

ALLEY VACATION
ORDINANCE NO. 10534-17

Status Vacated

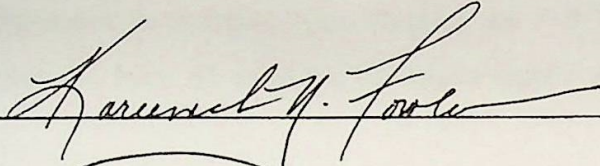
Date: August 28, 2017


Description: The Southern Portion of the North/South Street East 213 Feet of East Right of Way of South Taylor St. and Running South 250 Feet from South Right of Way of West Western Ave., to Include a Portion Running 34 Feet from West Right of Way of William Street to South Right of Way of South William Street. (William Street Cul-De-Sac)

ORDINANCE No. 10534-17

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

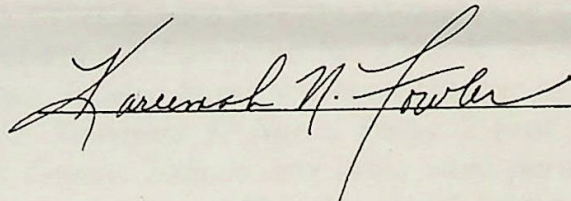
_____ August 28, 20 17

Attest:  City Clerk

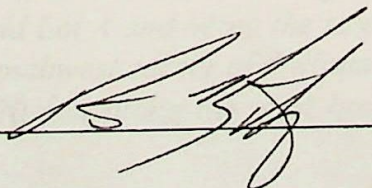
Attest:  President of Common Council

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

_____ August 29, 20 17

 City Clerk

Approved and signed by me September 1 20 17

 Mayor

ORDINANCE NO. 10534-17

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTHERN PORTION OF THE NORTH/SOUTH STREET EAST 213 FEET OF EAST RIGHT OF WAY OF SOUTH TAYLOR ST. AND RUNNING SOUTH 250 FEET FROM SOUTH RIGHT OF WAY OF WEST WESTERN AVE, TO INCLUDE A PORTION RUNNING 34 FEET FROM WEST RIGHT OF WAY OF WILLIAM ST TO SOUTH RIGHT OF WAY OF SOUTH WILLIAM ST.

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:

A portion of Williams Street, being a part of Coveleski Park Minor Subdivision First Replat, the plat of which is recorded in Instrument No. 1706730, in the Office of the Recorder of St. Joseph County, Indiana, located in the Southeast Quarter of Section 11 and the Southwest Quarter of Section 12, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana and being more particularly described as follows: Commencing at the southwest corner of Lot B in said Subdivision and being the east boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds east 5.45 feet along said east boundary to the point of beginning of this description; thence continuing South 1 degree 12 minutes 58 seconds East 66.50 feet along said east boundary to an 'x' scribed in concrete at a corner of Lot A in said Subdivision; thence South 89 degrees 39 minutes 18 seconds West 95.01 feet along the north line of said Lot A and being the south boundary of Williams Street to an 'x' scribed in concrete at the southwest corner of Williams Street; thence North 1 degree 12 minutes 58 seconds West 116.20 feet along the west boundary of Williams Street to a

Currier bar and cap at the northwest corner of said Street; thence North 89 degrees 17 minutes 40 seconds East 28.86 feet along the north boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds East 50.26 feet; thence North 89 degrees 19 minutes 29 seconds East 66.14 feet to the point of beginning, and containing 7,740 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:

County Tax ID No. (No lot numbers)

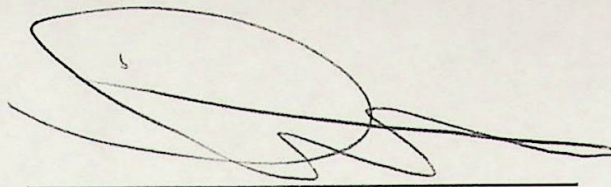
018-3013-0468;

018-3014-0515

Section IV. The purpose of the vacation of the real property is

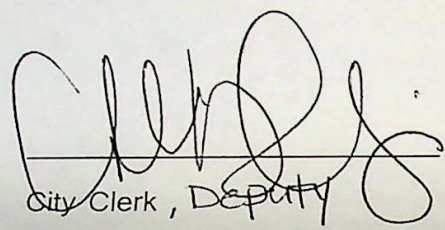
South Bend Cubs wish to vacate the following described street to relocate their fun zone to the west side of the team store and extend the ball park concourse into the vacated portion of William Street.

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.

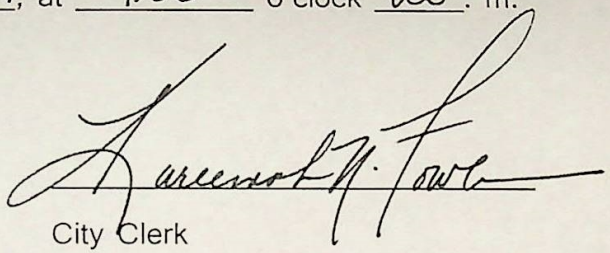


Member of the Common Council

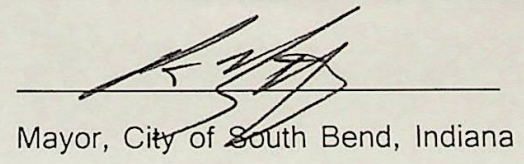
Attest:


City Clerk, Deputy

Presented by me to the Mayor of the City of South Bend, Indiana on the 29th day of August, 2017, at 9:00 o'clock va . m.


City Clerk

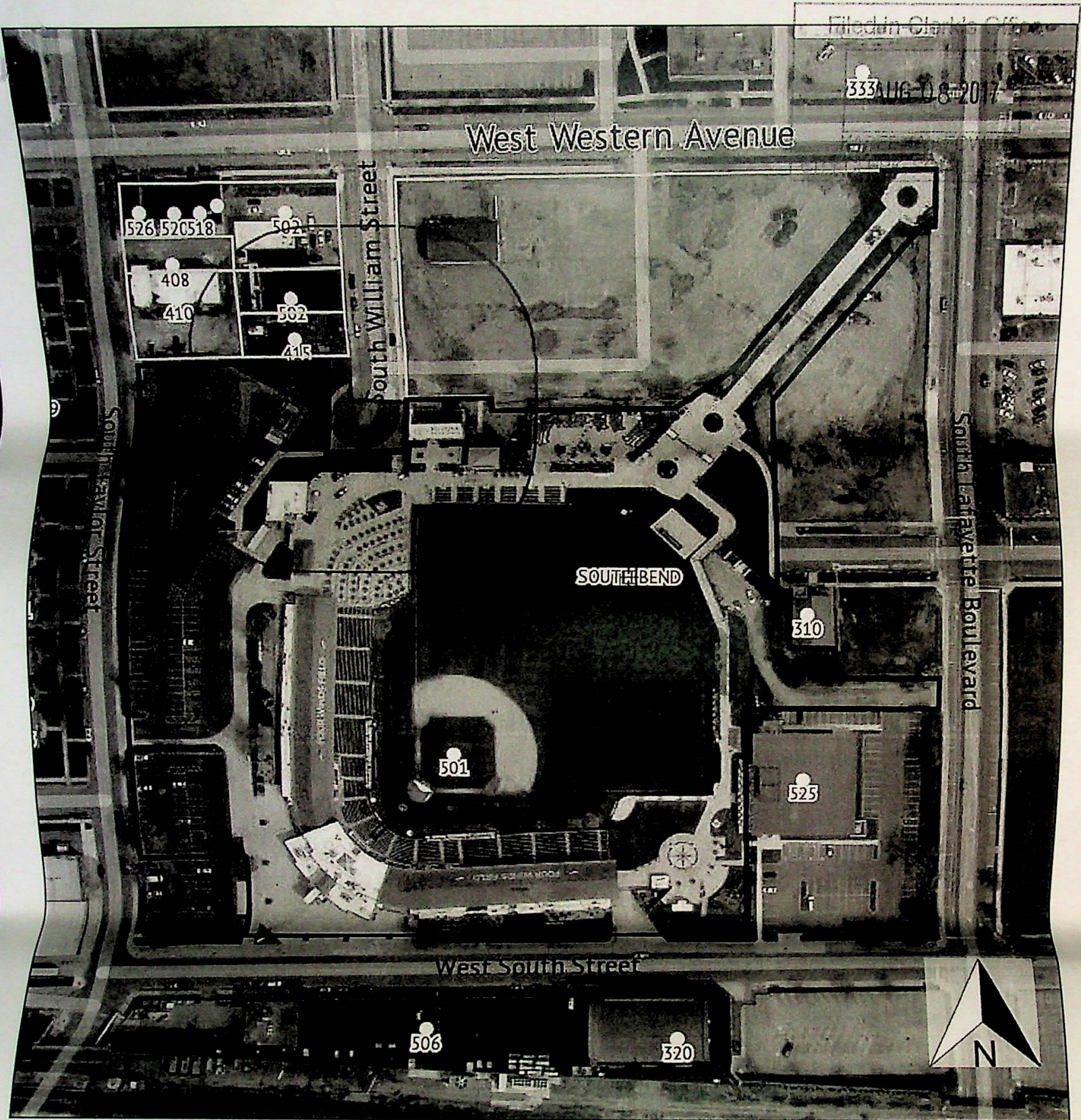
Approved and signed by me on the 1st day of Sept., 2017, at 10:30 o'clock va . m.


Mayor, City of South Bend, Indiana

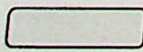
1st READ 8/14/17
PUBLIC H 8/28/17
3rd READ 8/28/17
NOT APPROVED
REFERRED 8/14/17
PASSED 8/28/17

Filed in Clerk's Office
AUG 08 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

333 AUG 08 2017



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: 7/27/2017

Alley Vacation 150' Radius Map Joe Hart/South Bend Cubs

The street portion to be vacated is the southern portion of the N/S street E 213' of E. RoW of S. Taylor St. and running S 250' from S. RoW of W. Western Ave, to include a portion running 34' from W RoW of William St to S Row of S. William St.

10534-17



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 7/17/2017

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)
 Gene Eyster, Police Department
 ✓ Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
 FROM: Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION – STREET/VACATION-WILLIAMS ST CUL DE SAC

APPLICANT: Joe Hart-South Bend Cubs

LOCATION: Williams St Cul De Sac

DATE DUE: July 18, 2017

FAX OR E-MAIL TO: [235-9171 / lmartin@southbendin.gov](mailto: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

August 8, 2017

Joe Hart
South Bend Cubs
501 W South Street
South Bend, IN 46601

RE: Street Vacation – Williams Street Cul De Sac (Preliminary Review)

Dear Mr. Hart:

The Board of Public Works, at its August 8, 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:

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:	7/17/17		
Applicant Name:	Joe Hart	Phone #:	574-235-9988 Ext 201
	South Bend Cubs	Email:	Jhart@SouthBendCubs.com
Property Address:	501 W. South Street, South Bend, IN 46601		
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):	See attached Exhibit "A"		
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:	We are looking to relocate our Fun Zone to the west side of the team store. We would expand concourse out into Williams Street. Currently it is a dead end street		
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]

Exhibit "A"

Project: Coveleski Park Minor Subdivision
Parcel: Williams Street Cul De Sac Vacation

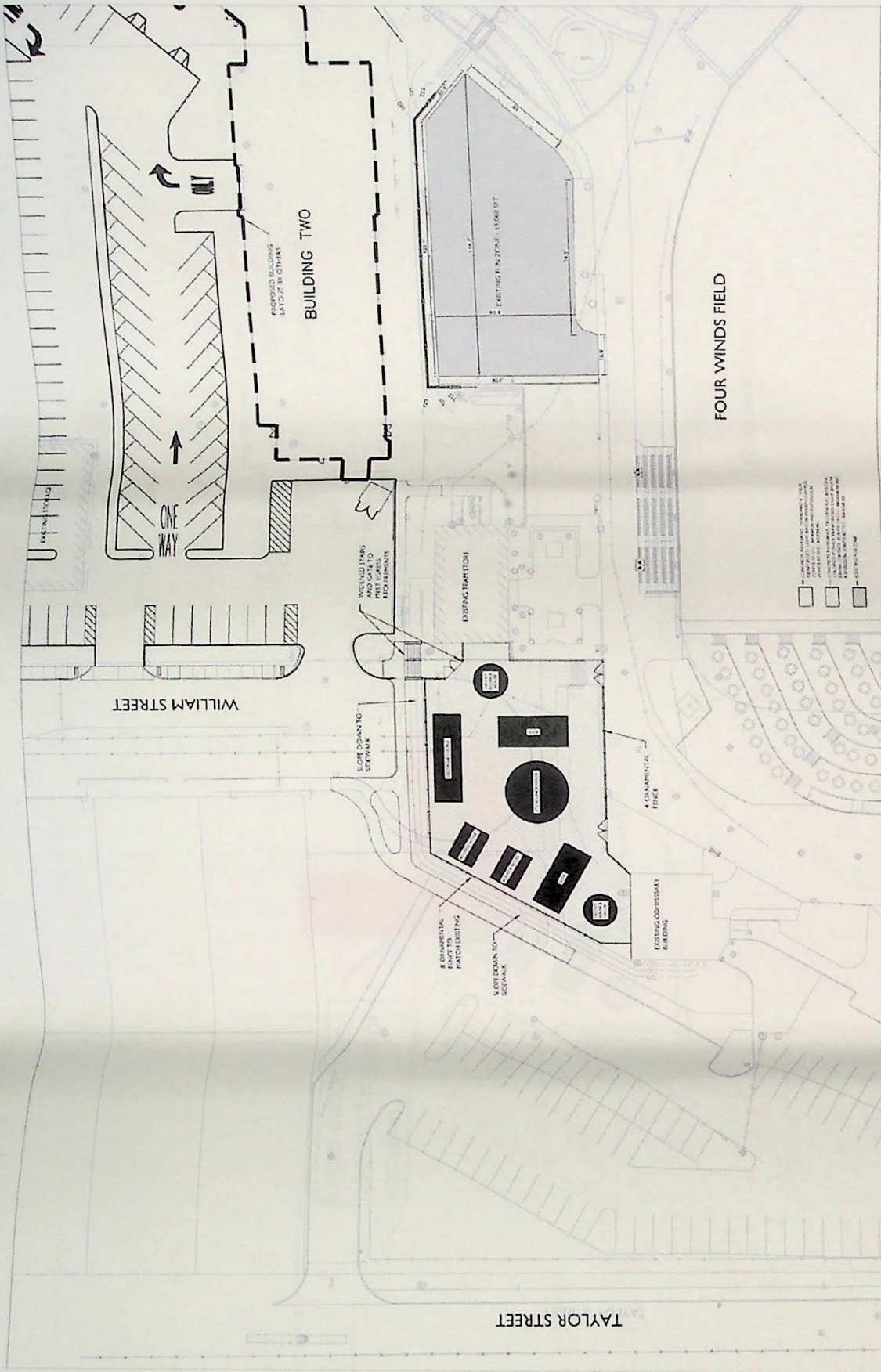
Sheet 1 of 1

A portion of Williams Street, being a part of Coveleski Park Minor Subdivision First Replat, the plat of which is recorded in Instrument No. 1706730, in the Office of the Recorder of St. Joseph County, Indiana, located in the Southeast Quarter of Section 11 and the Southwest Quarter of Section 12, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana, and being more particularly described as follows: Commencing at the southwest corner of Lot B in said Subdivision and being the east boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds East 5.45 feet along said east boundary to the point of beginning of this description; thence continuing South 1 degree 12 minutes 58 seconds East 66.50 feet along said east boundary to an 'x' scribed in concrete at a corner of Lot A in said Subdivision; thence South 89 degrees 39 minutes 18 seconds West 95.01 feet along the north line of said Lot A and being the south boundary of Williams Street to an 'x' scribed in concrete at the southwest corner of Williams Street; thence North 1 degree 12 minutes 58 seconds West 116.20 feet along the west boundary of Williams Street to a Currier bar and cap at the northwest corner of said Street; thence North 89 degrees 17 minutes 40 seconds East 28.86 feet along the north boundary of Williams Street; thence South 1 degree 12 minutes 58 seconds East 50.26 feet; thence North 89 degrees 19 minutes 29 seconds East 66.14 feet to the point of beginning, and containing 7,740 square feet, more or less.

This description was written from information obtained from the St. Joseph County Recorder's Office and other sources that were not necessarily checked by a field survey.

Bearing basis for this legal description is based upon the recorded plat of Coveleski Park Minor Subdivision First Replat, recorded in Instrument No. 1706730 in the Office of the Recorder of St. Joseph County, Indiana.

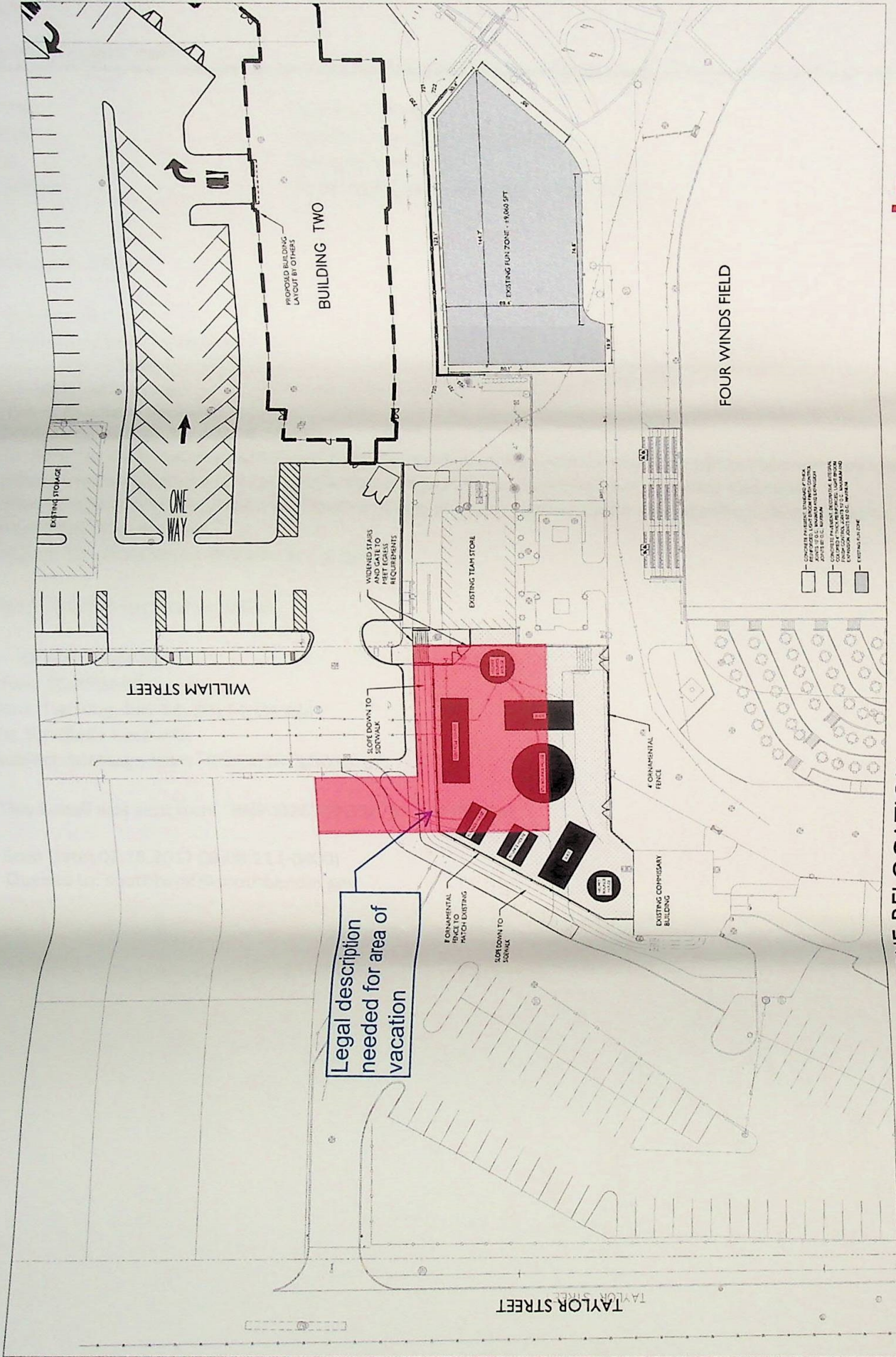
Prepared for: City of South Bend
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: July 17, 2017
Job Number: 2016-0269



**FOUR WINDS FIELD FUN ZONE RELOCATION
 CONCEPTUAL PLAN**



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Legal description
needed for area of
vacation

- CONCRETE PAVING (INDICATED WITH HATCH)
- ASPHALT PAVING (INDICATED WITH HATCH)
- EXISTING FUN ZONE

FOUR WINDS FIELD FUN ZONE RELOCATION CONCEPTUAL PLAN

Raschelle Beckwith

From: Federico Rodriguez
Sent: Tuesday, July 18, 2017 8:46 AM
To: Raschelle Beckwith
Subject: RE: Street Vacation-Williams St Cul De Sac

Favorable SBFD

Fire Marshal
Federico (Chico) Rodriguez

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

From: Raschelle Beckwith
Sent: Tuesday, July 18, 2017 8:14 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>; Imaglio@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Williams St Cul De Sac

Please Provide Recommendation.

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

From: SouthBend
Sent: Tuesday, July 18, 2017 8:08 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 07.18.2017 08:08:21 (-0400)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Pete Kaminski
Sent: Tuesday, July 18, 2017 9:04 AM
To: Raschelle Beckwith
Cc: Derick Roberts
Subject: RE: Street Vacation-Williams St Cul De Sac

Hi Raschelle, the Street Division has no objection to this request, thank you.

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

From: Raschelle Beckwith
Sent: Tuesday, July 18, 2017 8:14 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>; Imaglioiz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Williams St Cul De Sac

Please Provide Recommendation.

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

From: SouthBend
Sent: Tuesday, July 18, 2017 8:08 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 07.18.2017 08:08:21 (-0400)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Matt Longfellow
Sent: Tuesday, July 18, 2017 10:06 AM
To: Raschelle Beckwith
Cc: Toy Villa; Donna C. Hanson; Kara Boyles
Subject: RE: Street Vacation-Williams St Cul De Sac
Attachments: engineering response.pdf

Engineering has no objections to this partial street vacation, pending a solution for vehicles to turn around has been determined. For instance, will an access easement be established in the private parking lot to the East so vehicles coming South down Williams can use it as a turn-around to head back North?

Matt Longfellow
Permit Inspector
South Bend Engineering Division
Mobile: (574) 286-9589

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

From: Raschelle Beckwith
Sent: Tuesday, July 18, 2017 8:14 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>; Imaglioiz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Williams St Cul De Sac

Please Provide Recommendation.

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

Scan Date: 07.18.2017 08:08:21 (-0400)
Queries to: southbend@southbendin.gov



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

July 5, 2017

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

RE: Street Vacation
Applicant: Joe Hart – South Bend Cubs
Location: Williams Street Cul-de-Sac

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 Cul-de-Sac provides no vehicle access to adjacent lots.

(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 would remain available from Williams Street, from Western Avenue to the proposed, vacated portion.

(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 dead-end street 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. I would note that the 1st E/W alley south of Western, between Taylor and Williams (highlighted in pink on the attached aerial), is still a dedicated alley. Consideration should be given to vacate it.

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



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 7/17/2017

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/
VACATION-WILLIAMS ST CUL DE SAC

APPLICANT: Joe Hart-South Bend Cubs

LOCATION: Williams St Cul De Sac

DATE DUE: July 18, 2017

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:

Raschelle Beckwith

From: Chris Dressel
Sent: Friday, July 21, 2017 11:07 AM
To: Raschelle Beckwith
Cc: Rich Estes; Tim Corcoran
Subject: RE: Street Vacation-Williams St Cul De Sac

Recommendation below subject to forthcoming amendment to legal description.

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>

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

From: Raschelle Beckwith
Sent: Tuesday, July 18, 2017 8:14 AM
To: Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Imaglioz@co.st-joseph.in.us; Eugene Eyster; pmgriffin@nisource.com
Subject: Street Vacation-Williams St Cul De Sac

Please Provide Recommendation.

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

From: SouthBend
Sent: Tuesday, July 18, 2017 8:08 AM
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Subject: Message from "RNP002673DD3E73"

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

Scan Date: 07.18.2017 08:08:21 (-0400)

Raschelle Beckwith

From: Rich Estes
Sent: Thursday, July 27, 2017 4:22 PM
To: Chris Dressel; Raschelle Beckwith
Cc: Tim Corcoran
Subject: RE: Street Vacation-Williams St Cul De Sac
Attachments: RE: Williams Vacation

All,

Further research by the hired surveyor from JPR has shown the alley of concern was vacated several years ago (attached). Therefore, the point I made about the revised legal description is no longer of concern. The proposed legal description may be used.

Richard Matthew Estes
Engineer I
(574) 235-5896
restes@southbendin.gov
City of South Bend
227 W. Jefferson Blvd.
South Bend, IN 46601

Smart Streets South Bend link

<http://construction-website.s3-website-us-east-1.amazonaws.com/>

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

From: Chris Dressel
Sent: Friday, July 21, 2017 11:07 AM
To: Raschelle Beckwith <rbeckwit@southbendin.gov>
Cc: Rich Estes <restes@southbendin.gov>; Tim Corcoran <tcorcora@southbendin.gov>
Subject: RE: Street Vacation-Williams St Cul De Sac

Recommendation below subject to forthcoming amendment to legal description.

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- 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.



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

May 7, 1986

John E. Leszczynski
Director, Public Works

(219) 284-9251

Members of the South Bend Common Council
4th Floor, County-City Building
South Bend, Indiana 46601

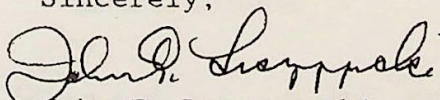
Re: Petition to Vacate Various Streets and Alleys

Dear Councilmen:

The attached ordinance requests the vacation of various public streets and alleys all more accurately described in the attached documents. The affected area is the site of the proposed Stanley Coveleski Regional Stadium.

If you have any questions please contact me at your convenience.

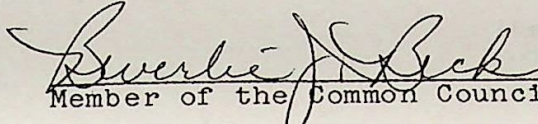
Sincerely,



John E. Leszczynski

JEL/mp
Attachment

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 and legal publication.


Member of the Common Council

ESS/48

ORDINANCE No. 7643-86

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

_____ May 27, 19 86

Attest: Irene K. Gammon City Clerk

IRENE K. GAMMON

Attest: Burke J. Beck President of Common Council

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

_____ May 28, 19 86

Irene K. Gammon City Clerk
IRENE K. GAMMON

Approved and signed by me May 28 19 86

Raymond P. ... Mayor

SUBSTITUTE BILL NO. 58-86
ORDINANCE NO. 7643-86

An Ordinance to vacate public ways within an area bounded on the South by South Street, on the West by Taylor Street, on the North by Lots 4 and 12 in Vail's South-West Addition (Block 7) and Lots 14-6 and 29 in Block 8 of Vail's Addition with their south property lines projected east and west respectively across Williams and vacated Franklin Street, on the East by the 1st alley west of Lafayette and its west side extended south to the south R/W line of Monroe Street then east along said line to the west R/W line of Lafayette Blvd., thence south to the north R/W line of South 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:

An area bounded on the South by South Street, on the West by Taylor Street, on the North by Lots 4 and 12 in Vail's South-West Addition (Block 7) and Lots 14-6 and 29 in ~~Block 8 of Vail's Addition~~ with their south property lines projected east and west respectively across Williams and vacated Franklin Street, on the East by the 1st alley west of Lafayette and its west side extended south to the south R/W line of Monroe Street then east along said line to the west R/W line of Lafayette Blvd., thence south to the north R/W line of South Street; as described and shown by Exhibit A, attached to and made a part of this ordinance;

and 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:

PETITION TO VACATE

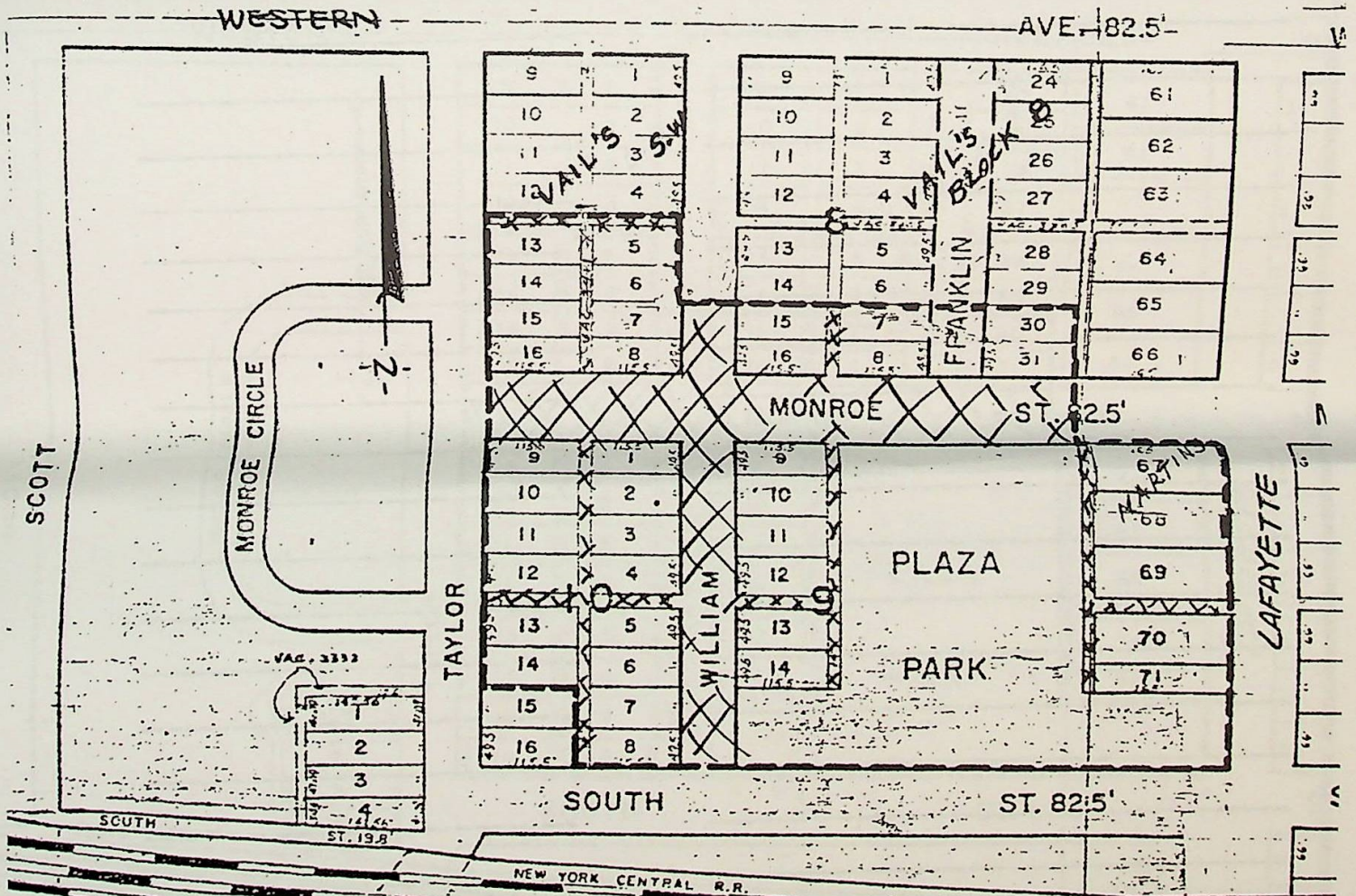
ALL THE ALLEYS AND STREETS WITHIN THE FOLLOWING DESCRIBED AREA:

NORTH OF SOUTH STREET

EAST OF TAYLOR STREET

SOUTH OF LOTS 4 AND 12 IN VAIL'S SOUTH-WEST ADDITION (BLOCK 7)
AND LOTS 14-6 AND 29 IN BLOCK 8 OF VAIL'S ADDITION
WITH THEIR SOUTH PROPERTY LINES PROJECTED EAST AND WEST
RESPECTIVELY ACROSS WILLIAMS AND VACATED FRANKLIN STREET

WEST OF THE 1ST ALLEY WEST OF LAFAYETTE
AND ITS WEST SIDE EXTENDED SOUTH
TO THE SOUTH R/W LINE OF MONROE STREET
THEN EAST ALONG SAID LINE TO THE WEST
R/W LINE OF LAFAYETTE BLVD, THENCE
SOUTH TO THE NORTH R/W LINE OF SOUTH STREET



PETITION TO VACATE

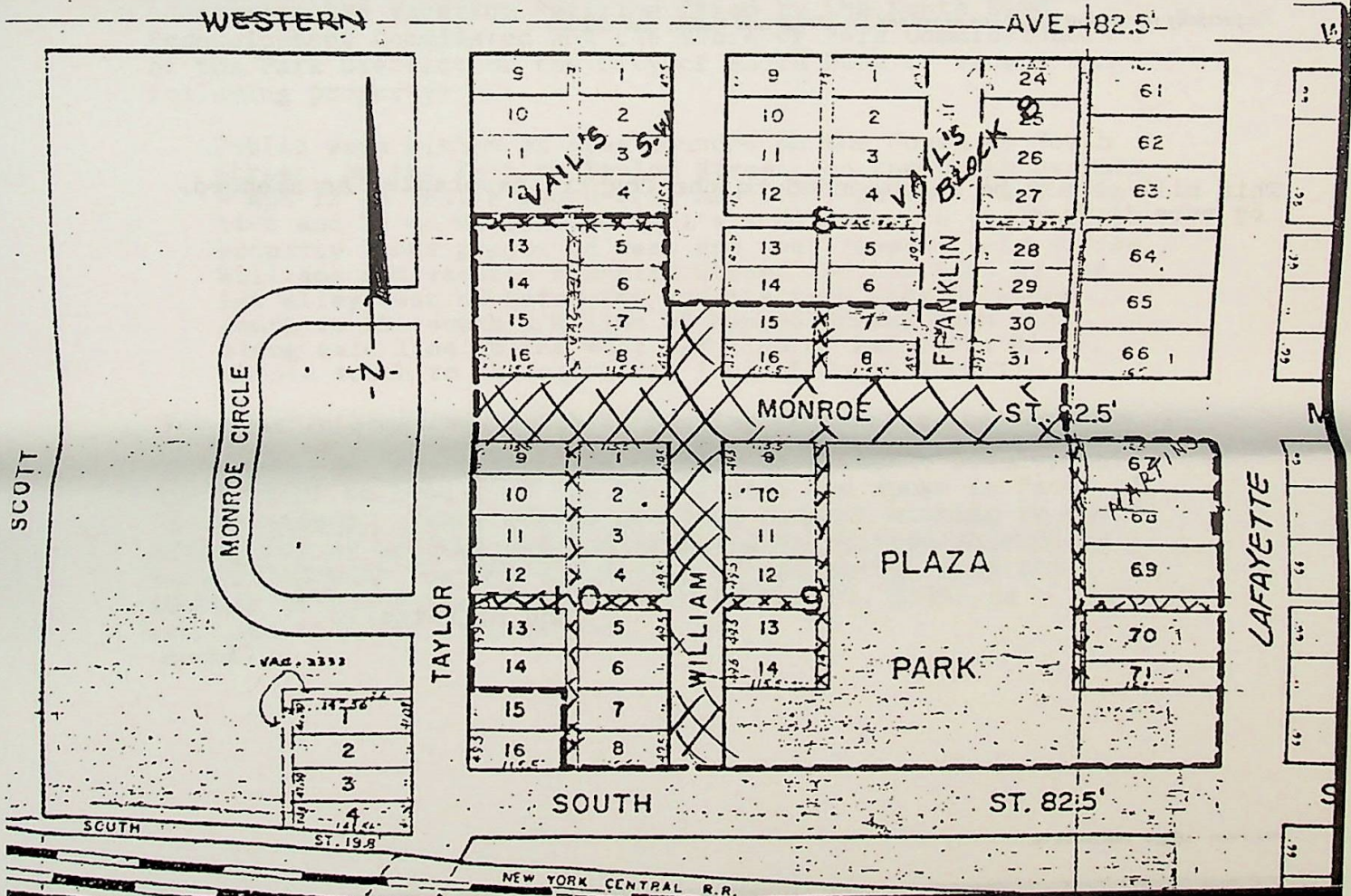
ALL THE ALLEYS AND STREETS WITHIN THE FOLLOWING DESCRIBED AREA:

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EAST OF TAYLOR STREET

SOUTH OF LOTS 4 AND 12 IN VAIL'S SOUTH-WEST ADDITION (BLOCK 7) AND LOTS 14-6 AND 29 IN BLOCK 8 OF VAIL'S ADDITION WITH THEIR SOUTH PROPERTY LINES PROJECTED EAST AND WEST RESPECTIVELY ACROSS WILLIAMS AND VACATED FRANKLIN STREET

WEST OF THE 1ST ALLEY WEST OF LAFAYETTE AND ITS WEST SIDE EXTENDED SOUTH TO THE SOUTH R/W LINE OF MONROE STREET THEN EAST ALONG SAID LINE TO THE WEST R/W LINE OF LAFAYETTE BLVD, THENCE SOUTH TO THE NORTH R/W LINE OF SOUTH STREET



Committee Report

To the Common Council of the City of South Bend:

Your Committee of the Whole
to whom was referred

BILL NO.

58-86 A BILL TO VACATE PUBLIC WAYS WITHIN AN AREA BOUNDED ON THE NORTH BY SOUTH STREET, ON THE EAST BY TAYLOR STREET, ON THE SOUTH BY LOTS 4 AND 12 IN VAIL'S SOUTH-WEST ADDITION (BLOCK 7) AND LOTS 14-6 AND 29 IN BLOCK 8 OF VAIL'S ADDITION WITH THEIR SOUTH PROPERTY LINES PROJECTED EAST AND WEST RESPECTIVELY ACROSS WILLIAMS AND VACATED FRANKLIN STREET, ON THE WEST BY THE 1ST ALLEY WEST OF LAFAYETTE AND ITS WEST SIDE EXTENDED SOUTH TO THE SOUTH R/W LINE OF MONROE STREET THEN EAST ALONG SAID LINE TO THE WEST R/W LINE OF LAFAYETTE BLVD., THENCE SOUTH TO THE NORTH R/W LINE OF SOUTH STREET.

Respectfully report that they have examined the matter and that in their opinion

This bill should be recommended to the Council favorable, as amended, by substitution

Ann B. Puzzello

Chairman



CITY of SOUTH BEND

ROGER O. PARENT, Mayor

COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

BOARD OF PUBLIC WORKS

May 21, 1986

219/284-9412

John E. Leszczynski, President
Katherine G. Barnard
Michael L. Vance

MEMBERS OF THE COMMON COUNCIL
COUNCIL CHAMBERS
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: VACATION OF PUBLIC STREETS AND ALLEYS WITHIN
AREA OF PROPOSED COVELESKI REGIONAL STADIUM

Dear Members of the Council:

In accordance with Municipal Code Section 18-53.8, a favorable recommendation is being submitted to the Common Council concerning the Vacation Petition filed by the South Bend Redevelopment Commission and the Board of Park Commissioners of the Park District of the City of South Bend to vacate the following property:

Public ways within an area bounded on the South by South Street, on the West by Taylor Street, on the North by Lots 4 and 12 in Vail's South-West Addition (Block 7) and Lots 14-6 and 29 in Block 8 of Vail's Addition with their south property lines projected east and west respectively across Williams and vacated Franklin Street, on the East by the 1st alley west of Lafayette and its west side extended south to the south R/W line of Monroe Street then east along said line to the west R/W line of Lafayette Blvd., thence south to the north R/W line of South Street.

For your information, a Public Hearing concerning the Vacation Petition as filed was held by the Board of Public Works on May 20, 1986. Ms. Ann Kolata, Department of Economic Development, was present on behalf of the Petitioners and spoke in favor of the vacations. There was no one else present wishing to speak either for or against the Petition and no written objections were filed with the Board. A copy of the excerpts of the minutes of the Public Hearing held on May 20, 1986, is attached for your information.

MEMBERS OF THE COMMON COUNCIL
May 21, 1986
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Therefore, the Board of Public Works favorably recommends the vacation of the above referred to right-of-ways subject to any and all utility easements.

Sincerely,

BOARD OF PUBLIC WORKS

Sandra M. Parmerlee
Sandra M. Parmerlee, Clerk

smp
Enc.

