

ALLEY VACATION
ORDINANCE NO. 10630-18

Status Vacated

Date: November 26, 2018

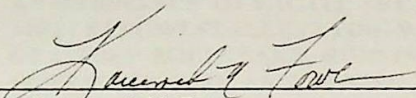
Description: First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, Running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana

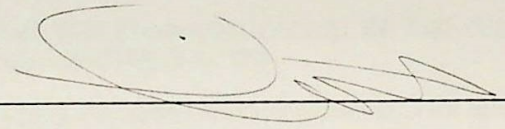
United States of America

ORDINANCE No. 10630-18

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

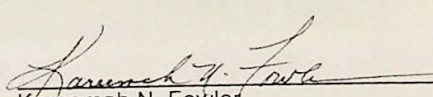
November 26, 18
20

Attest:  City Clerk
Kareemah N. Fowler

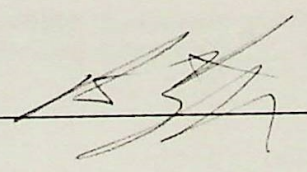
Attest:  President of Common Council

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

November 26, 18
20

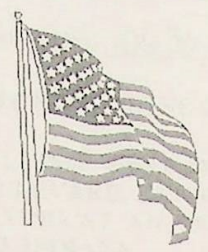
 City Clerk
Kareemah N. Fowler

Approved and signed by me November 26 20 18

 Mayor

-Recipt-

United States of America



- FILED -
DEC 31 2018
AUDITOR
ST. JOSEPH COUNTY

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 10630-18

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:
FIRST EAST/WEST ALLEY LYING WEST OF LAWRENCE STREET AND NORTH
OF CORBY BOULEVARD, RUNNING WEST 158 FEET +/- IN LENGTH AND
TERMINATING AT AN EXISTING NORTH/SOUTH ALLEY, ALL IN SOUTH
BEND, INDIANA**

PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, NOVEMBER 26, 2018.

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

ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL

ATTEST: KAREEMAH FOWLER, CITY CLERK

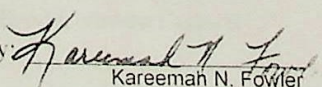
-RECEIVED-
DEC 31 2018
ST. JOSEPH COUNTY
ASSESSOR

RECEIVED
DEC 13 2018
ST. JOSEPH COUNTY ASSESSOR

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 31st day of December 20 18

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

By 
Kareemah N. Fowler

BILL NO. 57-18

ORDINANCE NO. 10630-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

FIRST EAST/WEST ALLEY LYING WEST OF LAWRENCE STREET AND NORTH OF CORBY BOULEVARD, RUNNING WEST 158 FEET +/- IN LENGTH AND TERMINATING AT AN EXISTING NORTH/SOUTH ALLEY, ALL IN 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). Alley Vacation - First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana,

hereby determines that it is desirable to vacate said properties.

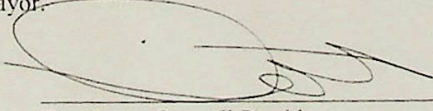
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures 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:

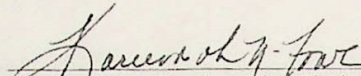
18-5108-3801 18-5108-3808 18-5108-3810 18-5108-3811 18-5108-3814 18-5108-3817
18-5108-3818 18-5108-3819 18-5111-3967 18-5111-3966 18-5111-3965 18-5111-3964
18-5111-3963 18-5111-3968 18-5111-3969 18-5111-3970 18-5111-397606
18-5111-397605 18-5111-397604 18-5111-397603 18-5111-397602 18-5111-397601 18-5111-3976
18-5111-3975 18-5111-3972 18-5111-397101 18-5111-3971 18-5111-3989 18-5111-3988
18-5111-3982 18-5111-3983

SECTION IV. The purpose of the vacation of the real properties is to vacate that portion of all the Public Alley in the described area to allow for the safer use of the adjacent properties.

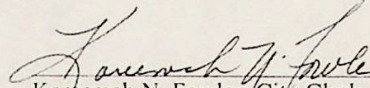
SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.


Tim Scott, Council President
South Bend Common Council

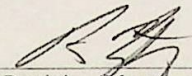
Attest:


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

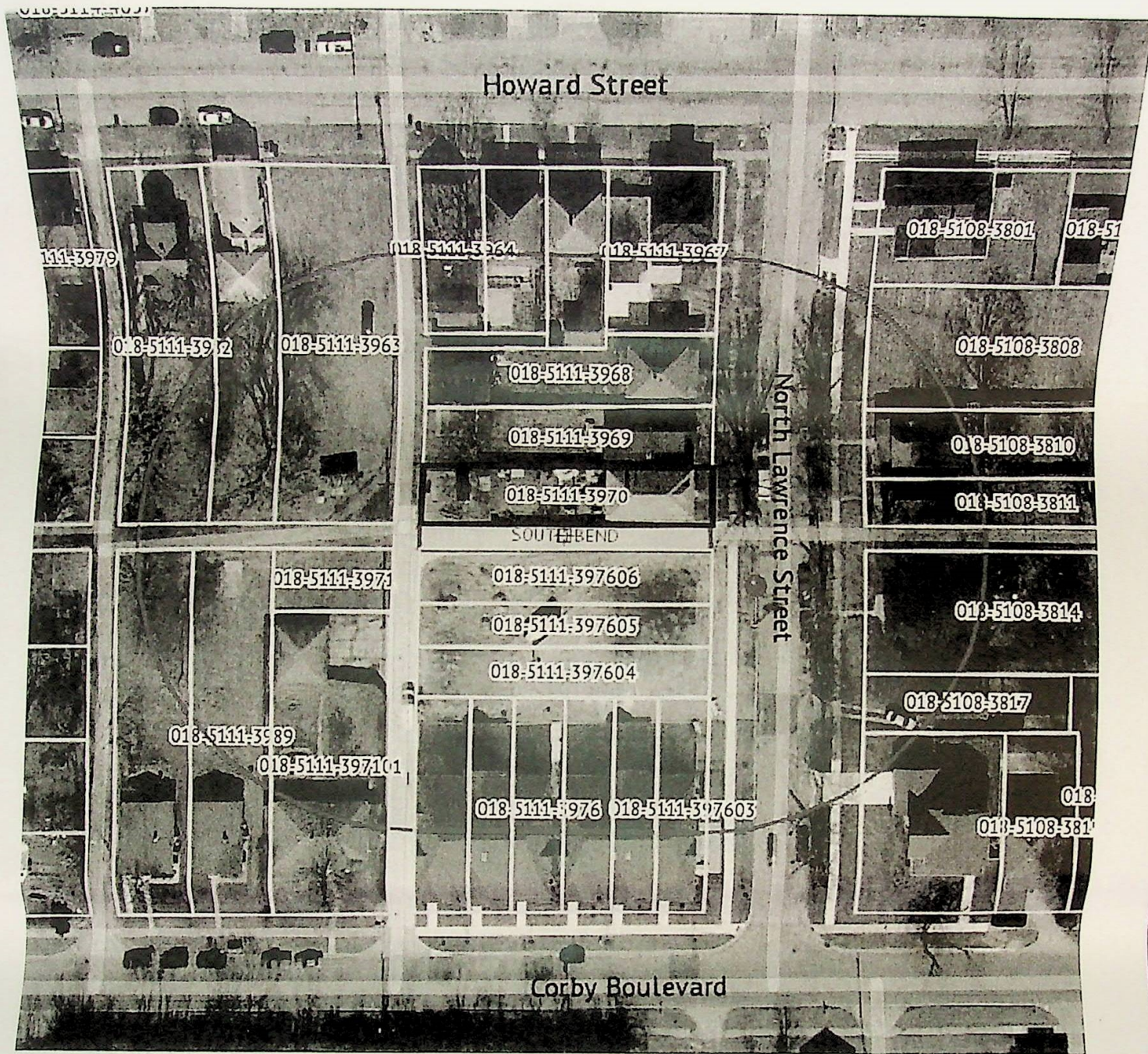
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the 26 day of November, 2018, at 2 o'clock P. m.


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

Approved and signed by me on the 26 day of November, 2018, at 9 o'clock P. m.


Pete Buttigieg, Mayor
City of South Bend, Indiana

PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



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: 9/14/2018 DCH

Alley Vacation 150' Radius Map Danch, Harner & Associates, Inc.

First East/West Alley lying West of Lawrence Street and North of Corby Street, running West 158 feet +/- in length, 14' in width and terminating at an existing North/South Alley



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 9/14/2018

TO: Pete Kaminski, Street Department
 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 *LM*

SUBJECT: REQUEST FOR RECOMMENDATION – ALLEY VACATION

APPLICANT: DHA for Damsha Bua, LLC

LOCATION: First E/W Alley Lying W of Lawrence St and N of Corby St,
running W 158 ft +/- in length, 14' in width and terminating
at an existing N/S Alley

DATE DUE: September 18, 2018

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

October 9, 2018

Mike Danch
Danch, Harner and Associates
1643 Commerce Drive
South Bend, IN 46628

RE: Alley Vacation – First East/West Alley from Lawrence Street to North/South Alley
between Corby Street and Howard Street (Preliminary Review)

Dear Mr. Danch:

The Board of Public Works, at its October 9, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department and Street Department regarding the above alley vacation request.

Per Indiana Code 36-7-3-13, the vacation met all requirements and was given a favorable recommendation from the Board of Public Works.

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,

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

Linda M. Martin, Clerk

Enclosure

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:	9/14/18		
Applicant Name:	DHA (for Damsha Bua, LLC) 1643 Commerce Drive South Bend, IN 46628	Phone #:	574-234-4003
		Email:	mdanch@danchharner.com
Property Address:	917 N. Lawrence		
Applicant property information:	<input checked="" type="checkbox"/> Residential	<input 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 attached 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 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:			
See attached docs.			
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 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:

Yanyan Gao
[Signature]

Danch, Harner & Associates, Inc. (for Damsha Bua, LLC)

1643 Commerce Drive

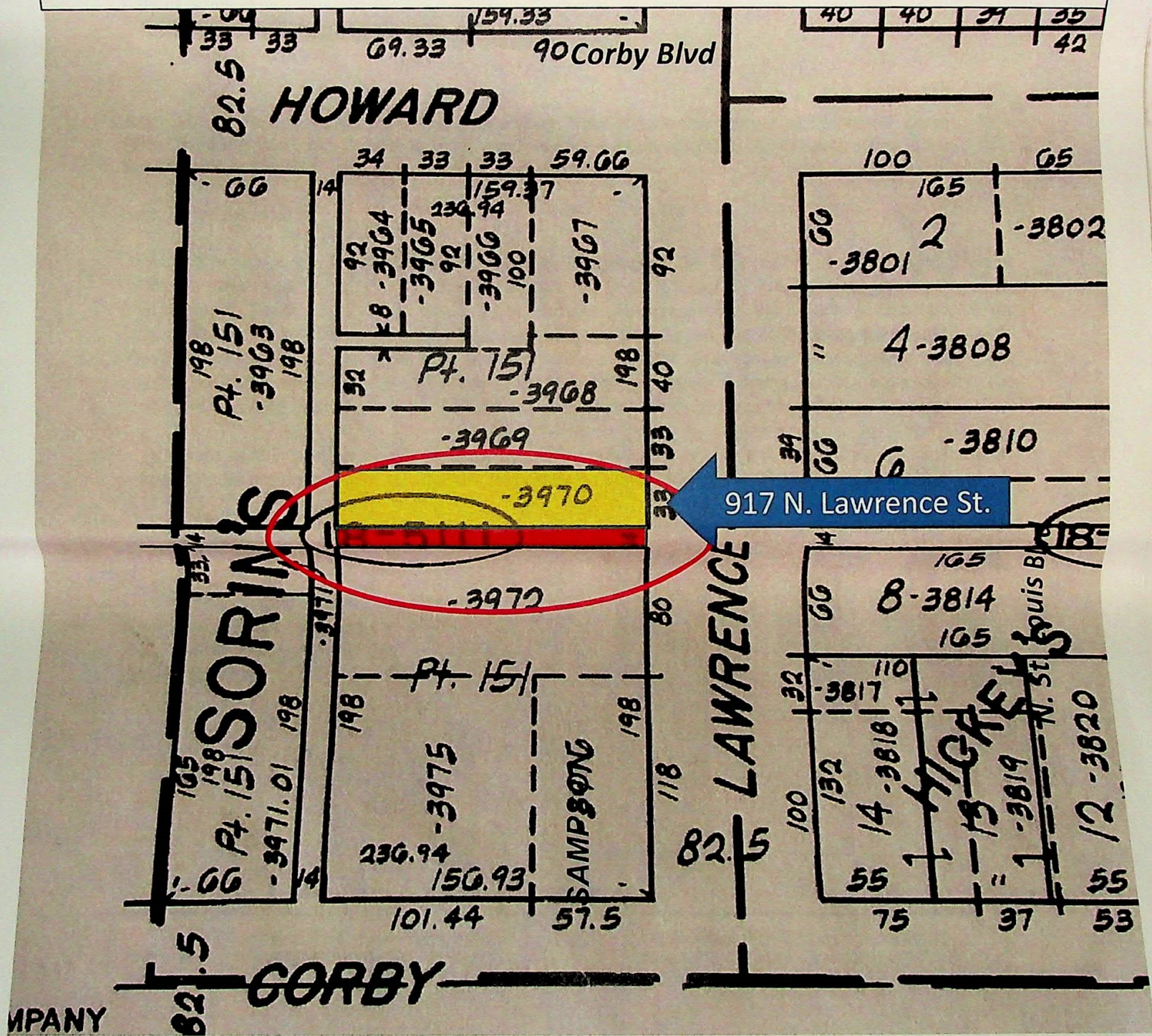
South Bend, IN 46628

574-234-4003

mdanch@danchharner.com



First East/West Alley lying West of Lawrence Street and North of Corby Street, running West 158 feet +/- in length, 14' in width and terminating at an existing North/South Alley.





Danch, Harner & Associates, Inc.

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
13th Floor County-City Building
South Bend, Indiana 46601

September 4, 2018

RE: Alley Vacation - First East/West Alley lying West of Lawrence Street and North of Corby Street, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana,

Dear Board Members:

On behalf of our clients we are requesting an Alley Vacation for the First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana. The reason for this request is to allow for the properties located on either side of the proposed alley to be enlarged and to close a public right-of-way which allows for vehicles using the alley to come within a few feet of the two existing adjacent homes. The existing North/South Alley will still allow more than enough access to the adjacent public streets. The Petitioners desire to increase the safety in the use of their properties through the proposed vacation.

Closure of this portion of the existing East-West alley will not be detrimental to any surrounding property as the petitioners own all adjacent real estate on either side of the proposed vacated alley.

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. 180202

DHIA

Danch, Harner & Associates, Inc.

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
4th Floor County-City Building
South Bend, Indiana 46601

September 4, 2018

RE: Alley Vacation – First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana,

Dear Council Members:

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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. 180202

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

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

Date: 9-04-18

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

- 1). Alley Vacation – First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana,

Tax Key Numbers owned by the Petitioners:

18-5111-3970 18-5111-397606

NAME (signed & printed) & ADDRESS

For: Damsha Bua LLC
4404 Technology Drive
South Bend, Indiana 46628

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
574-234-4003
e-mail: mdanch@danchharner.com

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in 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). Alley Vacation – First East/West Alley lying West of Lawrence Street and North of Corby Boulevard, running West 158 feet +/- in length and terminating at an existing North/South Alley, all in South Bend, Indiana,

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:

18-5108-3801 18-5108-3808 18-5108-3810 18-5108-3811 18-5108-3814 18-5108-3817
18-5108-3818 18-5108-3819 18-5111-3967 18-5111-3966 18-5111-3965 18-5111-3964
18-5111-3963 18-5111-3968 18-5111-3969 18-5111-3970 18-5111-397606
18-5111-397605 18-5111-397604 18-5111-397603 18-5111-397602 18-5111-397601 18-5111-3976
18-5111-3975 18-5111-3972 18-5111-397101 18-5111-3971 18-5111-3989 18-5111-3988
18-5111-3982 18-5111-3983

SECTION IV. The purpose of the vacation of the real properties is to vacate that portion of all the Public Alley in the described area to allow for the safer use of the adjacent properties.

Raschelle Carey

From: Federico Rodriguez
Sent: Monday, September 17, 2018 9:27 AM
To: Raschelle Carey
Subject: RE: Alley Vacation Recommendation-Damsha Bua, LLC

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
frodriagu@southbendin.gov

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

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

From: Raschelle Carey
Sent: Friday, September 14, 2018 4:17 PM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodriagu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com; Eugene Eyster <eeyster@southbendin.gov>
Cc: pmgriffin@nisource.com
Subject: Alley Vacation Recommendation-Damsha Bua, LLC

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, September 14, 2018 4:23 PM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 09.14.2018 16:22:55 (-0400)
Queries to: southbend@southbendin.gov

Raschelle Carey

From: Pete Kaminski
Sent: Monday, September 17, 2018 11:27 AM
To: Raschelle Carey
Cc: Derick Roberts
Subject: RE: Alley Vacation Recommendation-Damsha Bua, LLC

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

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

From: Raschelle Carey
Sent: Friday, September 14, 2018 4:17 PM
To: Pete Kaminski <pkaminsk@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>
Cc: pmgriffin@nisource.com
Subject: Alley Vacation Recommendation-Damsha Bua, LLC

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, September 14, 2018 4:23 PM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 09.14.2018 16:22:55 (-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 21, 2018

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

RE: Street & Alley Vacation
Applicant: DHA for Damsha Bua LLC
Location: 1st E/W Alley South of Howard Between Lawrence & the 1st N/S Alley W of Lawrence

Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13, and offers a favorable recommendation. 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.

This alley is a segment of one of three alleys that services the block. Any further development of the block will continue to have alley access to the surrounding streets.

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

The remaining parcels in the block will have full access to the surrounding streets.

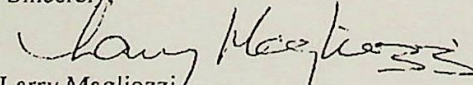
- (3) The vacation would not hinder the public's access to a church, school, or other public building or place.

No church, school or other public building or place is accessed by 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 Carey

From: Matt Longfellow
Sent: Monday, September 17, 2018 11:13 AM
To: Raschelle Carey
Cc: Toy Villa; Donna C. Hanson
Subject: FW: Alley Vacation Recommendation-Damsha Bua, LLC
Attachments: 20180914162255833.pdf

Engineering has no objections to this vacation.
Notes: House on north side of alley has been demolished.

Regards,
Matt

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

From: Raschelle Carey
Sent: Friday, September 14, 2018 4:17 PM
To: Pete Kaminski <pkaminsk@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>
Cc: pmgriffin@nisource.com
Subject: Alley Vacation Recommendation-Damsha Bua, LLC

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, September 14, 2018 4:23 PM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 09.14.2018 16:22:55 (-0400)
Queries to: southbend@southbendin.gov

Raschelle Carey

From: Chris Dressel
Sent: Thursday, September 27, 2018 10:36 AM
To: Raschelle Carey
Cc: Tim Corcoran; Matt Longfellow
Subject: RE: Alley Vacation Recommendation-Damsha Bua, LLC-2nd Request

Recommendation is favorable.

- 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
Senior 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 Carey
Sent: Tuesday, September 25, 2018 11:07 AM
To: Chris Dressel <cdressel@southbendin.gov>; Eugene Eyster <eeyster@southbendin.gov>
Cc: Brad Rohrscheib <brohrsch@southbendin.gov>
Subject: FW: Alley Vacation Recommendation-Damsha Bua, LLC-2nd Request

Please Provide Recommendation.

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

From: Raschelle Carey
Sent: Friday, September 14, 2018 4:17 PM
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