ALLEY VACATION ORDINANCE NO. 10694-19

Status Vacated

Date: November 25, 2019

Description: Right-of-Way Portion to Be Vacated is Approximately 15' in Width Running the Length of Napoleon Boulevard Approximately 221.4', Between North Notre Dame Avenue and North Saint Peter Street Being the South Right-of-Way on Napoleon Boulevard

ORDINANCE No. 10694-19

Passed by the Common Council of the City of South Bend, Indiana
November 25, 2019
Attest: Daws H. Jones
Dawn M. Jones Like Attest: President of Common Council
Attest:President of Common Council
Presented by me to the Mayor of the City of South Bend, Indiana
November 25, 19
Dawn M. Jones City Clerk
Approved and signed by me November 85 20 19
MayorMayor

(Recipet)

United States of America



DEC 03 2019
ST. JOSEPH COUNTY
ASSESSOR

Certificate

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

I, Dawn M. Jones, 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 10694-19

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: RIGHT-OF-WAY PORTION TO BE VACATED IS APPROXIMATELY 15' IN WIDTH RUNNING THE LENGTH OF NAPOLEON BOULEVARD APPROXIMATELY 221.4', BETWEEN NORTH NOTRE DAME AVENUE AND NORTH SAINT PETER STREET BEING THE SOUTH RIGHT-OF-WAY OF NAPOLEON BOULEVARD

PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, NOVEMBER 25, 2019.

PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG, NOVEMBER 25, 2019.

ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL

ATTEST: DAWN M. JONES, 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 sat my hand and affixed the official Seal of the City of South Bend, St. Joseph County, Indiana, this day of day of day of 20 20

Dawn M. Jones

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

Q - A

BILL NO. 54-19

ORDINANCE NO. 10694-19

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: RIGHT-OF-WAY PORTION TO BE VACATED IS APPROXIMATELY 15' IN WIDTH RUNNING THE LENGTH OF NAPOLEON BOULEVARD APPROXIMATELY 221.4', BETWEEN NORTH NOTRE DAME AVENUE AND NORTH SAINT PETER STREET BEING THE SOUTH RIGHT-OF-WAY OF NAPOLEON BOULEVARD

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:

RIGHT-OF-WAY PORTION TO BE VACATED IS APPROXIMATELY 15' IN WIDTH RUNNING THE LENGTH OF NAPOLEON BOULEVARD APPROXIMATELY 221.4', BETWEEN NORTH NOTRE DAME AVENUE AND NORTH SAINT PETER STREET BEING THE SOUTH RIGHT-OF-WAY OF NAPOLEON BOULEVARD

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:

018-5104-3635, 018-5105-3666, 018-5104-3638, 018-5104-3618, 018-5104-3637, 018-5123-4386, 018-5104-3617, 018-5104-3634, 018-5104-363501, 018-5123-4387, 018-5123-4385, 018-5123-4384, 018-5123-4383, 018-5123-4381, 018-5104-3636, 018-5123-4382, 018-5105-3663, 018-5123-439204

Section IV. The purpose of the vacation of the real property is extent the precedent of vacated portion on Napoleon Boulevard East of Notre Dame Avenue.

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:

Dawn M. Jones, 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 15 day of November , 2019, at 2 o'clock P. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the 25 day of November, 2019, at 10 o'clock

P .m.

Pete Buttigieg, Mayor City of South Bend, Indiana Abraham Marcus/Marcus Realty, LLC

For homeowners at:

1132 N. St. Peter St.

810 E. Napoleon Blvd.

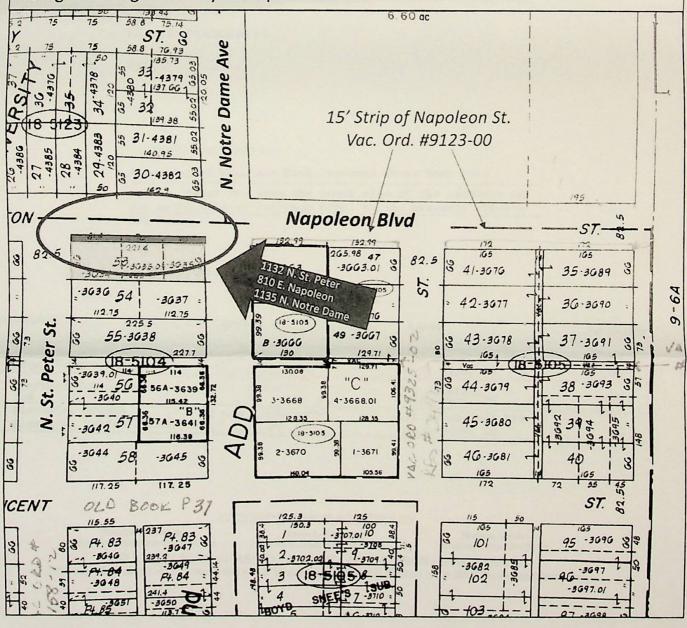
1135 N. Notre Dame Ave.

South Bend, IN 46617

574-532-4163



Right-of-way portion to be vacated is approx. 15' in width running the length of Napoleon Blvd approx. 221.4', between N. Notre Dame Ave. and N. St. Peter St. being the S. right-of-way of Napoleon Blvd.





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

DATE May 13, 2019

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

N/A

2. THE STREET DESCRIBED AS:

A portion of Napoleon Blvd. between Notre Dame Ave.

and St. Peter St. from the south side of the sidewalk on the south side of Napoleon Blvd. to the property owner's lot lines.

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
l. Carlson, Laura A West, Robert L Jr	handler of	1132 St. Peter St. South Bend, IN	53
2. Windmoor Foundation Lnc	1-60	810 Napoleon South Bend, IN	53
 Alavanja, Branko Alavanja, Lauren Elizabeth 	Brako Banga Las EtC	V/L Notre Dame Ave. South Bend, IN	53

INTEGRITY SERVICE ACCESSIBILITY

JENNIFER M. COFFIAN
CHUE DEPUTY/DIRECTUR OF OPERATIONS

BIANCA L. THADO DEPUTYDIRECTUR OF POLICY JOSEPH R. MOLNAR Ordinance Violation Clerk

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT 455 County-City Building | 227 W. Jefferson Blvd. | South Bend. Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov

Filed in Clerk's Office

OCT 23 2019

CITY CLERK, SOUTH BEND, IN





INTER-OFFICE MEMORANDUM BOARD OF PUBLIC WORKS

DATE SENT:

5/22/2019

† *	Pete Kaminski, Street Department Matt Longfellow, Engineering Department Chris Dressel, Community Investment Federico Rodriguez, Fire Department Larry Magliozzi, Area Plan Commission Brad Rohrscheib, Police Department Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
FROM:	Linda M. Martin, Clerk
SUBJECT:	REQUEST FOR RECOMMENDATION – ALLEY VACATION
APPLICANT:	Abraham Marcus/Marcus Realty, LLC.
LOCATION:	ROW portion is 15'in width running the length of Napoleon Blvd approx. 221.4', between N. Notre Dame Ave and N St. Peter St being the S ROW of Napoleon Blvd.
DATE DUE:	June 4, 2019
FAX OR E-MAIL TO:	235-9171 / Imartin@southbendin.gov
IC 36-7-3-13 CRITERIA 1. The vacation would/y	would not hinder the growth or orderly development of the unit or
 The vacation would/y public way difficult or The vacation would/y building or place. 	would not hinder the public's access to a church, school or other public
4. The vacation would/v	would not hinder the use of a public right-of-way by the neighborhood in to which it is contiguous.
Ву	Date

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

June 25, 2019

Abraham Marcus Marcus Realty, LLC 1217 S. Walnut Street, Suite L South Bend, IN 46619

Alley Vacation - 15' Wide Right-of-Way along the South Side Napoleon St. from N. St. RE: Peter St. to N. Notre Dame Ave. (Preliminary Review)

Dear Mr. Marcus:

The Board of Public Works, at its June 25, 2019, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Street Department.

Per Indiana Code 36-7-3-13, the vacation met all criteria. The Engineering Department stated a professional survey should be required to show the exact location of the current property lines in relation to existing sidewalks. Once the exact dimensions are determined, submit a design plan showing the changes proposed to the right-of-way line. The Board also stated the vacation should leave one (1) foot right-of-way back from the sidewalk.

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,

Linda M. Martin, Clerk

CITY OF SOUTH BEND DEPARTMENT OF PUBLIC WORKS



227 W. JEFFERSON BOULEVARD SUITE 1316 COUNTY-CITY BUILDING SOUTH BEND, INDIANA 46601

> PHONE 574/235-9251 FAX 574/235-9171

Street/Alley Vacation Form

Submission Date: May 15, 2019			
Applicant Name: Carlson, Laura A	Phone #: 574-532-4	4163	
West, Robert L Jr Windmoor Foundation Inc	Email: 1 0		
Alavanja, Branko	abe@marcu	srealtyllo	.com
Property Address: Alavanja, Lauren Elizabeth	- By Abraham Marcus,	Realtor	
1135 Notre Dame Ave., 1132		The state of the s	1.
Applicant property information:	☐ Commercial ☐ Indus		
Describe the general alley location with boundaries (Ex: Church A portion of Napoleon Blvd. between Notr south side of the sidewalk on the south owner's lot lines.	e Dame Ave. and St. Pe	eter St. fr	om the
Is your property adjacent to the alley of interest?		X Yes	☐ No
Do you own all adjacent properties to the alley of interes	t?	X Yes	☐ No
Does the existing alley provide garage access to other pro	operty owners?	Yes	X No
Does the alley receive daily traffic excluding your own us	e?	Yes	No No
Would the vacation hinder public access to any of the foll	owing: a church, school, or	Yes	No No No
any other public building or place?			
Extend property lines to sidewal precedent of vacated portion on			
OFFICE USE ONLY:			
Board Recommendation for the proposed alley vacati	on: V Yes N	0	
Board of Public Works Authorized Signatures: ———————————————————————————————————			
Abraham Marcus			
Managing Broker			
Marcus Realty LLC			
574-532-4163			
abe@marcusrealtyllc.com			

Abraham Marcus/Marcus Realty, LLC

For homeowners at:

1132 N. St. Peter St.

810 E. Napoleon Blvd.

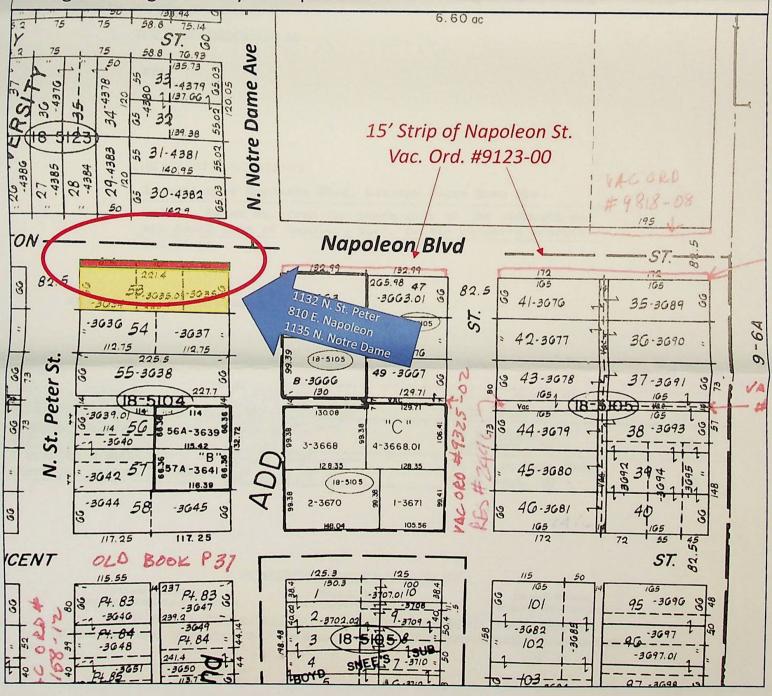
1135 N. Notre Dame Ave.

South Bend, IN 46617

574-532-4163



Right-of-way portion to be vacated is approx. 15' in width running the length of Napoleon Blvd approx. 221.4', between N. Notre Dame Ave. and N. St. Peter St. being the S. right-of-way of Napoleon Blvd.





OFFICE OF THE CITY CLERK KAREEMAH FOWLER, CITY CLERK

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

DATE: May 13, 2019

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

N/A

2. THE STREET DESCRIBED AS:

A portion of Napoleon Blvd. between Notre Dame Ave.

and St. Peter St. from the south side of the sidewalk on the south side of Napoleon Blvd. to the property owner's lot lines.

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
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Windmoor Foundation	1-62	810 Napoleon South Bend, IN	53
3. Alavanja, Branko Alavanja, Lauren Elizab	eth Zar Stry	V/L Notre Dame Ave. South Bend, IN	53

INTEGRITY SERVICE ACCESSIBILITY

JENNIFER M. COPFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO DEPUTY/DIRECTOR OF POLICY JOSEPH R. MOLNAR ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT 455 County-City Building | 227 W. Jefferson Blvd. | South Bend. Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

May 22, 2019

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

RE: Street Vacation

Applicant: Abraham Marcus

Location: 15' Strip South Side of Napoleon Street, Between St. Peter and Notre Dame Avenue

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.

The block in which the properties are located are fully parceled out.

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

Each parcel has full access to adjacent, dedicated 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.

Law her loss

From:

Federico Rodriguez

Sent:

Wednesday, May 22, 2019 1:13 PM

To:

Raschelle Carey

Subject:

RE: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty 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 frodrigu@southbendin.gov





We deliver services that empower everyone to thrive.

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From: Raschelle Carey

Sent: Wednesday, May 22, 2019 11:14 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>; Brad Rohrscheib
brohrsch@southbendin.gov>

Cc: pmgriffin@nisource.com

Subject: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.

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

From: SouthBend

Sent: Wednesday, May 22, 2019 11:05 AM

From:

Chris Dressel

Sent:

Thursday, June 6, 2019 9:23 AM

To:

Raschelle Carey

Cc:

Tim Corcoran

Subject:

RE: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.

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.

Assumes that sidewalk aligns properly.



Christopher D Dressel, AICP
Senior Planner
Bicycle Coordinator
Brownfields Coordinator
Census 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

From: Raschelle Carey

Sent: Wednesday, May 22, 2019 11:14 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>; Brad Rohrscheib
brohrsch@southbendin.gov>

Cc: pmgriffin@nisource.com

Subject: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.

Please Provide Recommendation

Raschelle Carey

Department of Public Works, Engineering Division 227 W Jefferson Blvd Ste 1316 South Bend, IN 46601 (574) 235-9197

From:

Brad Rohrscheib

Sent:

Monday, June 10, 2019 3:39 PM

To:

Raschelle Carey

Subject:

RE: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request

The Police Dept. has no objections. Thanks

Sgt. Brad Rohrscheib

Traffic & Special Events South Bend Police Department 701 W. Sample St. South Bend, IN 46601 (574) 235-9817



From: Raschelle Carey

Sent: Monday, June 10, 2019 9:39 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Brad Rohrscheib

<brohrsch@southbendin.gov>

Subject: FW: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request

From: Raschelle Carey

Sent: Wednesday, May 22, 2019 11:14 AM

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

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

<<u>LMAGLIOZ@sjcindiana.com</u>>; Brad Rohrscheib <<u>brohrsch@southbendin.gov</u>>

Cc: pmgriffin@nisource.com

Subject: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.

Please Provide Recommendation

Raschelle Carey

Department of Public Works, Engineering Division 227 W Jefferson Blvd Ste 1316

From: Pete Kaminski

Sent: Tuesday, June 11, 2019 10:49 AM

To: Raschelle Carey; Matt Longfellow; Brad Rohrscheib

Subject: RE: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request

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

From: Raschelle Carey

Sent: Monday, June 10, 2019 9:39 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Brad Rohrscheib

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Subject: FW: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request

From: Raschelle Carey

Sent: Wednesday, May 22, 2019 11:14 AM

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

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

<LMAGLIOZ@sjcindiana.com>; Brad Rohrscheib
brohrsch@southbendin.gov>

Cc: pmgriffin@nisource.com

Subject: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.

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

From: SouthBend

Sent: Wednesday, May 22, 2019 11:05 AM **To:** Raschelle Carey <<u>rcarey@southbendin.gov</u>> **Subject:** Message from Engineering MFP

Matt Longfellow From:

Sent: Monday, June 17, 2019 11:28 AM

Toy Villa; Raschelle Carey To: Cc: Chris Dressel; Donna C. Hardy

Subject: FW: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request **Attachments:**

2992_001.pdf; google street view_looking east.jpg; google street view_looking west.jpg;

macoggis aerial.jpg

Raschelle.

Engineering does not object to this vacation of public right-of-way to abut the existing sidewalk, however we recommend to the Board to require a professional survey be done (at the cost of the applicant/property owner) to show exact location of current property line in relation to the existing sidewalk. Once the exact dimension are determined, submit a design plan showing the changes proposed to the right-of-way of Napoleon Street. This plan would then be utilized by GIS and the Engineer to record the exact new location of the right-of-way line, rather than just saying "to the existing sidewalk". New property corners should be installed by a surveyor.

Regards,



Matt Longfellow

Permits Inspector Department of Public Works Division of Engineering Office: (574) 235-5929 Mobile: (574) 286-9589 mlongfel@southbendin.gov City of South Bend 227 W. Jefferson Blvd. South Bend, IN 46601 www.southbendin.gov

From: Raschelle Carey

Sent: Monday, June 10, 2019 9:39 AM

To: Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Brad Rohrscheib

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Subject: FW: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.-2nd request

From: Raschelle Carey

Sent: Wednesday, May 22, 2019 11:14 AM

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

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

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Subject: Alley Vacation Recommendation-Abraham Marcus/Marcus Realty LLC.