

ALLEY VACATION
ORDINANCE NO. 10642-19

Status Vacated

Date: January 28, 2019

Description: North/South Alley 14' in Width Running North Approximately 130' from North Right of Way of Bryan Street to East/West Alley being the only North/South Alley Between Sherman Avenue and Inglewood Place

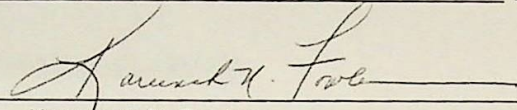
ORDINANCE No. 10642-19

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

January 28, 19

20 _____

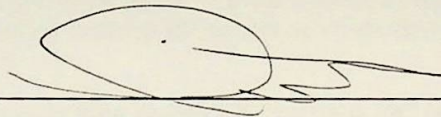
Attest: _____



City Clerk

Kareemah N. Fowler

Attest: _____

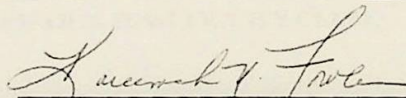


President of Common Council

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

January 28, 19

20 _____



City Clerk

Kareemah N. Fowler

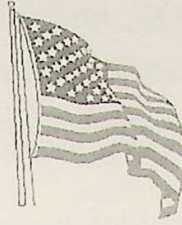
Approved and signed by me February 4 20 19



Mayor

-Receipt

United States of America



- FILED -
FEB 20 2019
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

-RFC FILED-
FEB 20 2019
ST JOSEPH COUNTY
ASSESSOR

ORDINANCE 10642-19

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXIMATELY
130' FROM NORTH RIGHT OF WAY OF BRYAN STREET TO EAST/WEST
ALLEY

PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, JANUARY 28, 2019.

PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG,
FEBRUARY 4, 2019.

ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL

ATTEST: KAREEMAH N. 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 20th day of February, 20 19

Kareemah N. Fowler

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

By: Kareemah N. Fowler
Kareemah N. Fowler

BILL NO. 01-19

ORDINANCE NO. 10642-19

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXIMATELY 130'
FROM NORTH RIGHT OF WAY OF BRYAN STREET TO EAST/WEST ALLEY

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:

NORTH/SOUTH ALLEY 14' IN WIDTH RUNNING NORTH APPROXADMEY 130' FROM NORTH RIGHT OF WAY OF BRYAN STREET TO EAST/WEST ALLEY, BEING THE ONLY NORTH/SOUTH ALLEY BETWEEN SHERMAN AVENUE AND INGLEWOOD PLACE

hereby determines that it is desirable to vacate said property.

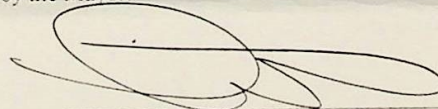
SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures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

018-2143-5371 018-2142-5324 018-2142-5334 018-2139-5199

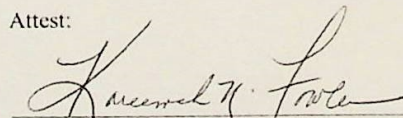
SECTION IV. The purpose of the vacation of the real property is to vacate that portion of the all of the Public Alley in the described area to allow for the safer use of the adjacent properties.

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.



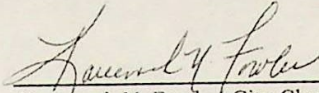
Tim Scott, Council President
South Bend Common Council

Attest:

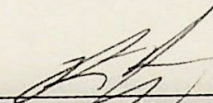


Kareemah N. Fowler, City Clerk
Office of the City Clerk

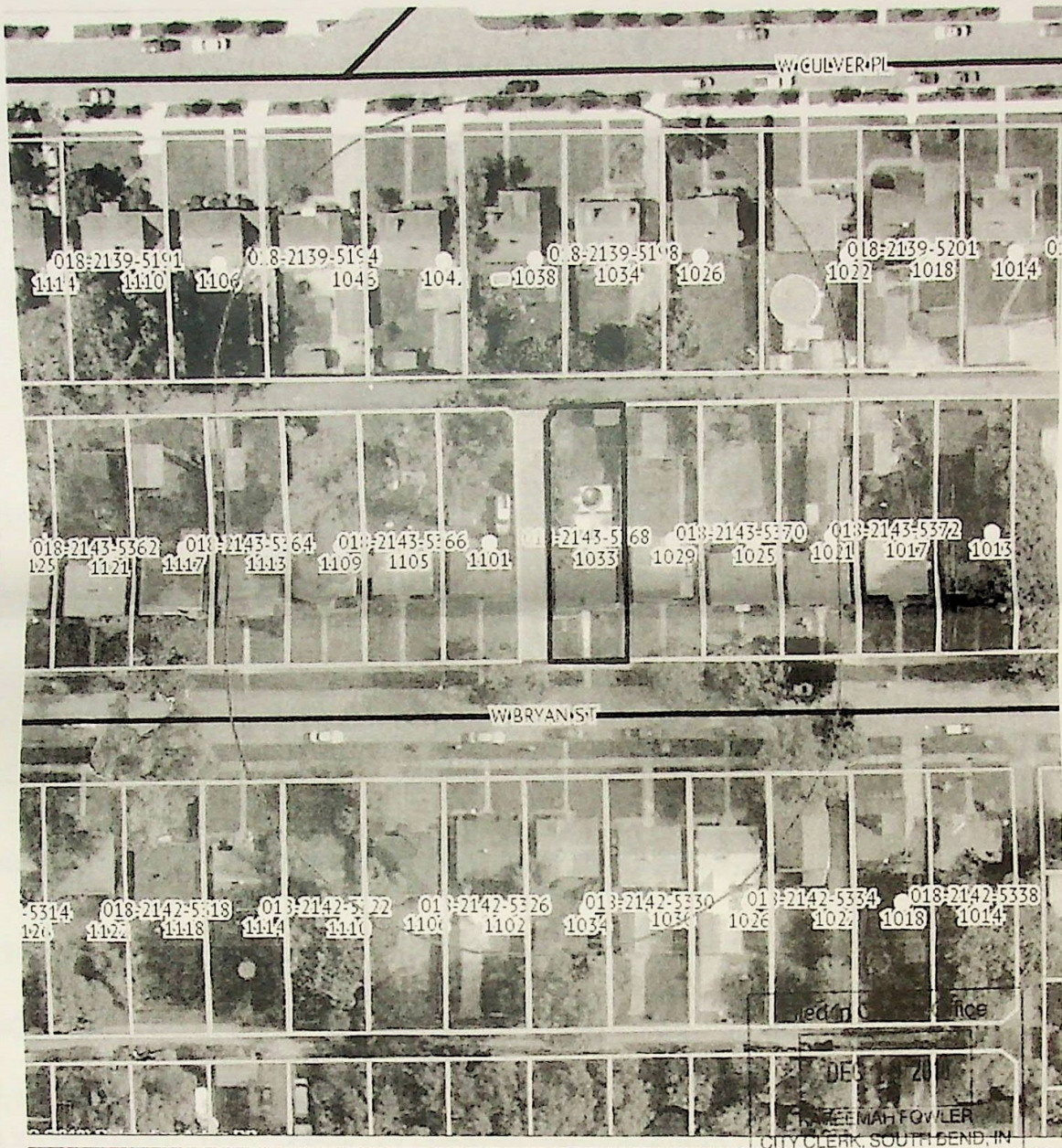
Presented by me to the Mayor of the City of South Bend, Indiana on the 4th day of February, 2019, at 8:30 o'clock a m.


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

Approved and signed by me on the 4th day of February, 2019, at 1:00 o'clock P m.


Peter Buttigieg, Mayor
City of South Bend, Indiana

1st READING 1-14-2019
PUBLIC HEARING 1-28-2019
3rd READING 1-28-2019
NOT APPROVED
REFERRED
PASSED 9/0



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: 12/3/2018 DCH

Alley Vacation 150' Radius Map
Willie J. Rogers

Alley to be vacated is the North/South alley 14' in width running North approx. 130' from N right of way of Bryan Street to East/West alley, being the only North/South alley between Sherman Avenue and Inglewood Place.



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 10/12/2018

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: Willie J. Rogers

LOCATION: NS alley 14' in width running N approximately 130' from N ROW of Bryan St to E/W alley, being the only N/S alley between Sherman Ave and Inglewood Pl.

DATE DUE: October 16, 2018

FAX OR E-MAIL TO: [235-9171 / lmartin@southbendin.gov](mailto: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

November 13, 2018

Willie Rogers
1033 W. Bryan Street
South Bend, IN 46616

RE: Alley Vacation – North/South Alley North of Bryan St., South of Culver St., to first East/West Alley (Preliminary Review)

Dear Mr. Rogers:

The Board of Public Works, at its November 13, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, and the Street Department.

Community Investment stated you should be informed the vacation condition will result in a split of the 14' right-of-way and you would only acquire half, which would not be sufficient for driveway access or vehicle parking. You will need an Access Agreement with your neighbor to allow you to use the alley as a driveway.

The Fire Department stated, per IC 36-7-3-13, the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient due to the water supply for structure fires being at the cross 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,

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

Linda M. Martin, Clerk

Will
103
Sou
57.

Al
ar
th

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:	10-10-2018		
Applicant Name:	WILLIE J. ROGERS	Phone #:	574-440-1257
		Email:	
Property Address:	1033 W. Bryan St		
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):	Between 1033 and 1101 W Bryan STREET.		
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 checked="" 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:	To use for driveway		
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:

Yancy A. Gidot
[Signature]

Raschelle Carey

From: Federico Rodriguez
Sent: Friday, October 12, 2018 12:59 PM
To: Raschelle Carey
Subject: RE: Alley Vacation Recommendation- Willie J Rogers

Unfavorable.

The vacation would make access to the land of the aggrieved person by means of public way difficult or inconvenient.
Water supply for structure fires at the cross alley.

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: Friday, October 12, 2018 11:57 AM
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- Willie J Rogers

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, October 12, 2018 11:49 AM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 10.12.2018 11:58:06 (-0400)
Queries to: southbend@southbendin.gov

Raschelle Carey

From: Pete Kaminski
Sent: Monday, October 15, 2018 9:44 AM
To: Raschelle Carey
Cc: Derick Roberts
Subject: RE: Alley Vacation Recommendation- Willie J Rogers

Hi Raschelle, the Street division has no objections to this alley vacate request. Thank you.

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

From: Raschelle Carey
Sent: Friday, October 12, 2018 11:57 AM
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- Willie J Rogers

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, October 12, 2018 11:49 AM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 10.12.2018 11:58:06 (-0400)
Queries to: southbend@southbendin.gov



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

October 15, 2018

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

RE: *Street & Alley Vacation*
Applicant: Willie Rogers
Location: 1st N/S Alley West of Sherman Between Bryan and the 1st E/W Alley North of Bryan

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.

All properties bordering the alley are fully developed. This alley does not provide practical access to other areas of 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 two houses on either side of the alley do not use the alley for garage access. The alley is not improved (April 2017 aerial) and is not used by other houses adjacent to the east/west 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 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: Chris Dressel
Sent: Thursday, October 18, 2018 9:28 AM
To: Raschelle Carey
Cc: Tim Corcoran; Matt Longfellow
Subject: RE: Alley Vacation Recommendation- Willie J Rogers

Recommendation is favorable based on the following criteria. Petitioner should be informed that the vacated condition will result in a split of the 14' ROW and he would acquire half - a space that may not be sufficient for driveway access / vehicle parking.

- 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: Friday, October 12, 2018 11:57 AM
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- Willie J Rogers

Please Provide Recommendation.

-----Original Message-----
From: SouthBend

Raschelle Carey

From: Matt Longfellow
Sent: Tuesday, October 30, 2018 9:25 AM
To: Raschelle Carey
Cc: Toy Villa; Kara Boyles; Donna C. Hanson; Chris Dressel
Subject: FW: Alley Vacation Recommendation- Willie J Rogers
Attachments: 20181012115806471.pdf

Engineering has no objections to this alley vacation.

Regards,
Matt

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

From: Raschelle Carey
Sent: Friday, October 12, 2018 11:57 AM
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- Willie J Rogers

Please Provide Recommendation.

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

From: SouthBend
Sent: Friday, October 12, 2018 11:49 AM
To: Raschelle Carey <rcarey@southbendin.gov>
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 10.12.2018 11:58:06 (-0400)
Queries to: southbend@southbendin.gov