## ORDINANCE NO. 10519-17

Alley Vacation

Date Vacated: July 1, 2017

Description: Eastern 170+ Feet of East/West Alley West of Eddy Street Between St. Vincent Street and Howard Street



## OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

#### **MEMORANDUM**

TO: Larry Magliozzi, Area Plan Commission
Kara Boyles, Board of Public Works
Donna Hanson, Engineering Department
Charles Bulot, Building Department
Federico Rodriguez, Fire Department
Phil Griffin, Northern Indiana Public Service Co.
Lt. Christopher Voros, Police Dept.

Michael Divita, Community Investment County Auditor, Plat Room Ed Herman, Water Works Linda Martin, Board of Public Works Derick Robert, Streets and Sewer Rene Casiano, Innovation and Technology Ed Gleckler, Traffic & Lighting Elizabeth Horvath, Public Works

FROM: Kareemah Fowler, City Clerk

DATE: 7/10/2017

SUBJECT: Effective Alley Vacation Notice Eddy Street Commons Phase II

To Whom it May Concern:

All proceedings with reference to Ordinance Nos. 10518-17, 10519-17, 10520-17, 10521-17 for the vacation of the following described properties:

- 10518-17 AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: NORTH/SOUTH ALLEY SOUTH OF ST. VINCENT STREET, EAST OF EDDY STREET INCLUDING TWO (2) EAST/WEST ALLEYS NORTH OF HOWARD STREET, SOUTH OF ST. VINCENT AND NON-VACATED RIGHT-OF-WAY WEST OF SR 23 AT SOUTH END OF FORMER GEORGIANA STREET
- 10519-17 AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: NORTHWEST CORNER OF HOWARD STREET AND EDDY STREET INCLUDING EXCESS RIGHT-OF-WAY FROM FORMER HOWARD STREET ALIGNMENT
- 10520-17 AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: EASTERN 170+ FEET OF EAST/WEST ALLEY WEST OF EDDY STREET BETWEEN ST. VINCENT STREET AND HOWARD STREET
- 10521-17 AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: NORTH/SOUTH ALLEY MAKING UP FORMER EDDY STREET, SOUTH OF HOWARD STREET AND NORTH OF CORBY BLVD. INCLUDING ALL RIGHT-OF-WAY TO SOUTH BEND AVENUE AND FORMER SOUTH BEND AVENUE

are closed and this area is vacated as of July 1, 2017. All Common Council proceedings regarding the vacation are public information and available electronically at southbendin.gov, or by hard copy in the City Clerk's Office. Should you have any queries or concerns regarding this property vacation, feel free to contact the City Clerk's Office at your convenience.

Sincerely,

Kareeemah Fowler

City Clerk, City of South Bend

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601 Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

# ORDINANCE No. 10519-17

Passed by the Common Council	l of the City of South B	end, Indiana 🗀		
Attest: Asserval	May 22,		City Clerk	
Attest:			President of Comn	ıon Councii
Presented by me to the Mayor of	May 23.	20 17		
	Jareensal (	1. Tower	)	City Clerk
Approved and signed by me	nay 21e	20 10		
		<u></u>		Mayor

# ORDINANCE No. 10519-17

Passed by the Con	mmon Council of th	he City of South Be	end, Indiana	nut is offerged with	of a society
Attest:	areenal N.	May 22,		City Clerk	
Attest:				_ President of Con	ımon Council
Presented by me to	o the Mayor of the	May 23,	2017		
	A	areenal 1	1. Fowler	<u>.</u>	_ City Clerk
Approved and sig	ned by me_Ma	<del>f</del> 21e	20	1	
			\$		Mayor

## ORDINANCE NO. 10519-17

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

EASTERN 170+ FEET OF EAST/WEST ALLEY WEST OF EDDY STREET BETWEEN ST. VINCENT

STREET AND HOWARD 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:

All of the 14 foot wide East/West alley lying between Lots 97 and 98 in Sorin's Second Addition to the Town of Lowell recorded in Plat Book 1, page 10 in the Office of the Recorder of St. Joseph County, Indiana, said alley is bordered on the East by Eddy Street and on the West by the first alley West of Eddy Street. Containing 2,310 square feet, more or less.

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:

018-5105-3698 018-5105-3699 Section IV. The purpose of the vacation of the real property is to allow for construction of Eddy Street Commons, Phase II, a mixed-use retail and residential development.

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

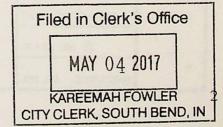
33rd day of <u>May</u>, 2<u>017</u>, at <u>9'.30</u> o'clock <u>va</u>. m.

City Clei

Approved and signed by me on the <u>Aleth</u> day of <u>May</u>, <u>2017</u>, at <u>4:00</u> o'clock <u>p</u>. m.

Mayor Mayor South Bend, Indiana

1st READING 5/8/17
PUBLIC HEARING 5/22/17
3rd READING 5/22/17
NOT APPROVE
REFERRED 5/8/17
PASSED 5/22/17



Filed in Clerk's Office

MAY 03 2017

KAREEMAH FOWLER

CITY CLERK, SOUTH BEND, IN

Vacation Areas

(14' Alley)

All of the 14 foot wide East/West alley lying between Lots 97 and 98 in Sorin's Second Addition to the Town of Lowell recorded in Plat Book 1, page 10 in the Office of the Recorder of St. Joseph County, Indiana, said alley is bordered on the East by Eddy Street and on the West by the first alley West of Eddy Street. Containing 2,310 square feet, more or less.

(Howard Street)

Part of Howard Street, as platted in Sorin's Second Addition to the Town of Lowell recorded in Plat Book 1, page 10 in the Office of the Recorder of St. Joseph County, Indiana, more particularly described as follows:

Beginning at the southwest corner of Lot 100 in said Sorin's Second Addition; thence along the south line of Lot 100 North 89 degrees 38 minutes 13 seconds East 152.96 feet to the southwest corner of Parcel 84M as deeded to the State of Indiana by Warranty Deed recorded as Instrument number 1121030; thence South 21 degrees 21 minutes 00 seconds West 33.11 feet to a point on a curve, said curve having a radius of 441.83 feet and concave to the southwest; thence northwesterly along the curve to the left an arc distance of 144.68 feet, said curve being subtended by a chord bearing North 78 degrees 01 minutes 50 seconds West 144.03 feet, to the Point of Beginning. Containing 1,785 square feet, more or less.

# VACATION EXHIBIT

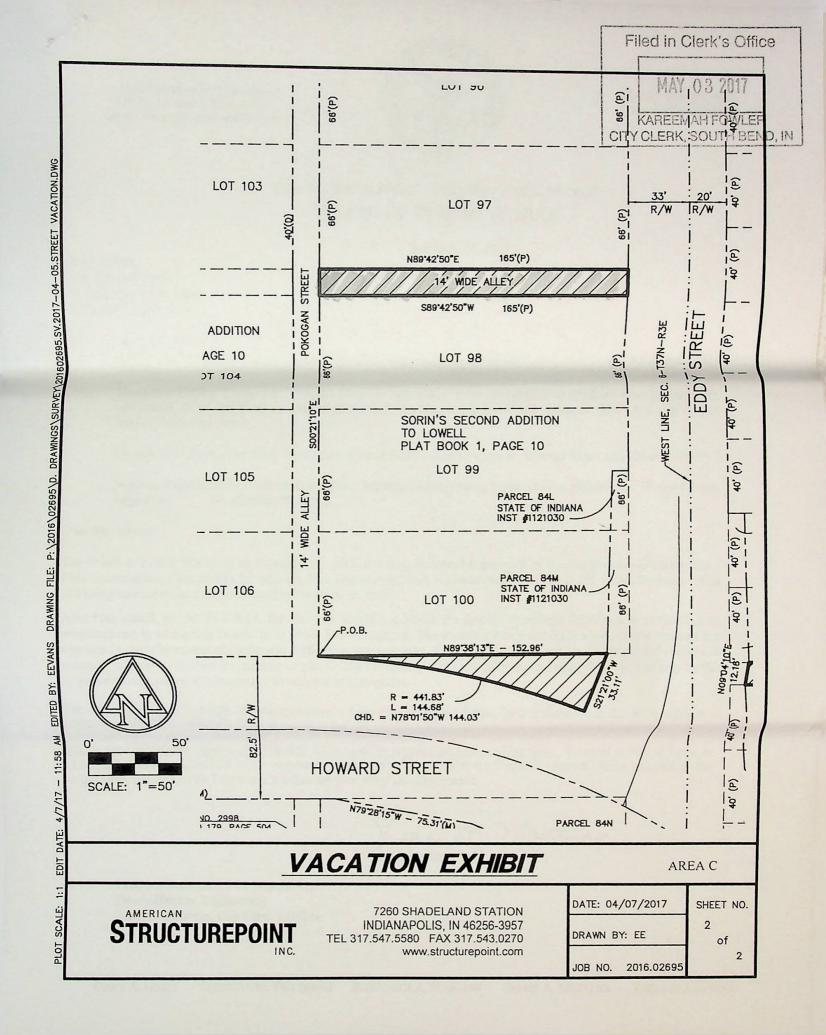
AREA C

STRUCTUREPOINT

7260 SHADELAND STATION INDIANAPOLIS, IN 46256-3957 TEL 317.547.5580 FAX 317.543.0270 www.structurepoint.com DATE: 04/07/2017 SHEET NO.

DRAWN BY: EE of

JOB NO. 2016.02695



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

Tony Halsey Kite Realty Group 30 South Meridian Street Indianapolis, IN 46204

Alley Vacations -RE:

> North/South Alley making up former Eddy Street, South of Howard Street and North of Corby Blvd. including all Right-of-Way to South Bend Avenue and former South Bend Avenue

> North/South Alley South of St. Vincent Street, East of Eddy Street including Two (2) East/West Alleys North of Howard Street, South of St. Vincent Street and Non-Vacated Right-of-Way West of SR 23 at South End of former Georgiana Street

Eastern 170+ Feet of the East/West Alley West of Eddy Street between St. Vincent Street and Howard Street

Northwest Corner of Howard Street and Eddy Street including Excess Right-of-Way from Former Howard Street Alignment (Preliminary Review)

Dear Mr. Halsey:

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.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to utility easements for existing water and sewer mains.

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.

Jisda M. Martine
nda M. Martin, Clerk

Federico Rodriguez, Fire Department c: Donna Hanson, Engineering Alkeyna Aldridge, City Clerk's Office



### INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

	DATE SENT:	1/23/2017		
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 (Imaglioz@	co.st-		
	joseph.in.us or 235-9813 fax)	00.01		
	Gene Eyster, Police Department			
	Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FY	I Only)		
FROM:	Linda M. Martin, Clerk			
SUBJECT: REQUEST FOR RECOMMENDATION - STREET/AI				
SODSECT.	VACATION			
APPLICANT:	Tony Halsey – Kite Realty Group			
LOCATION:	The Eastern 170+ feet of the East/West Alley W	of Eddy St.		
	between St. Vincent St. and Howard St.			
DATE DUE:	February 7, 2016			
FAX OR E-MAIL TO:	235-9171 / Imartin@southbendin.gov			
PLEASE MAKE YOUR	RECOMMENDATIONS BASED ON THE FOLLOW	ING		
IC 36-7-3-13 CRITERIA	<b>A</b> :			
1. The vacation wor	uld/would not hinder the growth or orderly developme	ent of the		
unit or neighborh	good in which it is located or to which it is contiguous			
by means of pub	uld/would not make access to the lands of the aggrie	ved person		
	uld/would not hinder the public's access to a church,	school or		
other public build				
4. The vacation wo	uld/would not hinder the use of a public right-of-way b	by the		
neighborhood in	which it is located or to which it is contiguous.			
COMMENTS:				
Bv	Date			

### CITY OF SOUTH BEND

# DEPARTMENT OF PUBLIC WORKS Street/Alley Vacation Form

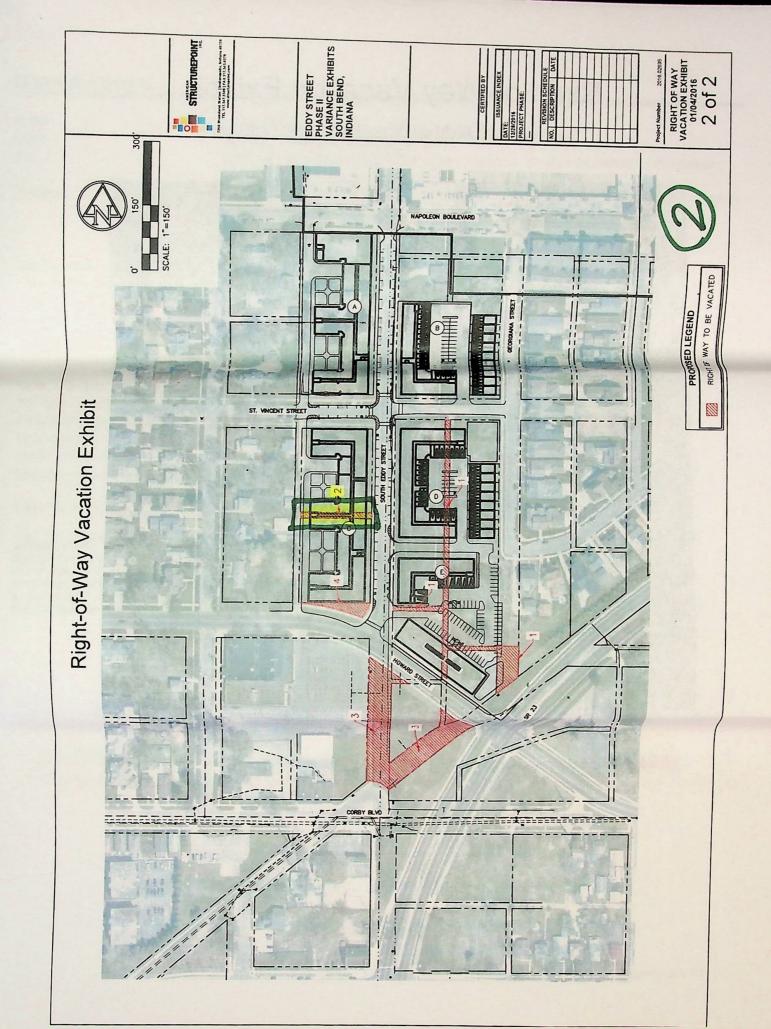
227 W. JEFFERSON BOULEVARD PHONE
SUITE 1316 COUNTY-CITY BUILDING FAX
SOUTH BEND, INDIANA 46601 TDD

574/235-9251 574/235-9171 574/235-5567



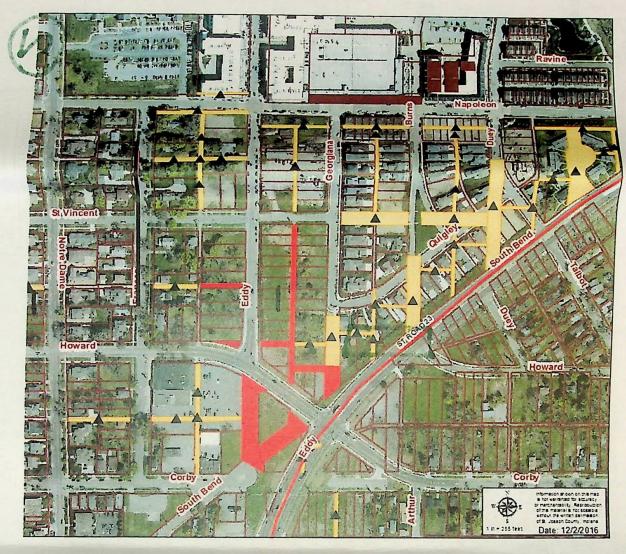
### \*THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP\*

Submission Date:	01/04/2016 7					
Applicant Name:	Tony Halsey Kite Realty Group 30 South Meridian Street Indianapolis, IN 46204		Phone #: 317-713-5653			
			Email: thalsey@kiterealty.com			
Property Address:	1021 and 1013 North Eddy Street, So	outh Bend, IN 4	6617			
Applicant property i	nformation: 🛛 Residen	itial 🖂 🤇	Commercial	Industrial		
Describe the general alley location with boundaries (ex. Church PI, between E. Colfax Ave & E. LaSalle Ave):		The eastern 170± feet of the East/West alley west of Eddy Street between St. Vincent Street and Howard Street.  See (2) on attached Right of Way Vacation exhibit				
Is your property adja	cent to the alley of interest?		∑ Y€	es 🗌	No	
Do you own all adjace	ent properties to the alley of interest	t?	∑ Y€	es 🗌	No	
If no, use the attache	d table to provide the following info	rmation for all	affected property of	owners:		
Reason for street/alley vacation and proposed use: Redevelopment for residential and mixed use development. See attached Right of Way Vacation Exhibit.						
					STATE OF THE STATE	
Does the existing alley provide garage access to other property owners?			☐ Yes	⊠ No		
Does the alley receive	e daily traffic excluding your own use	?		Yes	⊠ No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?			h, school, or any	☐ Yes	⊠ No	
	nmendation for the proposed alley	y vacation:  Yav	Ves Yes	□ No		
		-				_



# Right-of-Way Vacation Exhibit

Vacated Public Rights-of-Way / Eddy Street Commons



- Already Vacated Rights-of-Way

- Proposed Vacation of Public Right-of-Way

Eugene Eyster From:

Monday, January 23, 2017 11:54 AM Sent:

Elizabeth Horvath; Pete Kaminski; Matt Longfellow; Michael Bronstetter; Chris Dressel; To:

Federico Rodriguez; Larry Magliozzi

RE: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Subject:

Vincent and Howard

Ms. Horvath,

The Police Department would have no recommendation regarding this request.

Lt. Eyster

From: Elizabeth Horvath

Sent: Monday, January 23, 2017 10:57 AM

To: Pete Kaminski < pkaminsk@southbendin.gov>; Matt Longfellow < mlongfel@southbendin.gov>; Michael Bronstetter <mbrownste@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez

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

<eeyster@southbendin.gov>

Subject: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Vincent and Howard

Please provide your recommendations.

Lizzy Horvath

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



EXCELLENCE \* ACCOUNTABILITY \* INNOVATION \* INCLUSION

From: Michael Bronstetter

Sent: Tuesday, January 24, 2017 7:34 AM

To: Elizabeth Horvath

Subject: RE: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St

Vincent and Howard

This vacation would not hinder Solid Waste operations.

#### Thank you,



#### Mike Bronstetter

Director of Solid Waste Operations (574) 235-5795

mbronste@southbendin.gox
City of South Bend
3113 Riverside Dr.
South Bend, IN 46628

We deliver services that empower everyone to thrive.

Excellence | Accountability | Innovation | Inclusion | Empowerment

From: Elizabeth Horvath

Sent: Monday, January 23, 2017 10:57 AM

**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Michael Bronstetter <mbronste@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: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Vincent and Howard

Please provide your recommendations.

## Lizzy Horvath

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



EXCELLENCE \* ACCOUNTABILITY \* INNOVATION \* INCLUSION \* E

Federico Rodriguez From:

Tuesday, January 24, 2017 9:12 AM Sent:

Elizabeth Horvath To:

RE: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Subject:

Vincent and Howard

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.

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From: Elizabeth Horvath

Sent: Monday, January 23, 2017 10:57 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Michael Bronstetter <mbronste@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: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Vincent and Howard Please provide your recommendations.

Lizzy Horvath

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

JOHN W. BYORNI



LARRY MAGLIOZZI
DEPUTY DIRECTOR

# AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

January 24, 2017

City of South Bend Board of Public Works 13th Floor, County-City Building South Bend, Indiana 46601

RE: Street and/or Alley Vacation

Location: The Eastern 170' of the E/W Alley W of Eddy, Between St. Vincent and Howard

Dear Board Members:

The staff has reviewed this petition, and would note that in our opinion:

(1) 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 neighborhood is fully developed and traffic patterns established.

(2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

Alley access is no longer required for the adjacent properties, as alternative access will be provided for the redeveloped sites.

(3) The vacation would not hinder the public's access to a church, school, or other public building or place.

The alley does not currently provide access to a church, school, or other public building or place.

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

The requested altey vacation is a result of the reconfiguration of the former "Five Points" intersection, which improved the overall circulation pattern of the area.

Due to the above stated reasons, the staff recommends that the proposed excess ROW vacation be approved.

Staff recommends that the alley be described as: The First E/W Alley South of St. Vincent, Between Eddy and the First N/S Alley West of Eddy.

Please contact our office if you have any questions or need any additional information.

Sincerely

Larry Magliozzi

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA, & ROSELAND

From:

Chris Dressel

Sent:

Friday, January 27, 2017 4:53 PM

To:

Elizabeth Horvath

Cc:

Tim Corcoran

Subject:

RE: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St

Vincent and Howard

#### Recommended for approval.

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: Monday, January 23, 2017 10:57 AM

To: Pete Kaminski; Matt Longfellow; Michael Bronstetter; Chris Dressel; Federico Rodriguez; Larry Magliozzi; Eugene

Eyster

Subject: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Vincent and Howard

#### Please provide your recommendations.

## Lizzy Horvath

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



EXCELLENCE \* ACCOUNTABILITY \* INNOVATION \* INCLUSION \* E

From: Matt Longfellow

Sent: Wednesday, February 01, 2017 3:36 PM

To: Elizabeth Horvath

Cc: Toy Villa; Roger Nawrot; Kara Boyles; Donna C. Hanson

Subject: RE: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St

Vincent and Howard

Attachments: engineering response.pdf

Engineering has no objections to this vacation.

-Matt



Matt Longfellow
Department of Public Works
Division of Engineering
(574) 235-5929
mlongfel@southbendin.gov
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601
www.southbendin.gov

From: Elizabeth Horvath

Sent: Monday, January 23, 2017 10:57 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Michael Bronstetter

<mbronste@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: Vacation - the Eastern 170+ feet of the East-West Alley W of Eddy Street between St Vincent and Howard

Lizzy Horvath

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