ALLEY VACATION ORDINANCE NO. 10631-18

Status Vacated

Date: November 26, 2018

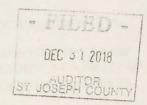
Description: NS Portion of Sampson Street 40' in Width running South 140' from S Right of Way of E. Randolph Street Ending at N Right of Way of East/West Alley between Robinson and Hoke Streets

ORDINANCE No. 10631-18

Passed by the Common Council of the City of South Bend, Indiana
November 26, 18 20
Attest:
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
Kareemah N. Fowler City Clerk
Approved and signed by me November 26 20 18
Mayor

United States of America





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 10631-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY NORTH/SOUTH PORTION OF SAMPSON STREET 40' IN WIDTH RUNNING SOUTH 140' FROM S RIGHT OF WAY OF E. RANDOLPH STREET ENDING AT N RIGHT OF WAY OF EAST/WEST ALLEY BETWEEN ROBINSON AND HOKE STREETS

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



RECRIVED 12018

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 3 day of 20 18

Kareemah N. Fowler

Clerk of the City of South Bend

St. Joseph County, Indiana

Kareemah N Fowler

BILL NO. 58-18

ORDINANCE NO. 10631-18

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

NS PORTION OF SAMPSON STREET 40' IN WIDTH RUNNING SOUTH 140' FROM S RIGHT OF WAY OF E. RANDOLPH STREET ENDING AT N RIGHT OF WAY OF EAST/WEST ALLEY BETWEEN ROBINSON AND HOKE 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:

> NS portion of Sampson Street 40' in width running South 140' from S right of way of E. Randolph Street ending at N right of way of East/West Alley between Robinson and Hoke 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:

Adjacent lots: 018-7102-3656 and 018-7078-2857

Section IV. The purpose of the vacation of the real property is expand and extend Randolf Park for public use.

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:

Office of the City Clerk

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

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

Approved and signed by me on the Aloth day of New per, 2018, at o'clock P. m.

Peter Buttigieg, Mayor City of South Bend, Indiana

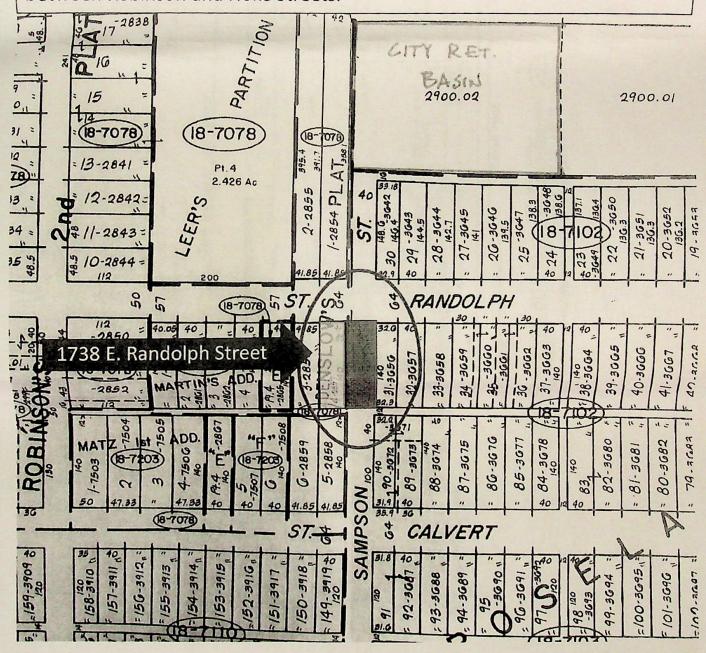
PUBLIC HEARING 11-26-2018
3rd READING 11-26-2018
NOT APPROVED
REFERRED
PASSED 11-26-2018 9/9

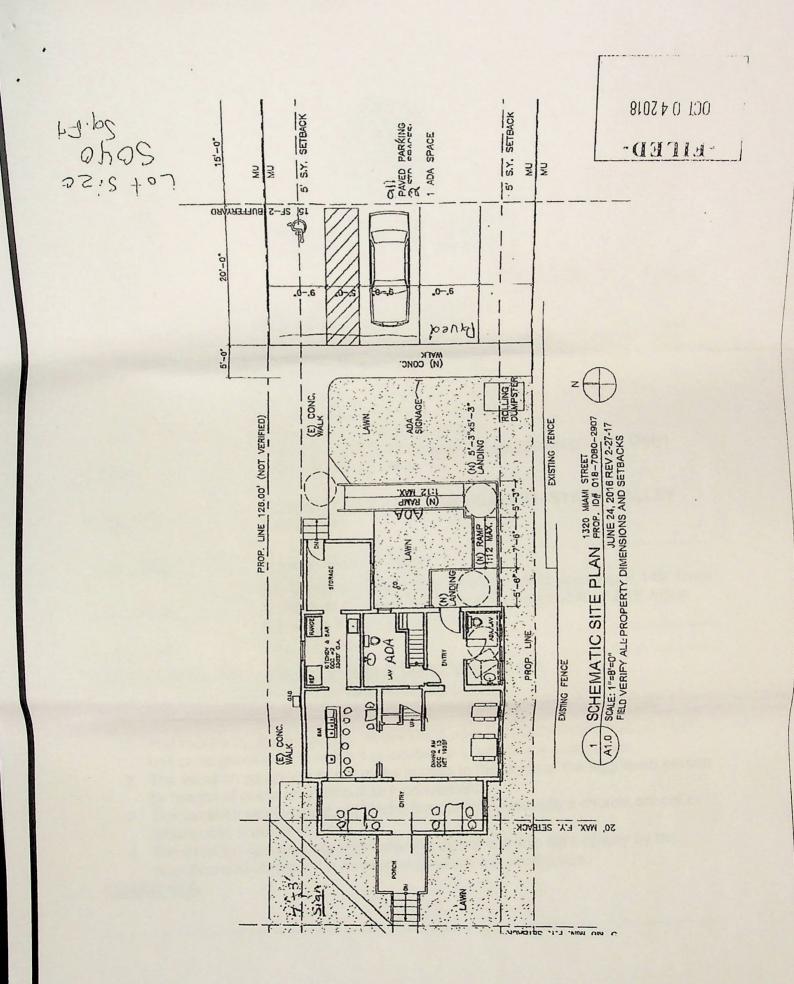
Venues, Parks and Arts
City of South Bend
South Bend, IN 46601
574-235-5601
psherman@southbendin.gov



N

NS portion of Sampson Street 40' in width running South 140' from S right of way of E. Randolph Street ending at N right of way of East/West Alley between Robinson and Hoke Streets.







INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

DATE SENT:

7/5/2018

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

SUBJECT:

REQUEST FOR RECOMMENDATION -STREET/ ALLEY

VACATION

APPLICANT:

Patrick Sherman/VPA

NS Portion of Sampson St 40' in width running S 140' from

LOCATION:

S ROW of E Randolph St ending at N ROW of E/W Alley

Between Robinson and Hoke St.

DATE DUE:

July 17, 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 <u>would/would not</u> 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

August 28, 2018

Patrick Sherman City of South Bend Venues, Parks, and Arts

RE: Alley Vacation - Sampson St. between Randolph St. and East/West Alley (Preliminary Review)

Dear Mr. Sherman:

The Board of Public Works, at its August 28, 2018, meeting, reviewed the comments by the Street Department, Engineering Division, Area Plan Commission, Community Investment, Fire Department, and the Police Department. The Street Department and Engineering revised their previous unfavorable recommendations to favorable after meeting with your staff and agreeing to work together on the design of the closure. Therefore, all comments indicate, per IC 36-7-3-13, 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 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,

Airida M. Marter Linda M. Martin, Clerk

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

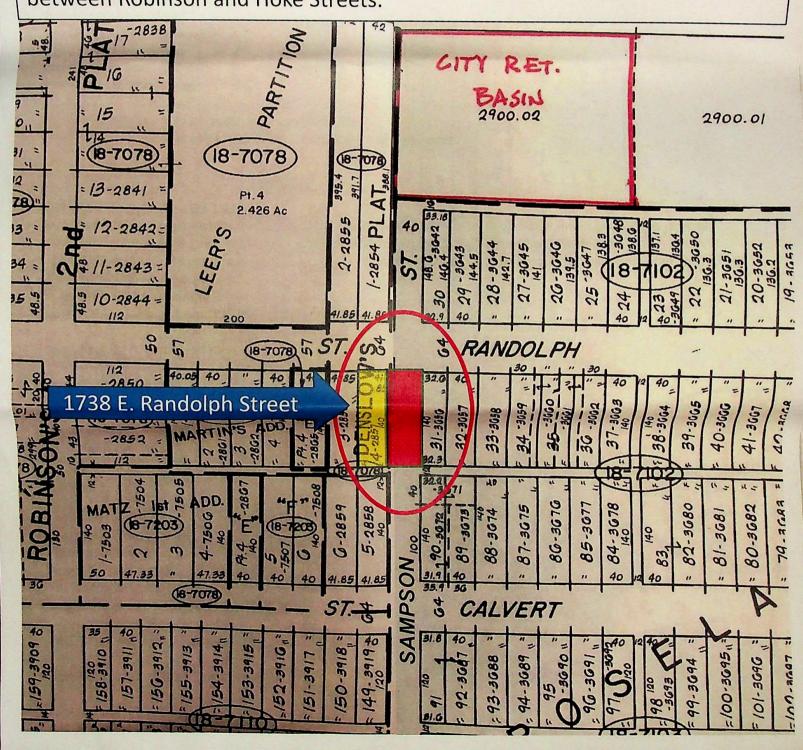
THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP

Submission Date:	07/00/00/0	-					
	07/03/2018						
Applicant Name:	Venues Parks & Arts City of South Bend Attn: Patrick Sherman	Phone #: 574-235-5601 Email: psherman@southbendin.gov					
Property Address:	1738 Randolph St. South Bend, IN 46613						
Applicant property information							
Describe the general alley location with boundaries (ex. Church PI, between E. Colfax Ave & E. LaSalle Ave):							
Is your property adjacent to the alley of interest?				s No		-	
Do you own all adjacent properties to the alley of interest?							
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent							
for the proposed alle	y vacation						
Reason for street/all	ey vacation and proposed use:						
Street currently spl	its the neighborhood park into tw	o separate p	ieces. The small	section of str	eet is rarely us	sed.	
Making park one	piece would allow for a safe	r and better	quality park ex	xperience fo	or the resider	nts.	
Does the existing alley provide garage access to other property owners?							
Does the alley receive daily traffic excluding your own use?				Yes Yes	□ No		
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?				☐ Yes	■ No		
	mendation for the proposed alley ic Works Authorized Signatures:	vacation:	y a John	□ No			

Venues, Parks and Arts
City of South Bend
South Bend, IN 46601
574-235-5601
psherman@southbendin.gov



NS portion of Sampson Street 40' in width running South 140' from S right of way of E. Randolph Street ending at N right of way of East/West Alley between Robinson and Hoke Streets.



Raschelle Carey

From:

Federico Rodriguez

Sent:

Monday, July 09, 2018 9:36 AM

To:

Raschelle Carey

Subject:

RE: Message from "RNP002673DD3E73" Batrick Sherman / VPA

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 Carey

Sent: Thursday, July 5, 2018 1:11 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>; Brad Rohrscheib

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Subject: FW: Message from "RNP002673DD3E73"

Please Provide Recommendation

Raschelle Carey Department of Public Works, Engineering Division 227 W Jefferson Blvd Ste 1316 South Bend, IN 46601 (574) 235-9197 Rcarey@southbendin.gov

----Original Message----

From: SouthBend

Sent: Thursday, July 05, 2018 1:14 PM

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

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

Scan Date: 07.05.2018 13:13:41 (-0400)

ACC AREA PLA

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

July 10, 2018

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

RE: Street & Alley Vacation

Applicant: Venues Parks & Arts/Patrick Sherman

Location: 1738 Randolph

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 <u>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.

This portion of Sampson St. is a short connector between Randolph and Calvert. The immediate neighborhood is fully developed, and the vacation of this portion of Sampson would not hinder any potential future 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 both sides of the street segment proposed to be vacated. Other parcels in the area have access to the remaining 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 this street segment.

(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 remaining parcels on Sampson will retain access to the street grid.

Sincerel4

Larry Magliozzi) Hooping

Raschelle Carey

From: Matt Longfellow

Sent: Monday, July 16, 2018 11:57 AM

To: Raschelle Carey

Cc: Toy Villa; Donna C. Hanson; Chris Dressel

Subject: Fwd: Street/Alley Vacation Recommendation-Patrick Sherman VPA

Attachments: 20180705131341205.pdf; 20180716_115127_resized.jpg; 20180716_115014_resized.jpg;

20180716_115102_resized.jpg

A street vacation here would be unfavorable because:

1. It would hinder the use of the public right-of-way by the neighborhood in which it is located.

The applicant's reason for requesting this vacation is to provide "a safer and better quality park experience". I believe a safer condition could also include placing fences up along both sides of the right-of-way for ingredients pedestrians to only cross the street at the designated crosswalk. Also vehicular traffic can be slowed by utilizing any variety of traffic calming techniques.

Additionally, even if this vacation were to be approved, the east/west alley on south side of the park would need significant maintenance by the city to allow for easier passage by motorists.

Regards, Matt Longfellow

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

From: Raschelle Carey <rcarey@southbendin.gov>

Date: 7/12/18 10:11 AM (GMT-05:00)

To: Pete Kaminski <pkaminsk@southbendin.gov>, Matt Longfellow <mlongfel@southbendin.gov>, Chris Dressel

<cdressel@southbendin.gov>, Eugene Eyster <eeyster@southbendin.gov>, Brad Rohrscheib

brohrsch@southbendin.gov>

Subject: Street/Alley Vacation Recommendation-Patrick Sherman VPA

Please provide Recommendation

----Original Message----

From: Raschelle Carey

Sent: Thursday, July 5, 2018 1:11 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>; Brad Rohrscheib

cbrohrsch@southbendin.gov>
Cc: pmgriffin@nisource.com

Subject: FW: Message from "RNP002673DD3E73"

Please Provide Recommendation

Raschelle Carey

From:

Chris Dressel

Sent:

Friday, August 3, 2018 2:52 PM

To:

Raschelle Carey

Cc:

Tim Corcoran; Matt Longfellow

Subject:

RE: Street/Alley Vacation Recommendation-Patrick Sherman VPA-2nd request

Recommended for approval.

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 Carev

Sent: Wednesday, August 1, 2018 10:44 AM

To: Chris Dressel <cdressel@southbendin.gov>; Pete Kaminski <pkaminsk@southbendin.gov> Subject: FW: Street/Alley Vacation Recommendation-Patrick Sherman VPA-2nd request

Please Provide Recommendation at your Earliest Convenience, We would like to get this on the next agenda.

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

Sent: Thursday, July 12, 2018 10:11 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel

<cdressel@southbendin.gov>; Eugene Eyster <eeyster@southbendin.gov>; Brad Rohrscheib

<broken</pre>

Subject: Street/Alley Vacation Recommendation-Patrick Sherman VPA

Please provide Recommendation

----Original Message-----

From: Raschelle Carey

Sent: Thursday, July 5, 2018 1:11 PM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel

<cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi

Linda Martin

From: Pete Kaminski

Sent: Tuesday, August 21, 2018 8:48 AM

To: Linda Martin
Cc: Derick Roberts

Subject: RE: Street Vacate application

Hi Linda, after further discussion with VPA personnel on the plans of vacating Sampson St., the Street division has no objections to their request, thank you.

From: Linda Martin

Sent: Tuesday, August 21, 2018 7:49 AM

To: Pete Kaminski < pkaminsk@southbendin.gov>

Subject: FW: Street Vacate application

Pete – can you email me to confirm you are okay with the vacation of Sampson St. now please? I'm adding it back to the agenda and the Board was not ready to approve based on your comments about the steep dead-end hill. Thank you!

Linda



Rinda Martin

Executive Assistant and Director of Special Projects,
Clerk of the Boards
(574) 235-9253
lmartin@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Ste. 1316
South Bend, IN 46601



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From: Patrick Sherman

Sent: Tuesday, August 21, 2018 7:46 AM

To: Linda Martin Cc: Liz Horvath

Subject: RE: Street Vacate application

Linda,

I can answer those questions. Aaron, John, and I met with Pete Kaminski from streets and talked through his concerns. We addressed his concerns and he is supportive of it now. He will be involved in the design process as well. Aaron also talked to Kara about the Engineering concerns and my understanding is that she is supportive as well. Thanks!

Patrick Sherman

Project Manager
Facilities and Grounds
South Bend Venues Parks & Arts
1020 High Street
South Bend, IN 46601
Office: (574) 235-5601
psherman@southbendin.gov
sbvpa.org



From: Linda Martin

Sent: Tuesday, August 21, 2018 7:42 AM

To: Patrick Sherman < psherman@southbendin.gov >

Cc: Liz Horvath < lhorvath@southbendin.gov>

Subject: RE: Street Vacate application

We will just update the date of the agenda request and re-submit. However – we will need someone to speak about it at the agenda review session.

The Street Dept. has real concerns about a dead-end street into the park on a steep hill. They can't plow or de-ice. They suggested a barrier constructed at the bottom of the hill to reduce hazards.

Engineering stated it would hinder the use of the right-of-way by the neighborhood, which is one of the criteria the vacation request is reviewed on to be approved. They suggested that a safer condition could include placing fences up along both sides of the right-of-way for pedestrians to cross the street at the designated crosswalk, and/or traffic calming techniques.

Those are the reasons, aside from your request, the Board did not feel ready to approve this. Do you want me to proceed with placing this on the agenda and are you prepared to answer those questions? Thank you!

Linda



Linda Martin

Executive Assistant and Director of Special Projects,
Clerk of the Boards
(574) 235-9253
lmartin@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Ste. 1316
South Bend, IN 46601

Linda Martin

From: Patrick Sherman

Sent: Tuesday, August 21, 2018 7:46 AM

To: Linda Martin
Cc: Liz Horvath

Subject: RE: Street Vacate application

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Patrick Sherman

Project Manager
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Office: (574) 235-5601
psherman@southbendin.gov
sbvpa.org



From: Linda Martin

Sent: Tuesday, August 21, 2018 7:42 AM

To: Patrick Sherman <psherman@southbendin.gov>
Cc: Liz Horvath <Ihorvath@southbendin.gov>

Subject: RE: Street Vacate application

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Those are the reasons, aside from your request, the Board did not feel ready to approve this. Do you want me to proceed with placing this on the agenda and are you prepared to answer those questions? Thank you!

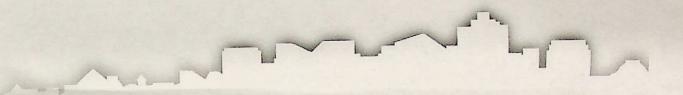
Linda



Linda Martin

Executive Assistant and Director of Special Projects, Clerk of the Boards (574) 235-9253

lmartin@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Ste. 1316
South Bend, IN 46601



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From: Patrick Sherman

Sent: Monday, August 20, 2018 5:33 PM

To: Linda Martin Cc: Liz Horvath

Subject: RE: Street Vacate application

Linda,

We got together with the concerned parties about the Sampson vacate to address their concerns and I believe we are ready to get it back on the agenda. Is there anything that I need to do in order to do that? Thank you!

Patrick Sherman

Project Manager
Facilities and Grounds
South Bend Venues Parks & Arts
1020 High Street
South Bend, IN 46601
Office: (574) 235-5601
psherman@southbendin.gov
sbvpa.org

VENUES PARKS & ARTS

From: Linda Martin

Sent: Friday, August 10, 2018 7:24 AM