



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 southbend.in.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,

Kareemah 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

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF
OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY/DIRECTOR OF POLICY

JOSEPH MOLNAR
ORDINANCE VIOLATIONS BUREAU
CLERK

ORDINANCE No. 10521-17

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

_____ May 22, _____ 20 _____ 17

Attest: Karenah T. 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

Karenah T. Fowler _____ City Clerk

Approved and signed by me May 26 _____ 20 17

[Signature] _____ Mayor

ORDINANCE No. 10521-17

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

_____ May 22, _____ 20 17

Attest: Harmon 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

Harmon H. Fowler _____ City Clerk

Approved and signed by me May 26 _____ 20 17

[Signature] _____ Mayor

ORDINANCE NO. 10521-17

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

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:

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.

hereby determines that it is desirable to vacate said property.

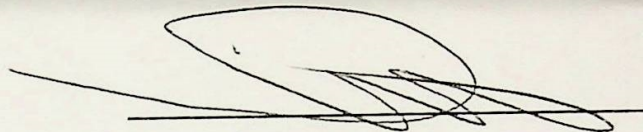
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures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

018-5105-3701

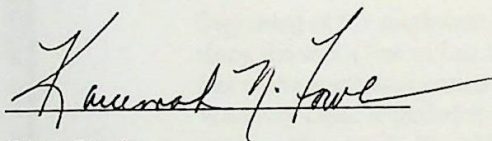
Section IV. The purpose of the vacation of the real property is to allow for construction of Eddy Street Commons, Phase II, a mixed-use retail and residential development.

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.



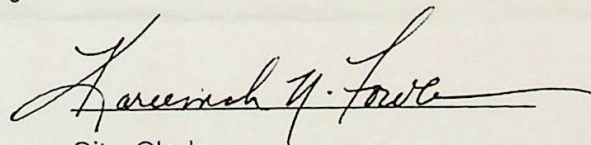
Member of the Common Council

Attest:



City Clerk

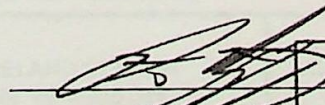
Presented by me to the Mayor of the City of South Bend, Indiana on the 23rd day of May, 2017, at 9:30 o'clock a. m.



City Clerk

Approved and signed by me on the 26th day of May, 2017, at 4:00 o'clock p. m.

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



Filed in Clerk's Office
Mayor, City of South Bend, Indiana
MAY 04 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PLOT SCALE: 1:1 EDIT DATE: 4/7/17 - 11:58 AM DRAWING FILE: P:\2016\02695\02695.D. DRAWINGS\SURVEY\201602695.SV.2017-04-05.STREET VACATION.DWG

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

AMERICAN
STRUCTUREPOINT
INC.

7260 SHADELAND STATION
INDIANAPOLIS, IN 46256-3957
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

DATE: 04/07/2017
DRAWN BY: EE
JOB NO. 2016.02695

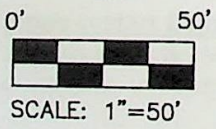
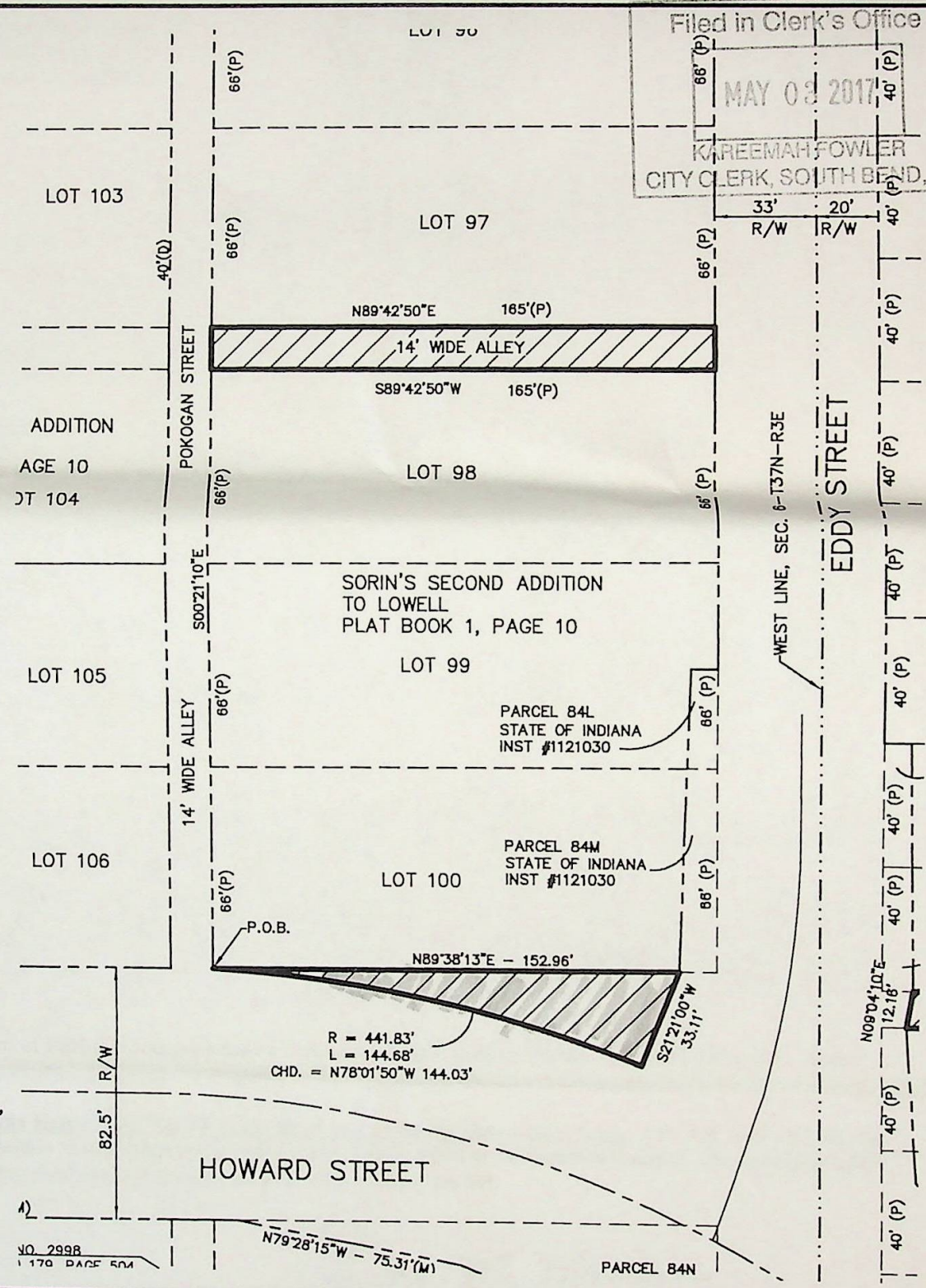
SHEET NO.
1
of
2

PLOT SCALE: 1:1 EDIT DATE: 4/7/17 - 11:58 AM EDITED BY: EVANS DRAWING FILE: P:\2016\02695\DRAWINGS\SURVEY\201602695.SV.2017-04-05.STREET VACATION.DWG

Filed in Clerk's Office

MAY 03 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



VACATION EXHIBIT

AREA C

AMERICAN
STRUCTUREPOINT
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7260 SHADELAND STATION
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TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com

DATE: 04/07/2017
DRAWN BY: EE
JOB NO. 2016.02695

SHEET NO.
2
of
2

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

RE: Alley Vacations –
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:

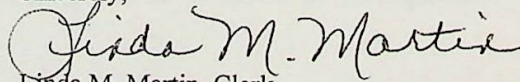
The Board of Public Works, at its February 14, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

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.

Sincerely,


Linda M. Martin, Clerk

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



Handwritten signature or initials in blue ink.

**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 (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 – STREET/ALLEY
VACATION**

APPLICANT:

Tony Halsey – Kite Realty Group

LOCATION:

**Northwest Corner of Howard St. and Eddy St. Consists of
Excess R/W from former Howard Street Alignment**

DATE DUE:

February 7, 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 _____

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:	01/04/2016 ⁷		
Applicant Name:	Tony Halsey	Phone #: 317-713-5653	
	Kite Realty Group 30 South Meridian Street Indianapolis, IN 46204	Email: thalsey@kiterealty.com	
Property Address:	1023 Howard Street, South Bend, IN 46617		
Applicant property information:	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial		
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	Northwest corner of Howard Street and Eddy Street. Consists of excess R/W from former Howard Street alignment.		
	See (4) on attached Right of Way Vacation exhibit		
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:			
Reason for street/alley vacation and proposed use: Redevelopment for retail use.			
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:

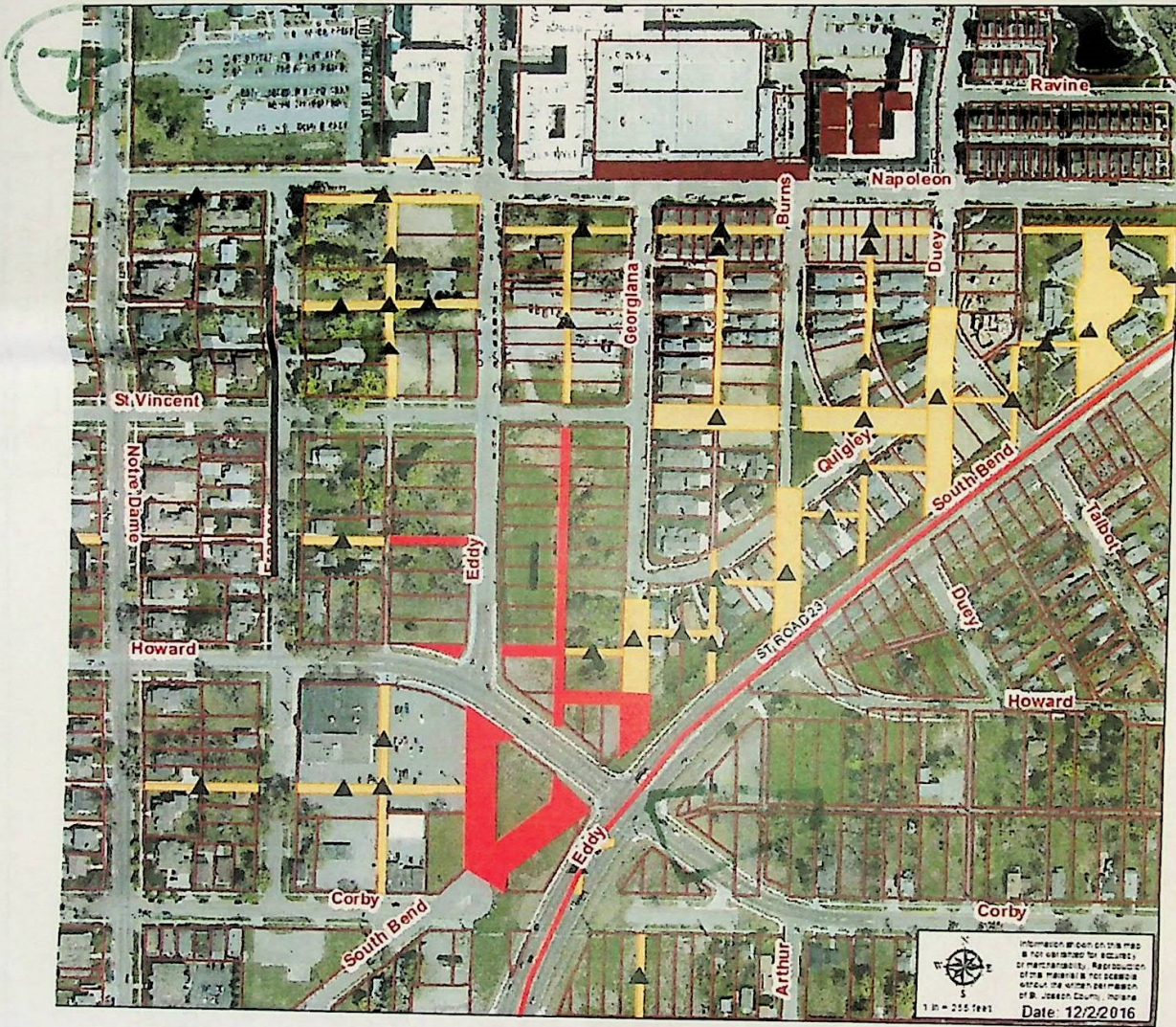
Board Recommendation for the proposed alley vacation: Yes No



Board of Public Works Authorized Signatures:

[Handwritten signatures]

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

Elizabeth Horvath

From: Eugene Eyster
Sent: Monday, January 23, 2017 11:53 AM
To: Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Larry Magliozzi
Subject: RE: Vacation - North West Corner of Howard and Eddy St.

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

Lt. Eyster

From: Elizabeth Horvath
Sent: Monday, January 23, 2017 10:52 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>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Vacation - North West Corner of Howard and Eddy St.

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
lhovath@southbendin.gov



EXCELLENCE ✦ ACCOUNTABILITY ✦ INNOVATION ✦ INCLUSION ✦ E

Elizabeth Horvath

From: Michael Bronstetter
Sent: Tuesday, January 24, 2017 7:34 AM
To: Elizabeth Horvath
Subject: RE: Vacation - North West Corner of Howard and Eddy St.

This vacation would not hinder Solid Waste operations.

Thank you,



Mike Bronstetter
Director 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: Monday, January 23, 2017 10:52 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>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Vacation - North West Corner of Howard and Eddy St.

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
lhovath@southbendin.gov



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AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

JOHN W. BYORNI
EXECUTIVE DIRECTOR

LARRY MAGLIOZZI
DEPUTY DIRECTOR

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*
Applicant: Kite Realty Group
Location: NW Corner Howard & Eddy

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.

The excess ROW is only adjacent to the petitioner's property.

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

The excess ROW does not 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 excess ROW 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.

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

Sincerely,

Larry Magliozzi

Elizabeth Horvath

From: Federico Rodriguez
Sent: Tuesday, January 24, 2017 9:10 AM
To: Elizabeth Horvath
Subject: RE: Vacation - North West Corner of Howard and Eddy St.

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: Elizabeth Horvath
Sent: Monday, January 23, 2017 10:52 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>; Larry Magliozzi <lmagliz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Vacation - North West Corner of Howard and Eddy St.

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
lhovath@southbendin.gov

Elizabeth Horvath

From: Chris Dressel
Sent: Saturday, January 28, 2017 9:06 AM
To: Elizabeth Horvath
Cc: Tim Corcoran
Subject: RE: Vacation - North West Corner of Howard and Eddy St.

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 10:52 AM
To: Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Larry Magliozzi; Eugene Eyster
Subject: Vacation - North West Corner of Howard and Eddy St.

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
lhovath@southbendin.gov



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Elizabeth Horvath

From: Matt Longfellow
Sent: Wednesday, February 01, 2017 3:22 PM
To: Elizabeth Horvath
Cc: Toy Villa; Roger Nawrot; Kara Boyles; Donna C. Hanson
Subject: RE: Vacation - North West Corner of Howard and Eddy St.
Attachments: engineering response.pdf

Engineering has no objections to this vacation.

-Matt



Matt Longfellow
Permits Inspector
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 10:52 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>; Larry Magliozzi <lmaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Vacation - North West Corner of Howard and Eddy St.

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South Bend, IN 46601
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lhovath@southbendin.gov

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