# ALLEY VACATION ORDINANCE NO. 10627-18

Status Vacated

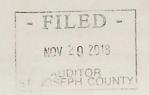
Date: October 22, 2018

Description: Alley 14' in Width running 132' from W or S ROW of West Madison Street to NW/SE Alley Running Between N. Taylor and N. Williams Streets

## ORDINANCE No. 10627-18

Passed by the Common Council of the City of South Bend, Indiana
Attest: October 22, 20 18  Attest: City Clerk Kateemah N. Fowler
Attest: President of Common Council
Presented by me to the Mayor of the City of South Bend, Indiana
October 22, 18
A munch M. Fowler City Clerk Kardemah N. Fowler
Approved and signed by me OCHSper 26 20 18
Mayor Mayor

## United States of America





RECEIVED

NOV 2 9 2018
St. Joseph County Assessed

# Certificate

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

I, Kareemah N. 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 10627-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: ALLEY 14' IN WIDTH RUNNING 132' FROM W OR S RIGHT OF WAY OF W. MADISON STREET TO NW/SE ALLEY RUNNING BETWEEN N TAYLOR AND N. WILLIAMS STREETS.

PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, OCTOBER 22, 2018.

PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG, OCTOBER 26, 2018.

ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL

ATTEST: KAREEMAH 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  $\frac{29}{4}$  day of November 20 18

Kareemah N. Fowler

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

By:				
	K	areemah	N. Fo	wler

#### BILL NO. 54-18

## ORDINANCE NO. 10621-18

## AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

ALLEY 14' IN WIDTH RUNNING 132' FROM W OR S RIGHT OF WAY OF W. MADISON STREET TO NW/SE ALLEY RUNNING BETWEEN N TAYLOR AND N. WILLIAMS STREETS.

#### 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:

Alley 14' in width running 132' from W or S right of way of W. Madison Street to NW/SE alley running between N Taylor and N. Williams Streets.

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:

only two abutting properties in which I own are: 018-1019-0807, 018-1019-0800

other properties within the 150' radius are 018-1020-0824, 018-1019-0799, 018-1019-0798, 018-1019-0812, 018-1019-0797, 018-1019-0829, 018-1019-0806, 018-1019-0808, 018-1019-0802, 018-1019-0803, 018-1019-0814, 018-1019-0804, 018-1019-0805, 018-1019-081302, 018-1019-0809, 018-1020-082901, 018-1019-0811, 018-1020-082401, 018-1020-0825, 018-1020-0826, 018-1020-0827, 018-1019-0810, 018-1019-081303, 018-1019-079702

Section IV. The purpose of the vacation of the real property is to have a larger yard. To have the rights of the alley property that divides my ownership of 418 W. Madison St and 420 W. Madison St. And to use the alley as a possible drive way to a future garage I'm hoping for.

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:

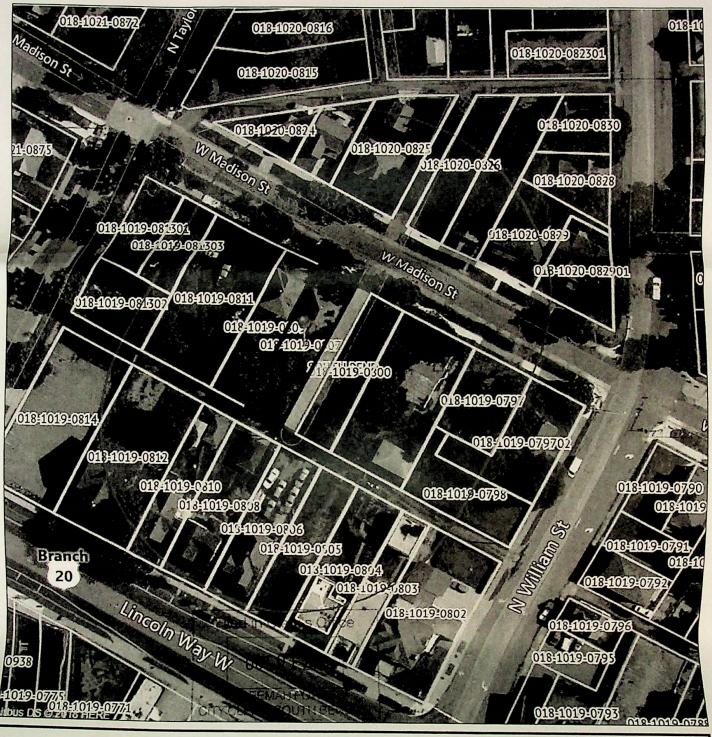
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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

Approved and signed by me on the 26 day of cotober, 2018, at 10 o'clock 0. m.

Peter Buttigieg, Mayor City of South Bend, Indiana

TST READING 10/8/2018
PUBLIC HEARING 19/22/2018
3rd READING
NOT APPROVED 10/22/2018
RESERVED





City of South Bend Dept. of Public Works 227 W Jefferson Blvd. #1316 South Bend, IN 46601 Phone: (574) 235-9251

\*Address List attached
Date Prepared: 10/10/2018 DCH

## Alley Vacation 150' Radius Map Joseph C. Weatherly

Alley 14' in width running 132' from W or S right of way of W. Madison Street to NW/SE alley running between N. Taylor and N. William Streets.



## INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

DATE SENT:

3/29/2018

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 Angela Smith, Area Plan Commission

Gene Eyster, Police Department

Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)

FROM:

Linda M. Martin, Clerk

SUBJECT:

REQUEST FOR RECOMMENDATION - ALLEY VACATION

APPLICANT:

Joseph Weatherly

Alley 14' in width running 132' from W or S ROW of W.

LOCATION:

Madison St to NW/SE alley running between N. Taylor St

and N. William St.

DATE DUE:

April 3, 2018

**FAX OR E-MAIL TO:** 

235-9171 / Imartin@southbendin.gov

## PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING IC 36-7-3-13 CRITERIA:

1. The vacation <u>would/would not</u> 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 <u>would/would not</u> make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

3. The vacation <u>would/would not</u> 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 574/235-9171 FAX

## CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR BOARD OF PUBLIC WORKS

April 24, 2018

Joseph Weatherly 420 W. Madison Street South Bend, IN 46601

Alley Vacation - Ally from West or South Right-of-Way of Madison St. to Northwest/Southeast Alley between North Taylor St and North William St. (Preliminary Review)

Dear Mr. Weatherly:

The Board of Public Works, at its April 24, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment Department, Fire Department and the Solid Waste Division. The vacation request was found to meet the criteria of IC 36-7-3-13 regarding alley vacations.

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,

finde M. Wartin

Federico Rodriguez, Fire Department c: 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
SOUTH BEND, INDIANA 46601 TDD

574/235-9171 574/235-5567

## \*THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP\*

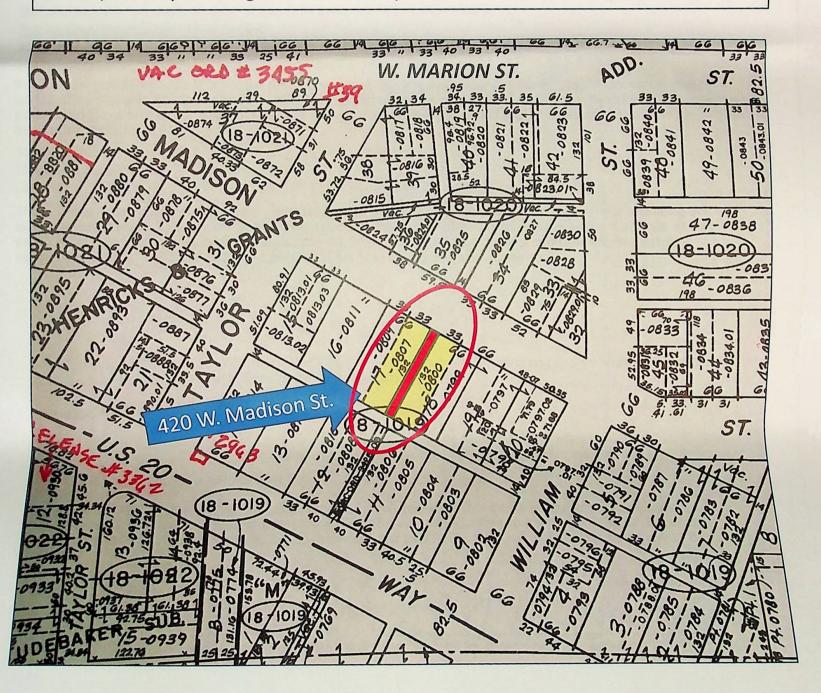
Submission Date:	3-27-2018	200		
Applicant Name:	Joseph C Weatherly Phone #	:313-915-1629		
		oe. Weatherly @ yghoo.com		
Property Address:	420 W. Madison ST South Bend, IN 46601			
Applicant property i				
	I alley location with boundaries (ex. See Atta	ched Map		
Is your property adjacent to the alley of interest?				
Do you own all adjacent properties to the alley of interest?				
	ed table to provide the following information for all affected	A		
for the proposed alle	y vacation See comment Below	- See Attached Tay Sale		
Reason for street/all	ey vacation and proposed use:			
Purchased	LIEN for 418 W. madiso	ent Decument he he		
recorded		Joe Con In In Ching		
Does the existing alle	y provide garage access to other property owners?	Yes 🔀 No		
Does the alley receive	e daily traffic excluding your own use?	Yes No		
Would the vacation hother public building	ninder public access to any of the following: a church, school or place?	I, or any Yes 🗹 No		
OFFICE USE ONLY:				
Board Recon	nmendation for the proposed alley vacation:	Ves		
200.0.10001	M.	a y n-l		
Board of Pub	olic Works Authorized Signatures:	A Filot		
	- M			

Bruce Henrington - Athy

Joseph C. Weatherly 420 W. Madison Street South Bend, IN 46601 313-915-1629 Joe.weatherly@yahoo.com



Alley 14' in width running 132' from W or S right of way of W. Madison Street to NW/SE alley running between N. Taylor and N. William Streets.



## TAX SALE CERTIFICATE

**Original Certificate Amount:** 

\$26,369.71

Subject To 10%:

\$25.00

Cause Number: 71C01-1708-TS-000383

No. 711700629

### STATE OF INDIANA, ST. JOSEPH COUNTY

I, Michael J. Hamann County Auditor in and for the County aforesaid, do hereby certify that at public sale held by Michael J. Kruk the County Treasurer of the aforesaid County, which commenced on Tuesday, September 5, 2017 at 9:00 AM and continued until all parcels were offered for sale, that the treasurer did on Friday, September 08, 2017 on the auction site, www.zeusauction.com, legal notices as prescribed in IC 6-1.1-24-2 having been given, sold to

ST. JOSEPH COUNTY COMMISSIONERS 227 W. JEFFERSON BLVD, ROOM 209 SOUTH BEND, IN 46601

the following described piece or parcel of land in St. Joseph County, Indiana, to wit:

Key Number / Property ID# 018-1019-0800

**Brief Legal Description:** 

W 1-2 Lot 18Henricks & Grants

Street Address or other common description: 418 Madison South Bend 46601

the said sum paid being equal to or greater than the amount of the judgment issued by the St. Joseph County Court on 8/31/2017 said judgment based on taxes, penalty, interest and costs due on the Real Estate above described for the year 2015 payable 2016, and prior years, to which is added the tax of 2016 payable 2017, said land being assessed and duly entered for the taxation in the name of

Tolman Wade 1500 Willoughby Way Little Elm, TX 75068

The purchaser, above named, having paid the treasury of St. Joseph County said purchase money (he or she being the highest and best bidder for cash), will be entitled to a deed for the tract of land so purchased as above described at the expiration of the redemption period (Monday, January 08, 2018) and after said purchaser complies with the statutory requirements of IC 6-1.1-25-4 et seq., if the same shall not have been previously redeemed.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Auditor aforesaid at South Bend, Indiana, this 9/8/2017

MICHAEL J. HAMANN AUDITOR OF ST. JOSEPH COUNTY, INDIANA

STATE OF INDIANA, St. Joseph COUNTY

I, Michael J. Kruk Treasurer of St. Joseph County, do hereby guarantee that the taxes and special assessments on the Real Estate named in the above certificate are delinquent, and that the same were yet due and unpaid at the time of the sale thereof, mentioned in said certificate, and said Real Estate being eligible for sale under IC 6-1.1-24.

MICHAEL J. KRUK TREASURER OF ST. JOSEPH COUNTY, INDIANA

#### **ASSIGNMENT**

FOR VALUE RECEIVED, the within certificate is hereby assigned and transferred to JOSEPH CHRISTOPHER WEATHERLY, whose Taxpayer Identification Number is on file with the county auditor, and whose mailing address is 420 W. MADISON ST, SOUTH BEND, IN 46601.

Bidder Number:

7117065.

Assignment Amount:

\$25.00

Assignment Date:

3/9/2018

The purchaser of the assignment of the tax sale certificate, above named, having paid the treasury of St. Joseph County said purchase money (he or she being the highest and best bidder for cash), will be entitled to a deed for the tract of land so purchased as above described at the expiration of the redemption period (Monday, July 09, 2018) and after said purchaser complies with the statutory requirements of IC 6-1.1-25-4 et seq., if the same shall not have been previously redeemed.

ST. JOSEPH COUNTY COMMISSIONERS BY THE SECRETARY TO THE COMMISSIONERS, AUDITOR MICHAEL J. HAMANN. ASSIGNMENT CERTIFICATE #; \_\_\_\_\_ PROPERTY IDENTIFICATION #; \_\_\_\_ FOR VALUE RECEIVED, the within certificate is hereby assigned and transferred to \_\_\_\_\_\_ whose Taxpayer ID number is \_\_\_\_\_\_, and whose mailing address is \_\_\_\_\_\_ X THE STATE OF INDIANA, \_\_\_\_\_\_COUNTY, SS: Personally appeared before the undersigned, County Auditor, this \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_. 20 \_\_\_\_, the above named and acknowledged the foregoing assignment to be his act and deed. Witness my hand and the seal of the Board of Commissioners of said County. THE STATE OF INDIANA, \_\_\_\_\_\_COUNTY, SS: Before me, the undersigned, a Notary Public in and for said county and state, personally appeared \_\_\_\_\_ acknowledged the execution of the foregoing assignment as his voluntary act and deed. Witness my hand and notarial seal this \_\_\_\_\_\_ day of \_\_\_\_\_ \_\_\_\_\_\_\_ Notary Public

Resident of \_\_\_\_\_\_ County, State of Indiana

My Commission Expires:



## INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

DATE SENT:

3/29/2018

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 Angela Smith, Area Plan Commission

Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)

FROM:

Linda M. Martin, Clerk

SUBJECT:

REQUEST FOR RECOMMENDATION - ALLEY VACATION

APPLICANT:

Joseph Weatherly

Alley 14' in width running 132' from W or S ROW of W.

LOCATION:

Madison St to NW/SE alley running between N. Taylor St

and N. William St.

DATE DUE:

April 3, 2018

**FAX OR E-MAIL TO:** 

235-9171 / Imartin@southbendin.gov

## PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING IC 36-7-3-13 CRITERIA:

1. The vacation <u>would/would not</u> 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 <u>would/would not</u> make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

3. The vacation <u>would/would not</u> 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 hinder Solid Waste operations.

Mike Bronstetter

From:

Federico Rodriguez

Sent:

Thursday, March 29, 2018 2:22 PM

To:

Raschelle Carey

Subject:

RE: Alley Vacation Recommendation-Joseph Weatherly

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 Carey

Sent: Thursday, March 29, 2018 1:46 PM

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>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com; Eugene Eyster

<eeyster@southbendin.gov>

Subject: Alley Vacation Recommendation-Joseph Weatherly

Please Provide Recommendation.

Raschelle Carey
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-9251 ext 3168
Rcarey@southbendin.gov

----Original Message----

From: SouthBend

Sent: Thursday, March 29, 2018 1:50 PM

To: Raschelle Carey <rcarey@southbendin.gov> Subject: Message from "RNP002673DD3E73"

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

Scan Date: 03.29.2018 13:49:43 (-0400) Queries to: southbend@southbendin.gov

From:

Pete Kaminski

Sent:

Thursday, March 29, 2018 3:59 PM

To:

Raschelle Carey

Cc:

Derick Roberts

Subject:

RE: Alley Vacation Recommendation-Joseph Weatherly

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

----Original Message-----From: Raschelle Carey

Sent: Thursday, March 29, 2018 1:46 PM

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>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com; Eugene Eyster

<eeyster@southbendin.gov>

Subject: Alley Vacation Recommendation-Joseph Weatherly

Please Provide Recommendation.

Raschelle Carey
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-9251 ext 3168
Rcarey@southbendin.gov

----Original Message----

From: SouthBend

Sent: Thursday, March 29, 2018 1:50 PM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 03.29.2018 13:49:43 (-0400) Queries to: southbend@southbendin.gov



LAWRENCE P. MAGLIOZZI

Angela M. Smith

## area plan commission of st. Joseph County, in

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

April 2, 2018

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: Joseph Weartherly

Location: 1st N/S alley East of Taylor, Between Madison and the 1st E/W alley South of Madison.

#### 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 a mid-block alley and is not a critical circulation link in the neighborhood.

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

The property owner requesting the vacation owns both sides of the alley, and will have continued access to Madison and the alley to the rear of the properties.

(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 for other properties within the same block.

Sincerely,

Larry Magliozzi

From:

Chris Dressel

Sent:

Wednesday, April 04, 2018 1:51 PM

To: Cc: Raschelle Carey Tim Corcoran

Subject:

RE: Alley Vacation Recommendation-Joseph Weatherly

The vacation request is 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.

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----Original Message-----From: Raschelle Carey

Sent: Thursday, March 29, 2018 1:46 PM

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>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com; Eugene Eyster
<eeyster@southbendin.gov>

Subject: Alley Vacation Recommendation-Joseph Weatherly

Please Provide Recommendation.

Raschelle Carey
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601

From:

Matt Longfellow

Sent:

Tuesday, April 10, 2018 10:39 AM

To:

Raschelle Carey

Cc:

Toy Villa; Kara Boyles; Donna C. Hanson; Chris Dressel RE: Alley Vacation Recommendation-Joseph Weatherly

Subject: Attachments:

20180329134943739.pdf; 20180410\_looking south from Madison.jpg; 20180410

\_looking east at alley intersection.jpg

Raschelle,

Engineering has no objections to this alley vacation, as it would not conflict with any of the criteria of IC 36-7-3-13.

Regards, Matt

----Original Message-----From: Raschelle Carey

Sent: Thursday, March 29, 2018 1:46 PM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow

<mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez

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Subject: Alley Vacation Recommendation-Joseph Weatherly

Please Provide Recommendation.

Raschelle Carey
Department of Public Works, Engineering Division
227 W Jefferson Blvd Ste 1316
South Bend, IN 46601
(574) 235-9251 ext 3168
Rcarey@southbendin.gov

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