

**ORDINANCE #10516-17**

**AMENDING ORDINANCE #10431-16**

Alley Vacation

May 22, 2017

**An ordinance to amend, correct, and replace Ordinance No. 10431-16 to VACATE the following described property:**

The first North/South Alley East of Cushing Street from Lincoln Way West to the first East/West Alley for a distance of 193 feet and a width of 14 feet. Said alley being a part Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana

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ORDINANCE No. 10516-17

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

\_\_\_\_\_ May 22, \_\_\_\_\_ 20 \_\_\_\_\_ 17

Attest: Karenal H. Fowler \_\_\_\_\_ City Clerk

Attest: [Signature] \_\_\_\_\_ President of Common Council

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

\_\_\_\_\_ May 23, \_\_\_\_\_ 20 \_\_\_\_\_ 17

Karenal H. Fowler \_\_\_\_\_ City Clerk

Approved and signed by me May 24 \_\_\_\_\_ 20 \_\_\_\_\_ 17

[Signature] \_\_\_\_\_ Mayor

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**ORDINANCE NO. 10516-17**

**AN ORDINANCE TO AMEND, CORRECT, AND REPLACE ORDINANCE NO. 10431-16 TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

THE FIRST NORTH/SOUTH ALLEY EAST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S 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.

On April 11, 2016 this Council Passed Ord. No. 10431-16 to vacate an alley right of way. However, the legal description of the described property was subsequently discovered to be incorrect, describing the wrong property to be vacated. This ordinance amends and corrects the legal description by including the correct legal description of the alley to be vacated and it replaces Ordinance No. 10431-16 by vacating the correctly described 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 NORTH/SOUTH ALLEY EAST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S 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:

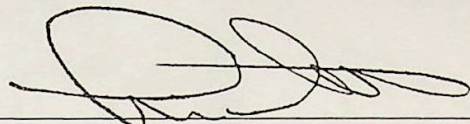
Lot Number	County Parcel ID Number	Current Owner
1 & 2	018-1028-1259	Wadad El- Ammori

3	018-1028-1260	Wadad El- Ammori
3	018-1028-1261	Lincoln Park Development, LLC
4	018-1028-1262	George Kalafat
6	018-1028-1282	Wadad El- Ammori

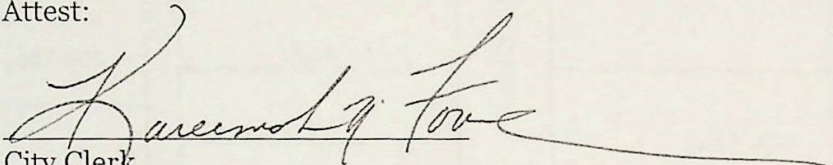
**SECTION IV.** The purpose of the vacation of the real property is to allow for the development of such property.

**SECTION V.** This Ordinance supersedes and replaces Ordinance No. 10431-16.

**SECTION VI.** This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, retroactive to April 12, 2016 per the original ordinance 10431-16.

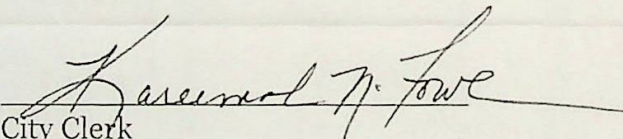
  
 \_\_\_\_\_  
 Member of the Common Council

Attest:

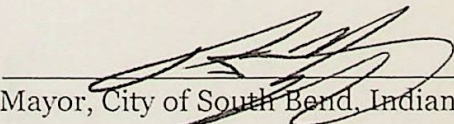
  
 \_\_\_\_\_  
 City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the 23<sup>rd</sup> day of May, 2017, at 9:30 o'clock a.m.

Attest:

  
 \_\_\_\_\_  
 City Clerk

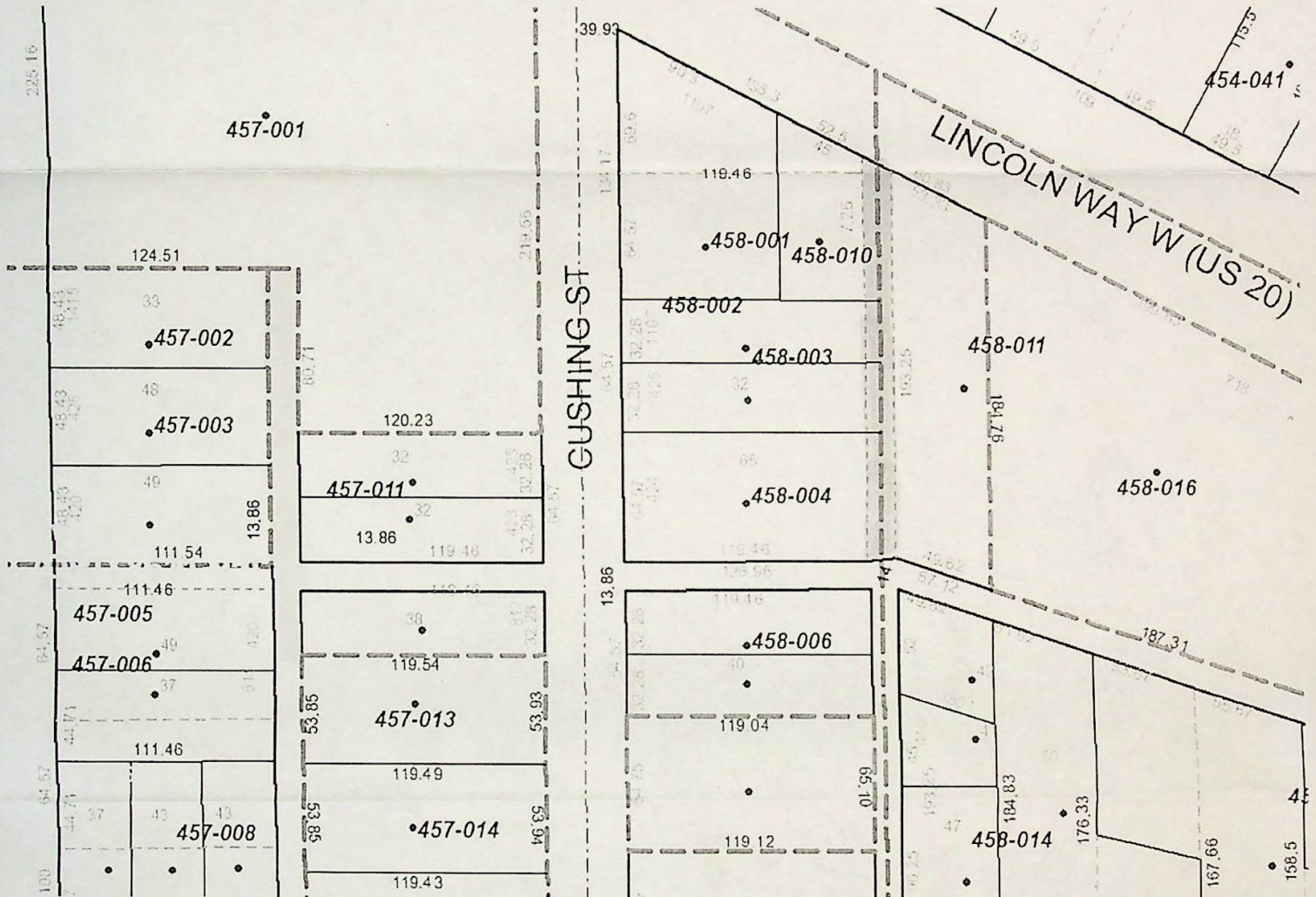
Approved and Signed by me on the 26<sup>th</sup> day of May, 2017, at 4:00 o'clock p.m.

  
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 Mayor, City of South Bend, Indiana

1st READING 5/18/17  
 PUBLIC HEARING 5/22/17  
 3rd READING 5/22/17  
 NOT APPROVED  
 REFERRED 5/18/17  
 PASSED 5/22/17

= portion to be vacated if go by the legal description on ord. ("West" of ~~the~~ Cushing)

= portion to be vacated using the map and tax ids on ord. (should be "east" of Cushing)



W N  
S E