

ALLEY VACATION
ORDINANCE NO. 10216-13

Status Vacated

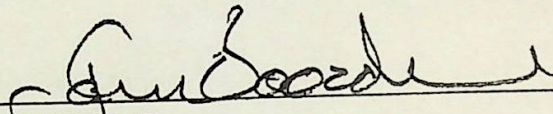
Date: January 28, 2013

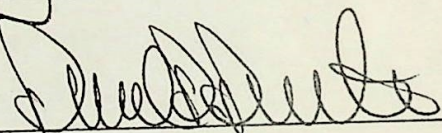
Description: 160.39' of the Right of Way on the East
Side of Niles Avenue at the Intersection of Jefferson
Boulevard and Niles Avenue

ORDINANCE No. 10216-13

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

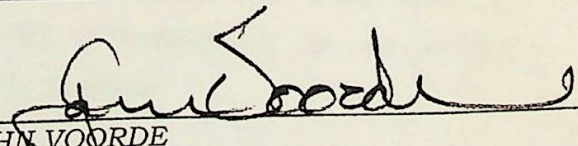
January 28, 2013

Attest:  City Clerk
JOHN VOORDE

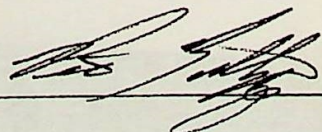
Attest:  President of Common Council

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

January 29, 2013

 City Clerk
JOHN VOORDE

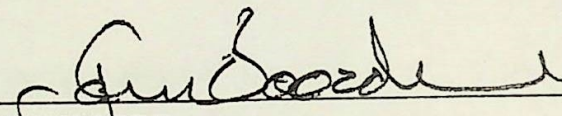
Approved and signed by me JANUARY 29 20 13

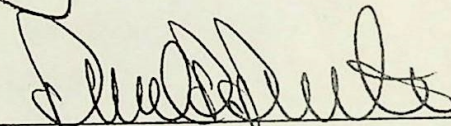
 Mayor

ORDINANCE No. 10216-13

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

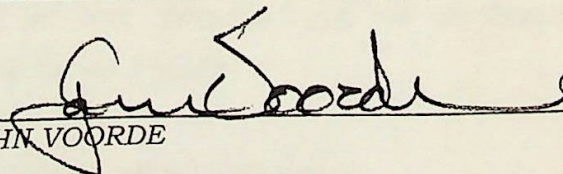
January 28, 20¹³

Attest:  City Clerk
JOHN VOORDE

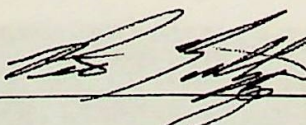
Attest:  President of Common Council

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

January 29, 20¹³

 City Clerk
JOHN VOORDE

Approved and signed by me JANUARY 29 20 13

 Mayor

□

ORDINANCE NO. 10266-13

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*160.39' OF THE RIGHT-OF-WAY ON THE EAST SIDE OF
NILES AVENUE AT THE INTERSECTION OF JEFFERSON
BOULEVARD AND NILES AVENUE*

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:

*160.39' OF THE RIGHT-OF-WAY ON THE EAST SIDE OF
NILES AVENUE AT THE INTERSECTION OF JEFFERSON
BOULEVARD AND NILES AVENUE*

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.

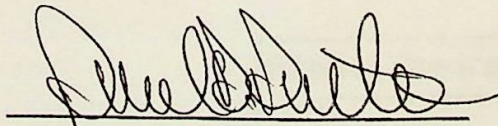
SECTION III. The following property may be injuriously or beneficially affected by such vacating:

*LOT 11 OF RIVER RACE TOWNHOMES MINOR SUBDIVISION
RECORDED AS INSTRUMENT NUMBER 1229942 IN THE
OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY,
INDIANA, OWNED BY THE CITY OF SOUTH BEND*

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

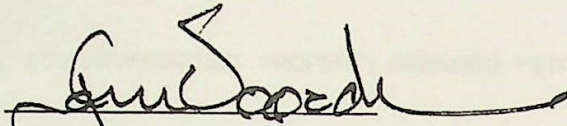
*TO VACATE EXCESS UN-NEEDED PUBLIC RIGHT-OF-WAY
OF NILES AVENUE FOR USE BY THE ADJACENT
PROPERTY OWNER FOR FUTURE RESIDENTIAL AND
COMMERCIAL REDEVELOPMENT.*

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.

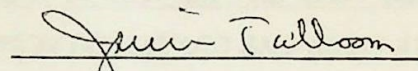


Member of the Common Council

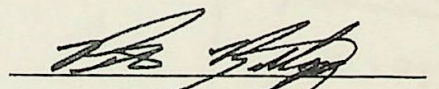
Attest:


City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the
29th day of January, 2013, at 10:15 o'clock 9. m.


City Clerk, Deputy

Approved and signed by me on the 29 day of JANUARY, 2013, at
4 o'clock P. m.


Mayor, City of South Bend, Indiana

Filed in Clerk's Office
JAN - 9 2013
JOHN VOORHEE
CITY CLERK, SOUTH BEND, IN

1st READING 1-14-13
PUBLIC HEARING 1-28-13
3rd READING 1-28-13
NOT APPROVED
REFERRED
PASSED 1-28-13

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY

(STREETS/ALLEYS)

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: _____

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

A. THE ALLEY DESCRIBED AS:

B. THE STREET DESCRIBED AS:

160.39' OF THE RIGHT-OF-WAY ON THE EAST SIDE OF NILES
AVENUE AT THE INTERSECTION OF JEFFERSON BOULEVARD AND NILES AVENUE

NAME (signed & printed)

ADDRESS

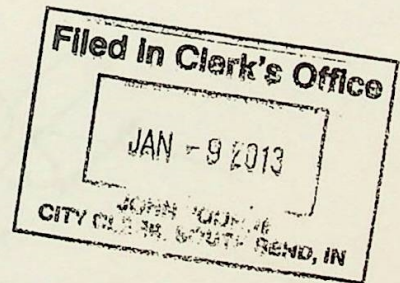
LOT #

RIVER RACE TOWNHOMES, LLC
DAVID M. MATTHEWS, MEMBER

P.O. BOX 338

LOT 11 OF RIVER RACE TOWNHOMES
MINOR SUBDIVISION

David M. Matthews, member
SIGNATURE



RETURN TO:
OFFICE OF THE CITY CLERK
JOHN VOORDE, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221

CONTACT PERSON (S)
ABONMARCHE CONSULTANTS, INC.
NAME: BRADLEY E. MOSNESS, PE
ADDRESS: 750 LINCOLN WAY EAST
SOUTH BEND, IN 46601
PHONE: (574) 232-8700

EXHIBIT "A"

Niles Avenue Streetscape Project

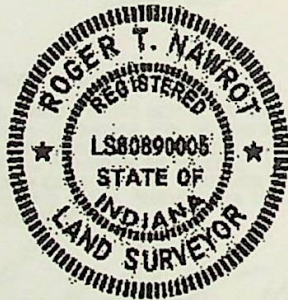
City of South Bend Project No. 111-069

Parcel: 1 Right-of-Way Vacation

A parcel of land being adjacent to River Race Townhomes Minor Subdivision as recorded Instrument No. 1229942 in the Office of Recorder of St. Joseph County, Indiana now within and part of the City of South Bend, and being more particularly described as follows: Commencing at the north west corner of said Lot 1; thence South 00°28'48" East along the west lot line of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and a portion of lot 11 which also is the east right-of-way line of Niles Avenue, 254.53 feet to the south east corner of lot 11; thence South 46°50'53" East along the south west line of lot 11 and said east right-of-way line of Niles Avenue, 67.27 feet to the point of beginning of this description; thence continuing South 46°50'53" East along said east right-of-way line of Niles Avenue, 160.39 feet to the south east corner of lot 11; thence South 89°43'58" West, 19.56 feet; thence North 37°06'58" West, 44.37 feet; thence North 43°31'42" West, 102.62 feet to the point of beginning and containing 824 square feet, more or less.

Surveyor Statement

This description was prepared for the City of South Bend, Indiana by Roger T. Nawrot, Indiana Registered Land Surveyor, License Number 80890005, on the 7th day of January, 2013.

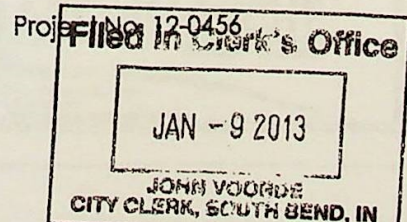


A handwritten signature in black ink, appearing to read "Roger T. Nawrot".

Roger T. Nawrot

Said description is based upon the Boundary Survey prepared for the City of South Bend, Indiana By R. L. Harner, Recorded as Instrument Number 1006890 in the Office of Recorder of St. Joseph County, Indiana and said River Race Townhomes Minor Subdivision Instrument Number 1229942.

Abonmarche Consultants, Inc.



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 11, 2012

Mr. Roger Nawrot
Abonmarche Consultants
750 Lincoln Way East
South Bend, Indiana 46601

RE: Property Vacation – 160.39' of the Right-of-Way on the East Side of Niles Avenue at the Intersection of Jefferson Boulevard and Niles Avenue
(Preliminary Review)

Dear Mr. Nawrot:

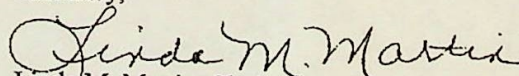
The Board of Public Works, at its December 11, 2012, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Economic Development, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

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

Please contact Tony Molnar 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 Property vacation packet.

Sincerely,


Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office
Michael Mecham, Engineering
David Matthews, River Race Townhomes

GARY A. GILOT

DONALD E. INKS

KATHRYN E. ROOS

MICHAEL C. MECHAM

MARK W. NEAL