

ALLEY VACATION
ORDINANCE NO. 10532-17

Status Vacated

Date: August 14, 2017

Description: The First North/South Alley West of
Laurel Street running South from Jefferson Blvd. to First
East/West Alley, and North from Jefferson Blvd. to First
East/West Alley

ORDINANCE No. 10532-17

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

August 14, 20 17

Attest: Karen A. Fowler City Clerk

Attest: _____ President of Common Council

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

August 15, 20 17

Karen A. Fowler City Clerk

Approved and signed by me August 16 20 17

[Signature] Mayor

ORDINANCE NO. 10532-17

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH/SOUTH ALLEY WEST OF LAUREL STREET RUNNING SOUTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY, AND NORTH FROM JEFFERSON BLVD. TO FIRST EAST/WEST ALLEY

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:

The first N/S alley W 585' of E. RoW of Laurel St. running
N-157' from W. Jefferson north RoW and running S-159'
from W. Jefferson south RoW

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:

018-3070-2728 (1105 W. Jefferson)-Centennial Properties, Inc.
All other abutting properties owned by petitioner

Section IV. The purpose of the vacation of the real property is to enhance pedestrian safety, prohibit dumping, enable parceling of 1042 and 1102 W. Jefferson.

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 15th day of August, 2017 at 9 o'clock a. M*

Kareemah N. Fowler

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

*Approved and signed by on the 16th day of August, 2017 at 9
o'clock a. M*

Peter Buttigieg

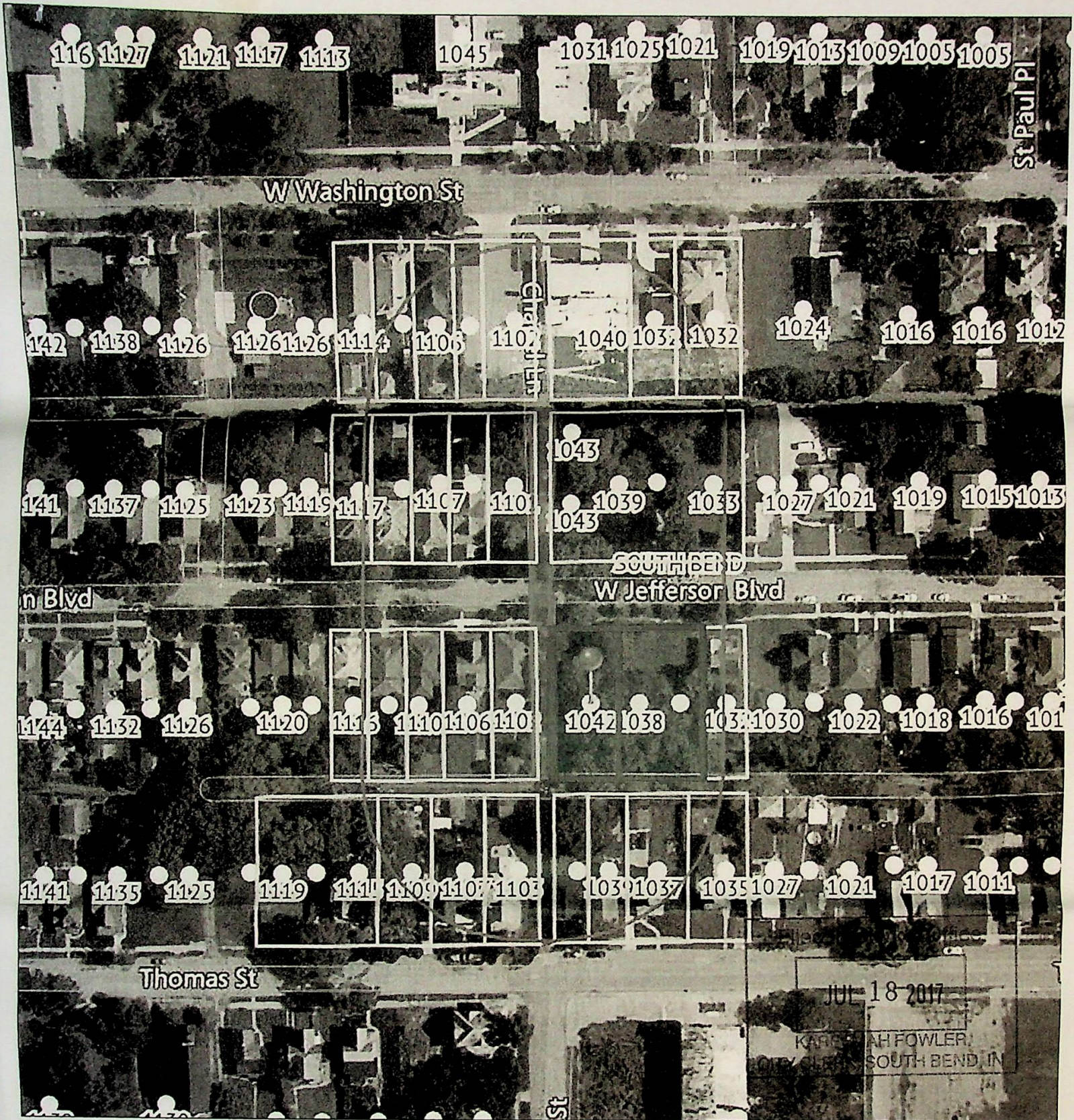
Peter Buttigieg, Mayor
City of South Bend, Indiana

1st READING 7/24/17
PUBLIC HEARING 8/14/17
3rd READING 8/14/17
NOT APPROVED
REFERRED 7/24/17
PASSED 8/14/17

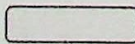
Filed in Clerk's Office

JUL 18 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



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



150' Buffer

*Address List attached

Date Prepared: 7/14/2017

Alley Vacation 150' Radius Map Karl and Megyn Edmonson

The alleys to be vacated are the first N/S alley W 585' of E. RoW of Laurel St. running N ~157' from W. Jefferson north RoW and running S ~159' from W. Jefferson south RoW.

10532-17



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

DATE SENT: 5/4/2017

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 (Imaglio@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
FROM: Linda M. Martin, Clerk *fw*

SUBJECT: REQUEST FOR RECOMMENDATION – STREET/ALLEY VACATION

APPLICANT: Karl & Megyn Edmondson

LOCATION: NS alley W of Laurel St, running S from Jefferson to 1st EW alley, and running N from Jefferson to 1st EW Alley

DATE DUE: May 16, 2017

FAX OR E-MAIL TO: [235-9171](tel: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:

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

June 13, 2017

Karl and Megyn Edmondson
1042 W. Jefferson Blvd.
South Bend, IN 46601

RE: Alley Vacation – North/South Alley West of Laurel Street running South from Jefferson Blvd. to 1st East/West Alley, and North from Jefferson Blvd. to 1st East/West Alley
(Preliminary Review)

Dear Mr. and Mrs. Edmondson:

The Board of Public Works, at its June 13, 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.

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,

A handwritten signature in cursive script that reads "Linda M. Martin".

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:	5/3/17		
Applicant Name:	Karl and Megyn Edmonson		Phone #: 574.904.2187
	Email: megedmonson@hotmail.com		
Property Address:	1042 W. Jefferson Blvd		
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):	NS alley W of Laurel St. running S from Jefferson to 1st EW alley, and running N from Jefferson to 1st EW alley.		
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 type="checkbox"/> Yes <input checked="" 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 uses the alley and trash is dumped frequently. We own adjacent properties, including future community garden that will increase pedestrian traffic in current alley area.			
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 checked="" type="checkbox"/> Yes	<input 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:

Gary A. Gilot
[Signature]

Raschelle Beckwith

From: Federico Rodriguez
Sent: Friday, May 05, 2017 1:11 PM
To: Raschelle Beckwith
Subject: RE: Street Alley Vacation-Laurel St

Favorable SBFD

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

-----Original Message-----

From: Raschelle Beckwith
Sent: Friday, May 05, 2017 11:22 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>; Imaglioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Alley Vacation-Laurel St

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Friday, May 05, 2017 11:19 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

This E-mail was sent from "RNP002673DD3E73" (MP C6004).

Scan Date: 05.05.2017 11:19:11 (-0400)
Queries to: southbend@southbendin.gov

[COSB Image]

Raschelle Beckwith

From: Michael Bronstetter
Sent: Monday, May 08, 2017 8:13 AM
To: Raschelle Beckwith
Subject: RE: Street Alley Vacation-Laurel St
Attachments: 20170505111911477.pdf

Please see attached.

Thanks,

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.
Excellence | Accountability | Innovation | Inclusion | Empowerment

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[COSB Image]



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 5/4/2017

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: Karl & Megyn Edmondson

LOCATION: NS alley W of Laurel St, running S from Jefferson to 1st EW
alley, and running N from Jefferson to 1st EW Alley

DATE DUE: May 16, 2017

FAX OR E-MAIL TO: [235-9171](tel:235-9171) / lmartin@southbend.in.gov

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IC 36-7-3-13 CRITERIA:

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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:

This vacation would not hinder Solid Waste's operation.

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

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OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

May 9, 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: Karl & Megyn Edmondson
Location: 1st NS Alley W of Laurel, running S from Jefferson to 1st EW Alley, and running N from Jefferson to 1st EW Alley

Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

(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.

Access to all affected properties are available from the adjacent streets. The owner to the south of the alley does not appear to use the alley for access to his property.

(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.

This alley only provides access to the adjacent properties and is not required for general neighborhood access.

Due to the above stated reasons, the staff recommends that the proposed vacation be approved subject to any easements required by the Board of Public Works.

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

Sincerely,

Larry Magliozzi

Raschelle Beckwith

From: Chris Dressel
Sent: Tuesday, May 16, 2017 4:13 PM
To: Raschelle Beckwith
Cc: Tim Corcoran
Subject: RE: Street Alley Vacation-Laurel St

Recommended for approval based upon the following IC-36-7-3-13 Criteria:

- 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.
- 2 - The vacation would not make access to the lands of the aggrieved person by means of public way difficult or *inconvenient*.
- 3 - The vacation would not hinder the public's access to a church, school or other public building or space.
- 4 - The vacation would not hinder the use of a public right of way by a neighborhood in which it is located or to which it is contiguous.

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>

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Raschelle Beckwith

From: Matt Longfellow
Sent: Tuesday, May 16, 2017 11:32 AM
To: Raschelle Beckwith
Cc: Toy Villa; Kara Boyles; Roger Nawrot
Subject: RE: Street Alley Vacation-Laurel St
Attachments: Engin Response.pdf

Engineering has no objections to this vacation request.
-Matt

-----Original Message-----

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