



# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

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### PUBLIC WORKS & PROPERTY VACATION

FEBRUARY 24, 2025 5:20 P.M.

Committee Members Present:

Sheila Niezgodski, Troy Warner, Ophelia Gooden-Rodgers, Dr. Oliver Davis, Carl Littrell, Jason Piontek

Other Council Present:

Canneth Lee, Sherry Bolden-Simpson

Others Present:

Bianca L. Tirado, Bob Palmer\*, Matthew Neal\*, Elivet Quijada Navarro\*

Presenters:

Chris Dressel

Agenda:

Bill No. 07-25 - Amending Chapter 18, Article 5 of the South Bend Municipal Code to Update the Procedures for Vacation of Public Ways and Public Places

Members marked with an asterisk (\*) are in virtual attendance.

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=391908>

Committee Chair Sheila Niezgodski called to order the Public Works and Property Vacation Committee meeting at 5:20 P.M.

### **Bill No. 07-25 - Amending Chapter 18, Article 5 of the South Bend Municipal Code to Update the Procedures for Vacation of Public Ways and Public Places**

Chris Dressel, City of South Bend Community Investment, with offices on the fourteenth (14<sup>th</sup>) floor of the County-City Building, South Bend, IN 46601, presented the Right of Way (ROW) Vacation Process Ordinance Update and improvements to the ROW process. The presentation included a review of the 2024 content and updates for Bill No. 07-25.

Below is a summary of key changes that were presented in the meeting:

INTEGRITY | SERVICE | ACCESSIBILITY

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Matthew Neal  
DEPUTY CITY CLERK / DIRECTOR OF POLICY

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Margaret Gotsch  
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

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Topic one (1): Highlights of 2024 Ordinance Changes – There is a pre-application review and consultation process with specific evaluation criteria set by the Board of Public Works (BPW). A three-hundred-dollar (\$300) processing fee, in addition to the existing one hundred fifty-dollar (\$150) publication fee, has been added for petitioners going forth with the BPW recommendation. New criteria for review of such requests will be in place, along with a ninety-day (90) expiration date for petition requests following BPW review. The filing process will include updated notification procedures between the petitioner and neighboring properties. Staff will also be in attendance for the public hearing process.

Topic two (2): 2025 Proposed ROW Vacation Ordinance Update – A scrivener’s error will be corrected in Sec. 18-53.10. – Notice of petition. Due to efficiency concerns, separate payments to Engineering (a three-hundred-dollar (\$300) processing fee) and to the Clerk’s Office (a one hundred fifty-dollar (\$150) filing fee) will be made at appropriate times. In the case of council hearing notification, the petitioner is required to submit one (1) set of envelopes to the Clerk’s Office. The second (2<sup>nd</sup>) set remains the petitioner's obligation if a second (2<sup>nd</sup>) hearing is necessary. A one-hundred percent (100%) signature requirement from adjacent property owners for the vacation request is added, which may result in disqualification due to unresponsive property owners. The preliminary review process and early engagement with the petitioners help anticipate where challenges exist before they go before the BPW.

Committee Member Carl Littrell said the presentation satisfied his questions and noted that petitioners need to understand that information from the City came from the City’s perspective, with staff focused on protecting the public and ensuring the process moves correctly. He said petitioners might seek advocates because some are more adept with ordinances and procedures than others, and he believed that, in recent years, some cases involved people with no guidance. He said the packet should address that gap, and those needing further advice can seek it out. He also clarified that the process fees were far lower than market rates. He emphasized that he was not concerned about the money but about ensuring people ultimately got what they wanted without repercussions.

Committee Vice-Chair Gooden-Rodgers asked for clarification on the presentation’s discussion.

Jenna Throw, City Attorney, Legal Department, with offices on the twelfth (12<sup>th</sup>) floor of the County-City Building, South Bend, IN 46601, said the new process would give petitioners more support than before. She explained that when petitioners came through the BPW for an alley vacation, her office, supported by Engineering, generates an ordinance form to be filed with the Clerk’s Office for Council review. In the past, petitioners had to navigate the process on their own, so the updated plan ensures uniformity and a clear framework. Addressing other comments, she noted concerns about the notice process and said obtaining signatures ensured neighbors are informed as early as possible. She added that the vemonstrance process was separate and based on notices sent within the one hundred fifty (150) foot radius defined by state law.

Committee Chair Niezgodski reiterated improvements to the outline for petitioners to follow in the packet.



Committee Vice-Chair Gooden-Rodgers said a constituent was never contacted about a vacated alley and asked what steps petitioners must take if they can't reach nearby residents.

Attorney Jenna Throw said the 2025 amendments address situations where petitioners need signatures from fifty-one percent (51%) of adjoining landowners whose property lines would be affected by the vacation. If a physical signature can't be obtained, the City would accept proof of the attempt. She added that a separate notice process, managed by the Clerk, involves sending envelopes to those within the one hundred fifty (150) foot radius determined by Engineering during review.

Committee Chair Niezgodski stated that this process aims to sharpen the notification process, as those were among the issues they encountered.

Committee Member Dr. Oliver Davis asked what kind of overview the department provides to people in 311 to keep them updated on the changes.

Chris Dressel stated that they will ensure the most up-to-date script detailing how they initiate the process, the availability of the pre-application form, and the location where the process takes place. He urges people to recognize all the steps involved, including the start of the process through the pre-application form.

Committee Member Dr. Oliver Davis reassured his understanding of Chris Dressel's description.

Chris Dressel stated they want to ensure the initial touchpoints are covered, which are typically used for vacation requests and inquiries.

Chair Niezgodski held the public hearing, and nobody spoke.

Committee Vice-Chair Gooden-Rodgers moved to send Bill *No. 07-25* to the Committee of the Whole with a favorable recommendation, which was seconded by Committee Member Dr. Oliver Davis and carried by a vote of six (6) ayes.

Committee Chair Sheila Niezgodski - <i>Aye</i>	Committee Vice-Chair Ophelia Gooden-Rodgers - <i>Aye</i>
Committee Member Troy Warner - <i>Aye</i>	Committee Member Dr. Oliver Davis - <i>Aye</i>
Citizen Member Carl Littrell - <i>Aye</i>	Citizen Member Jason Piontek - <i>Aye</i>

With no further business, Committee Chair Shiela Niezgodski adjourned the Public Works and Property Vacation Committee meeting at 5:39 P.M.

Respectfully Submitted,

Sheila Niezgodski, Committee Chair