

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 JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

September 10, 2024

Mr. Matthew Soutra
101 Dine LLC DBA Café Navarre
101 N. Michigan St.
South Bend, Indiana 46601
info@cafenavarre.com; galen@awningguy.com

RE: Encroachment into Public Right-of-Way – 101 N. Michigan St.

Dear Mr. Soutra:

At its September 10, 2024 meeting, the Board of Public Works approved your request for the installation of a awnings at 101 N. Michigan St. This encroachment was approved subject to the improvements not becoming a safety hazard and obtaining a sign permit for copy on awning with a minimum eight (8) foot height between the sidewalk and bottom of awning with City Zoning. Enclosed please find copies of the permit and application.

The encroachment will be permitted to remain and continue until such time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and safe flow of traffic thereon. Said encroachment shall not in any way prejudice or preclude the City's rights with respect to the future use of that portion of the right-of-way.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/hh



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: July 25, 2024

TO: Kyle Ludlow, Engineering Department
Zach Hurst, Engineering Department
Derek Erquhart, Fire Department
Chris Dressel, Community Investment

FROM: Theresa Heffner, Clerk theffner@southbendin.com

SUBJECT: **ENCROACHMENT RECOMMENDATION**
Revocable Encroachment – 101 Dine LLC DBA Café
Navarre

LOCATION: 101 N. Michigan St.

**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW,
BASED ON THE FOLLOWING CRITERIA:**

1. It has been determined that this encroachment in no way impairs the highway or with the free and safe flow of traffic thereon, and it is recommended that the encroachment be permitted to remain.
2. Said encroachment shall not in any way prejudice or preclude the City's rights with respect to the future use of the portion of the right-of-way.

PUBLIC WORKS: (T&L - Favorable) Favorable

COMMUNITY INVESTMENT: VIA Zoning Staff - Favorable – will require sign permit for copy on awning with a minimum 8 foot height between sidewalk and bottom of awning.

FIRE: Favorable Recommendation



ENCROACHMENT APPLICATION
 City of South Bend – Board of Public Works
 227 W. Jefferson Boulevard, Ste. 1316
 South Bend, IN 46601

PROPERTY OWNER INFORMATION:

Name of Business/Homeowner: 101 Dine LLC DBA Cafe Navarre / Kurt Janowsky
 Address: 101 North Michigan Street
 City/State/Zip: South Bend / Indiana / 46601
 Phone: 574-968-8101 Email: info@cafenavarre.co

ENCROACHMENT INFORMATION:

Location of Encroachment: West Washington Street
 Encroachment Description: 2 retractable awnings facing W Washington St, 9.5ft off ground, 26' wide x 10' Projection
 CL Road to R/W Line: West Washington Street Size of Encroachment: 52' x 10'
 Distance of R/W: 52 feet by 10 feet Amount in R/W: 520 square feet

INSTALLER'S INFORMATION:

Business Name: Merrillville Awning Commercial Canvas & Metal
 Address: 1420 East 91st Drive
 City/State/Zip: Merrillville / Indiana / 46410
 Phone: 219-736-9800 Email: galen@awningguy.com
 Signature: *[Handwritten Signature]*
 Printed Name: Galen Smith

INCLUDE THE FOLLOWING ITEMS WITH YOUR APPLICATION:

- Photos of the area where encroachment will take place.
- Plans and Specifications
- Completed Agreement

AFFIRMATION

I, the undersigned do hereby certify and affirm that all the information given in this application is accurate and correct. I understand that encroachments must in no way impair the highway or free and safe flow of traffic thereon and may be revoked at any time.

Signature of Applicant: *[Handwritten Signature]* Date: 07/18/2024
 Printed Name of Applicant: Mathew Soutra



Galen Smith

galen@awningguy.com

O) 219.736.9800 AwningGuy.com 1420 East 91st Drive
 C) 219.746.1858 Merrillville, IN 46410



REVOCABLE PERMIT

RECOGNITION OF ENCROACHMENT UPON CITY OF SOUTH BEND-CONTROLLED PROPERTY AND PROVISIONS ALLOWING TEMPORARY CONTINUANCE OF SAME

Company/Homeowner Name 101 Dine LLC DBA Cafe Navarre / Kurt Janowsky, hereafter, the "APPLICANT."

The encroachment will be permitted to remain and continue under the following terms and conditions:

- 1) Until such time as the BOARD OF PUBLIC WORKS ("BOARD") of the CITY OF SOUTH BEND ("CITY") shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and safe flow of traffic thereon;
- 2) Said encroachment shall not in any way prejudice or preclude the CITY'S rights with respect to the future use of the portion of the right-of-way;
- 3) The encroachment as it now exists shall in no manner be added to or enlarged in its present scope or dimensions;
- 4) In the event of change of ownership of the fixture or any other item of personal property which constitutes the aforesaid encroachment, this permit shall become null and void;
- 5) The CITY shall not be liable to APPLICANT for any damages caused to APPLICANT that arise out of or is incidental to any activity and/or incidences authorized by this permit;
- 6) In consideration of the granting of this Permit by the BOARD, APPLICANT shall indemnify, hold harmless and defend the CITY from and against any and all actions or causes of action which the CITY may suffer or incur by reason of bodily injury, including death, to any person or persons, or by reason of damage to or destruction of any property, including the loss thereof, arising out of or in any manner connected with any activity and/or incidences authorized by this permit and/or any activities and/or incidences incidental thereto, or which the CITY may sustain or incur in connection with any litigation, investigation, or other expenditures incidental thereto, including any suit instituted by the CITY to enforce the obligation of this agreement of indemnity.
It is the intent of the parties hereto that the APPLICANT shall indemnify the CITY under this indemnification clause to the fullest extent permitted by law.

This approval shall be binding upon everyone past or present, claiming any interest in and to the aforementioned encroachment.

ACCEPTANCE OF TERMS AND CONDITIONS

I accept and agree to be bound by all of the terms and conditions of this permit.

Submitted By: Matthew Scutro
 Signature: [Signature]
 Date: 07/18/2024

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

[Signature]
Elizabeth A. Maradik, President

[Signature]
Joseph R. Molnar, Vice President

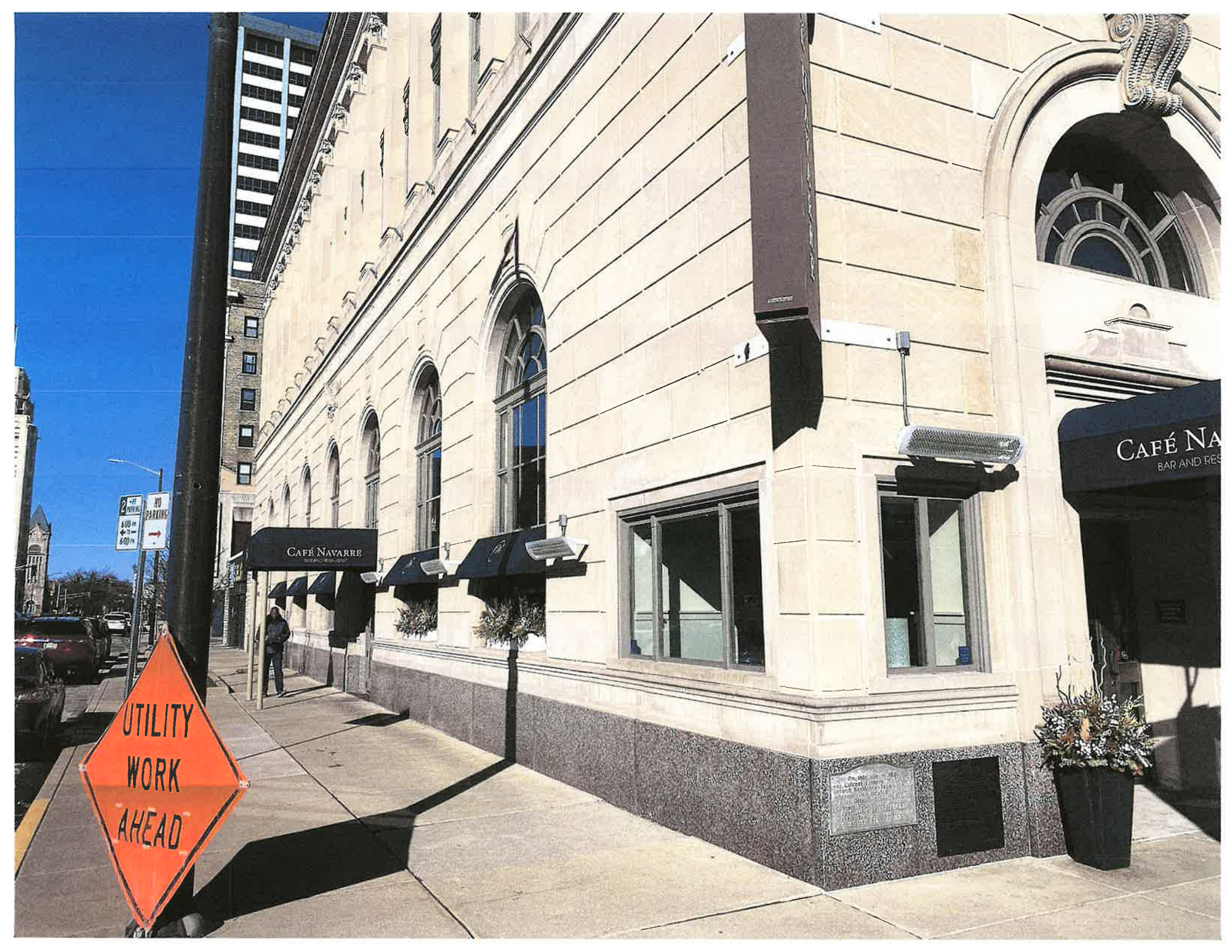
[Signature]
Gary A. Gilot, Member

[Signature]
Briana Micou, Member

[Signature]
Murray L. Miller, Member

[Signature]
Attest: Theresa M. Heffner, Clerk

Date: September 10, 2024



CAFÉ NAVARRE
BAR AND RES

CAFÉ NAVARRE
BAR AND RES

UTILITY
WORK
AHEAD

2-HR
NO PARKING
6:00 PM
6:30 PM
6:00 PM

On this site in 1854
the original building
was constructed
by the firm of
James H. & John W. ...
of the firm of ...



TRUST COMPANY

Café NAVARRE

UTILITY WORK AHEAD

2 HOUR PARKING
NO PARKING

**SCALED GRAPHIC APPROVAL
BOTH RETRACTABLES WILL BE THE SAME**



Customer / Job

CAFÉ NAVARRE

Date

5-30-2024

Address



Since 1985

**Merrillville
Awning**

Commercial Canvas & Metal

219.736.9800

AwningGuy.com



PERMIT APPROVAL DRAWING

Furnish and Install 2 New Summerspace Pro Series Semi Cassette Retractable Awnings - White Frames Sunbrella "Navy" Color Awning Material with Straight Edge Loose Valance White Heat Transfer Vinyl Graphics on Valance - See Attached Graphic Layout

Customer / Job

Cafe Navarre

Date

6-3-24

Address

101 N. Michigan St. South Bend, IN. 46601

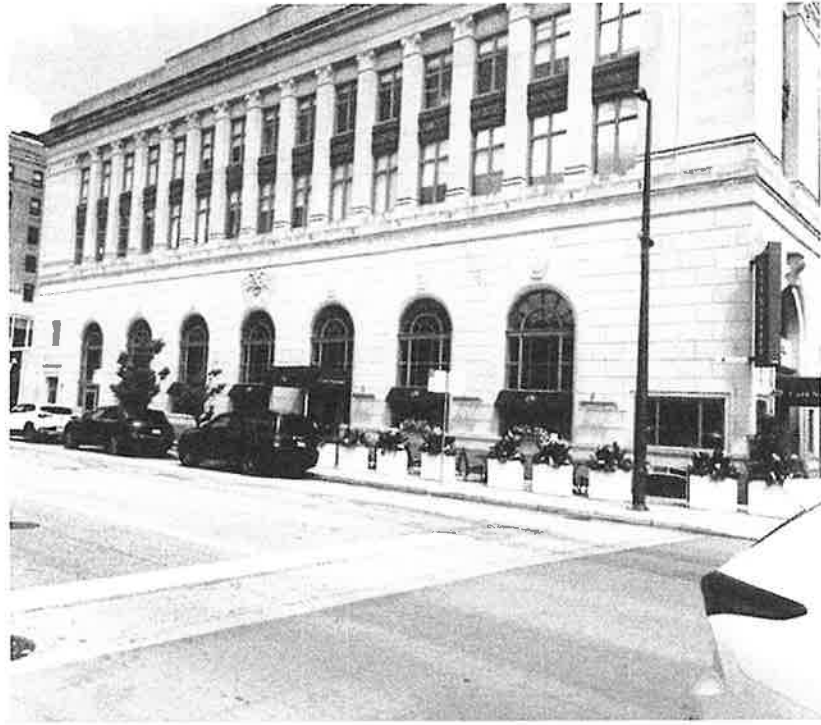


Since 1985

219-736-9800

**Merrillville
Awning**

Commercial Canvas & Metal
AwningGuy.com





Plan Review

Date: 6/26/2024

Zoning: DT

Address: 101 MICHIGAN ST

Project: Cafe Navarre Awnings

Owner: NAVARRE PROPERTIES LLC

Project Type: Awning

Project Contact: Galen Smith

Phone: (219)736-9800

Email: galen@awningguy.com

Building Department Structural

Notes: 6/28/2024 No issues at this time.

Inspector: ZLute

Signature:

Released?

HVAC

Notes: 6/28/2024 No issues at this time.

Inspector: MWirt

Signature:

Released?

Electrical

Notes: 6/28/2024 No issues at this time. Electrical permit required if awning motor is hardwired.

Inspector: RSpitaels

Signature:

Released?

Plumbing

Notes: 6/28/2024 No issues at this time.

Inspector: BStigner

Signature:

Released?

Fire Department

Notes: 6/28/2024 No issues at this time.

Inspector: JFLeming

Signature:

Released?

Engineering

Notes: 6/28/2024 Apply for new ROW encroachment permit with new awning design. Sidewalk cafe will still require encroachment permit biannually and updated certificate of insurance annually.

Inspector: Gemma Stanton

Signature:

Released?

Zoning

Notes: 06.27.24 - Encroachment permit required from Board of Public Works, will require sign permit for copy on awning, provide height between the bottom edge of the awning and the sidewalk - must be a minimum of 8'

Inspector: Amani Morrell

Signature:

Released?