

ALLEY VACATION
ORDINANCE NO. 10584-18

Status Vacated

Date: March 12, 2018

Description: East/West Alley 14' in Width and
Approximately 120' Long From East Right-of-Way of
Emerson Street and East Right-Of-Way of North/South
Alley Between Northside Boulevard and Hildreth Street,
South Bend, Indiana

ORDINANCE No. 10584-18

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

March 12, _____ 20 18

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

Attest: [Signature] _____ President of Common Council

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

March 12, _____ 20 18

Kareemah N. Fowler _____ City Clerk
Kareemah N. Fowler

Approved and signed by me March 13th _____ 20 18

[Signature] _____ Mayor

BILL NO. 13-18

ORDINANCE NO. 10584-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

ALLEY VACATION- EAST/WEST ALLEY 14' IN WIDTH AND APPROXINMATELY 120' LONG FROM EAST RIGHT-OF-WAY OF EMERSON STREET AND EAST RIGHT-OF-WAY OF NORTH/SOUTH ALLEY BETWEEN NORTHSIDE BOULEVARD AND HILDRETH STREET, 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 w thin 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:

Right of way to be vacated is the East West alley 14' in width and approximately 120' long from East ROW of Emerson Street. and East ROW of North South alley between North Side and Hildreth Street, South Bend, Indiana.

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:

Lot 114 Ex4 Feet. Northside & 2 Feet Northside Lot 115 Oakland Park.

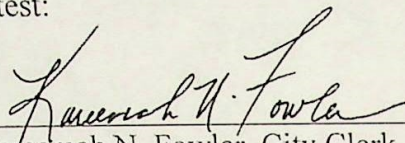
SECTION IV. The purpose of the vacation of the real property is due to needed repairs and repavement.

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.

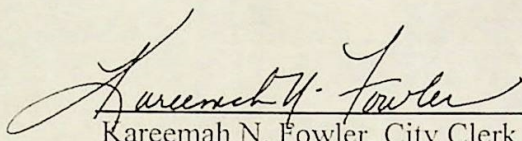


Tim Scott, Council President
South Bend Common Council

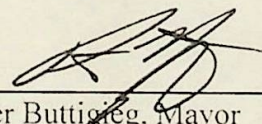
Attest:


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

Presented by me to the Mayor of the City of South Bend, Indiana on the 13th day of March, 2018, at 2:00 o'clock P. m.


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

Approved and signed by me on the 13th day of March, 2018, at 5:00 o'clock P. m.


Peter Buttigieg, Mayor
City of South Bend, Indiana

2/26/2018
PUBLIC HEARING 3/12/2018
2nd READING 3/12/2018
NOT APPROVED 3/12/2018
DEFERRED
PASSED 3/12/2018



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: 2/6/2018 DCH

Alley Vacation 150' Radius Map Murray Miller 1345 Northside Blvd.

Right of way to be vacated is the EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E ROW of NS Alley between North Side Blvd and Hildreth St.

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

Murray Miller
St. Joseph Building Trades
1345 Northside Blvd.
South Bend, IN 46615

RE: Alley Vacation – East/West Alley 14' in Width and Approximately 120' Long from East Right-of-Way of Emerson Street and East Right-of-Way of North/South Alley between Northside Boulevard and Hildreth Street (Preliminary Review)

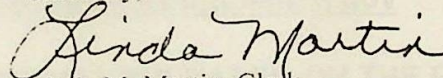
Dear Mr. Miller:

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 alley.

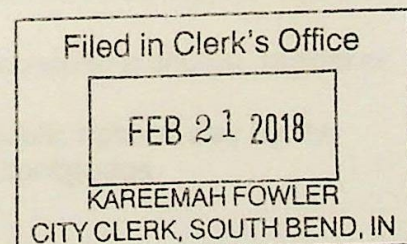
Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

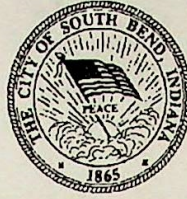
Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,


Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Bianca Tirado, City Clerk's Office





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

DATE SENT: 11/3/2017

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)
FROM: Linda M. Martin, Clerk *LM*

SUBJECT: **REQUEST FOR RECOMMENDATION –ALLEY VACATION**

APPLICANT: **Murray Miller**

LOCATION: **EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E Row of NS Alley between Northside Blvd and Hildreth St**

DATE DUE: **November 7, 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

Murray Miller
St. Joseph Building Trades
1345 Northside Blvd.
South Bend, IN 46615

RE: Alley Vacation – East/West Alley 14' in Width and Approximately 120' Long from East Right-of-Way of Emerson Street and East Right-of-Way of North/South Alley between Northside Boulevard and Hildreth Street (Preliminary Review)

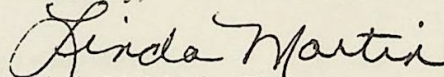
Dear Mr. Miller:

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 alley.

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,


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:	11-1-17		
Applicant Name:	MURRAY MILLER	Phone #:	574-287-2969
	ST JOSEPH BUILDING TRADES	Email:	millsbi@pbw.com
Property Address:	1345 NORTHSIDE BLVD		
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):	NORTHSIDE BLVD EMERISON		
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:	ALLEY IS IN NEED OF REPAIR		
	BUILD TRADES USES THE ALLEY		
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

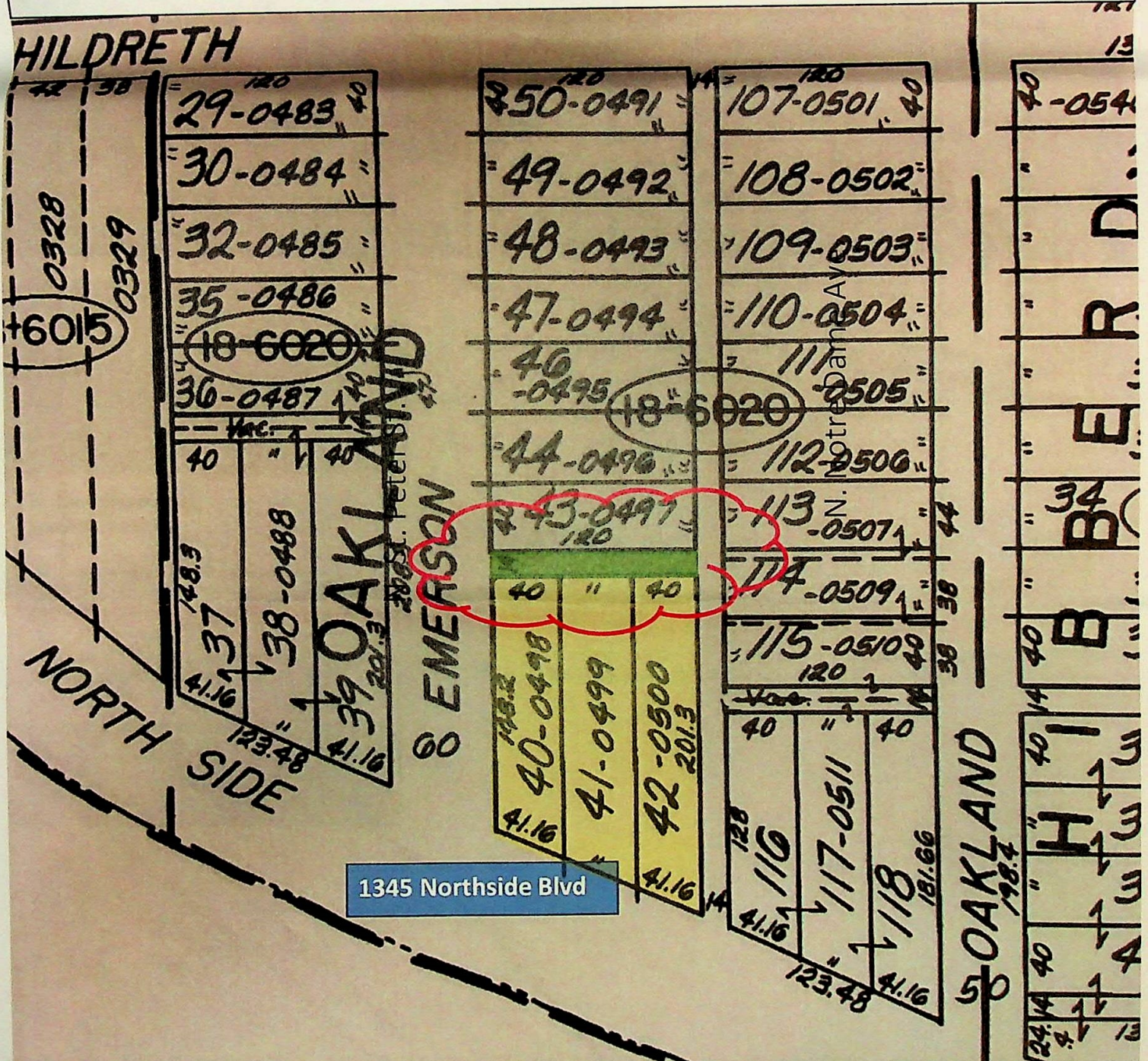
Board of Public Works Authorized Signatures:

Gary Asstot
[Signature]

Murray Miller
1345 Northside Blvd
South Bend, IN
574-287-2967
millsbi@aol.com



EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E ROW of NS Alley between North Side Blvd and Hildreth St.





Imagery ©2017 Google, Map data ©2017 Google 20 ft



St Joe Valley Building

Construction Company

1345 Northside Blvd # 2, South Bend, IN 46615

sjvbt.com

(574) 232-8453

Add missing information ⓘ



Raschelle Beckwith

From: Federico Rodriguez
Sent: Friday, November 03, 2017 10:01 AM
To: Raschelle Beckwith
Subject: RE: Alley Vacation-Recommendation- Murray Miller

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.
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-----Original Message-----

From: Raschelle Beckwith
Sent: Friday, November 3, 2017 9:26 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Imaglioz <imaglioz@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Alley Vacation-Recommendation- Murray Miller

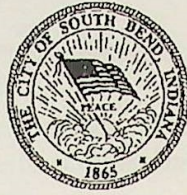
Please Provide Recommendation

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

From: SouthBend
Sent: Friday, November 03, 2017 9:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 11.03.2017 09:20:56 (-0400)
Queries to: southbend@southbendin.gov



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 11/3/2017

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 –ALLEY VACATION

APPLICANT: Murray Miller

LOCATION: EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E Row of NS Alley between Northside Blvd and Hildreth St

DATE DUE: November 7, 2017

FAX OR E-MAIL TO: [235-9171](tel: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 affect Solid Waste's collection services.

Mike Bronstetter

Raschelle Beckwith

From: Matt Longfellow
Sent: Tuesday, November 07, 2017 12:15 PM
To: Raschelle Beckwith
Cc: Toy Villa; Kara Boyles; Roger Nawrot
Subject: RE: Alley Vacation-Recommendation- Murray Miller
Attachments: engin response.pdf

Engineering has no objections to this vacation.

Matt

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

From: Raschelle Beckwith
Sent: Friday, November 03, 2017 9:26 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
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Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Chris Dressel
Sent: Wednesday, November 08, 2017 12:02 PM
To: Raschelle Beckwith
Cc: Tim Corcoran; Matt Longfellow
Subject: RE: Alley Vacation-Recommendation- Murray Miller

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

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Excellence | Accountability | Innovation | Inclusion | Empowerment

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Subject: Alley Vacation-Recommendation- Murray Miller

Please Provide Recommendation

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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) 233-9571

December 6, 2017

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

RE: Street & Alley Vacation
Applicant: Murray Miller/Building Trades
Location: 1st EW Alley N of Northside Blvd. between Emerson & Oakland.

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 alley is not an integral part of the circulation system, where its absence would hinder growth and development.

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

The petitioner owns all properties adjacent to the alley proposed to be vacated. Surrounding owners have access to Hildreth and Northside via the N/S alley.

- (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. The N/S alley provides access to the public streets.

The vacation request, as submitted, meets the criteria for approval. Consideration should be given to the dedication of additional right-of-way off the SE corner of Lot 43 and the NE corner of Lot 42 to provide additional maneuvering room to the garages owned by Douglas Streich (Lot 114) and Timothy and Jennifer Wells (Lot 113).

Sincerely,

Larry Magliozzi

Raschelle Beckwith

From: Pete Kaminski
Sent: Monday, December 11, 2017 11:31 AM
To: Raschelle Beckwith
Cc: Derick Roberts
Subject: RE: Alley Vacation-Recommendation- Murray Miller 3rd Request

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 8:27 AM
To: Eugene Eyster <eeyster@southbendin.gov>; Pete Kaminski <pkaminsk@southbendin.gov>
Subject: FW: Alley Vacation-Recommendation- Murray Miller 3rd Request

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

From: Raschelle Beckwith
Sent: Tuesday, December 05, 2017 12:57 PM
To: Pete Kaminski; 'Imaglio@co.st-joseph.in.us'; Eugene Eyster
Subject: FW: Alley Vacation-Recommendation- Murray Miller-2nd Request

Please Provide Recommendation, We would like to get this on the 12/12/17 Agenda.

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

From: Raschelle Beckwith
Sent: Friday, November 03, 2017 9:26 AM
To: Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; 'Imaglio@co.st-joseph.in.us'; Eugene Eyster; 'pmgriffin@nisource.com'
Subject: Alley Vacation-Recommendation- Murray Miller

Please Provide Recommendation

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