

RIGHT OF WAY VACATION
ORDINANCE NO. 10582-18

Status Vacated

Date: February 26, 2018

Description: The Right Of Way to be vacated begins at a point approximately 565' South on South Street, St. Joseph Street from the East Ireland Road South Right Of Way, running South Approximately 75', then West Approximately 88', then North Approximately 109' to a Point Approximately 530' South along South St. Joseph Street from the East Ireland South Right Of Way.

ORDINANCE No. 10582-18

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

February 26, 2018

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 26, 2018

Kareemah N. Fowler City Clerk
Kareemah N. Fowler

Approved and signed by me February 28 2018

[Signature] Mayor

BILL NO. 07-18
ORDINANCE NO. 10582-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

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 RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

Now 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:

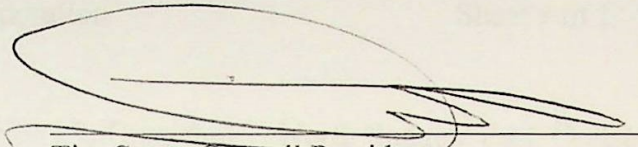
023-1035-1766 (Menard, Inc.)

023-1035-1771 (Menard, Inc.)

SECTION IV. The purpose of the vacation of the real property is to allow Menard, Inc. to redevelop the former K-Mart property, realign St. Joseph Street at the Callendar Street intersection, and widen the Menard, Inc. property south of the right of way vacation sufficient to allow the construction of

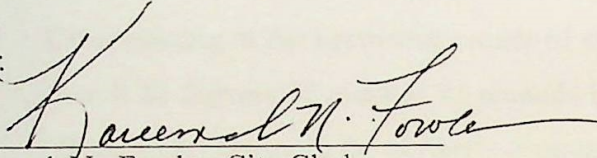
a Menards home improvement and building materials supply store.

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.



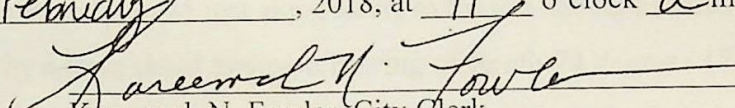
Tim Scott, Council President
South Bend Common Council

Attest:



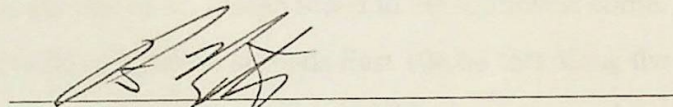
Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the 26th day of February, 2018, at 11 o'clock a m.



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

Approved and signed by me on the 28th day of February, 2018, at 7 o'clock P.m.



Pete Buttigieg, Mayor
City of South Bend, Indiana

1st READING 2/12/2018
PUBLIC HEARING 2/20/2018
3rd READING
NOT APPROVED 2/26/2018
REFERRED
PASSED 2/26/2018

Exhibit "A"

Project: Menard Inc., a Wisconsin corporation
St. Joseph Street Vacation Description

Sheet 1 of 1

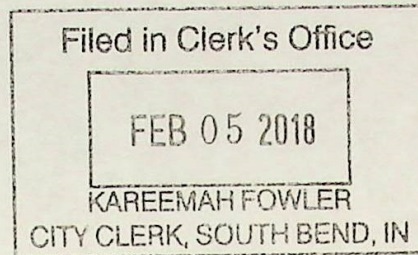
A part of the Southwest Quarter of Section 25, Township 37 North Range 2 East, Centre Township, St. Joseph County, Indiana, and being more particularly described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section; thence North 88 degrees 45 minutes 31 seconds East 1,424.08 feet along the north line of said Southwest Quarter to the northerly prolongation of the west boundary line of St. Joseph Street; thence South 0 degrees 30 minutes 55 seconds West 564.02 feet along said west line to the point of beginning of this description; thence South 63 degrees 44 minutes 10 seconds East 39.51 feet; thence easterly 55.25 feet along an arc to the left having a radius of 150.00 feet and subtended by a long chord having a bearing of South 74 degrees 17 minutes 15 seconds East and a length of 54.93 feet to the east boundary of St. Joseph Street; thence South 0 degrees 30 minutes 55 seconds West 72.35 feet along said east line to the southeast corner of St. Joseph Street; thence South 88 degrees 43 minutes 44 seconds West 88.64 feet along the south line of St. Joseph Street to the southwest corner of said Street; thence North 0 degrees 30 minutes 55 seconds East 106.68 feet along the west line of said Street to the point of beginning and containing 0.18 acres, more or less.

Bearing basis for this legal description is based upon the Indiana State Plane Coordinate System, East Zone, GPS derived.

Prepared for: Menard Inc., a Wisconsin corporation
By: Jeffrey S. Barnes, PS
Firm: Jones Petrie Rafinski
Date: March 3, 2018
Job Number: 2016-0002

MENARD, INC.

January 30, 2018



VIA U.S. MAIL

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

**Re: Menard, Inc. Petition to Vacate Public Rights-of-Way
South Bend, Indiana**

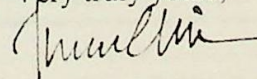
Clerk Kareemah Fowler-

Menard, Inc. is relocating from its existing store to a brand new location to be built upon the site of the long-vacant former K-Mart located at 4640 South Michigan Street. Key to that effort is the vacation of the southern portion of the St. Joseph Street right-of-way adjacent to the parcels Menard, Inc. owns. To that end, I am enclosing the following:

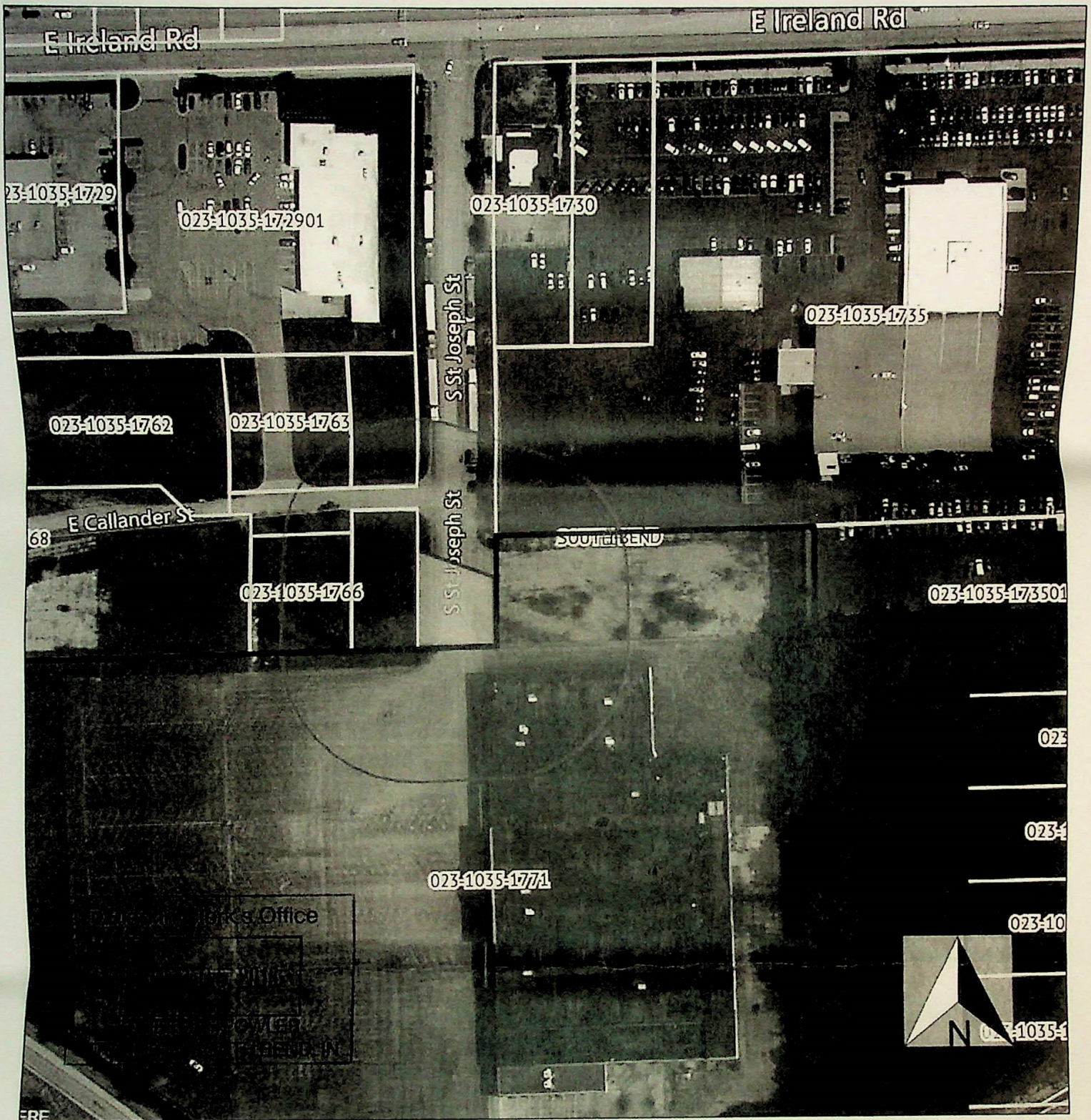
1. Petition to Vacate Public Rights-of-Way
2. Proposed Ordinance
3. Envelopes addressed and stamped with certified mail for all property owners within 150' feet of the right-of-way to be vacated. Also enclosed are copies of the Ship Request Forms for the City's tracking purposes.
4. Check in the amount of \$150.00.
5. A copy of the radius map.
6. This letter explaining the request.

Menard, Inc. owns property on both sides of the proposed vacation. The vacation is necessary to obtain additional north to south distance for our site planning needs. The request also moves the southern limits of the City right-of-way back to the realigned intersection with Callendar Street, a more logical termination point for St. Joseph Street. I look forward to discussing the request with the City Council. I would appreciate confirmation of the meeting dates and times. I may be reached at 715.876.2810.

Very truly yours,



Thomas W. O'Neil
Real Estate Acquisitions
Menard, Inc.



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: 1/26/2018 DCH

**Alley Vacation 150' Radius
 Menards, Inc., 4640 S. Michigan**

Right of way to be vacated begins at a point approx. 565' south on South St. Joseph Street from the E. Ireland S. ROW, running south approx. 75', then west approx. 88', then north approx. 109' to a point approx. 530' south along South St. Joseph Street from the E. Ireland S. ROW.



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 12/11/2017

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 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

APPLICANT: Menard Inc., A Wisconsin Corporation

LOCATION: South St. St. Joseph St where it dead-ended at the former Kmart

DATE DUE: December 19, 2017

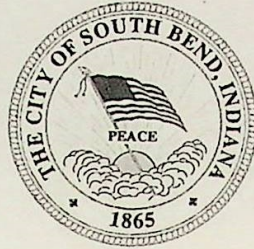
FAX OR E-MAIL TO: 235-9171 / lmartin@southbendin.gov

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:

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

Menard, Inc.
4640 S. Michigan Street
South Bend, IN 46614

RE: Street Vacation – South St. Joseph Street at Dead-End at Former K-Mart (Preliminary Review)

To Whom It May Concern:

The Board of Public Works, at its December 21, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, Street 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.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this 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 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:	December 8, 2018		
Applicant Name:	Menard, Inc., a Wisconsin corporation	Phone #:	715-876-2810
		Email:	toneil@menard-inc.com
Property Address:	4640 S. Michigan Street		
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):	South St. Joseph Street where it dead-ended at the former K-Mart		
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:			
The street needs to be vacated in order to accommodate the Menards store site plan / redevelop the former K-Mart			
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	

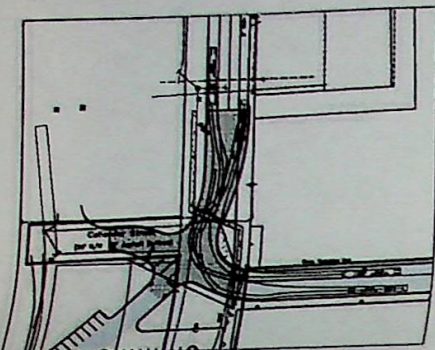
OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:

George A. Yelton

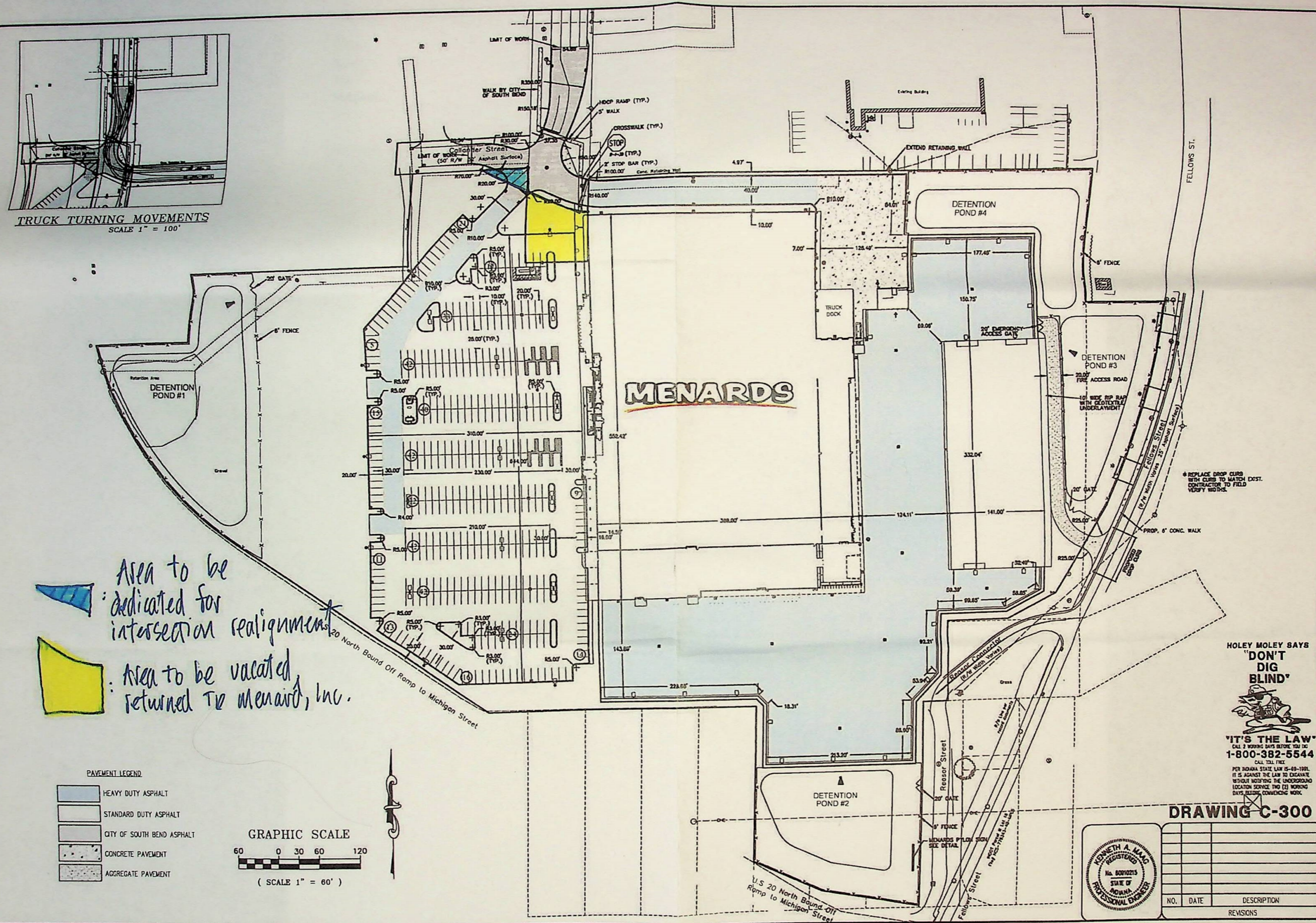
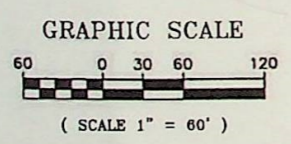
FILE No. 1773300100055\77330000055-PROJ.ECT.dwg 11/22/17 16:34-karrm



Area to be dedicated for intersection realignment

Area to be vacated returned to Menards, Inc.

- PAVEMENT LEGEND
- HEAVY DUTY ASPHALT
 - STANDARD DUTY ASPHALT
 - CITY OF SOUTH BEND ASPHALT
 - CONCRETE PAVEMENT
 - AGGREGATE PAVEMENT



HOLEY MOLEY SAYS
"DON'T DIG BLIND"

"IT'S THE LAW"
CALL 2 WORKING DAYS BEFORE YOU DIG
1-800-382-5544
CALL TOLL FREE
PER INDIANA STATE LAW 35-45-1101
IT IS AGAINST THE LAW TO DIG A Trench WITHOUT NOTIFYING THE UNDERGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.



DRAWING C-300

NO.	DATE	DESCRIPTION

POGEMEYER DESIGN GROUP, INC.
ENGINEERS PLANNERS ARCHITECTS
(419) 782-3087
101 CLINTON STREET, SUITE 1300
DEFIANCE, OHIO 43512

MENARDS, INC.
SITE DEVELOPMENT
SOUTH BEND, INDIANA

GEOMETRICS AND PAVEMENT MARKING PLAN

MEK KAM
11/22/17
4 OF 21
JOB NUMBER 773300-00055

Raschelle Beckwith

From: Federico Rodriguez
Sent: Monday, December 11, 2017 10:35 AM
To: Raschelle Beckwith
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

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: Monday, December 11, 2017 10:33 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-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

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

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Pete Kaminski
Sent: Monday, December 11, 2017 11:15 AM
To: Raschelle Beckwith
Cc: Derick Roberts
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Hi Raschelle, the City of South Bend Street Division has no objection to this vacate request, thank you.

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

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 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
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From: SouthBend
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Subject: Message from "RNP002673DD3E73"

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

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Eugene Eyster
Sent: Monday, December 11, 2017 12:50 PM
To: Raschelle Beckwith; Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Imaglio@co.st-joseph.in.us; pmgriffin@nisource.com
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Ms. Beckwith,
The Police Department would give this request a favorable recommendation.

Lt. E. Eyster

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

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodri@southbendin.gov>; Imaglio@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
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Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 12/11/2017

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Matt Longfellow, Engineering Department
Chris Dressal, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmagloz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (phgriffin@nipsource.com) (FYI Only)
Linda M. Martin, Clerk *LM*

FROM: _____

SUBJECT: REQUEST FOR RECOMMENDATION – STREET VACATION

APPLICANT: Menard Inc., A Wisconsin Corporation

LOCATION: South St. St. Joseph St where it dead-ended at the former Kmart

DATE DUE: December 19, 2017

FAX OR E-MAIL TO: 235-9171 / lmartin@southbend.in.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 alley vacation would not hinder Solid Waste operations

Mike Bronstetter



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

December 13, 2017

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

RE: Street & Alley Vacation
Applicant: Menards, Inc.
Location: South end of South St. Joseph Street.

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 street is no longer part of an integral circulation system, only providing access to a limited number of users.

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

All surrounding owners have access to either the remaining portion of St. Joseph Street, or Ireland Road.

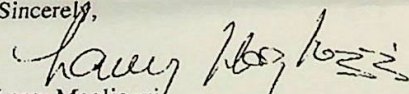
- (3) The vacation **would not** hinder the public's access to a church, school, or other public building or place.

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

- (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,


Larry Magliozzi

Raschelle Beckwith

From: Matt Longfellow
Sent: Monday, December 18, 2017 12:49 PM
To: Raschelle Beckwith
Cc: Toy Villa; Donna C. Hanson; Kara Boyles; Sue Ellen Doudrick
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation
Attachments: engineering response.pdf

Raschelle,

Engineering has no objections to this vacation at the Menards site.

Regards,
Matt

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

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 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-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

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Subject: Message from "RNP002673DD3E73"

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Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Chris Dressel
Sent: Monday, December 18, 2017 11:09 AM
To: Raschelle Beckwith
Cc: Tim Corcoran
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

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
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

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