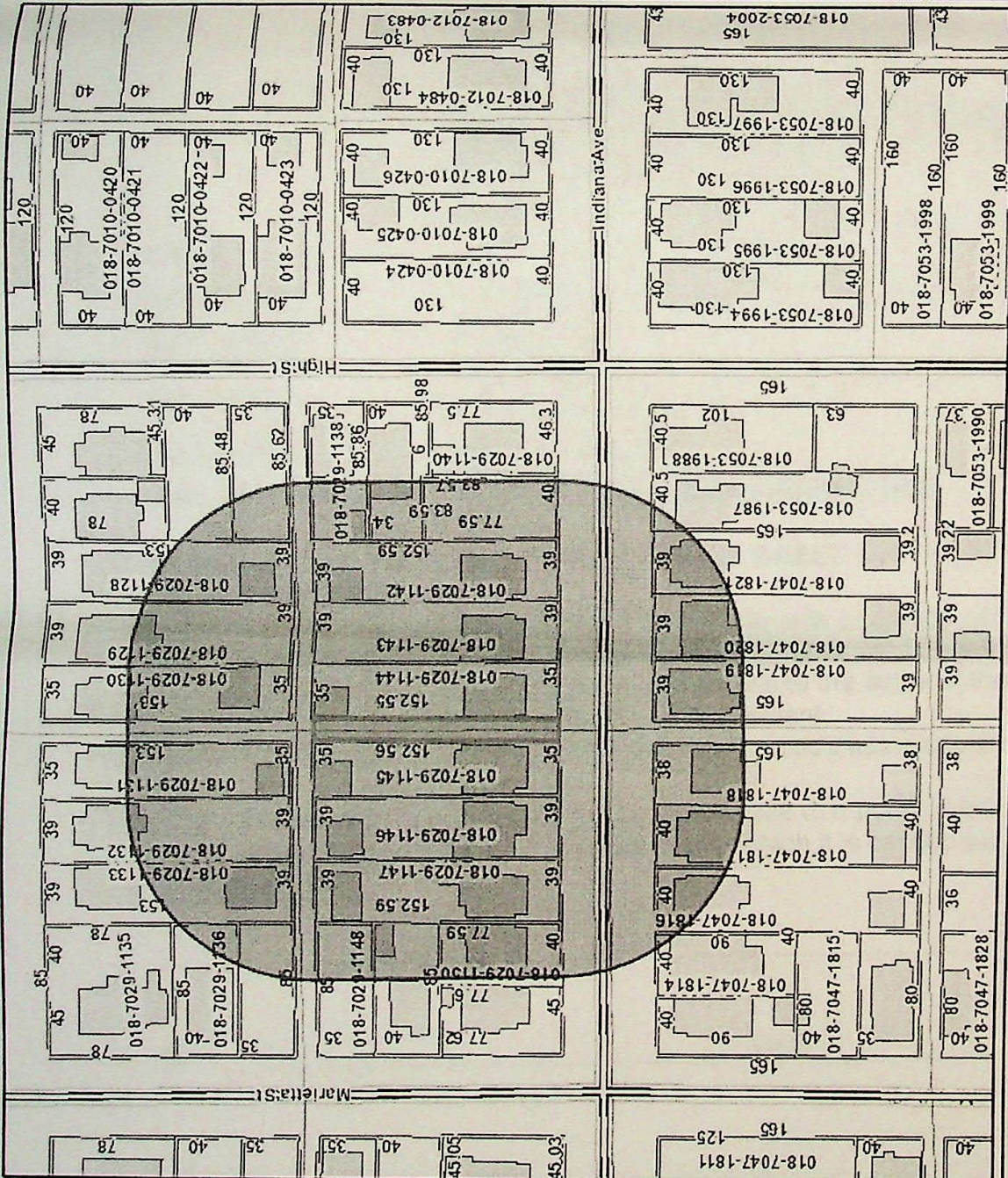
Date Printed: 3/17/2017

Map Generated By: DCH

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

Alachua Area Council of Governments | Geographic Information System
1111 East St. Joseph Center, FL



10513-17



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

DATE SENT: 11/16/2016

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

APPLICANT: Andrew Pich

LOCATION: Partial Section of 1st N/S Alley West of High St., North of E Indiana Ave and E of Marietta

DATE DUE: December 6, 2016

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

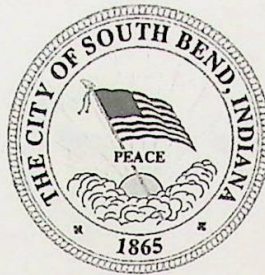
**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

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

February 14, 2017

Andrew Pich
717 E Indiana
South Bend, IN 46613

RE: Alley Vacation – 1st Half of the North/South Alley West of High Street, North of East Indiana Avenue, East of Marietta (Preliminary Review)

Dear Mr. Pich:

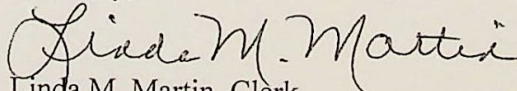
The Board of Public Works, at its February 14, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

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.

The Board noted the vacation would create a "t" intersection with the east/west alley and a taper needs to be installed to allow for turning radius. Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this partial alley subject to you installing a taper at the intersection of the two alleys.

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:	11/15/16		
Applicant Name:	ANDREW PICH	Phone #:	574-993-1873
		Email:	flufnuckle@gmail.com
Property Address:	717 and 721 E. INDIANA		
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 NS ALLEY W OF HIGH ST, N OF E. INDIANA AVE, E OF MARIETTA		
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:			
ALLEY DIVIDES OWNER'S TWO LOTS			
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]

Elizabeth Horvath

From: Matt Longfellow
Sent: Wednesday, November 23, 2016 11:52 AM
To: Elizabeth Horvath
Cc: Toy Villa; Roger Nawrot; Donna C. Hanson
Subject: RE: Alley Vacation - Andrew Pich
Attachments: engineering_response.pdf

Engineering gives this an unfavorable recommendation, because:

1. 717 E. Indiana would require alley to access their back garage, and per county records 717 and 721 (either side of alley) are owned by two separate people.

not affected

From: Elizabeth Horvath

Sent: Wednesday, November 16, 2016 3:46 PM

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>; Larry Magliozzi <lmagloz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>

Subject: Alley Vacation - Andrew Pich

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-9251 Ex. 3168

lhovath@southbendin.gov



EXCELLENCE ✦ ACCOUNTABILITY ✦ INNOVATION ✦ INCLUSION ✦ E

Elizabeth Horvath

From: Eugene Eyster
Sent: Friday, January 20, 2017 11:44 PM
To: Elizabeth Horvath
Subject: Re: Second Request - Alley Vacation - Andrew Pich

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

Lt. Eyster

Sent from my iPad

On Jan 20, 2017, at 08:53, Elizabeth Horvath <lhovath@southbendin.gov> wrote:

Please provide your recommendations.

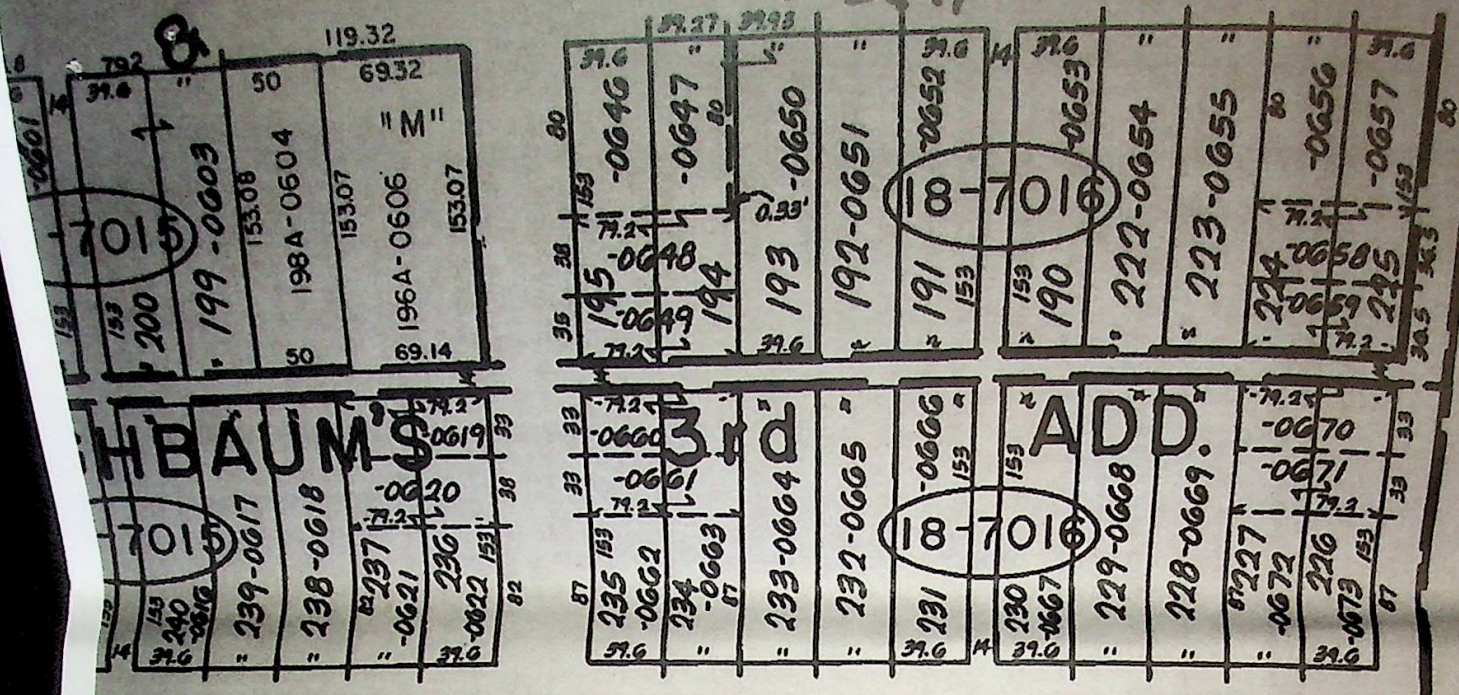
Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov

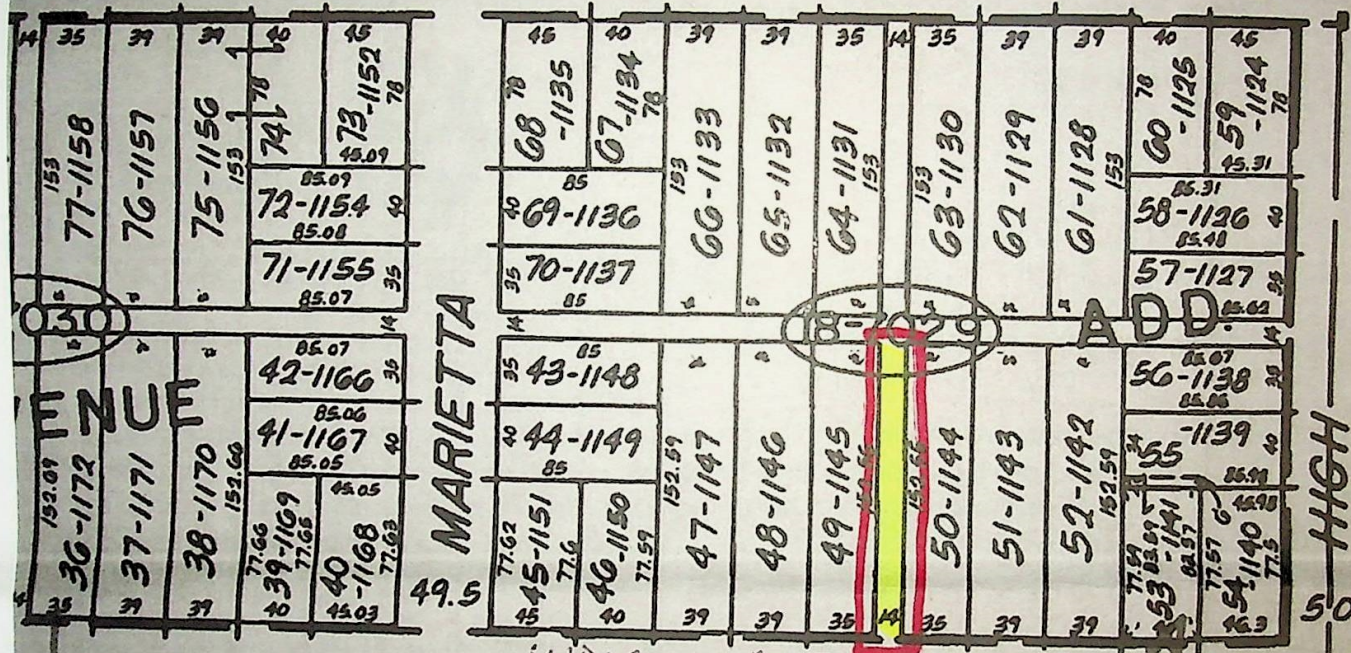


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<Alley Vacation - Andrew Pich.pdf>



AVE. 60



MARIETTA

INDIANA AVE

AVE. 60

HIGH

DEED #2774 ANDREW PICH
 717 E. INDIANA
 SOUTH BEND,
 46613 DEED #2695
 574-993-1873

TWP. 13
 T.37N. R.2E.

Elizabeth Horvath

From: Federico Rodriguez
Sent: Thursday, November 17, 2016 12:42 PM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Andrew Pich

Un-favorable S.B.F.D due to reason # 2.

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



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From: Elizabeth Horvath
Sent: Wednesday, November 16, 2016 3:46 PM
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>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Andrew Pich

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov

Elizabeth Horvath

From: Michael Bronstetter
Sent: Thursday, November 17, 2016 1:23 PM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - Andrew Pich

This vacation would not hinder Solid Waste's operation.

Thanks,



Mike Bronstetter
Manager of Solid Waste Operations
(574) 235-5795
mbronste@southbendin.gov
City of South Bend
3113 Riverside Dr.
South Bend, IN 46628

We deliver services that empower everyone to thrive.
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From: Elizabeth Horvath
Sent: Wednesday, November 16, 2016 3:46 PM
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>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - Andrew Pich

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov



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INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 11/16/2016

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 (Imaglioz@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 – ALLEY VACATION**

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

APPLICANT: **Andrew Pich**

LOCATION: **Partial Section of 1st N/S Alley West of High St., North of E Indiana Ave and E of Marietta**

DATE DUE: **December 6, 2016**

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:

Our ownership records show a discrepancy in property owner. - ONE OWNER *Jm*

By Keith Chapman, Planner Date 11/22/16

Elizabeth Horvath

From: Chris Dressel
Sent: Tuesday, February 07, 2017 1:51 PM
To: Elizabeth Horvath
Cc: Tim Corcoran
Subject: RE: Second Request - Alley Vacation - Andrew Pich

Recommended for approval since it does not violate the relevant state statutes under IC 36-7-3-13

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: Elizabeth Horvath
Sent: Friday, January 20, 2017 8:53 AM
To: Eugene Eyster; Pete Kaminski; Chris Dressel
Subject: Second Request - Alley Vacation - Andrew Pich

Please provide your recommendations.

Lizzy Horvath

Secretary
Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-9251 Ex. 3168
lhovath@southbendin.gov



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