

STREET VACATION  
**ORDINANCE NO. 10578-18**

Status Vacated

Date: ~~March 13~~, 2018  
Feb. 12,

**Description:** Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley South of Western Avenue, South Bend, Indiana

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Date: <sup>Feb. 12,</sup> ~~March 13,~~ 2018

**Description:** Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley South of Western Avenue, South Bend, Indiana





INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 9/21/2017

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

FROM:

SUBJECT: REQUEST FOR RECOMMENDATION – STREET/ALLEY  
VACATION

APPLICANT: DHA-Mike Danch for Robert Henry Corp.  
Street Vacation-Western Ave from Frances St running east  
175 feet more or less.

LOCATION: Alley Vacation- The First N/S Alley E of Frances St,  
Between Western Ave on the north and running south 198  
ft. more or less to the First E/W Alley south of Western  
Ave.

DATE DUE: October 3, 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**

December 21, 2017

Michael Danch  
Danch, Harner & Associates, Inc.  
1643 Commerce Drive  
South Bend, IN 46628

RE: Alley/Street Vacation – Western Avenue from Frances Street running East 175 feet, More or Less and First North/South Alley East of Frances Street, between Western Avenue on the North and running South of 198 feet, More or Less, to the First East/West Alley South of Western Avenue (Preliminary Review)

Dear Mr. Danch:

The Board of Public Works, at its December 21, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, and the Solid Waste Division. Per Indiana Code 36-7-3-13 criteria, all departments gave favorable recommendations regarding the vacation of this street/alley.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley/street.

**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/street vacation packet.

Sincerely,

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

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department  
Donna Hanson, Engineering  
Bianca Tirado, 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:	9/21/17		
Applicant Name:	DHA - Mike Danch for Robert Henry Corp.	Phone #:	574-234-4003
		Email:	mdanch@danchharner.com
Property Address:	404 S. Frances, South Bend, IN		
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 Accompanying docs for description and map		
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:			
See accompanying documents			
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Req Site Visit
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:

*[Handwritten signatures in blue ink]*

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# DHIA

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**Danch, Harner & Associates, Inc.**

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Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

Honorable Members of the City of  
South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

September 12, 2017

RE: Street Vacation – Western Avenue from Frances Street east 175 feet +/-, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indian

Dear Council Members:

On behalf of our clients, we are requesting the approval of the Vacation for all the Public Streets and Alleys known as Street Vacation – Western Avenue from Frances Street east 175 feet +/-, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana.

The reason for this request is to allow for the future development of property adjacent to the the proposed vacated streets and alleys.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

---

Michael J. Danch  
President  
Danch, Harner & Associates  
File No. 170209





Danch, Harner & Associates, Inc.

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Michael J. Danch, L.A., ASLA  
Ron Harner, P.S.

Land Surveyors • Professional Engineers  
Landscape Architects • Land Planners

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

December 8, 2017

RE: Approval for Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana:

Dear Board Members:

On behalf of our clients, we are submitting additional information in their request for approval for Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana. Our understanding is that the Board in review of the Vacation request, thought there may be an issue with access to Parry Street by the owners of the properties located at 411 Parry Street (Lot 3 of Parry's Addition, owner: Martin & Jose Cuellar) and at 415 Parry Street (Lot 6 of Parry's Addition, owner: Matthew Sisk & Jennifer Henecke). The Petitioner The Robert Henry Corporation, aka Henry-Williams, Inc. contacted both of the property owners and working with the Corporations' attorney created an ingress-egress easement document that has been recorded and which easement runs with the properties, to allow for continued access to the proposed vacated alley located west of the two properties so those owners can exit their properties to the west and then to the south to an existing east-west public alley which provides access to Parry Street.

The Petitioner would hope that providing this recorded document for an ingress-egress easement would allow the Board to look favorably at the submitted vacation request.

If you have any questions concerning this matter, please feel free to give me a call at 574-234-4003.

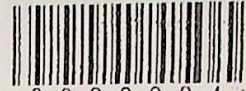
Sincerely,

*Michael J. Danch*

Michael J. Danch - President  
Danch, Harner & Associates, Inc.  
File No. 170209



9/ NS 0182



8 0 6 3 9 3 4

Tx:4040106

1733007

RECORDED AS PRESENTED ON

12/04/2017 08:59 AM

MARY BETH WISNIEWSKI

ST. JOSEPH COUNTY

RECORDER

PGS: 9 FEES: 25.00

**MAIL DEED TO:**

Edward W. Hardig, Esq.  
ANDERSON • AGOSTINO & KELLER, P.C.  
131 South Taylor Street  
South Bend, Indiana 46601

**INGRESS AND EGRESS EASEMENT AGREEMENT**

**THIS INGRESS AND EGRESS EASEMENT AGREEMENT** (this "Agreement") is entered into by and between **THE ROBERT HENRY CORPORATION**, sometimes known as Henry-Williams Inc., having a mailing address of 404 Frances St., South Bend, IN 46601 (hereinafter referred to as "Robert Henry Corporation"), **MATTHEW L. SISK AND JENNIFER HENECKE**, joint tenants with right of survivorship, having a mailing address of 415 Parry St., South Bend, IN 46617 (hereinafter referred to as "Sisk-Henecke"), and **JOSE CUELLAR AND MARTIN CUELLAR**, as joint tenants with right of survivorship, having a mailing address of 414 Parry St., South Bend, IN 46617 (hereinafter referred to as "Cuellar-Cuellar"), and each a "Party", and collectively the "Parties".

**WITNESSETH:**

**WHEREAS**, Sisk-Henecke are the owners of the following real estate parcel, to-wit:

That part of the Southeast Quarters of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: The east 5.28 feet (Rec. 8 Links) of the vacated alley adjacent to and west of the following described parcel: Lot Number six (6) as said Lot is shown on the recorded Plat of "Samuel Parry's 1st Addition to the City of South Bend" as shown by Document Number 1872008 in the records of the St. Joseph County, Indiana Recorder's Office.

outlined as Legend A on Exhibit "A", the ingress and egress diagram; and

**WHEREAS**, Cuellar-Cuellar are the owners of the following real estate parcel, to-wit:

That part of the Southeast Quarters of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: The east 5.28 feet (Rec 8 Links) of the vacated alley adjacent to and west of the following described parcel: Lot Number three (3) as said Lot is shown on the recorded Plat of "Samuel Parry's 1st Addition to the City of South Bend" as



shown by Document Number 1872008 in the records of the St. Joseph County, Indiana Recorder's Office.

outlined as Legend B on Exhibit "A", the ingress and egress diagram; and

**WHEREAS**, The Robert Henry Corporation is the owner of the following real estate parcel, to-wit:

That part of the Southeast Quarters of Section 12, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: The west 9.9 feet (Rec. 15 Links) of the vacated alley adjacent to and east of the following described parcel: Lots Numbered one (1) and six (6) as said Lots are shown on the recorded Plat of "George Beck's 1st Addition to the City of South Bend" as shown by Document Number 1869009 in the records of the St. Joseph County, Indiana Recorder's Office

outlined as Legend C on Exhibit "A", the ingress and egress diagram; and

**WHEREAS**, the Parties desire to enter into this Agreement whereby the Parties, having ownership of parcels adjoining each other grant to each other and their respective successors and assigns, agents, customers, employees, licensees, invitees and lessees, the mutual, reciprocal, non-exclusive rights over, upon and across their respective parcels hereinabove described for ingress and egress to and from the adjoining Parcels to and from the public rights-of-way, but the easements granted herein are not intended nor shall be construed as creating any rights in and for the benefit of the general public; and

**WHEREAS**, the Parties hereto agree that they shall not suffer nor permit any fence, brush, structure of barrier type of any kind to be installed on the common boundaries of the real estate parcels hereinabove described owned by the Parties hereto and abutting each other's parcel, it being the express intent that the Parties desire that each Party hereto and their successors and assigns, agents, customers, employees, licensees, invitees and lessees to have the right across each parcel to and from each Party's parcel and to and from the public right of way; and

**WHEREAS**, each respective Party agrees, at its own expense, to pay the real estate taxes and assessments on their respective real estate parcels and to maintain their respective real estate parcels in good order and repair.



NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. RECITALS. The Whereas Recitals hereinabove set forth are a part of this Agreement for all purposes.
2. Each Party hereto does herein grant and convey to each other Party forever and their successors and assigns, agents, customers, employees, licensees, invitees and lessees a perpetual non-exclusive right and easement for pedestrian and vehicular traffic on, to and across their respective parcels hereinabove described.
3. Each Party shall, at their own expense, maintain their respective parcels. Each respective Party further agrees, at their own expense, to pay the real estate taxes and assessments on their respective parcels.
4. Each Party further agrees that they will not suffer nor permit any fence, brush, structure of barrier type of any kind to be installed on the common boundaries of the real estate parcels owned by the Parties hereto and abutting the other parcels hereinabove described, it being the express intent that the Party user shall have rights on, to and across the respective parcels to and from the public right of ways and to and from each respective parcel.
5. The easements granted in this Agreement and the associated benefit shall constitute covenants running with the land described in the parcels above. The easements granted herein are not intended, however, to and shall not create any rights in or for the benefit of the general public.
6. In the event of breach of any attempted or threatened breach of this Agreement, the remedy of injunctive relief shall be available to the aggrieved Party because the inadequacy of legal remedies and the irreparable harm which would be caused by any such breach.
7. All costs and expenses, including reasonable attorney's fees, incurred by the prevailing Party in any dispute arising under or out of this Agreement shall be reimbursed to the prevailing party by the non-prevailing Party.
8. Nothing in this Agreement is intended nor shall be construed to make the Parties hereto partners or joint venturers or to render any of the Parties liable for the debts or obligations of the other.



9. No failure or delay on the part of any Party in exercising any right, power or remedy hereunder shall operate as a waiver thereof, nor shall any singular or partial exercise of any right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy.

10. The term of this Agreement shall be perpetual and this Agreement shall be construed in accordance with the laws of the State of Indiana.

11. Sisk-Henecke is the owner of their parcel pursuant to Warranty Deed recorded July 30, 2014 as Document No. 1418223 in the Office of the Recorder of St. Joseph County, Indiana.

12. Cueller-Cuellar is the owner of their parcel pursuant to Warranty Deed recorded August 24, 2010 as Document No. 1022664 in the Office of the Recorder of St. Joseph County, Indiana.

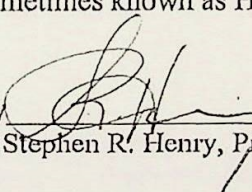
13. Robert Henry Corporation, sometimes known as Henry-Williams Inc., is the owner of their parcel pursuant to two Warranty Deeds, recorded February 3, 1976 in Book 812, page 31 and recorded on February 26, 1985 as Document No. 8503301 in the Office of the Recorder of St. Joseph County, Indiana.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the date set opposite their names.

**"ROBERT HENRY CORPORATION"**

**THE ROBERT HENRY CORPORATION,**  
sometimes known as Henry-Williams Inc.

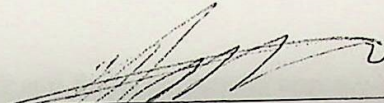
Date: December 1, 2017

By  \_\_\_\_\_  
Stephen R. Henry, President

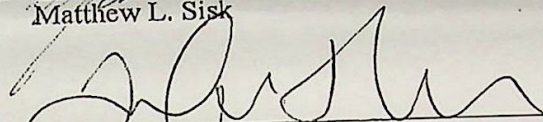


**"SISK-HENECKE"**

Date: December 1, 2017

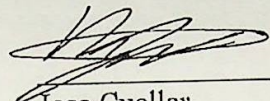
  
\_\_\_\_\_  
Matthew L. Sisk

Date: December 1, 2017

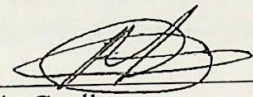
  
\_\_\_\_\_  
Jennifer Henecke

**"CUELLER-CUELLAR"**

Date: December 01, 2017

  
\_\_\_\_\_  
Jose Cuellar

Date: December 01, 2017

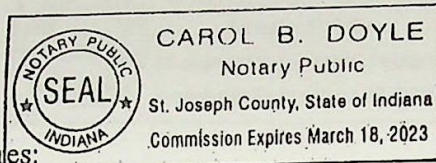
  
\_\_\_\_\_  
Martin Cuellar



STATE OF INDIANA )  
 ) SS:  
COUNTY OF ST. JOSEPH )

Before me, a Notary Public in and for said County and State, personally appeared Stephen R. Henry, the President of The Robert Henry Corporation, who acknowledged the execution of the foregoing Ingress and Egress Easement Agreement on behalf of said corporation, and who having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 1<sup>st</sup> day of December, 2017.



My Commission Expires:

3/18/2023

Carol B Doyle  
Signature of Notary Public

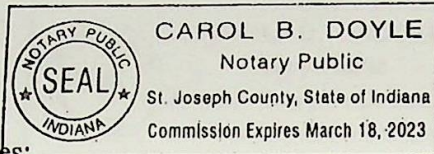
CAROL B. DOYLE  
Typed/Printed Name of Notary Public  
Residing in St. Joseph County, IN



STATE OF INDIANA       )  
  ) SS:  
COUNTY OF ST. JOSEPH )

Before me, a Notary Public in and for said County and State, personally appeared Matthew L. Sisk and Jennifer Henecke, who acknowledged the execution of the foregoing Ingress and Egress Easement Agreement and stated that the representations hereinabove set forth are true and correct.

WITNESS my hand and Notarial Seal this 15<sup>th</sup> day of December, 2017.



My Commission Expires:

3/18/2023

Carol B. Doyle  
Signature of Notary Public

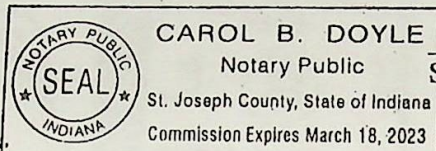
CAROL B. DOYLE  
Typed/Printed Name of Notary Public  
Residing in St. Joseph County, IN



STATE OF INDIANA        )  
                                  ) SS:  
COUNTY OF ST. JOSEPH )

Before me, a Notary Public in and for said County and State, personally appeared Jose Cuellar and Martin Cuellar, who acknowledged the execution of the foregoing Ingress and Egress Easement Agreement and stated that the representations hereinabove set forth are true and correct.

WITNESS my hand and Notarial Seal this 15<sup>th</sup> day of December, 2017.



Carol B. Doyle  
Signature of Notary Public

My Commission Expires:  
3/18/2023

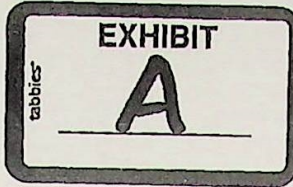
CAROL B. DOYLE  
Typed/Printed Name of Notary Public  
Residing in St. Joseph County, IN

The undersigned preparer of this document in accordance with IC 36-2-11-15(d) states:

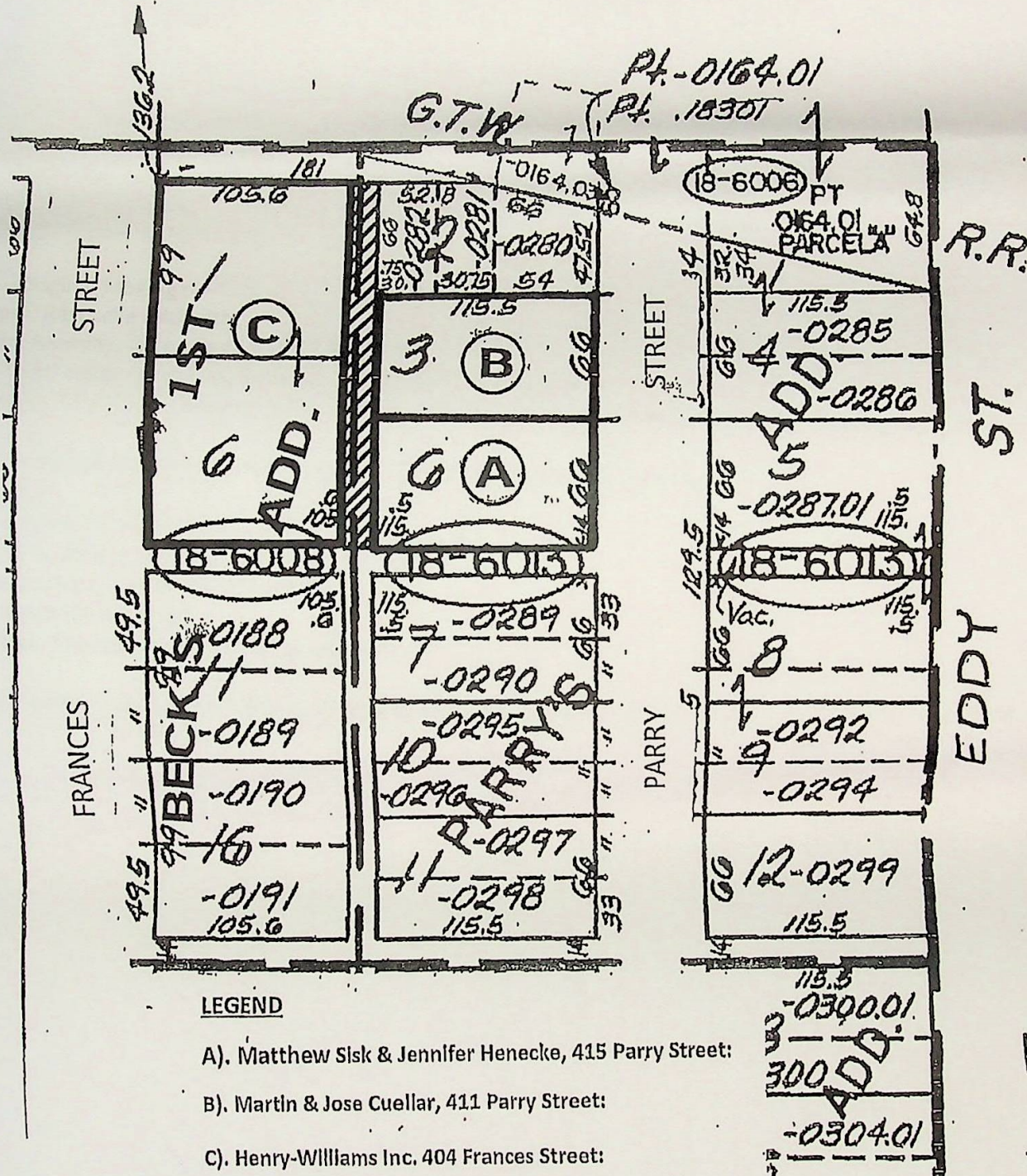
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. Edward W. Hardig.

THIS INSTRUMENT PREPARED BY: EDWARD W. HARDIG, ATTORNEY AT LAW  
131 S. TAYLOR ST., SOUTH BEND, IN 46601





INGRESS-EGRESS DIAGRAM



LEGEND

- A). Matthew Sisk & Jennifer Henecke, 415 Parry Street;
- B). Martin & Jose Cuellar, 411 Parry Street;
- C). Henry-Williams Inc. 404 Frances Street;

VACATED ALLEY



North



## Raschelle Beckwith

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**From:** Larry Magliozzi <LMAGLIOZ@sjcindiana.com>  
**Sent:** Tuesday, December 19, 2017 9:19 AM  
**To:** Raschelle Beckwith  
**Subject:** RE: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

I have no objection to this petition.

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

**From:** Raschelle Beckwith [mailto:rbeckwit@southbendin.gov]  
**Sent:** Tuesday, December 19, 2017 8:26 AM  
**To:** Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; Chris Dressel <cdressel@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>  
**Subject:** FW: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

Please Provide Recommendation Today, this is revised.

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

**From:** Raschelle Beckwith  
**Sent:** Monday, December 11, 2017 8:54 AM  
**To:** Matt Longfellow; Chris Dressel; 'lmaglioz@co.st-joseph.in.us'  
**Subject:** Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

The Petitioners have signed the Ingress and Egress Easement Agreement.

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

**From:** SouthBend  
**Sent:** Monday, December 11, 2017 8:50 AM  
**To:** Raschelle Beckwith  
**Subject:** Message from "RNP002673DD3E73"

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

Scan Date: 12.11.2017 08:49:30 (-0500)  
Queries to: southbend@southbendin.gov



## Raschelle Beckwith

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**From:** Matt Longfellow  
**Sent:** Tuesday, December 19, 2017 9:58 AM  
**To:** Raschelle Beckwith  
**Cc:** Toy Villa; Kara Boyles; Donna C. Hanson; Sue Ellen Doudrick; Chris Dressel  
**Subject:** RE: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update  
**Attachments:** engineering response.pdf

Engineering has no objections to this vacation now that an ingress/egress easement has been created between the affected parties.

Regards,  
Matt

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

**From:** Raschelle Beckwith  
**Sent:** Monday, December 11, 2017 8:52 AM  
**To:** Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Imaglioz@co.st-joseph.in.us  
**Subject:** Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

The Petitioners have signed the Ingress and Egress Easement Agreement.

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

**From:** SouthBend  
**Sent:** Monday, December 11, 2017 8:50 AM  
**To:** Raschelle Beckwith  
**Subject:** Message from "RNP002673DD3E73"

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

Scan Date: 12.11.2017 08:49:30 (-0500)  
Queries to: southbend@southbendin.gov



## Raschelle Beckwith

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**From:** Michael Divita  
**Sent:** Tuesday, December 19, 2017 10:43 AM  
**To:** Raschelle Beckwith  
**Cc:** Tim Corcoran; Chris Dressel  
**Subject:** RE: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

Community Investment offers a favorable recommendation on this street/alley vacation request.



**Michael Divita, AICP**  
Planner  
Department of Community Investment  
City of South Bend  
227 W. Jefferson Blvd., Suite 1400S  
South Bend, IN 46601  
(574) 235-5843  
[mdivita@southbendin.gov](mailto:mdivita@southbendin.gov)

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

**From:** Raschelle Beckwith  
**Sent:** Tuesday, December 19, 2017 10:12 AM  
**To:** Michael Divita <mdivita@southbendin.gov>  
**Subject:** FW: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

Michael,

Can you please respond for Community Investment? We need this done today.

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

**From:** Raschelle Beckwith  
**Sent:** Tuesday, December 19, 2017 8:26 AM  
**To:** Matt Longfellow; Chris Dressel; 'Imaglio@co.st-joseph.in.us'  
**Subject:** FW: Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

Please Provide Recommendation Today, this is revised.

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

**From:** Raschelle Beckwith  
**Sent:** Monday, December 11, 2017 8:54 AM  
**To:** Matt Longfellow; Chris Dressel; 'Imaglio@co.st-joseph.in.us'  
**Subject:** Request for Recommendation- Street/Alley Vacation-DHA-Mike Danch for Robert Henry Corp-Update

The Petitioners have signed the Ingress and Egress Easement Agreement.

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

**From:** SouthBend  
**Sent:** Monday, December 11, 2017 8:50 AM



PETITION TO VACATE PUBLIC RIGHTS-OF-WAY  
(STREETS/ALLEYS)

To the Common Council  
of the City of South Bend, Indiana

Date: 9-12-17

We, the undersigned property owner(s), petition you to vacate:

- 1). Street Vacation – Western Avenue from Frances Street running east 175 feet more or less.
- 2). Alley Vacation – The First North/South Alley east of Frances Street, between Western Avenue on the North and running south 198 feet more or less to the First East/West Alley south of Western Avenue.

Tax Key Numbers owned by the Petitioners:

*18-6006-0164.02 18-6008-0184 18-6008-0188 18-6008-0189 18-6008-0190 18-6013-0289*  
*18-6013-0290 18-6013-0295 18-6013-0281 18-6013-0282 18-6013-0280*

NAME (signed & printed) & ADDRESS

---

For- The Robert Henry Corporation  
404 South Frances Street  
South Bend, Indiana 46624

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For Henry-Williams, Inc.  
404 South Frances Street  
South Bend, Indiana 46624

Office of the City Clerk  
Kareemah Fowler, City Clerk  
Room 455-County-City Building  
South Bend, IN 46601  
574-235-9221

CONTACT PERSON NAME:  
Michael J. Danch  
Danch, Harner & Associates, Inc.  
1643 Commerce Drive  
South Bend, Indiana 46628  
e-mail: mdanch@danchharner.com



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

Street Vacation – Western Avenue from Frances Street east 175 feet +/-, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

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 properties:

- 1). Street Vacation – Western Avenue from Frances Street running east 175 feet more or less.
- 2). Alley Vacation – The First North/South Alley east of Frances Street, between Western Avenue on the North and running south 198 feet more or less to the First East/West Alley south of Western Avenue.

hereby determines that it is desirable to vacate said properties.

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 Tax Key Numbers may be injuriously or beneficially affected by such vacating:

18-6006-0166	18-6006-0166.03	18-6006-0166.02	18-6008-0183	18-6006-0163	18-6008-0189
18-6006-0162	18-6006-0161	18-6006-0160	18-6006-0158	18-6006-0156	18-6008-0190
18-6006-0154	18-6006-0164.03	18-6006-0164.02	18-6006-0149	18-6006-0150	18-6013-0297
18-6006-0151	18-6006-0153	18-6006-0164.01	18-6013-0285	18-6013-0286	18-6013-0288
18-6013-0287.01	18-6013-0292	18-6013-0294	18-6013-0297	18-6013-0296	18-6013-0283
18-6013-0295	18-6013-0290	18-6013-0289	18-6008-0184	18-6008-0188	18-6013-0280
18-6013-0281	18-6013-0282				



SECTION IV. The purpose of the vacation of the real properties is to vacate that portion of all the Public Alleys and Streets in the described area to allow for the development of some of the adjacent property.

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

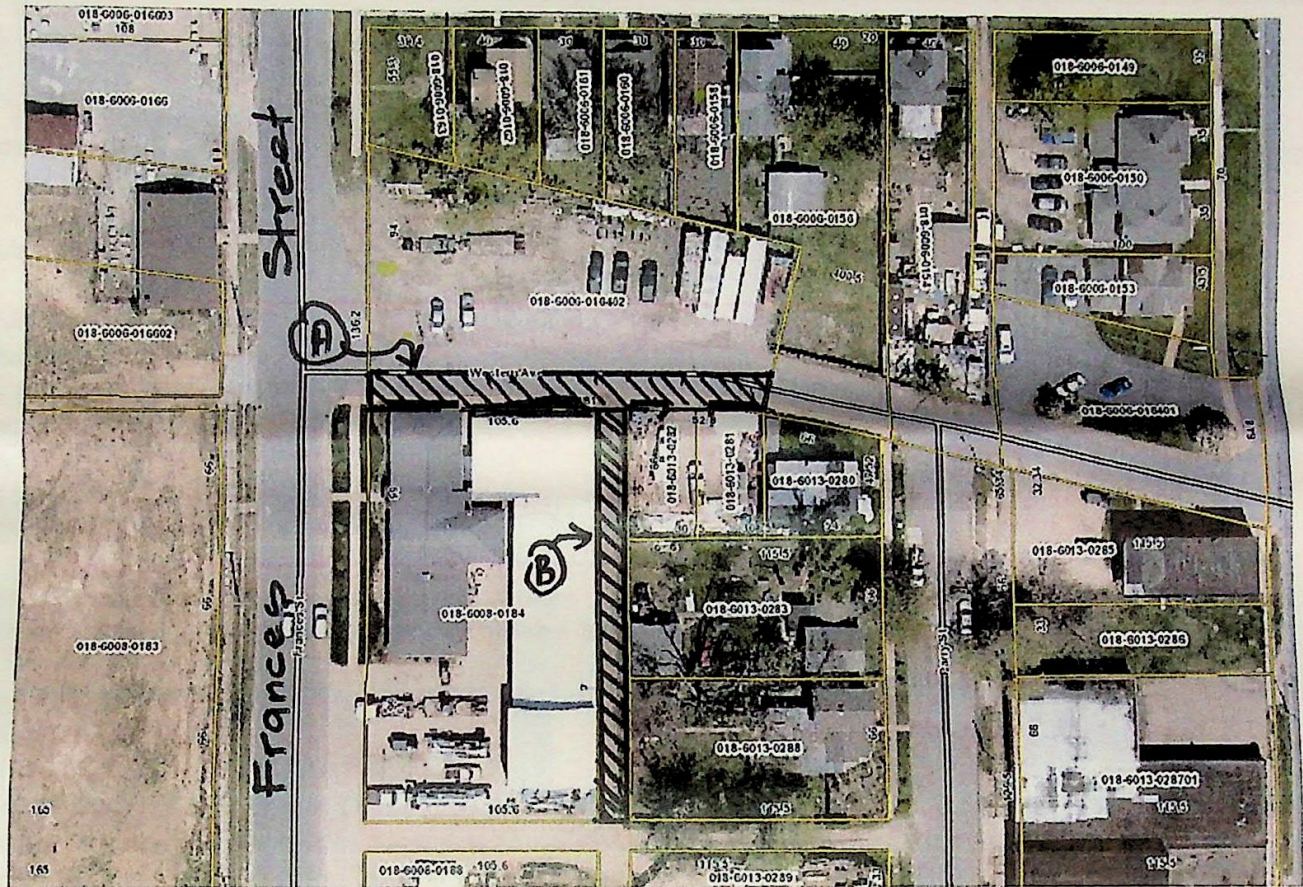
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

\_\_\_\_\_  
Mayor, City of South Bend, Indiana





Vacation Request for diagram for Robert Henry Corp 's  
Henry William, Inc.

- Ⓐ Western Ave. 20' WD. R/W from Frances Street on West running east 175 ft. more or less.
- Ⓑ First North/South Alley east of Frances Street running South from Western Ave. 198 ft. more or less to the first East/West Alley south of Western Ave.

North  
Scale 1"=80'



## Raschelle Beckwith

---

**From:** Federico Rodriguez  
**Sent:** Thursday, September 21, 2017 11:22 AM  
**To:** Raschelle Beckwith  
**Subject:** RE: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.

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:** Thursday, September 21, 2017 10:01 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:** FW: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.

Please Provide Recommendation.

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

**From:** SouthBend  
**Sent:** Thursday, September 21, 2017 9:59 AM  
**To:** Raschelle Beckwith  
**Subject:** Message from "RNP002673DD3E73"

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

Scan Date: 09.21.2017 09:59:25 (-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

September 25, 2017

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

RE: Street & Alley Vacation  
Applicant: Robert Henry Corp. & Henry-Williams, Inc.  
Location: Western Ave. from Francis to @ 175' E. of Francis; 1<sup>st</sup> N/S Alley E. of Francis, Between Western and 1<sup>st</sup> E/W Alley S. of Western.

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 block serviced by this street and alley is fully developed. All properties within the block have direct access to neighboring public streets or other alleys. Further development or redevelopment of the block would benefit from direct access to the adjacent public ways.

- (2) The vacation of the N/S alley would make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation of Western would not.

Two property owners – Cuellar and Sisk – will have the rear portions of their properties compromised by the N/S alley being vacated. Both have garages that front directly on the alley. The Sisk property may not be as affected by the vacation as it has access to another alley to the south. Both properties have access to Parry Street. Both Cuellar and Sisk are not participants in the Petition to Vacate.

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

No church, school or other public building or place is accessed by either the alley or street.

- (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 vacation will not hinder access to other adjacent public ways.

Sincerely,

A handwritten signature in black ink that reads "Larry Magliozzi". The signature is written in a cursive style with a large, looped 'L' and 'M'.

Larry Magliozzi





INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 9/21/2017

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

FROM: **REQUEST FOR RECOMMENDATION – STREET/ALLEY  
VACATION**

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APPLICANT: DHA-Mike Danch for Robert Henry Corp.  
Street Vacation-Western Ave from Frances St running east  
175 feet more or less.

LOCATION: Alley Vacation- The First N/S Alley E of Frances St,  
Between Western Ave on the north and running south 198  
ft. more or less to the First E/W Alley south of Western  
Ave.

---

DATE DUE: October 3, 2017

FAX OR E-MAIL TO: [235-9171 / lmartin@southbendin.gov](mailto: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:** This vacation would not disrupt Solid Waste Services.

*Mike Bronstetter*



## Raschelle Beckwith

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**From:** Matt Longfellow  
**Sent:** Monday, October 02, 2017 4:23 PM  
**To:** Raschelle Beckwith  
**Cc:** Toy Villa; Kara Boyles; Roger Nawrot  
**Subject:** RE: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.  
**Attachments:** engineering response.pdf

Engineering has no objection to the vacation of Western Avenue, HOWEVER we do object to the vacation of the N/S alley because it would make access to lands of the aggrieved persons difficult, and would hinder the use of the alley by the neighborhood.

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

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

**From:** Raschelle Beckwith  
**Sent:** Thursday, September 21, 2017 10:01 AM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodriagu@southbendin.gov>; Imaglioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com  
**Subject:** FW: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.

Please Provide Recommendation.

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

**From:** SouthBend  
**Sent:** Thursday, September 21, 2017 9:59 AM  
**To:** Raschelle Beckwith  
**Subject:** Message from "RNP002673DD3E73"

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

Scan Date: 09.21.2017 09:59:25 (-0400)  
Queries to: southbend@southbendin.gov



## Raschelle Beckwith

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**From:** Chris Dressel  
**Sent:** Wednesday, October 04, 2017 11:14 AM  
**To:** Raschelle Beckwith  
**Cc:** Tim Corcoran; Matt Longfellow  
**Subject:** RE: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.

This request received an overall unfavorable request.

Request A is acceptable but Request B is not as it fails to meet the following IC-36-7-3-13 Criteria:

The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would 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  
Bicycle Coordinator  
Brownfields Coordinator  
Department of Community Investment  
(574) 235-5847  
cdressel@southbendin.gov  
City of South Bend  
227 W. Jefferson Blvd., Suite 1400S  
South Bend, IN 46601

We deliver services that empower everyone to thrive.  
Excellence | Accountability | Innovation | Inclusion | Empowerment

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

**From:** Raschelle Beckwith  
**Sent:** Thursday, September 21, 2017 10:01 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:** FW: Recommendation-Street Alley Vacation-DHA Mike Danch for Robert Henry Corp.

Please Provide Recommendation.

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

**From:** SouthBend  
**Sent:** Thursday, September 21, 2017 9:59 AM  
**To:** Raschelle Beckwith  
**Subject:** Message from "RNP002673DD3E73"



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ORDINANCE No. 10578-18

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

February 12, 20 18

Attest: Kareemah N. Fowler City Clerk  
Kareemah N. Fowler

Attest: \_\_\_\_\_ President of Common Council

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

February 12, 20 18

Kareemah N. Fowler City Clerk  
Kareemah N. Fowler

Approved and signed by me February 13<sup>th</sup> 20 18

[Signature] Mayor

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**BILL NO. 06-18**

**ORDINANCE NO. 10578-18**

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana

---

**STATEMENT OF PURPOSE AND INTENT**

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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 properties:

- 1). Street Vacation – Western Avenue from Frances Street running east 241 feet more or less to Parry Street.
- 2). Alley Vacation – The First North/South Alley east of Frances Street, between Western Avenue on the North and running south 198 feet more or less to the First East/West Alley south of Western Avenue.

hereby determines that it is desirable to vacate said properties.

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 Tax Key Numbers may be injuriously or beneficially affected by such vacating:

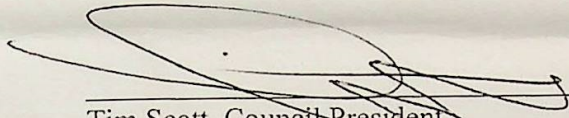
18-6006-0166	18-6006-0166.03	18-6006-0166.02	18-6008-0183	18-6006-0163	18-6008-0189
18-6006-0162	18-6006-0161	18-6006-0160	18-6006-0158	18-6006-0156	18-6008-0190
18-6006-0154	18-6006-0164.03	18-6006-0164.02	18-6006-0149	18-6006-0150	18-6013-0297

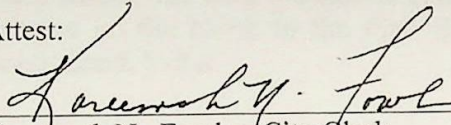


18-6006-0151	18-6006-0153	18-6006-0164.01	18-6013-0285	18-6013-0286	18-6013-0288
18-6013-0287.01	18-6013-0292	18-6013-0294	18-6013-0297	18-6013-0296	18-6013-0283
18-6013-0295	18-6013-0290	18-6013-0289	18-6008-0184	18-6008-0188	18-6013-0280
18-6013-0281	18-6013-0282				

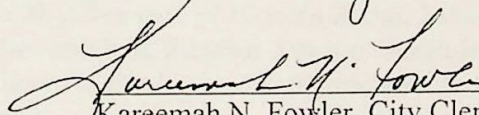
SECTION IV. The purpose of the vacation of the real properties is to vacate that portion of all the Public Alleys and Streets in the described area to allow for the development of some of the adjacent property.

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.

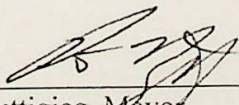
  
 Tim Scott, Council President  
 Member of the Common Council

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the 12<sup>th</sup> day of February, 2018, at 2 o'clock P. m.

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

Approved and signed by me on the 13<sup>th</sup> day of February, 2018, at 1 o'clock P. m.

  
 Pete Buttigieg, Mayor  
 City of South Bend, Indiana

1<sup>st</sup> READING 1/22/2018  
 PUBLIC HEARING 2/12/2018  
 3<sup>rd</sup> READING 2/12/2018  
 NOT APPROVED  
 REFERRED  
 PASSED 2/12/2018



# DHIA

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## Danch, Harner & Associates, Inc.

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Land Surveyors      ■      Professional Engineers

Landscape Architects      ■      Land Planners

Office: (574)234-4003 / (800)594-4003      ■      Fax: (574)234-4009

1643 Commerce Drive      ■      South Bend, IN 46628

Honorable Members of the City of  
South Bend Common Council  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

September 12, 2017

RE: Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indian

Dear Council Members:

On behalf of our clients, we are requesting the approval of the Vacation for all the Public Streets and Alleys known as Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana.

The reason for this request is to allow for the future development of property adjacent to the the proposed vacated streets and alleys.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

*Michael J. Danch*

Michael J. Danch

President

Danch, Harner & Associates

File No. 170209

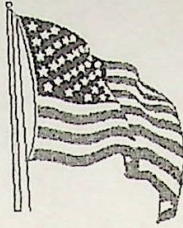
Filed in Clerk's Office

JAN 16 2018

KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



# United States of America



FILED -

MAR 13 2018

AUDITOR  
JOSEPH COUNTY

## Certificate

STATE OF INDIANA, COUNTY OF ST. JOSEPH, ss:

I, Kareemah Fowler, Clerk of the City of South Bend, County of St. Joseph, Indiana, hereby certify that the attached and foregoing is a full, true, and correct copy of

ORDINANCE 10578-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:  
PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING  
DESCRIBED PROPERTIES: STREET VACATION - WESTERN AVENUE FROM  
FRANCES STREET EAST 241 FEET +/- TO PARRY STREET, THE FIRST  
NORTH/SOUTH ALLEY EAST OF FRANCES STREET, BETWEEN WESTERN  
AVENUE ON THE NORTH TO THE FIRST EAST/WEST ALLEY SOUTH OF  
WESTERN AVENUE, SOUTH BEND, INDIANA.

PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, FEBRUARY 12, 2018.

PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG,  
FEBRUARY 13, 2018.

ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL

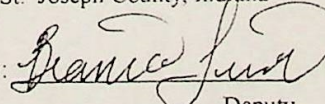
ATTEST: KAREEMAH N. FOWLER, CITY CLERK

the original of which is now on file in the office of the Clerk of the City of South Bend, St. Joseph  
County, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City  
of South Bend, St. Joseph County, Indiana, this 13<sup>th</sup> day of March 20 18

Kareemah Fowler

Clerk of the City of South Bend  
St. Joseph County, Indiana

By:   
Deputy

-Receipt