



# OFFICE OF THE CITY CLERK

## DAWN M. JONES, CITY CLERK

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### MEMORANDUM

**TO:** MEMBERS OF THE COMMON COUNCIL  
**FROM:** DAWN M. JONES, CITY CLERK  
**DATE:** THURSDAY, FEBRUARY 9, 2023  
**SUBJECT:** DRAFT COMMITTEE MEETING NOTICE

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The following Common Council Committee Meetings have been scheduled for **Monday, February 13, 2023:**

Council Chambers  
4th Floor County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/02132023CC>

<b><u>3:30 P.M.</u></b>	<b><u>PERSONNEL &amp; FINANCE COMMITTEE</u></b> 1. Organizational Meeting	<b>CHAIRPERSON, NIEZGODSKI</b>
<b><u>3:35 P.M.</u></b>	<b><u>HEALTH &amp; PUBLIC SAFETY COMMITTEE</u></b> 1. Organizational Meeting	<b>CHAIRPERSON, WAX</b>
<b><u>3:40 P.M.</u></b>	<b><u>PARC (VENUES, PARKS, &amp; ARTS COMMITTEE)</u></b> 1. Organizational Meeting	<b>CHAIRPERSON, LEE</b>
<b><u>3:45 P.M.</u></b>	<b><u>PUBLIC WORKS &amp; PROPERTY VACATIONS</u></b>	<b>CHAIRPERSON, NIEZGODSKI</b>

1. Organizational Meeting
2. [52-22](#) – An Ordinance to Vacate Property Located at 1015 Good Place Councilmanic District #1

**4:00 P.M.**      **RESIDENTIAL NEIGHBORHOODS**  
**COMMITTEE**

**CHAIRPERSON, WHITE**

1. [23-04](#) – A Resolution of the Common Council Calling for the Continuing Use of All Current South Bend Public High Schools as High Schools

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Public Works & Property Vacations Committee Meeting.

**INFORMAL MEETING OF THE COMMON COUNCIL**

**PRESIDENT, MCBRIDE**

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor James Mueller  
Committee Meeting  
List Media

**NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS**

Auxiliary Aid or Other Services may be Available upon Request at No Charge.  
Please give Reasonable Advance Request when Possible





# South Bend Common Council

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## Meeting Agenda

Monday, February 13, 2023  
7:00 PM

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4<sup>th</sup> floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams

Link: <https://tinyurl.com/02132023CC>

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORT FROM SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**

MAYOR JAMES MUELLER SHALL PROVIDE A STATEMENT OF FINANCES AND A GENERAL CONDITION OF THE CITY IN HIS ANNUAL ADDRESS

7. **COMMITTEE OF THE WHOLE**  
BILL NO.

[52-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD.

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**  
BILL NO.

[52-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD

11. **RESOLUTIONS**  
BILL NO.

[23-04](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CALLING FOR THE CONTINUING USE OF ALL CURRENT SOUTH BEND PUBLIC HIGH SCHOOLS AS HIGH SCHOOLS

12. **BILLS OF FIRST READING**  
BILL NO.

[03-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR THE SOUTHEAST CORNER OF NIMTZ PARKWAY AND OLIVE ROAD, SOUTH BEND, INDIANA

[04-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR

THE PROPERTY LOCATED AT 1106 PORTAGE AVE.  
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND,  
INDIANA

[05-23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL  
OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE  
PROPERTY THAT IS PART OF OLD BARTLETT STREET LYING  
SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT,  
BETWEEN MICHIGAN AVENUE TO THE EAST AND THE VACATED  
SECTION OF MAIN STREET TO THE WEST. THE SECOND STREET  
TO BE VACATED IS THAT PART OF OLD BARTLETT STREET  
LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT,  
LYING EAST OF MICHIGAN STREET AND WEST OF ST. JOSEPH  
STREET

[06-23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL  
OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING  
MAXIMUM SALARY AND WAGE OF EXECUTIVE  
ASSISTANT/DIRECTOR OF SPECIAL PROJECTS FOR THE CITY  
CLERK OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR  
2023

13. **UNFINISHED BUSINESS**
14. **NEW BUSINESS**
15. **PRIVILEGE OF THE FLOOR**
16. **ADJOURNMENT**

**NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS**

Auxiliary Aid or Other Services may be Available upon Request at No Charge.  
Please give Reasonable Advance Request when Possible



## **2023 COMMON COUNCIL STANDING COMMITTEES** (Rev. 02-09-2023)

### **COMMUNITY INVESTMENT COMMITTEE**

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Rachel Tomas Morgan, Chairperson  
Troy Warner, Vice-Chairperson  
Henry Davis, Jr., Member

Eli Wax, Member  
*Citizen Member*  
*Citizen Member*

### **COMMUNITY RELATIONS COMMITTEE**

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Troy Warner, Chairperson  
Lori K. Hamann, Vice-Chairperson  
*Citizen Member*

Canneth Lee, Member  
Eli Wax, Member

### **COUNCIL RULES COMMITTEE**

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Sharon L. McBride, Member  
Sheila Niezgodski, Member

Eli Wax, Member

### **HEALTH AND PUBLIC SAFETY COMMITTEE**

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Eli Wax, Chairperson  
Karen L. White, Vice-Chairperson  
Rachel Tomas Morgan, Member

Troy Warner, Member  
Canneth Lee, Member

### **INFORMATION AND TECHNOLOGY COMMITTEE- Innovation**

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Rachel Tomas Morgan, Chairperson  
Lori K. Hamann, Vice-Chairperson  
*Citizen Member*

Canneth Lee, Member  
*Citizen Member*

### **PARC COMMITTEE- Venues Parks and Arts** (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Canneth Lee, Chairperson  
Troy Warner, Vice-Chairperson  
*Citizen Member*

Henry Davis, Jr., Member  
Rachel Tomas Morgan, Member  
*Citizen Member*



#### **PERSONNEL AND FINANCE COMMITTEE**

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations, and other fiscal matters, as well as personnel policies, health benefits and related matters.

Sheila Niezgodski, Chairperson  
Troy Warner, Vice-Chairperson  
Rachel Tomas Morgan, Member

Eli Wax, Member  
Canneth Lee, Member

#### **PUBLIC WORKS AND PROPERTY VACATION COMMITTEE**

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

Sheila Niezgodski, Chairperson  
Karen L. White, Vice-Chairperson  
Jason Piontek, *Citizen Member*

Lori K. Hamann, Member  
Carl Littrell, *Citizen Member*

#### **RESIDENTIAL NEIGHBORHOODS COMMITTEE**

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson  
Canneth Lee, Vice-Chairperson  
Amika Micou, *Citizen Member*

Henry Davis, Jr., Member  
Sheila Niezgodski, Member  
*Citizen Member*

#### **UTILITIES COMMITTEE**

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers, and all related matters.

Henry Davis, Jr., Chairperson  
Eli Wax, Vice-Chairperson  
*Citizen Member*

Troy Warner, Member  
Lori K. Hamann, Member  
*Citizen Member*

#### **ZONING AND ANNEXATION COMMITTEE**

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Lori K. Hamann, Chairperson  
Henry Davis, Jr., Vice-Chairperson  
*Citizen Member*

Sheila Niezgodski, Member  
Karen L. White, Member

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#### **SUB-COMMITTEE ON MINUTES**

Reviews the minutes prepared by the Office of the City Clerk of the regular, special, and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council.

Troy Warner, Member

Eli Wax, Member



## **2023 COMMON COUNCIL STANDING COMMITTEES (Rev.01-09-2023)**

### **CANNETH LEE, 1<sup>ST</sup> District Council Member**

#### **Chairperson, Committee of the Whole**

##### **PARC Committee, Chairperson**

Residential Neighborhoods Committee, Vice-Chairperson  
Community Relations Committee, Member

Health & Public Safety Committee, Member

Information & Technology Committee, Member

Personnel & Finance Committee, Member

### **HENRY DAVIS, JR. 2<sup>ND</sup> District Council Member**

#### **Utilities Committee, Chairperson**

Zoning & Annexation Committee, Vice-Chairperson  
Community Investment Committee, Member

Residential Neighborhoods Committee, Member

PARC Committee, Member

### **SHARON L. MCBRIDE, 3<sup>RD</sup> District Council Member**

#### **President**

Council Rules Committee, Member

### **TROY WARNER, 4<sup>TH</sup> District Council Member**

#### **Community Relations Committee, Chairperson**

Personnel & Finance Committee, Vice-Chair  
PARC Committee, Vice-Chairperson

Health & Public Safety Committee, Member

Utilities Committee, Member

Sub-Committee on the Minutes, Member

### **ELI WAX, 5<sup>TH</sup> District Council Member**

#### **Health & Public Safety Committee, Chairperson**

Utilities, Vice-Chairperson  
Community Investment, Member  
Personnel & Finance, Member

Committee Relations, Member

Sub-Committee on Minutes, Member

Council Rules Committee, Member

### **SHEILA NIEZGODSKI, 6<sup>TH</sup> District Council Member**

#### **Vice-President**

##### **Personnel & Finance Committee, Chairperson**

**Public Works & Property Vacation, Chairperson**  
Council Rules Committee, Member

Residential Neighborhoods Committee, Member

Zoning & Annexation Committee, Member

### **RACHEL TOMAS MORGAN, AT LARGE Council Member**

#### **Information & Technology Committee, Chairperson**

**Community Investment Committee, Chairperson**  
Health & Public Safety Committee, Member

PARC Committee, Member

Personnel & Finance Committee, Member

### **KAREN L. WHITE, AT LARGE Council Member**

#### **Residential Neighborhoods Committee, Chairperson**

Health & Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Vice Chairperson

Zoning & Annexation Committee, Member

### **LORI K. HAMANN, AT LARGE Council Member**

#### **Zoning & Annexation Committee, Chairperson**

Information & Technology Committee, Vice-Chairperson  
Community Relations Committee, Vice-Chairperson

Public Works & Property Vacation, Member

Utilities Committee, Member

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**

December 14, 2021

Filed in Clerk's Office

SEP 09 2022

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Mr. Christopher Boardman  
1015 Good Place  
South Bend, IN 46616  
[Irishcb222@hotmail.com](mailto:Irishcb222@hotmail.com)

RE: Alley/Street Vacation – 1015 Good Place (Preliminary Review)

Dear Mr. Boardman:

At its December 14, 2021 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

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 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 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 an **unfavorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

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

Sincerely,

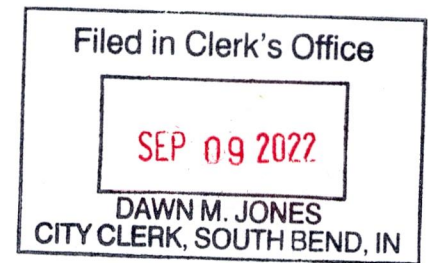
/s/ Laura Hensley/Acting

Clerk



**BILL NO. 52-22**

**ORDINANCE NO. 10887-22**



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

**THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD.**

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STATEMENT OF PURPOSE AND INTENT

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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:

**The alley extending 14 foot wide northeast, and 120 feet long from Good Place and ending at the current rear property line, including the 5 foot triangle alley section at the rear north corner of LOT 48 BOULEVARD PARK, PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. (The current 1015 Good Place description is: E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK)**

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:

**There are four properties abutting the alley at issue and all four owners are in favor of the vacation of the alley and request that the vacated alley be ceded entirely to become part of the of the current 1015 Good Place property with the current legal description of:  
Owner: Christopher Boardman. E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK.  
PARCEL NUMBER: 71-03-35-180-015.000-026.**

**The three properties abutting the other side of the alley at issue are:**



**DAVID M AND VICKIE L LOUGHLIN**  
**2017 RIVERSIDE DR**  
**SOUTH BEND, IN 46616-1948**  
**Lot 49 Boulevard Park Add**  
**PARCEL NUMBER: 71-03-35-180-005.000-026**

**CALVIN & ELIZABETH LEWIS**  
**2021 N RIVERSIDE DR**  
**SOUTH BEND, IN 46616-1948**  
**Lot 50 Replat of Boulevard Park Add**  
**PARCEL NUMBER: 71-03-35-180-004.000-026**

**JIANBO LIU**  
**2025 RIVERSIDE DR**  
**SOUTH BEND, IN 46616-1948**  
**Lot 51 Replat of Boulevard Park Add**  
**PARCEL NUMBER: 71-03-35-180-003.000-026**

Section IV. The purpose of the vacation of the real property is to allow the current owner of 1015 Good Place, Christopher Boardman, to pave the current alleyway to rectify the current ongoing mud ruts and overgrown grass and weeds and allow for the potential construction of a garage at the rear of his property, thereby greatly improving the appearance of the alleyway and raising the tax base for the larger 1015 Good Place lot. The above other outlined three properties abutting the alley will have access rights to use the newly paved alley to their benefit. In addition, the greatly improved appearance and use rights of the paved alley will increase the property value and appearance of all the abutting properties and the neighborhood in general. The remainder of the alley will allow through traffic to all but the four adjacent property owners who agree to and endorse this Bill.

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.

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Sharon L. McBride, Council President  
South Bend Common Council

Attest:

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

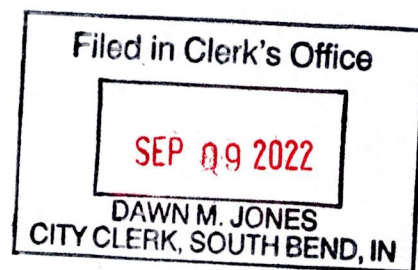
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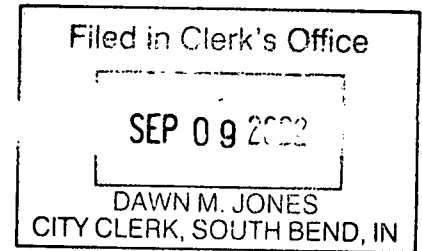
Dawn M. Jones, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock  
\_\_\_\_.m.

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James Mueller, Mayor  
City of South Bend, Indiana





**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** November 22, 2021

**TO:** Zach Hurst, Public Works  
Chris Dressel, Community Investment  
Gerard Ellis, Fire Department  
Brad Rohrscheib, Police Department

**FROM:** Laura Hensley, Acting Clerk (lhensley@southbendin.gov)

**SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION**

**APPLICANT: Christopher Boardman**

**LOCATION: 1015 Good Place**

**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 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.

**PUBLIC WORKS: Unfavorable – would hinder access**

**COMMUNITY INVESTMENT: Unfavorable**

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** 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 place.
4. The vacation **would** hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

**FIRE: Favorable**

**POLICE: Favorable Recommendation**



**STREET/ALLEY VACATION APPLICATION**  
City of South Bend - Board of Public Works  
227 W. Jefferson Boulevard, Ste. 1316  
South Bend, IN 46601

Filed in Clerk's Office

SEP 09 2021

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Date:

11/22/2021

Phone #:

617-312-2211

Name:

Christopher Boardman

Email:

TRISHCB222@hotmail.com

Property

Address:

1015 GOOD PLACE, SOUTH BEND, IN, 46616

Applicant property information:



Residential



Commercial



Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

GOOD PLACE BETWEEN GOOD PLACE + BLYLER PLACE +  
CULVER PLACE SOUTH BEND, IN, 46616

Is your property adjacent to the alley of interest?



Yes



No

Do you own all adjacent properties to the alley of interest?



Yes



No

Does the existing alley provide garage access to other property owners?



Yes



No

Does the alley receive daily traffic excluding your own use?



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

Reason for street/alley vacation and proposed use:

THE ALLEY IS NEVER USED. MY NEIGHBORS + I WOULD LIKE TO ACQUIRE THE ALLEY AS PART OF OUR PROPERTIES FOR UPGRADE + BETTER CARE + LANDSCAPING. WE ARE ONLY INTERESTED IN 1/2 OF THE ALLEY FROM GOOD PLACE TO CULVER PLACE ALLEY.

A map **MUST** be provided highlighting the area you would like to vacate with this application.

N/S Alley between Riverside & Culver Place from Good Place to First  
OFFICE USE ONLY: E/W Alley part way through to Blyler

Board Recommendation:

☐ Yes

☒ No

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

*Elizabeth A. Maradik*

Gary A. Gilot, Member

*Gary A. Gilot*

Joseph R. Molnar, Member

*JVG*

Jordan V. Gathers, Member

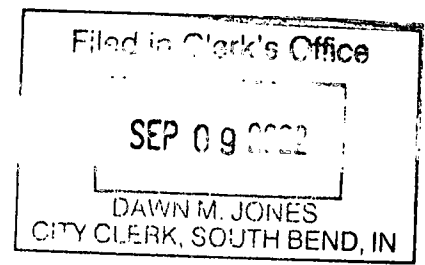
*Murray L. Miller*

Murray L. Miller, Member

*James D. Handley*

Attest: Clerk

Date: December 14, 2021



**OFFICE OF THE CITY CLERK**  
DAWN M. JONES, CITY CLERK

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

DATE: 9-9-2022

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:

Southeast half, 120 feet, of the alley extending between Good Place and Blyler Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood.

2. THE STREET DESCRIBED AS:

\_\_\_\_\_  
\_\_\_\_\_

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
Christopher Boadman		1015 Good Place	48
1.			
David Loughlin		2017 Riverside Drive	49
2.			
3.			

INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO  
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

RODGER J. PINTO  
DEPUTY/DIRECTOR OF POLICY

GABRIEL N. MURRI  
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

# PLAT OF BOULEVARD PARK

SOUTH BEND, INDIANA  
Scale 1" = 100'

JAN 1930

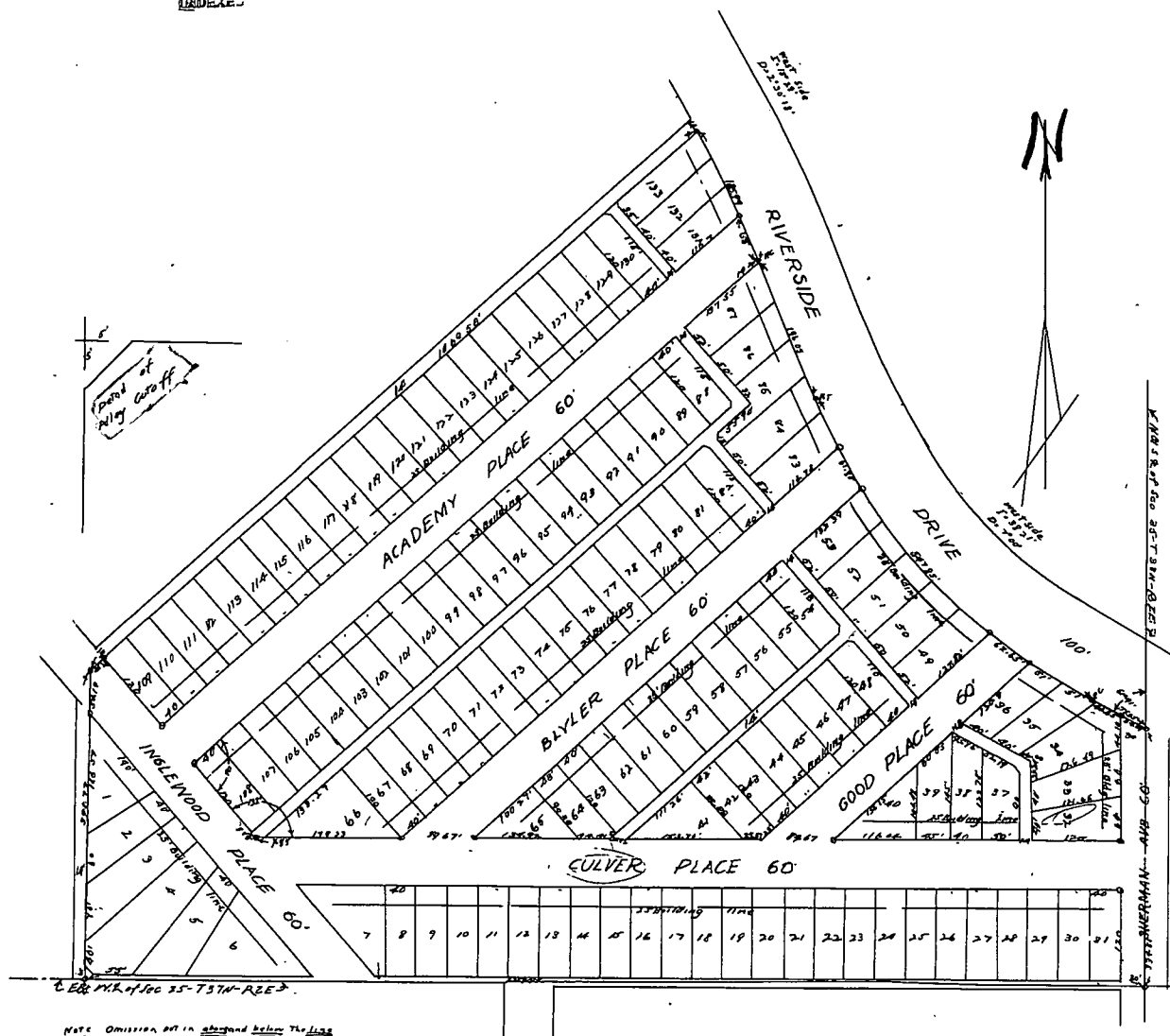
Filed in Clerk's Office

SEP 09 1930

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

INDEXED

INDEXED



PLAT OF BOULEVARD PARK

The annexed plat is a plat of Boulevard Park, on addition to the City of South Bend, Indiana and comprises the track of land described as follows:  
Beginning at the southeast corner of the northwest 1/4 of sec 35 Twp 38 N. R. 2 E. Thence north along the east line of the northwest 1/4 of said sec 35 a distance of 33.488' to the south line of Riverside Drive, thence north 61.41' west along the southwestern line of Riverside Drive a distance of 72.35 feet, thence on a 7.80' curve to the right along the southwestern line of Riverside Drive a distance of 547.05 feet, thence on a tangent still along the southwestern line of Riverside Drive a distance of 185.99 feet to the south line of the 1/4 alley east of Woodlawn Blvd, thence southwesterly along the southwesterly line of the 1/4 alley east of Woodlawn Blvd, a distance of 108.58 feet to the intersection of the southwesterly line of the 1/4 alley east of Woodlawn Blvd and the east line of the 1/4 alley east of Kessler Blvd, thence east along the east line of the 1/4 alley east of Kessler Blvd a distance of 138.94 feet to the place. The plot contains 133 lots numbered from 1 to 133 inclusive.  
The size of the lots and the width of the streets and alleys is marked on the plat in feet and decimals of feet.  
The streets and alleys are hereby dedicated to the public for use as public highways only.

STATE OF INDIANA } ss:  
COUNTY OF ST JOSEPH }

Personally appeared before me, a notary public in and for said State and County C. J. Jackson notary and Edgar L. Kelsey Secretary of the Union Trust Company and acknowledged the execution of the foregoing plat.  
WITNESS my hand and notarial seal this 2nd day of March 1930

My Commission expires Nov 18, 1933

DULY ENTERED FOR TAXATION  
Mar 4 1930  
Frank P. Carver  
Auditor  
St Joseph Co, Indiana

APPROVED  
Board of Works  
Mar 4 1930  
M. E. Dorian  
John K. Sawyer  
John H. Keger

THELMA G. WYNEGAR  
Notary Public

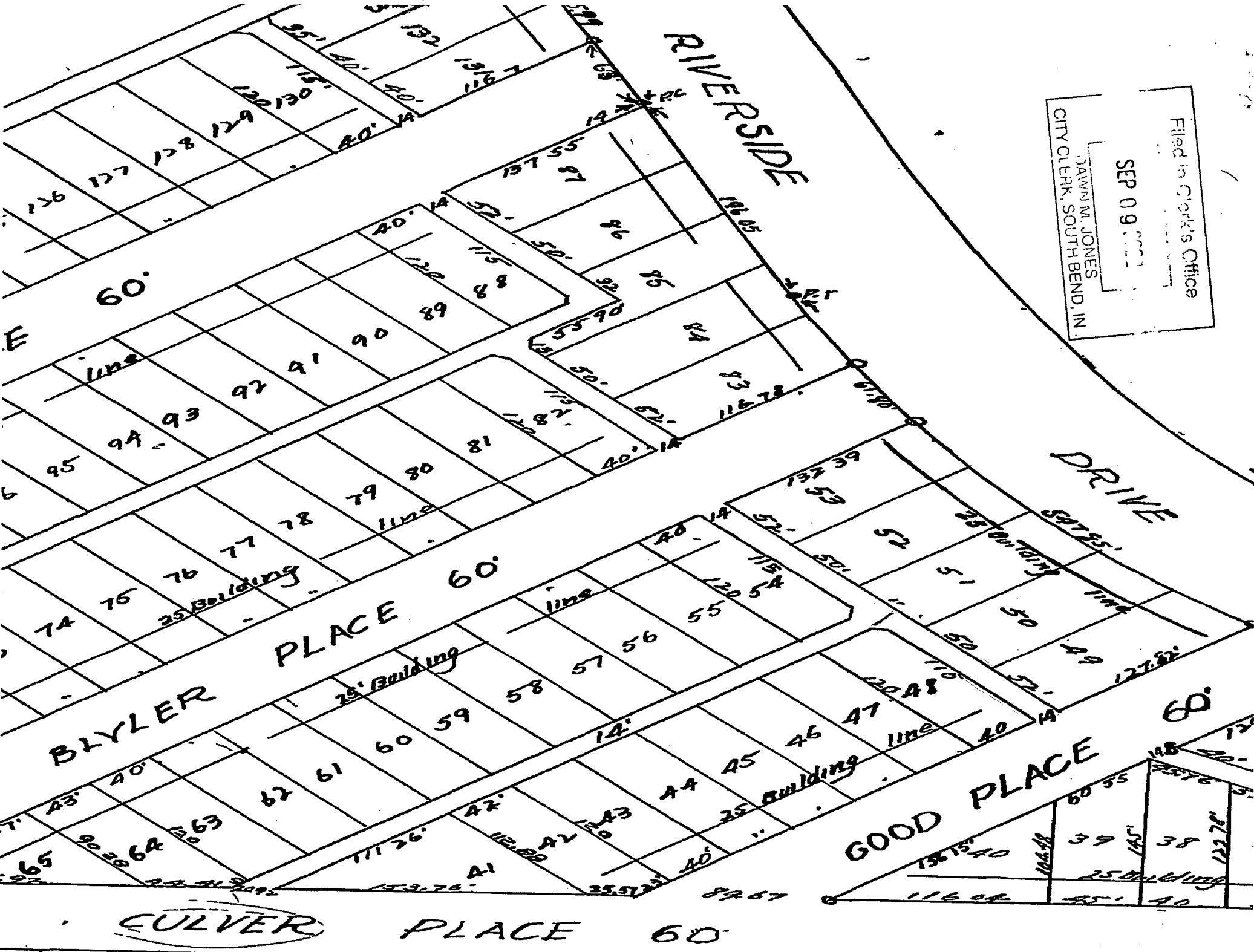
UNION TRUST COMPANY  
C. J. Jackson President  
Edgar L. Kelsey Secretary



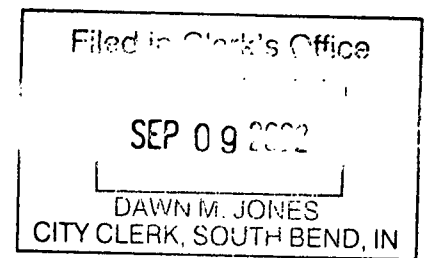
Recorded March 4 1930 at 3:10 o'clock P.M.  
EDWARD KELLER, Recorder

CHAS. W. COLE, CIVIL ENGINEER - 213 CHRISTIAN BIDS., SOUTH BEND, INDIANA

Filed in Clerk's Office  
SEP 09 1902  
JAWN M. JONES  
CITY CLERK, SOUTH BEND, IN



TO: City of South Bend, IN, St. Joseph County  
FROM: BOARDMAN, LOUGHLIN, LEWIS & LIU  
DATE: July 9, 2022  
RE: Alley Ceding



Please accept this memorandum of understanding and agreement between the homeowners listed below as the owners of homes adjacent to both sides of the southeast half of the alley extending between Blyler Place and Good Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood. The terminus ends of the ceded alley would be at Good Place and ending at the current rear property line of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. Please note Exhibit A. This proposal is intended to be permanently legally binding for the current and future homeowners of the four properties listed below.

The objective and intent are to permanently close the above referenced alley and cede the alley to Christopher Boardman to become part of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place subject to the following conditions. The three alley adjacent property homeowners will have permanent easement right of way to use the alley to access their property as will all utility providers who will also have the right to install and maintain any utility poles, lines, pipes, etcetera in the ceded area as may be required. The alley's gravel-based service will, within two years of the date of this document, be replaced with pavement or concrete. The new pavement or concrete will be level with the current alley driveway on PARCEL NUMBER: 71-03-35-180-004.000-026 commonly known as 2021 N. Riverside Drive and the new pavement or concrete will be sloped to drain toward Good Place. All building codes and setback requirements will be adhered to along the new property lines of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. All cost associated with this matter will be the responsibility of Christopher Boardman.

It is understood by all four property owners listed below that it is the intent of Christopher Boardman to build a garage at the rear of his property which may in part set on the referenced ceded alley property. All four parties listed below are in favor of the above outlined proposal for their common good and without any financial exchange.

It should be noted that since the City of South Bend has ceased trash and yard waist pickup in the city's alleys and therefore this proposal would have no effect in the city's waste pickup, however would make it much easier for the four involved property owners to move their trash bins to the street for pickup. The city has also stopped maintaining this alley and again the proposed outlined change would greatly improve the appearance of the section of alley involved and the respective property values. The remaining properties adjacent to this alley system will not be impacted by through access to the rear of their properties as the northwest half of the alley extending between Blyler Place and Good Place would remain unchanged and open and intersect with the open alley at the rear of the homes on Good Place and Blyler Place. In fact, there is utility pole blocking any potential traffic from turning from the Blyler Place and Good Place alley to the alley requesting to be ceded. Again, please note Exhibit A as well as the attached photographs. This proposal is not unprecedented in the city nor in the Keller Park area as the alley two blocks north of the alley at issue, from Riverside Drive to Inglewood Place at the rear of the homes on Academy Place and Woodlawn Blvd has been abandoned by the City of South Bend and is impassable by vehicles.



SEP 09 2022

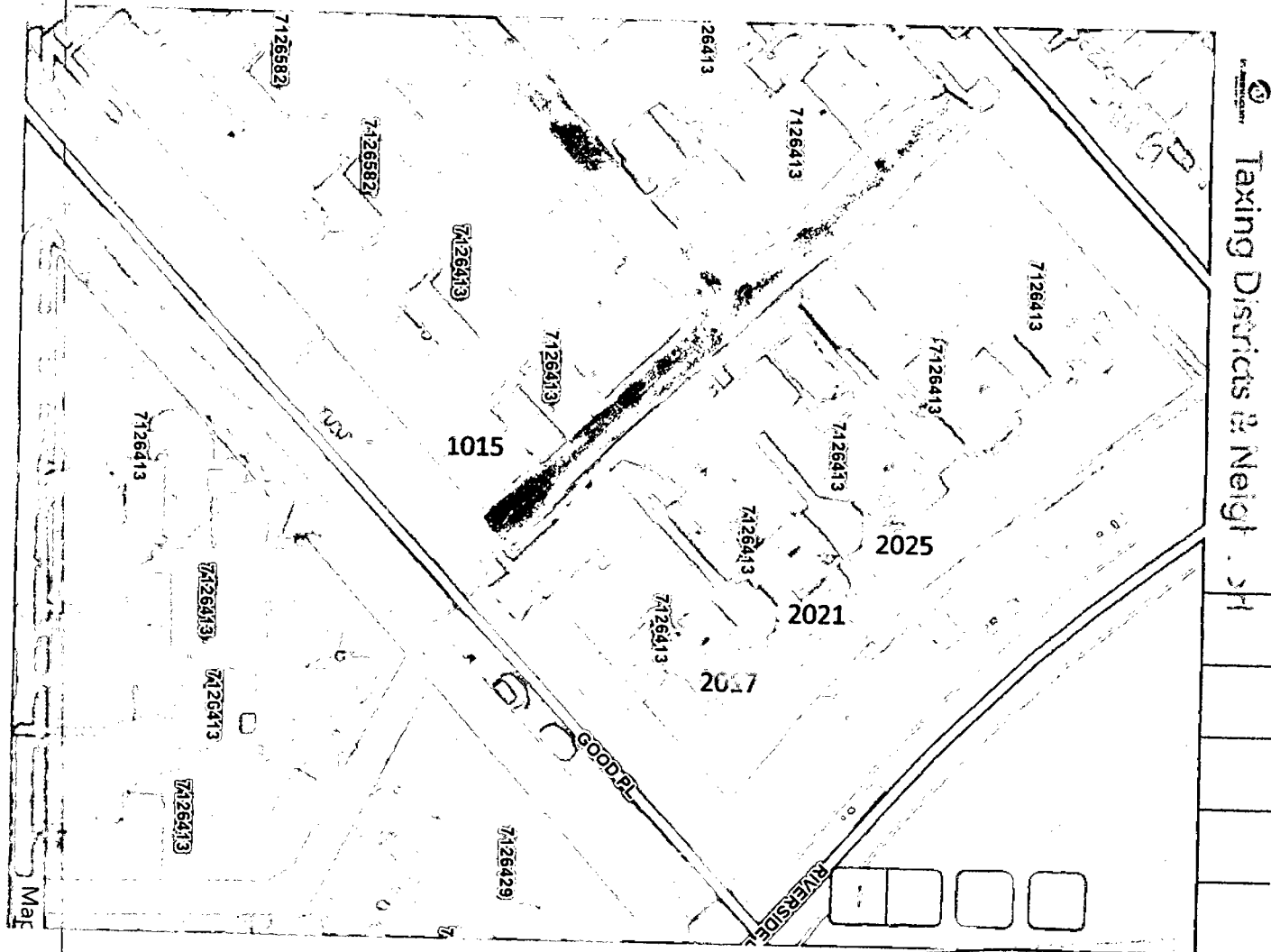
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN


CHRISTOPHER BOARDMAN  
1015 GOOD PL  
SOUTH BEND, IN 46616-1943  
E 16 FT LOT 47 & ALL OF LOT 48 Boulevard Park  
PARCEL NUMBER: 71-03-35-180-015.000-026

DAVID M AND VICKIE L LOUGHLIN  
2017 RIVERSIDE DR  
SOUTH BEND, IN 46616-1948  
Lot 49 Lot 49 Boulevard Park Add  
PARCEL NUMBER: 71-03-35-180-005.000-026

CALVIN & ELIZABETH LEWIS  
2021 N RIVERSIDE DR  
SOUTH BEND, IN 46616-1948  
Lot 50 Replat of Boulevard Park Add  
PARCEL NUMBER: 71-03-35-180-004.000-026

JIANBO LIU  
2025 RIVERSIDE DR  
SOUTH BEND, IN 46616-1948  
Lot 51 Replat of Boulevard Park Add  
PARCEL NUMBER: 71-03-35-180-003.000-026



 Taxing Districts & Neigh...

Filed in Clerk's Office  
 SEP 09 2002  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

Exhibit A

Through alley remains open  
 Closed alley to be ceded to 1015 Good Place

**davevicki@comcast.net**

---

**From:** davevicki@comcast.net  
**Sent:** Thursday, July 14, 2022 2:34 PM  
**To:** 'Laura Hensley'; 'Chris Boardman'  
**Subject:** RE: City of South Bend Board of Public Works  
**Attachments:** Boardman Alley Cede.docx; Alley Cede Memo Signatures.pdf; Exhibit A Alley.pdf; Alley Varance Cede Photo #1.pdf; Alley Varance Cede Photo #2.pdf

Laura and Chris, attached are copies of the original documents that I will be hand delivering to you Laura this afternoon.

Given the fullest endorsement of all four property owners for the vacation and ceding of the alley at issue to Christopher Boardman per the attached submitted memorandum and attachments and the continued unchanged traffic pattern in the alley system at the rear of the homes of Riverside Drive from Good Place to Blyler Place as well as the unchanged alley at the rear of the homes between Good Place and Blyler Place there should be no issues that the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient, nor that the vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

On the behalf of the Keller Park Neighborhood neighbors with homes adjacent to the alley at issue, thank you for all of your efforts in this request and please contact me if I may provide any further assistance on Chris Boardman's behalf in his absence.

Thanks, Dave

David M. Loughlin  
2017 Riverside Drive  
South Bend, IN 46616  
574-234-6927 H  
574-220-9536 C  
[davevicki@comcast.net](mailto:davevicki@comcast.net)

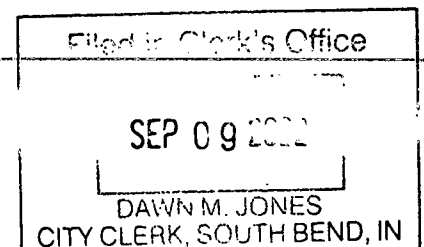
---

**From:** Laura Hensley <[lhensley@southbendin.gov](mailto:lhensley@southbendin.gov)>  
**Sent:** Monday, July 11, 2022 8:16 AM  
**To:** Chris Boardman <[irishcb222@hotmail.com](mailto:irishcb222@hotmail.com)>  
**Cc:** davevicki@comcast.net  
**Subject:** RE: City of South Bend Board of Public Works

Good morning, Chris,  
We are here Monday-Friday 8:00 a.m. to 4:30 p.m. You can drop it off or email if that is easier. Hope you're having a good Monday!

---

**From:** Chris Boardman <[irishcb222@hotmail.com](mailto:irishcb222@hotmail.com)>  
**Sent:** Monday, July 11, 2022 7:28 AM  
**To:** Laura Hensley <[lhensley@southbendin.gov](mailto:lhensley@southbendin.gov)>  
**Cc:** [davevicki@comcast.net](mailto:davevicki@comcast.net)  
**Subject:** Re: City of South Bend Board of Public Works

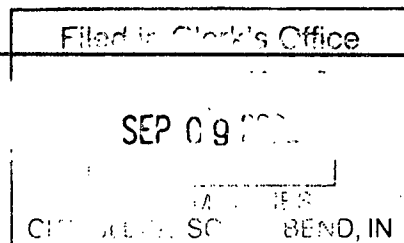


Good morning Laura,

We had spoken in person back in April in your office regarding my alley vacation request and with the assistance of my neighbor Dave Loughlin (whom was present with me when we met you) we have collected the additional information per your direction. Since I do not live in South Bend full time, Dave has agreed to assist in delivering the paperwork. Please let us know when would be a good time to stop by with the paperwork and maybe answering a few more questions. I really appreciate all your help and if there is anything you need please do not hesitate to call me at 617-312-2211.

Thank you,  
Chris

**From:** Laura Hensley <lhensley@southbendin.gov>  
**Sent:** Tuesday, December 14, 2021 12:48 PM  
**To:** Irishcb222@hotmail.com <Irishcb222@hotmail.com>  
**Subject:** City of South Bend Board of Public Works



Hello,  
Attached you will find a letter and signed documents pertaining to the December 14, 2021, City of South Bend Board of Public Works Meeting. Please read the letter attached. \*\*There may be extra documents attached to the file, this is for your records only.\*\*

Hope you have a wonderful day!



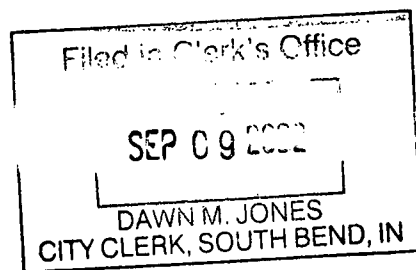
**Laura Hensley**  
Administrative Assistant  
Department of Public Works  
(574) 235-5927  
[lhensley@southbendin.gov](mailto:lhensley@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd., Ste. 1316  
South Bend, IN 46601

Excellence | Accountability | Innovation | Inclusion | Empowerment

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containing deadlines. In addition, E-Mail information cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain virus. Therefore, the sender does not accept liability for any errors or omissions in the contents of this message which arise as a consequence of E-Mail transmission. If verification is required, please request a hard-copy version.





018-2138-5149

2041

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018-2138-5155

018-2138-5172

1013

018-2138-5170

018-2138-5169

1027

018-2138-5167

1031

018-2138-5166

018-2138-5165

1039

N RIVERSIDE DR

N RIVE

W GOOD PL

018-2139-5210

2009

018-2139-5

2003

018-2139-5207

1023

018-2139-5206

1033

018-2139-5209

1019

1015

W GULVER PL

018-2138-5191



Looking northwest from Good Place to alley at issue and Blyler Place in background. 1015 Good Place on left in photo and 2017 Riverside Drive on right in the photo.



Looking northwest from the alley at issue with the end of the vacation/ceding to stop at the end of the chain-link fence at the rear of 1015 Good Place on the left in the photo and 2025 Riverside Drive on the right in the photo. Note the utility pole in the alley easement preventing turns in alleyway from or onto the section of alley requested to be vacated.

SEP 09 2022  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN



Looking southeast in alley at issue toward Good Place with 1015 Good Place on right in photo behind utility pole in alley easement. Note right turn traffic pattern to alley behind homes on Good Place and Blyler Place which would remain open if alley at were closed.



Looking south in alley at issue toward 1015 Good Place and utility pole in alley easement preventing turns in alleyway from or onto the section of alley at issue.

Filed to Clerk's Office

SEP 09 2022

DAWN JONES  
CITY CLERK SOUTH BEND, IN



MARGO B LOVEING  
1015 Culver Pl  
South Bend IN 46616

7022 0410 0001 3219 3117

JIANBO LIU  
2025 Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 3049

2005 RIVERSIDE DR LAND TRUST  
115 1/2 N Main St  
South Bend IN 46601

7022 0410 0001 3219 3025

JANET MORRIS  
1126 Blyler Pl  
South Bend IN 46616

7022 0410 0001 3219 3124

DAVID M AND VICKIE L LOUGHLIN  
2017 Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 3056

DAVID A VANWANZEELE  
116 Mansfield C  
Boca Raton FL 33434

7022 0410 0001 3219 3018

JENNIFER TOMAINO  
6131 Fairway Ave  
Dallas TX 75227

7022 0410 0001 3219 2592

VINCE J BARLETTO  
1019 Culver Place  
South Bend IN 46616

7022 0410 0001 3219 3063

CALVIN & ELIZABETH LEWIS  
2021 N Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 3001

KIM CARTAINO & RYAN JTWROS  
39 Ilex Dr  
Newbury Park CA 91320

7022 0410 0001 3219 2608

AUSTIN & SARAH LOVEING  
1023 Culver Pl  
South Bend IN 46616

7022 0410 0001 3219 3070

RONALD E ALT  
1114 Blyler Place  
South Bend IN 46616

7022 0410 0001 3219 2646

MARK MAKOWSKI  
PO Box 11262  
South Bend IN 46634

7022 0410 0001 3219 2547

DEBRA S SPETH  
222 E Walter St  
South Bend IN 46614

7022 0410 0001 3219 3087

DAVID M GILBERT & MEAGAN E DRONE  
2029 Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 2998

RUSSELL R MICINSKI  
1130 Blyler Place  
South Bend IN 46616

7022 0410 0001 3219 2554

BRYAN E EYER  
2001 Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 3094

STACIE PRIEBE  
2033 Riverside Dr  
South Bend IN 46616

7022 0410 0001 3219 2981

CHRISTOPHER BOARDMAN  
1015 Good Pl  
South Bend IN 46616

7022 0410 0001 3219 2561

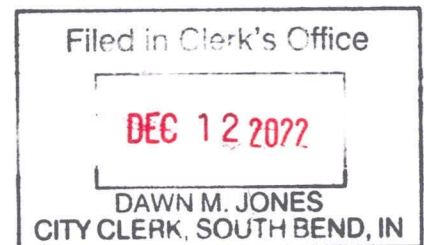
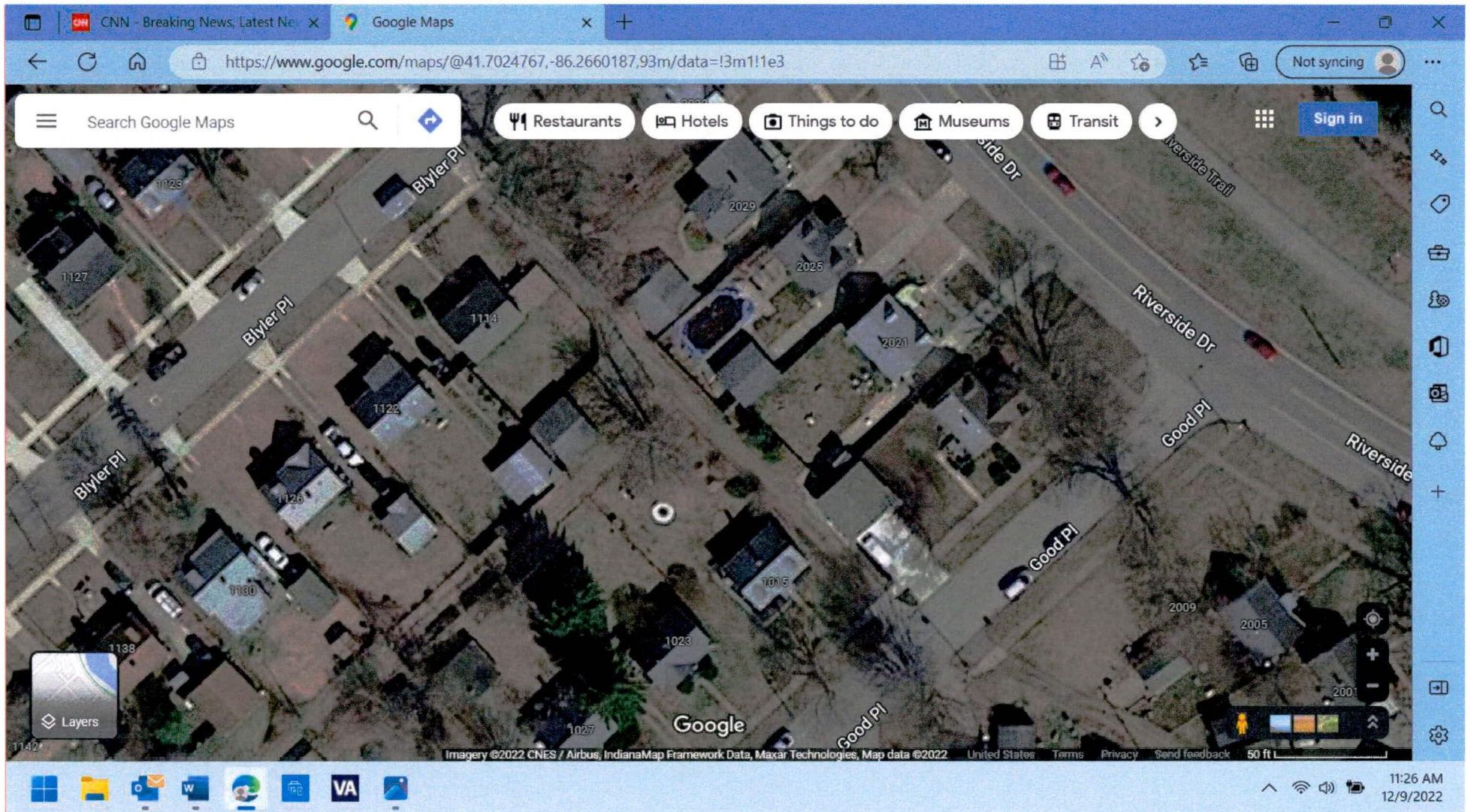
TROPIC LIFE INVESTMENTS LLC  
1727 Elsie St  
Green Cove Springs FL 32043

7022 0410 0001 3219 3032

Filed in Clerk's Office

SEP 09 2022

DAY J M JONES  
CITY CLERK, SOUTH BEND, IN

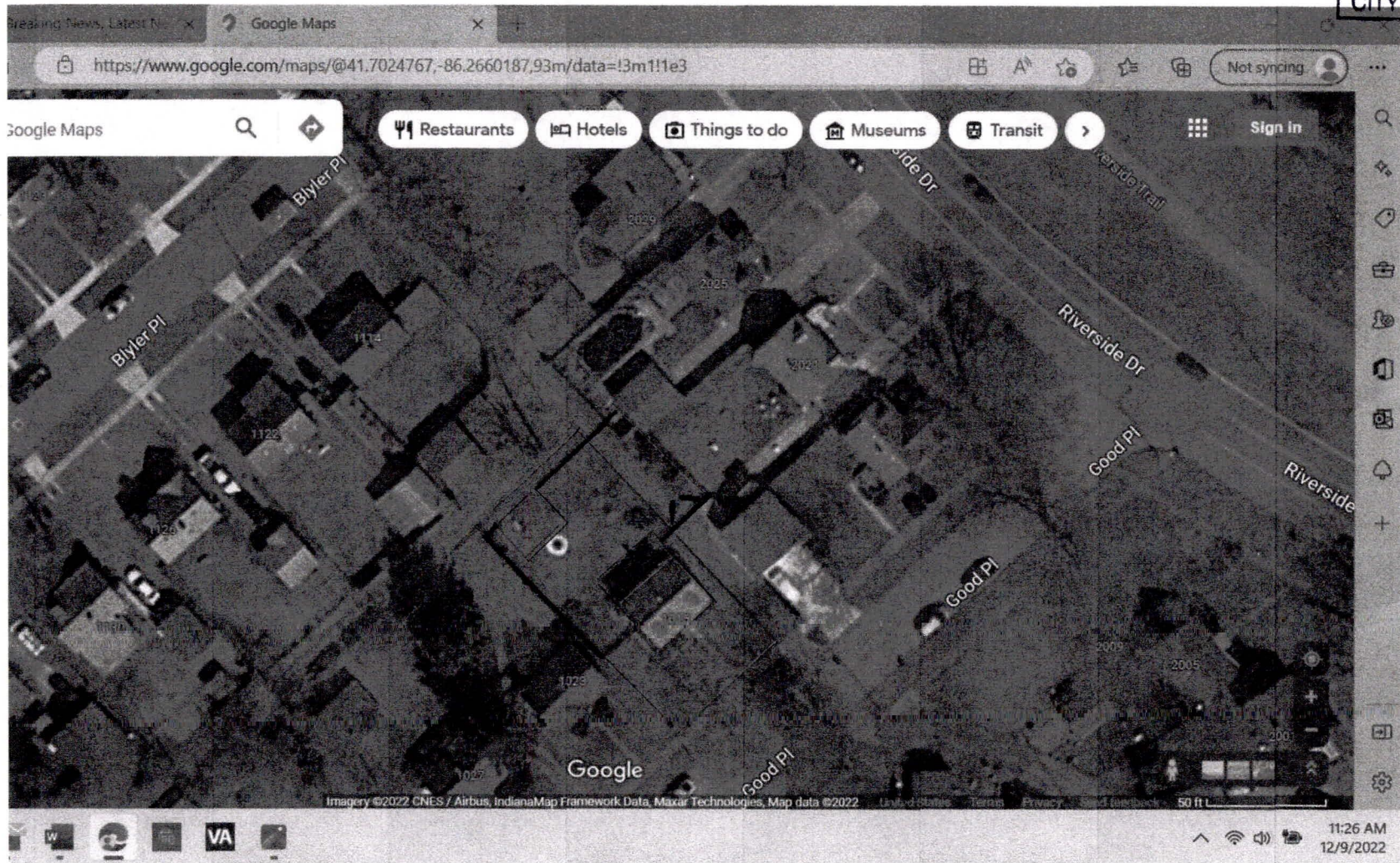




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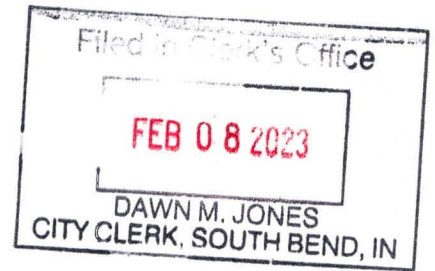
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN







**Sharon L. McBride**  
3rd District Council Member  
President



---

Chairwoman Karen L. White  
Residential Neighborhoods Committee  
South Bend Common Council  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

**RE: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR  
THE CONTINUING USE OF ALL CURRENT SOUTH BEND PUBLIC HIGH SCHOOLS  
AS HIGH SCHOOLS**

Dear Chairwoman White:

As you know, there is currently under consideration proposals to close some South Bend Community schools. Two of the proposals being considered involve closing one or two of the current high schools. The South Bend Community School Corporation has invited public input. I believe that the Residential Neighborhoods Committee and the entire Council should accepted this invitation.

This proposed resolution raises unanswered questions about the current proposals which definitely impact the best interests of teachers, students, families and neighborhoods. I don't believe that these questions have adequately been considered. This proposed resolution urges the School Corporation to refrain from making any final decisions until more questions are answered. The proposed resolution also encourages the School Board to keep all the public high schools open as high schools.

Please add this proposed resolution to your Committee's agenda for discussion on February 13, 2023 and consideration by the entire Council at its meeting later that night.  
Thank you for your consideration.

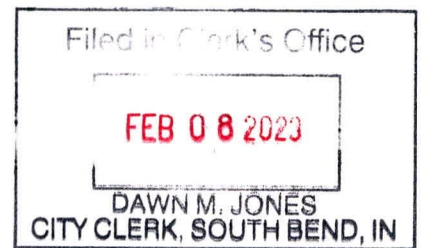
Sincerely yours,

---

Sharon McBride, President  
South Bend Common Council

**BILL NO. 23-04**

**RESOLUTION NO. 5001-23**



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING  
FOR THE CONTINUING USE OF ALL CURRENT SOUTH BEND PUBLIC HIGH SCHOOLS AS HIGH  
SCHOOLS**

*Whereas*, on January 24, 2023, a Community Task Force meeting regarding utilization of South Bend Community School Corporation buildings was held; and

*Whereas*, at that meeting, the design firm Fanning Howey represented that the buildings being evaluated for possible closure are not currently being used for educational purposes; and

*Whereas*, on February 6, 2023, it was reported that the School Corporation was asking for feedback on three scenarios to better utilize buildings; and

*Whereas*, of the three scenarios, only one kept all current high schools open as high schools; and

*Whereas*, the other two options would close either one or two of the current high schools as high schools; and

*Whereas*, on February 7, 2023, the same design firm, Fanning Howey presented different proposals at a public meeting than represented in the January 24 meeting, now proposing the options of closing one or two of the current high schools the three options; and

*Whereas*, the information provided to the public leaves many important questions unanswered, including, but not limited to:

- 1) What will happen to teachers and other employees at the affected schools;
- 2) What will happen to dual language programs;
- 3) Will the high school magnet program be eliminated;
- 4) How would school closures impact the surrounding neighborhoods;
- 5) What happens to students who are just now beginning academic programs not offered by all schools;

and;

*Whereas*, the South Bend Community School Corporation has invited public input prior to making any decision; and

*Whereas*, it has been reported that the South Bend Community School Corporation plans to make a final decision next month.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. School closures involve much more than dollars and cents.

Section II. School closures affect more than just the students and families who attend the schools.

Section III. School closures affect entire neighborhoods.

Section IV. The design firm Fanning Howey and the South Bend School Corporation has focused almost entirely on the economic impact of school closures.

Section V. The information being provided to the public is fluid and continues to change.

Section VI. The South Bend Common Council encourages all residents to express their opinions on the various scenarios.

*Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:*

Section I. School closures involve much more than dollars and cents.

Section II. School closures affect more than just the students and families who attend the schools.

Section III. School closures affect entire neighborhoods.

Section IV. The design firm Fanning Howey and the South Bend School Corporation has focused almost entirely on the economic impact of school closures.

Section V. The information being provided to the public is fluid and continues to change.

Section VI. The South Bend Common Council encourages all residents to express their opinions on the various scenarios.

Section VII. The South Bend Common Council urges the School Corporation to refrain making any final decisions until more questions are answered.

Section VIII. The Common Council believes that it is in the best interests of the residents of South Bend to keep all current high schools in existence as high school and strongly encourages the South Bend Community School Corporation to do so.

*Approved this 13<sup>th</sup> day of February 2023*

---

Sharon McBride, 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 \_\_\_\_\_ day of February 2023 at \_\_\_ o'clock \_\_. m.

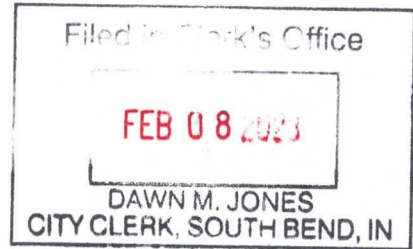
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Dawn M. Jones, City Clerk  
Office of the City Clerk

Approved and signed by me, on the \_\_\_\_\_ day of February 2023, at \_\_\_ o'clock \_\_. m.

---

James Mueller, Mayor  
City of South Bend





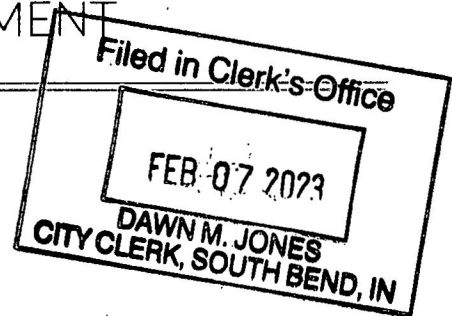


# CITY OF SOUTH BEND

## COMMUNITY INVESTMENT

February 7, 2023

Honorable Committee Chair Lori K. Hamman  
South Bend Common Council  
4th Floor, County-City Building



**RE: Resurrection Lutheran Annexation Area, southeast corner of Olive Road & Nimitz Parkway**

Dear Committee Chair Hamman:

Attached is an Ordinance for the proposed annexation at the above referenced location. Please include this Ordinance on the Council agenda for first reading at the February 13, 2023, Council meeting; for second reading at the March 27, 2023, Council meeting; and for third reading at the April 10, 2023, Council meeting. Per the provisions of Section 21-01.02(g) of the South Bend Municipal Code, the property would automatically be zoned to S1 Suburban Neighborhood 1 District upon annexation without needing a public hearing before the South Bend Plan Commission.

The petitioner provided the following to describe the proposed project:

Annexation of A-Agricultural parcels from St. Joseph County into the City of South Bend as S1 Suburban Neighborhood 1.

If you have any questions, please feel free to contact me at (574) 235-5843. Thank you.

Sincerely,

*Michael P. Divita*

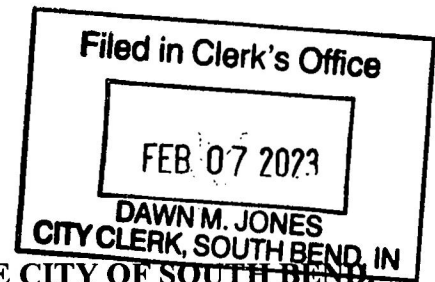
Michael P. Divita, AICP  
Principal Planner

cc: Bob Palmer, Attorney, Common Council  
Staff, South Bend Plan Commission



**BILL NO. 03-23**

**ORDINANCE NO. 10916-23**



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR THE SOUTHEAST CORNER OF NIMTZ PARKWAY AND OLIVE ROAD, SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

Petitioner desires to annex two properties at the southeast corner of Nimitz Parkway and Olive Road (53000 block of Olive Road); the properties would be automatically zoned to S1 Suburban Neighborhood 1 District in South Bend.

---

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

Part of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Northwest corner of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East (being the intersection of the Cleveland Road/Nimitz Parkway and Olive Road centerlines); thence South 40 feet, more or less, to the South Right-of-Way Line of Nimitz Parkway extended; thence East 20 feet, more or less, to the Point of Beginning, which lies on the South Bend corporate limits; thence East 128.50 feet, more or less, along the South Right-of-Way Line of Nimitz Parkway to the north-south South Bend corporate limits; thence South 390.40 feet, more or less, along the north-south South Bend corporate limits to the east-west South Bend corporate limits; thence West 128.5 feet, more or less along the east-west South Bend corporate limits to the north-south South Bend corporate limits; thence North 390.4 feet along the north-south South Bend corporate limits to the Point of Beginning. Containing 1.15 acres, more or less.

**SECTION II.** That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South Bend, Indiana.

**SECTION III.** Ordinance No. 10689-19, as amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as S1 Suburban Neighborhood 1 District, per the provisions of Section 21-01.02(g) of the South Bend Municipal Code.

**SECTION IV.** This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

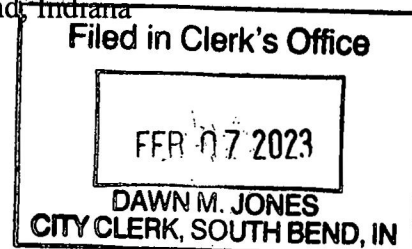
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

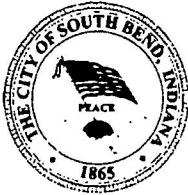
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana





Department of  
**Community Investment**

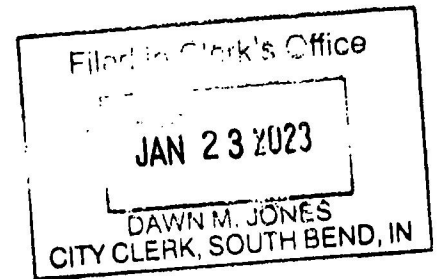
**Memorandum**

Monday, January 23, 2023

TO: Kara Boyles, Engineering  
Aladean DeRose, Legal  
Gerard Ellis, Fire  
Timothy Lancaster and Eric Crittendon, Police  
Pam Meyer, Neighborhood Services & Enforcement  
Ben Dougherty, Administration & Finance  
Angela Smith, Community Investment - Zoning  
Kelly J. Smith, Solid Waste

FROM: Michael Divita, Principal Planner

SUBJECT: Request for Service Reports  
**Resurrection Lutheran Annexation Area**  
(100% Voluntary Annexation of Contiguous Property)



A petition for voluntary annexation of the Resurrection Lutheran Annexation Area has been received by the City and is to receive First Reading by the Common Council on Monday, February 13, 2023.

The proposed Annexation Area consists of two parcels and adjacent right-of-way totaling about 1.2 acres and is located at the southeast corner of Nimtz Parkway and Olive Road. The area is currently vacant and is zoned agricultural in the County. With the annexation, the petitioner seeks zoning of S1 Suburban Neighborhood 1 District to expand the parking area for the adjacent Resurrection Lutheran Academy.

**Please complete the Service Report** addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by February 6, 2023**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works and the Board of Public Safety. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

If you have any questions, please contact me at (574) 235-5843 or [mdivita@southbendin.gov](mailto:mdivita@southbendin.gov).

cc: Mayor James Mueller  
Kacey Gergely, Chief of Staff, Office of the Mayor  
Bob Palmer, Attorney for the Common Council  
Caleb Bauer, Executive Director, Community Investment  
Tim Corcoran, Director of Planning, Community Investment  
Dawn M. Jones, City Clerk  
Staff, City Clerk  
Robert Kruszynski, County Surveyor



## **SERVICE REPORT CHECK LIST**

- Department of Law:** 1) legal concerns, if any (if none, no report is required)
- Public Works:** 1) location, size, and capacity of water line(s)  
2) listing of properties connected to water line(s)  
3) location, size, and capacity of sewer line(s)  
4) listing of properties connected to sewer line(s)  
5) any public improvements required or suggested, such as street signs, street lighting, pavement upgrade, storm drainage  
6) cost, timing, and source of funds for providing those improvements (within 1 year for non-capital items and 3 years for capital items)  
7) a listing of properties covered by waivers
- Police Department:** 1) Police Beat to be assigned  
2) cost, timing, and source of funds of providing any improvements  
3) whether comparable response time can be maintained
- Fire Department:** 1) primary and secondary fire stations to be assigned  
2) cost, timing, and source of funds of providing any improvements  
3) whether comparable response time can be maintained
- Neighborhood Services:** 1) Inspector Area to be assigned  
2) whether comparable response time can be maintained
- Zoning:** 1) current zoning of property  
2) anticipated/required zoning  
3) compatibility of land uses relative to city zoning  
4) copies of recorded subdivision plats, if any
- Admin/Finance:** 1) (no report necessary for this annexation)
- Solid Waste:** 1) capacity to provide solid waste service  
2) cost to owner of service  
3) when service can begin
- County Surveyor:** 1) verify accuracy of legal description

## INITIAL REVIEW FACT SHEET

## 100% VOLUNTARY ANNEXATION

**Resurrection Lutheran Annexation Area**    **German Township**    *Prepared January 2023*

---

A. Annexation Criteria (Minimum)	Analysis	Criteria Met?
1. Contiguity: At least 1/8 (12.5%) <u>and</u>	100%	Yes
2. 100% of owners signed petition <u>and</u>	100%	Yes
3. a. essential City services are/can be provided		Yes
b. City is able to provide services		Yes
c. territory is contiguous		Yes

**B. General**

Location: On the southeast corner of Nimtz Parkway and Olive Road

Address(es): Vacant lots, 53000 block of Olive Road

Tax Key Number(s): 004-1020-033402  
004-1020-0335

Subdivision(s) of Record: None

Acres: 1.2

Current Net Assessment: \$2,000

Current Population: 0  
Proposed Population: 0

Current Land Use: Vacant land  
Proposed Land Use: Parking/landscaping area for adjoining Resurrection Lutheran Academy

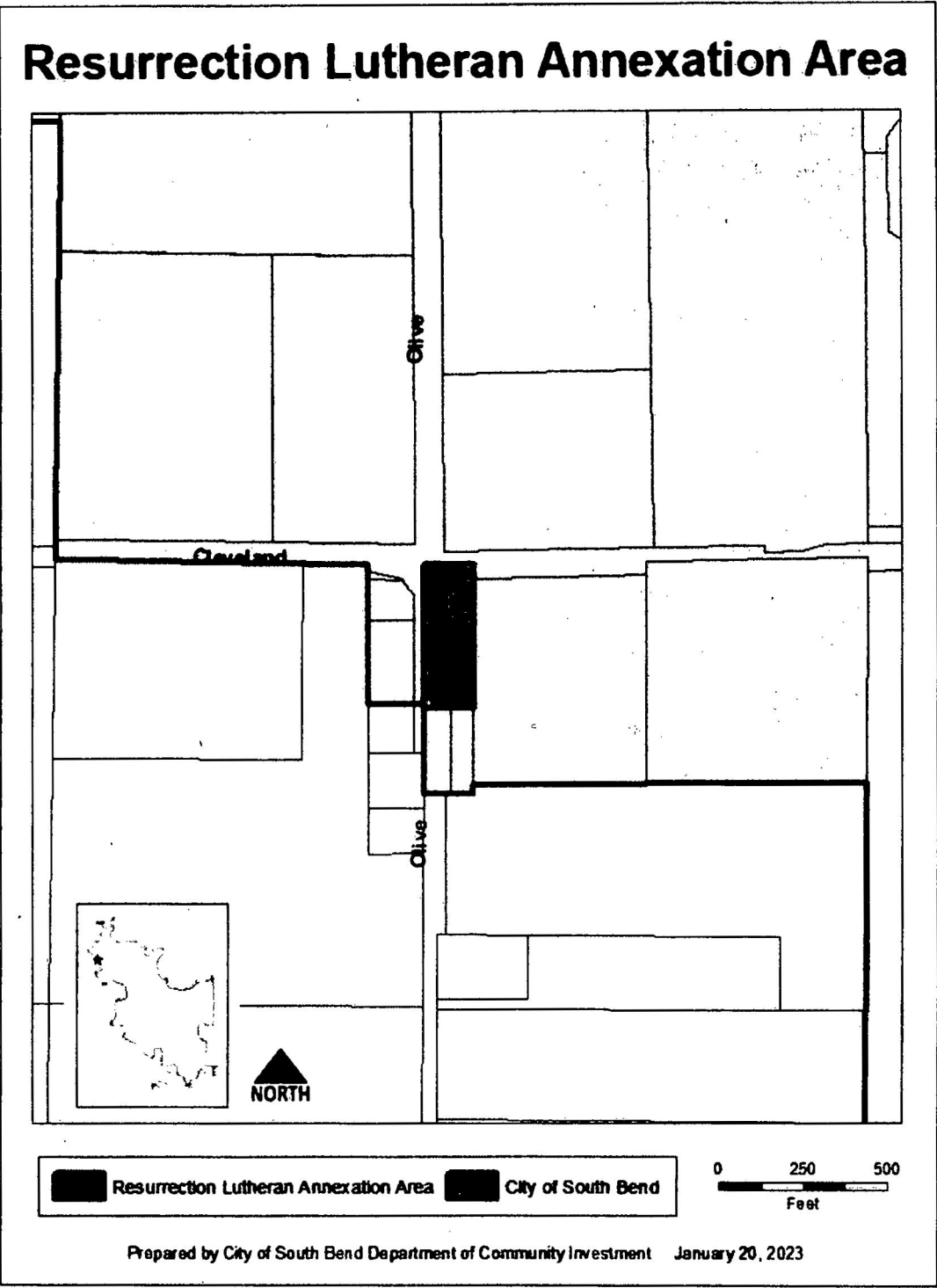
Current Zoning: A Agricultural District, St. Joseph County  
Proposed Zoning: S1 Suburban Neighborhood 1 District, City of South Bend

Council District: 1<sup>st</sup> Council District

Scheduled Effective Date: May 21, 2023

Comments: Proposed Annexation Area includes the full width of the Olive Road right-of-way

Map



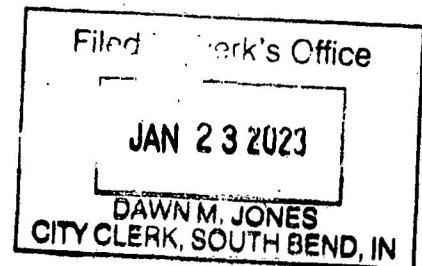
### **Legal Description**

Part of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Northwest corner of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East (being the intersection of the Cleveland Road/Nimtz Parkway and Olive Road centerlines); thence South 40 feet, more or less, to the South Right-of-Way Line of Nimtz Parkway extended; thence East 20 feet, more or less, to the Point of Beginning, which lies on the South Bend corporate limits; thence East 128.50 feet, more or less, along the South Right-of-Way Line of Nimtz Parkway to the north-south South Bend corporate limits; thence South 390.40 feet, more or less, along the north-south South Bend corporate limits to the east-west South Bend corporate limits; thence West 128.5 feet, more or less along the east-west South Bend corporate limits to the north-south South Bend corporate limits; thence North 390.4 feet along the north-south South Bend corporate limits to the Point of Beginning. Containing 1.15 acres, more or less.

# **Proposed Schedule for Resurrection Lutheran Annexation Area**

Fiscal Plan Service Request Sent	1/23/23
Fiscal Plan Service Request Due	2/6/23
File Date	2/8/23
Council 1st Reading	2/13/23
Fiscal Plan Done	2/27/23
Council Advertisement	3/3/23
Board of Public Works Agenda Session	3/9/23
Board of Public Works Hearing	3/14/23
Board of Public Safety	3/15/23
Plan Commission Public Hearing	NA
Fiscal Plan Resolution to Clerk	3/22/23
Council 2nd Reading	3/27/23
Council 3rd Reading	4/10/23
Ordinance Advertised	4/21/23
Appeal Period Start	4/21/23
Appeal Period End	5/21/23



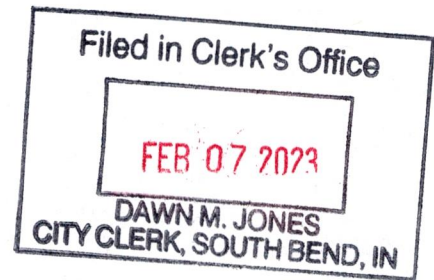


# City of South Bend

## BOARD OF ZONING APPEALS

February 7, 2023

Honorable Lori Hamann  
4th Floor, County-City Building  
South Bend, IN 46601



RE: Special Exception at 1106 Portage Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **February 13<sup>th</sup>, 2023** Council meeting and set it for public hearing at your **March 13<sup>th</sup>, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the March 6<sup>th</sup>, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:  
*Legalize a 2-unit residential dwelling as a duplex.*

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

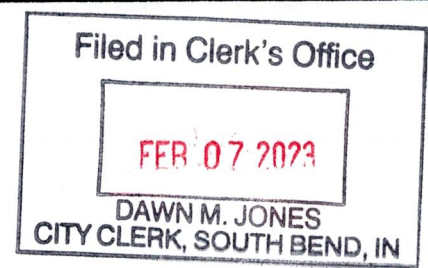
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles  
Zoning Specialist

CC: Bob Palmer



**BILL NO. 04-23**

**ORDINANCE NO. 10917-23**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING  
APPEALS FOR THE PROPERTY LOCATED AT 1106 PORTAGE AVE.  
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

**Legalize a 2-unit residential dwelling as a duplex.**

---

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of South Bend, Indiana, as follows:

**SECTION I.** The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1106 Portage Ave. South Bend, IN 46616 (018-1064-2753)

In order to permit 2 Unit Dwelling

**SECTION II.** Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

**SECTION III.** The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

**SECTION IV.** Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

**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, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

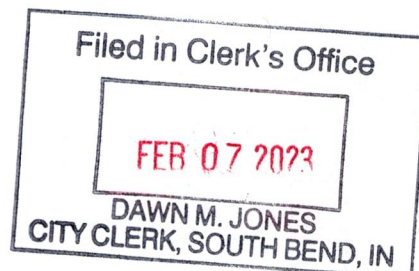
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana





City of South Bend  
**BOARD OF ZONING APPEALS**

227 W. Jefferson - Suite 1400  
South Bend, IN 46601  
zoning@southbendin.gov

**Petition for Variance - Special Exception**

Filed in Clerk's Office

**Property Information**

Tax Key Number: 018-1064-2753

Address: 1106 Portage Ave South Bend, IN 46616

Owner: Property Bros, LLC

Zoning: U1 Urban Neighborhood 1



**FEB 07 2023**

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

**Project Summary:**

1106 Portage ave south bend In, 46616 was purchased by Jordan Richardson of locally owned community investor Property Bros, LLC to establish two additional units of affordable housing to the Near NorthWest neighborhood. Each unit will consist of 2 bed/1 bath apartment units.

**Requested Action**

- ☒ Special Exception – *complete and attach Criteria for Decision Making*

Use requested: Duplex - 2 Units

- ☐ Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:

**Required Documents**

- ☒ Completed Application (including Criteria for Decision Making and Contact Information)  
☒ Site Plan drawn to scale  
☒ Filing Fee

## Criteria for Decision Making

### **Special Exception - *if applicable***

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

**(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:**

We believe its best use is to provide two affordable modern living apartments along the corridor of Portage, which is also served directly by public transportation.

**(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:**

The property currently sits in a U1 district, but has been taxed historically as a duplex property. See historical record card. We believe that the property was originally intended to be used as a duplex

**(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:**

This proposed duplex is within blocks of several other legal duplexes, making its use in line with the Near NorthWest neighborhood plan while also revitalizing a neighborhood eye soar.

**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:**

We believe this proposed project is in line with the Near NorthWest neighborhood strategic plan and will help to revitalize a well known and seen neighborhood eye soar.

## Contact Information

### Property owner(s) of the petition site:

Name: Jordan Richardson

Address: 1251 N Eddy St South Bend, IN 46616

Name:

Address:

Name:

Address:

### Contact Person:

Name: Jordan Richardson

Address: 1251 n Eddy St South Bend, IN

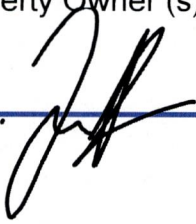
Phone Number: 574-904-5674

E-mail: JORDAN@PROPERTYBROSLLC.COM

**By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.**

**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

Property Owner (s) Signatures:





**Site: 1106 Portage Ave South Bend, IN 46616**

**Subject: Property Enhancement Plan**

**Owner: Property Bros, LLC**

Property Bros LLC is a world class real-estate development firm focused on bridging the gap between modern lux living and affordable housing.

1106 Portage ave south bend In, 46616 was purchased by Jordan Richardson of locally owned community investor Property Bros, LLC to establish two additional units of affordable housing to the Near NorthWest neighborhood. Each unit will consist of 2 bed/1 bath apartment units.

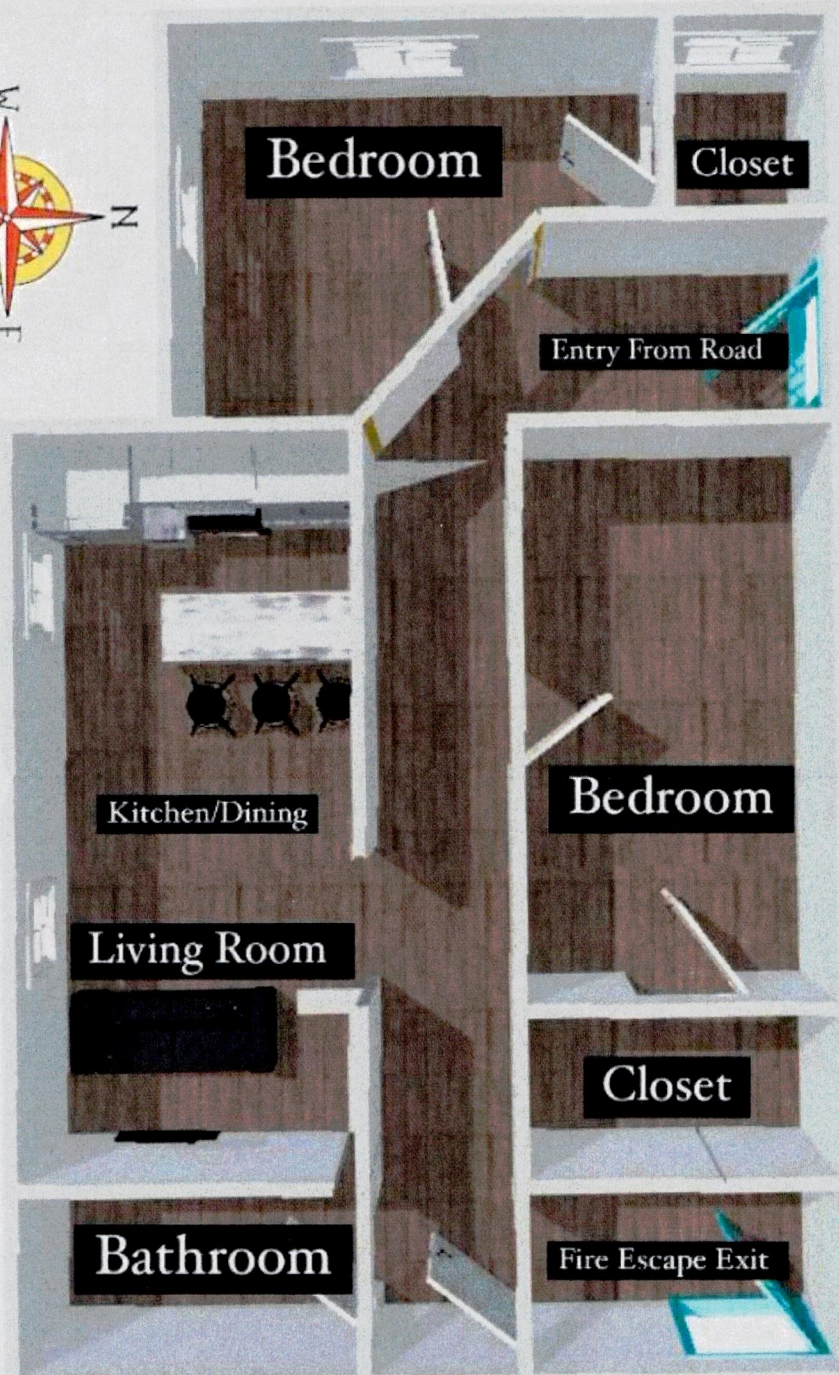
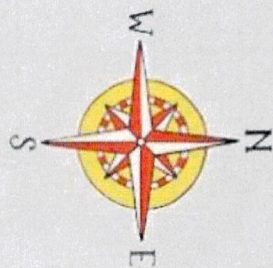
The property currently sits in a U1 district, but has been taxed historically as a duplex property. See historical record card. We believe that the property was originally intended to be used as a duplex and believe its best use is to provide two affordable modern living apartments along the corridor of Portage, which is also served directly by public transportation.

This proposed duplex is within blocks of several other legal duplexes, making its use in line with the Near NorthWest neighborhood plan while also revitalizing a neighborhood eye soar.





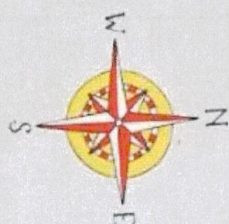
# Main Road



Upstairs Unit



# Main Road



Bedroom

Closet

Closet

Living/Dining Room

Bedroom

Kitchen

Bathroom

Fire Escape Exit

Downstairs Unit



1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



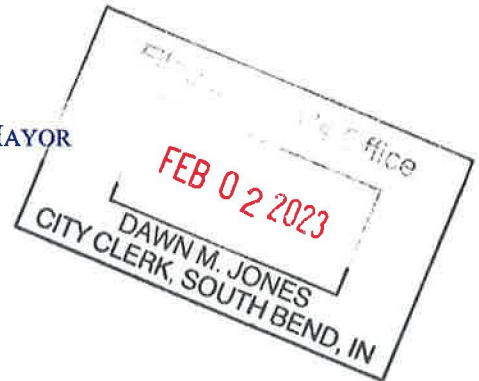
PHONE 574/235-9251  
FAX 574/235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR  
**BOARD OF PUBLIC WORKS**

January 24, 2023

Mr. Jeffery P. Costello  
Memorial Hospital of South Bend, Inc.  
615 N. Michigan St.  
South Bend, IN 46601

Mr. Heiden  
Jones Petrie Rafinski Corp.  
412 S. Lafayette Blvd.  
South Bend, IN 46601  
[rheiden@jprlsource.com](mailto:rheiden@jprlsource.com)



RE: Right-of-Way Vacation – 615 N. Michigan St. (Preliminary Review)

Dear Mr. Costello:

At its January 24, 2023 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

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 right-of-way subject to easements for existing municipal utilities. If you still wish to pursue this right-of-way vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> floor of the County-City Building. Right-of-Way vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the right-of-way vacation will affect your property taxes, please contact the Auditor's Office.

Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures  
TH/lh



**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** October 31, 2022

**TO:** Matt Longfellow, Public Works  
Chris Dressel, Community Investment  
Gerard Ellis, Fire Department  
Brad Rohrscheib, Police Department

**FROM:** Theresa Heffner, Clerk (theffner@southbendin.gov)

**SUBJECT:** REQUEST FOR RECOMMENDATIONS – ROW VACATION

**APPLICANT:** Beacon Health

**LOCATION:** 615 N. Michigan St.

**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 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.

**PUBLIC WORKS:** Favorable recommendation subject to easements for existing municipal utilities

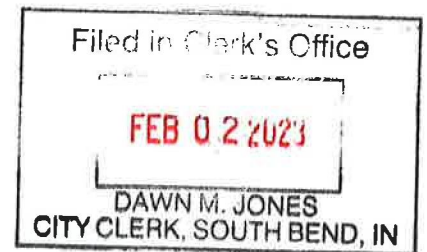
**COMMUNITY INVESTMENT:** Favorable recommendation subject to easements for existing municipal utilities

**FIRE:** Favorable

**POLICE:** Favorable recommendation

BILL NO. 05-23

ORDINANCE NO. 10916-23



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

---

*THE FIRST STREET TO BE VACATED IS THAT PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, BETWEEN MICHIGAN AVENUE TO THE EAST AND THE VACATED SECTION OF MAIN STREET TO THE WEST.*

*THE SECOND STREET TO BE VACATED IS THAT PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, LYING EAST OF MICHIGAN STREET AND WEST OF ST. JOSEPH STREET.*

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:

---

*THE FIRST STREET TO BE VACATED IS THAT PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, BETWEEN MICHIGAN AVENUE TO THE EAST AND THE VACATED SECTION OF MAIN STREET TO THE WEST.*

*THE SECOND STREET TO BE VACATED IS THAT PART OF OLD BARTLETT STREET LYING SOUTH OF THE NEW BARTLETT STREET ROUNDABOUT, LYING EAST OF MICHIGAN STREET AND WEST OF ST. JOSEPH STREET.*

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:

018-1010-0366

018-1005-0198

Section IV. The purpose of the vacation of the real property is to complete the transfer of property between the City of South Bend and Beacon Health from when Bartlett St. was realigned as a result of the construction of a round-a-bout in 2015.

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.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

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

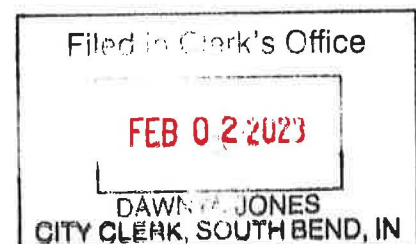
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_ o'clock \_\_\_\_ m

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana

H:\2021 Projects\2021-0127\ENG\Right-of-way Vacation\2023-01-31 Vacation Application\2023-1-7 Street Alley  
Vacation Ordinance .docx





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


TO THE COMMON COUNCIL  
OF THE CITY OF SOUTH BEND, INDIANA

DATE: February 1, 2023



I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE:

- A. THE ALLEY DESCRIBED AS: N/A
- B. THE STREET DESCRIBED AS: Bartlett Street between Main Street and St. Joseph Street.

NAME (signed & printed)	ADDRESS	LOT #
<hr/>	School City of South Bend	2
<hr/>	834 N. Lafayette Blvd., South Bend	
 <hr/>	Leeper Park	5
Aaron Petri	837 N. Lafayette Blvd., South Bend	

CONTACT PERSON (S)

NAME: Robert Heiden

RETURN TO:

OFFICE OF THE CITY CLERK  
DAWN M. JONES, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
574-235-9221

ADDRESS: Jones Petrie Rafinski  
325 S. Lafayette Blvd.  
South Bend, IN 46601  
PHONE: 574-232-4388



**STREET/ALLEY VACATION APPLICATION**  
City of South Bend – Board of Public Works  
227 W. Jefferson Boulevard, Ste. 1316  
South Bend, IN 46601

Date: October 24, 2022

Phone #: 574-232-4388

Name: Beacon Health

Email: rheiden@jpr1source.com

Property  
Address:

615 N Michigan St, South Bend IN 46601

Applicant property information: ☒ Residential ☒ Commercial ☐ Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

This application is for the old Bartlett St right-of-way, between Main St and Michigan St, the new right-of-way follows the relocated road to the north.

Is your property adjacent to the alley of interest?

☒ Yes ☐ No

Do you own all adjacent properties to the alley of interest?

☒ Yes ☐ No

Does the existing alley provide garage access to other property owners?

☐ Yes ☒ No

Does the alley receive daily traffic excluding your own use?

☐ 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

Reason for street/alley vacation and proposed use:

To complete the transfer of property between the City and Beacon Health from when Bartlett St was realigned with the construction of a round-a-bout back in 2015. Vacation is shown as Parcel 2 and Parcel 5 on the attached Figure A.

A map MUST be provided highlighting the area you would like to vacate with this application.

OFFICE USE ONLY:

Board Recommendation:

☒ Yes ☐ No

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Gary A. Gilot, Member

Murray L. Miller, Member

Joseph R. Molnar, Vice President

Jordan V. Gathers, Member

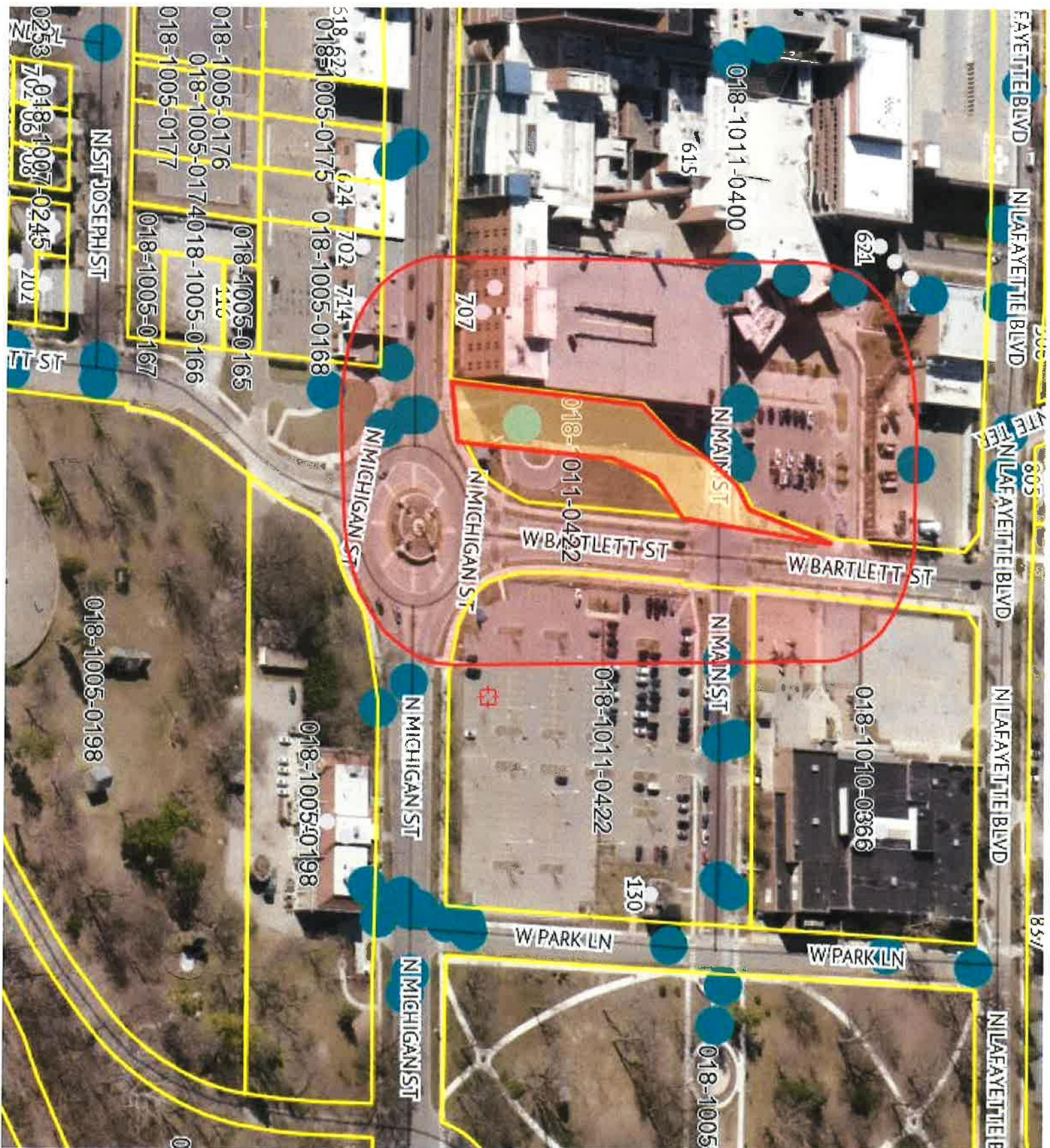
Attest: Theresa M. Hefner, Clerk

Date: January 24, 2023





[illegible]







N ST

707

018-1011-0422

018-1011-0422

130

W PARK LN

N MICHIGAN ST

N MICHIGAN

N MICHIGAN ST

018-1005-0198

018-1005-0165

018-1005-0176

018-1005-0174

018-1005-0177

018-1005-0167

N ST JOSEPH ST

018-1005-0198

018-1007-0245

018-1007-0248

018-1007-0249

018-1007-0250

018-1007-0251

N RIVERSIDE DR

018-



Project 114-032B (Parcels 1 and 1A)  
Project 114-035 (Parcels 4A, 4B, 4C,  
4D, 4E, 4F, 4G, 4H, and 4K)

### WARRANTY DEED

**THIS INDENTURE WITNESSETH** that Memorial Hospital of South Bend, Inc, an Indiana non-profit corporation, the Grantor, conveys and warrants to the **CIVIL CITY OF SOUTH BEND FOR THE USE AND BENEFIT OF ITS BOARD OF PUBLIC WORKS**, the Grantee, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, certain real property (the "Real Estate") situated in the County of St. Joseph, State of Indiana, and being more particularly described in the legal descriptions and depictions collectively attached hereto as Exhibit 1 (which includes, for each respective parcel, a legal description identified as Exhibit "A" and a Right-of-Way Parcel Plat identified as Exhibit "B"), which is incorporated herein by reference.

This conveyance is subject to any and all easements, conditions, and restrictions of record.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor, or any successors in title to the abutting lands of the Grantor, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway, or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor and all successors and assigns.

The undersigned Grantor executing this Warranty Deed represents and certifies that the Grantor is competent and fully empowered to execute and deliver this conveyance and in doing so is not violating any other agreement to which Grantor is a party; that the Grantor has full legal capacity to convey the real estate described and that all necessary action necessary to complete this conveyance has been duly taken.

The undersigned represents and warrants that he is a duly elected officer of the Grantor; that the Grantor is a corporation validly existing in the State of Indiana; that the Grantor has full corporate capacity to convey the real estate interest described; that pursuant to resolution of the board of directors or shareholders of the Grantor or the by-laws of the Grantor he has full authority to execute and deliver this instrument on its behalf and that said authority has not been revoked; that he is, therefore, fully authorized and empowered to convey to the Grantee real estate of the Grantor, and that on the date of execution of said conveyance instrument he had full authority to so act; and that all necessary corporate action for the making of this conveyance has been duly taken.

IN WITNESS WHEREOF, the Grantor has executed this instrument this \_\_\_ day of March, 2016.

**MEMORIAL HOSPITAL OF SOUTH BEND, INC,**  
an Indiana non-profit corporation

By: Jeffrey P. Costello  
Printed: Jeffrey P. Costello  
Its: CFO

STATE OF INDIANA )  
COUNTY OF ST. JOSEPH ) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this \_\_\_ day of March, 2016, personally appeared Jeffrey P. Costello, personally known to me as the CFO of the Grantor and acknowledged the execution of the foregoing Warranty Deed for and on behalf of the Grantor.

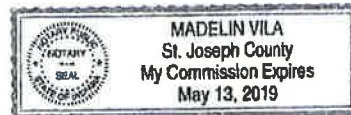
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

(SEAL)

Madelin Vila  
Madelin Vila, Notary Public  
Resident of St. Joseph County, IN

My commission expires:

5-13-19



Interests in land acquired by the  
Civil City of South Bend for the use and benefit of its Board of Public Works  
Grantee mailing address:  
227 W. Jefferson Blvd. Suite 1300 N  
South Bend, IN 46601

This instrument was prepared by Benjamin J. Dougherty, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Benjamin J. Dougherty.

4000.0000039 48486974.001

**EXHIBIT 1**

**Legal Description of Memorial Property**

[See attached descriptions and depictions of Project 114-032B Parcels 1 and 1A, respectively, and Project 114-035 Parcels 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, and 4K, respectively.]



## EXHIBIT "A"

Project: Bartlett Street Improvements  
Parcel: 1 Fee Simple

Sheet 1 of 2

A part of Lot 2A Memorial Hospital 2nd Replat, the plat of which is recorded in Instrument No. 0922160, in the Office of the Recorder of St. Joseph County, Indiana and being a part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the southeast corner of Lot 2A of said Replat; thence South 89 degrees 36 minutes 59 seconds West along the south line of said Lot 23.18 feet; thence northerly 30.06 feet along a non-tangent arc to the right having a radius of 114.00 feet and subtended by a long chord having a bearing of North 40 degrees 26 minutes 50 seconds West and a length of 29.97 feet; thence northwesterly 9.36 feet along an arc to the left having a radius of 20.00 feet and subtended by a long chord having a bearing of North 46 degrees 18 minutes 28 seconds West and a length of 9.28 feet; thence northwesterly 25.16 feet along an arc to the left having a radius of 121.32 feet and subtended by a long chord having a bearing of North 66 degrees 16 minutes 32 seconds West and a length of 25.12 feet; thence North 72 degrees 13 minutes 02 seconds West 36.66 feet; thence westerly 9.35 feet along a non-tangent arc to the left having a radius of 134.00 feet and subtended by a long chord having a bearing of North 88 degrees 29 minutes 25 seconds West and a length of 9.35 feet; thence South 89 degrees 30 minutes 36 seconds West 217.80 feet; thence South 44 degrees 30 minutes 36 seconds West 3.95 feet to the south line of said Lot; thence North 57 degrees 34 minutes 30 seconds West 8.54 feet along said south line; thence North 56 degrees 55 minutes 33 seconds West 118.71 feet along said south line; thence North 44 degrees 27 minutes 34 seconds East 4.97 feet; thence North 89 degrees 30 minutes 36 seconds East 99.92 feet; thence South 45 degrees 32 minutes 26 seconds East 4.45 feet; thence North 89 degrees 27 minutes 34 seconds East 160.58 feet; thence easterly 76.73 feet along an arc to the left having a radius of 631.00 feet and subtended by a long chord having a bearing of North 85 degrees 58 minutes 33 seconds East and a length of 76.68 feet; thence easterly 45.83 feet along an arc to the left having a radius of 171.00 feet and subtended by a long chord having a bearing of North 74 degrees 48 minutes 53 seconds East and a length of 45.69 feet; thence northeasterly 23.61 feet along an arc to the left having a radius of 51.00 feet and subtended by a long chord having a bearing of North 53 degrees 52 minutes 22 seconds East and a length of 23.40 feet; thence northeasterly 28.72 feet along an arc to the left having a radius of

## **EXHIBIT "A"**

**Project: Bartlett Street Improvements**  
**Parcel: 1 Fee Simple**

**Sheet 2 of 2**

181.00 feet and subtended by a long chord having a bearing of North 36 degrees 03 minutes 44 seconds East and a length of 28.69 feet; thence North 31 degrees 30 minutes 57 seconds East 7.71 feet; thence northerly 55.17 feet along an arc to the left having a radius of 99.00 feet and subtended by a long chord having a bearing of North 15 degrees 33 minutes 00 seconds East and a length of 54.46 feet to the east line of said Lot; thence South 0 degrees 24 minutes 57 seconds East 231.49 feet along said east line to the point of beginning and containing 32,769 square feet.

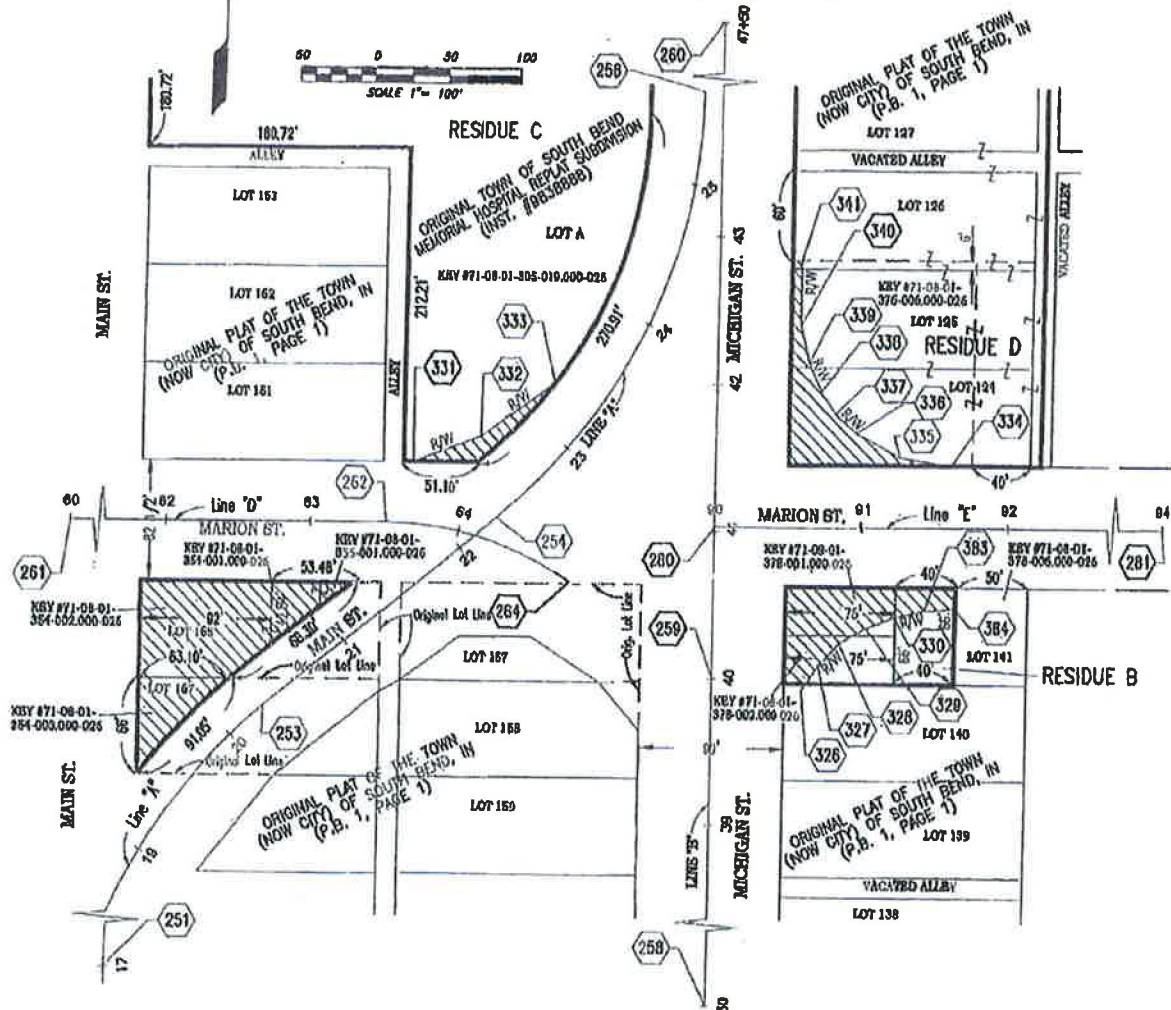
**Reference Document: Memorial Hospital 2nd Replat, Instr. No. 0922160**

**Prepared for:** City of South Bend  
**By:** Jeffrey S. Barnes, PS  
**Firm:** Jones Petrie Rofinski, Inc.  
**Date:** February 3, 2016  
**Job Number:** 2014-5083

# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

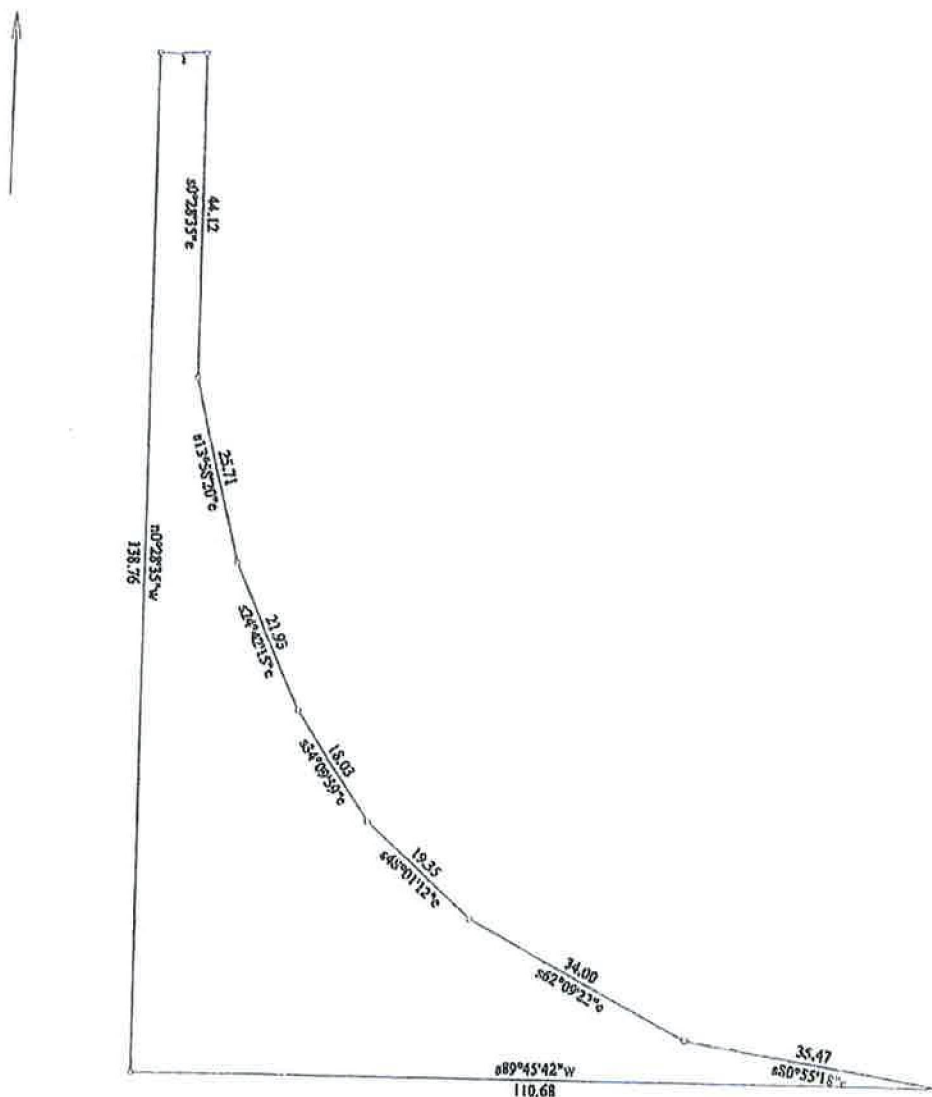
INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857869, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL



Title: Parcel 4K Fee Simple Revised		Date: 11-12-2015
Scale: 1 inch = 20 feet	File: Parcel 4K DP.txt	
Tract 1: 0.075 Acres: 3269 Sq Feet; Closure = n43.5430w 0.01 Feet; Precision =1/50191; Perimeter = 455 Feet		
001=n0.2835w 138.76	005=s24.4215e 21.93	009=s80.5518e 35.47
002=s89.4542e 6.50	006=s34.0959e 18.03	010=s89.4542w 110.68
003=s0.2835e 44.12	007=s48.0112e 19.35	
004=s13.5820e 25.71	008=s62.0922e 34.00	



Parcel No: 2  
 Des. No.: na  
 Project: na  
 Road: Bartlett Street  
 Sec: 1 Town: 37N Range: 2E

# PARCEL PLAT EXHIBIT "B"

Prepared for: City of South Bend  
 Owner: City of South Bend  
 na

Code: na

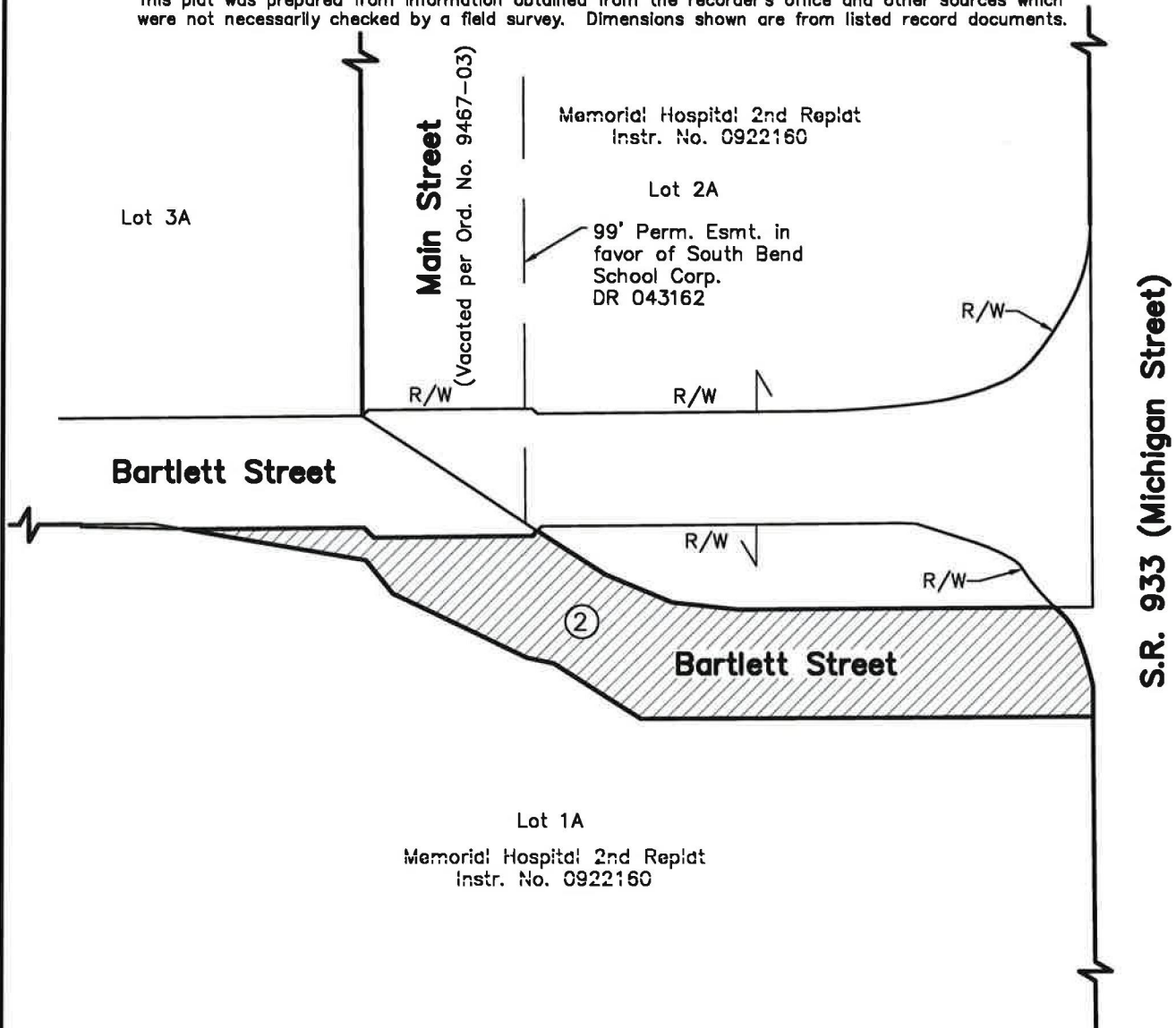
Drawn: jsb  
 Checked: mdc  
 County: St. Joseph



Hatched area is  
 approximate acquisition.

Deed Rec.: -  
 Key Number: -

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.



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 South Bend, IN 46601  
 p: 574.232.4388  
 f: 574.232.4333

1" = 100'

## **EXHIBIT "A"**

Project: Bartlett Street Improvements

Parcel: 2 Fee Simple (part of Existing Bartlett Street Right-of-Way)

Sheet 1 of 1

A part of the existing right-of-way of Bartlett Street as dedicated per the Memorial Hospital 2nd Replat, the plat of which is recorded in Instrument No. 0922160, in the Office of the Recorder of St. Joseph County, Indiana and being a part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the northeast corner of Lot 1A in said Replat; Beginning at the northeast corner of Lot 1A in said Replat and being of the south right-of-way line of Bartlett Street; thence South 89 degrees 42 minutes 18 seconds West 274.84 feet along the north line of said Lot; thence North 57 degrees 34 minutes 30 seconds West 62.18 feet along said line; thence North 78 degrees 35 minutes 28 seconds West 16.86 feet along said line; thence North 64 degrees 35 minutes 32 seconds West 90.48 feet along said line; thence North 39 degrees 07 minutes 25 seconds West 25.97 feet along said line; thence North 80 degrees 21 minutes 17 seconds West 111.95 feet along said line; thence South 89 degrees 05 minutes 59 seconds East 3.88 feet along said line; thence North 89 degrees 30 minutes 36 seconds East 105.39 feet; thence South 45 degrees 29 minutes 24 seconds East 8.43 feet; thence North 89 degrees 27 minutes 47 seconds East 96.38 feet to the south line of Lot 2A in said Replat and being the north right-of-way line of Bartlett Street; thence North 44 degrees 30 minutes 36 seconds East 4.37 feet along said line; thence South 57 degrees 34 minutes 30 seconds East 48.97 feet along said line; thence South 67 degrees 09 minutes 02 seconds East 43.40 feet along south line; thence South 83 degrees 53 minutes 53 seconds East 40.18 feet along said line; thence North 89 degrees 36 minutes 59 seconds East 192.70 feet along said line; thence southeasterly 3.92 feet along a non-tangent arc to the left having a radius of 114.00 feet and subtended by a long chord having a bearing of South 48 degrees 59 minutes 08 seconds East and a length of 3.92 feet; thence southeasterly 19.19 feet along an arc to the right having a radius of 40.00 feet and subtended by a long chord having a bearing of South 36 degrees 13 minutes 44 seconds East and a length of 19.00 feet; thence southerly 30.99 feet along an arc to the right having a radius of 179.50 feet and subtended by a long chord having a bearing of South 17 degrees 32 minutes 29 seconds East and a length of 30.95 feet; thence South 0 degrees 24 minutes 13 seconds East 18.43 feet to the point of beginning and containing 28,948 square feet, more or less.

Reference Document: Memorial Hospital 2nd Replat, Instr. No. 0922160

Prepared for: City of South Bend  
By: Jeffrey S. Barnes, PS  
Firm: Jones Petrie Rafinski, Inc.  
Date: February 8, 2016  
Job Number: 2014-5083



Parcel No: 5  
Des. No.: na  
Project: na  
Road: Bartlett Street  
Sec: 1 Town: 37N Range: 2E

# RIGHT-OF-WAY PARCEL PLAT EXHIBIT "B"

Code: na

Prepared for: City of South Bend  
Owner: Memorial Hospital of South Bend, Inc. County: St. Joseph

Drawn: jsb  
Checked: mdc

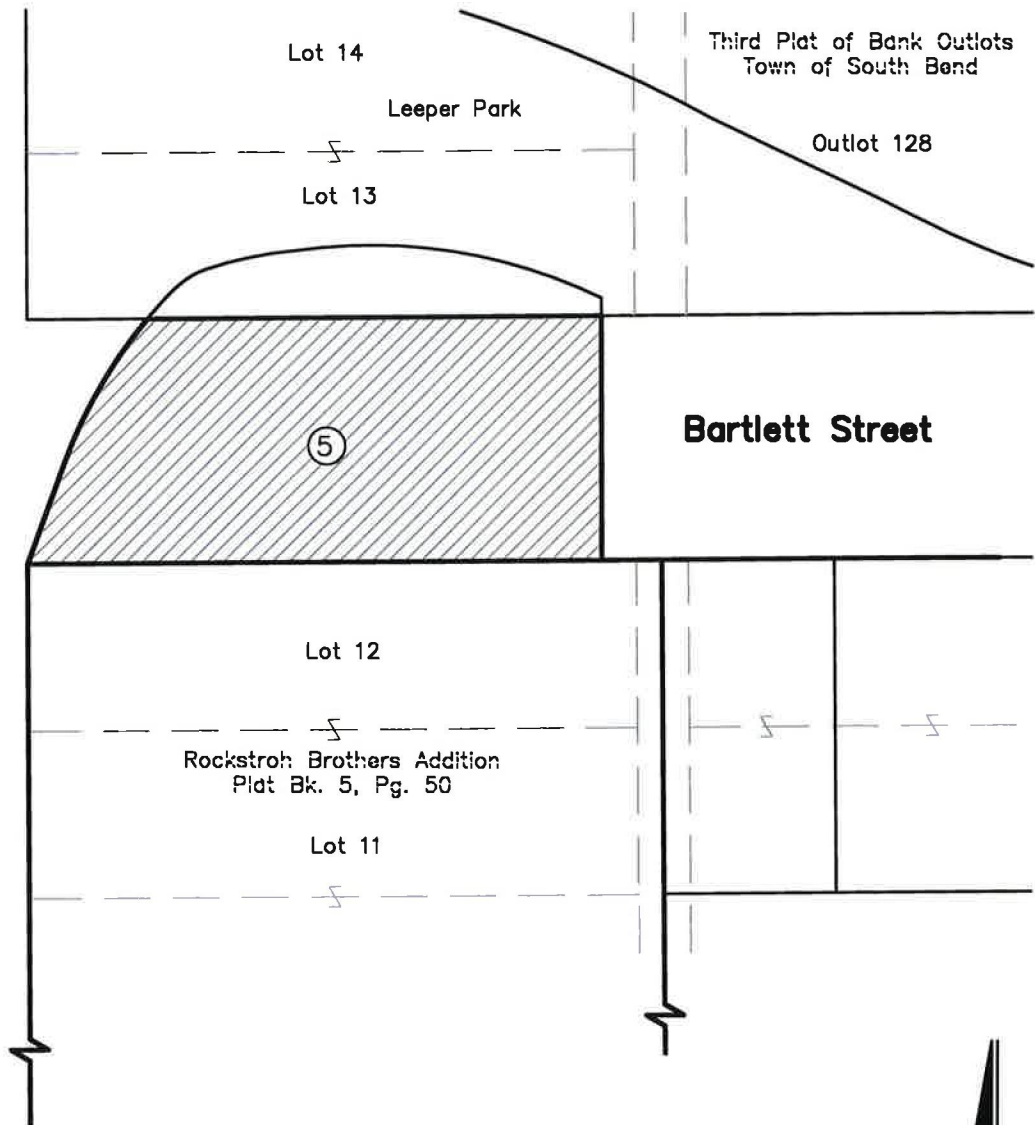


Hatched area is  
approximate acquisition.

Deed Rec.: -  
Key Number: -

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.

S.R. 933 (Michigan Street)



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GIS • Environmental • Renewable Energy • Landscape Architecture

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South Bend, IN 46601  
p: 574.232.4388  
f: 574.232.4333

1" = 50'

Section 1, T. 37 N., R. 02 E., JOB No. 2014-5083

## **EXHIBIT "A"**

**Project:** Bartlett Street Improvements

**Parcel:** 5 Fee Simple (part of Existing Bartlett Street Right-of-Way)

Sheet 1 of 1

A part of the existing right-of-way of Bartlett Street as dedicated per the plat of Rockstroh Brothers Addition, the plat of which is recorded in Plat Book 5, Page 50, in the Office of the Recorder of St. Joseph County, Indiana and being a part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the northwest corner of Lot 12 in said Addition; thence North 19 degrees 48 minutes 50 seconds East 28.65 feet; thence northeasterly 45.60 feet along an arc to the right having a radius of 130.00 feet and subtended by a long chord having a bearing of North 29 degrees 51 minutes 47 seconds East and a length of 45.37 feet to the north right-of-way line of Bartlett Street; thence North 89 degrees 28 minutes 30 seconds East 123.51 feet along said north line; thence South 0 degrees 17 minutes 38 seconds East 66.00 feet to the north line of Lot 12 in said Addition; thence South 89 degrees 28 minutes 30 seconds West 156.15 feet along said north line to the point of beginning and containing 9,403 square feet, more or less.

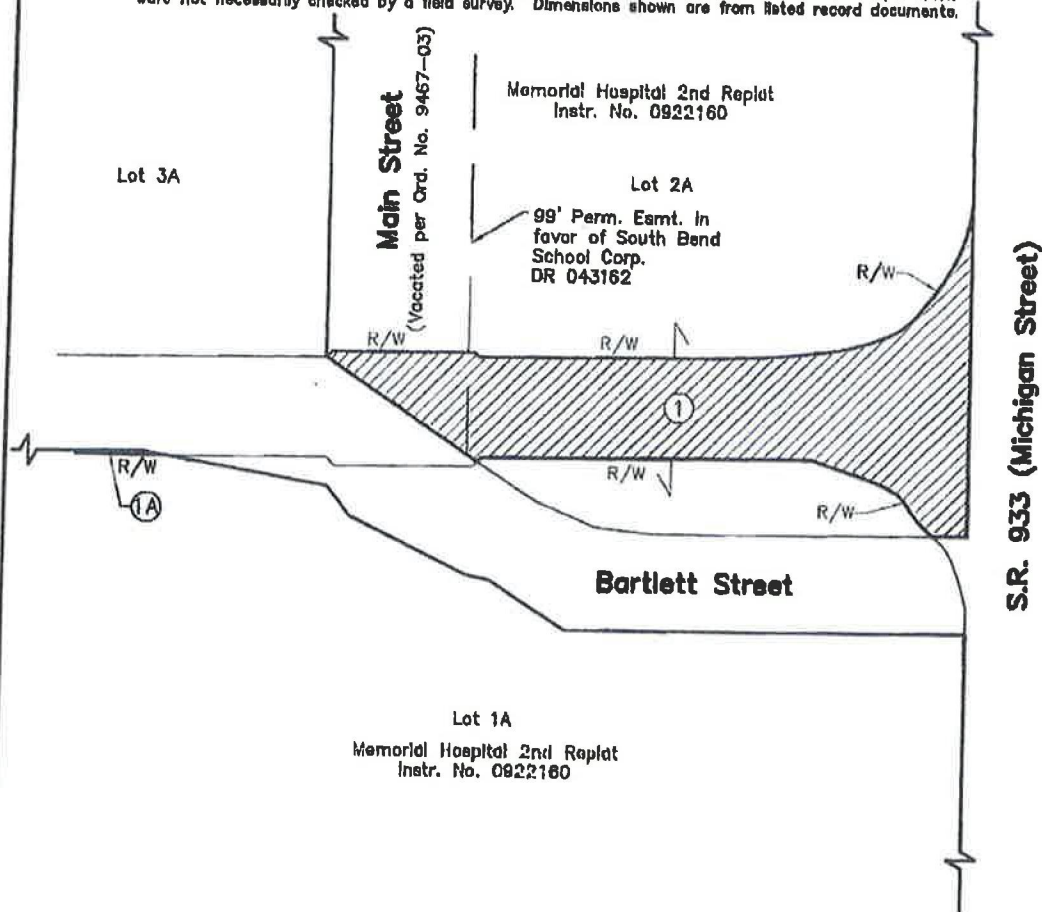
**Prepared for:** City of South Bend  
**By:** Jeffrey S. Barnes, PS  
**Firm:** Jones Petrie Rafinski, Inc.  
**Date:** February 3, 2016  
**Job Number:** 2014-5083

Parcel No: 1 and 1A **RIGHT-OF-WAY PARCEL PLAT** Code: na  
 Des. No.: na **EXHIBIT "B"**  
 Project: na  
 Road: Bartlett Street  
 Sec: 1 Town: 37N Range: 2E Prepared for: City of South Bend  
 Owner: Memorial Hospital of South Bend, Inc. County: St. Joseph  
 Drawn: Job  
 Checked: mdc  
 Deed Rec.:  
 Key Number:



Hatched area is approximate acquisition.

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.



Section 1 T. 37 N. R. 02 E. JCR No. 2014-5083



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 South Bend, IN 46601  
 p: 574.232.4388  
 f: 574.232.4333

1" = 50'

## **EXHIBIT "A"**

**Project:** Bartlett Street Improvements  
**Parcel:** 1A Fee Simple

Sheet 1 of 1

A part of Lot 1A Memorial Hospital 2nd Replat, the plat of which is recorded in Instrument No. 0922160, in the Office of the Recorder of St. Joseph County, Indiana and being a part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Commencing at the northeast corner of Lot 1A of said Replat; thence South 89 degrees 42 minutes 18 seconds West 274.84 feet along the north line of said Lot; thence North 57 degrees 34 minutes 30 seconds West 62.18 feet along said north line; thence North 78 degrees 35 minutes 28 seconds West 16.86 feet along said line; thence North 64 degrees 35 minutes 32 seconds West 90.48 feet along said line; thence North 39 degrees 07 minutes 25 seconds West 25.97 feet along said line; thence North 80 degrees 21 minutes 17 seconds West 111.95 feet to the point of beginning of this description; thence North 89 degrees 05 minutes 59 seconds West 61.53 feet; thence North 0 degrees 32 minutes 26 seconds West 1.73 feet to the north line of said Lot; thence North 89 degrees 27 minutes 34 seconds East 43.25 feet along said line; thence South 80 degrees 21 minutes 17 seconds East 18.56 feet along said line to the point of beginning and containing 124 square feet, more or less.

**Reference Document:** Memorial Hospital 2nd Replat, Instr. No. 0922160

**Prepared for:** City of South Bend  
**By:** Jeffrey S. Barnes, PS  
**Firm:** Jones Petrie Rafinski, Inc.  
**Date:** February 3, 2016  
**Job Number:** 2014-5083

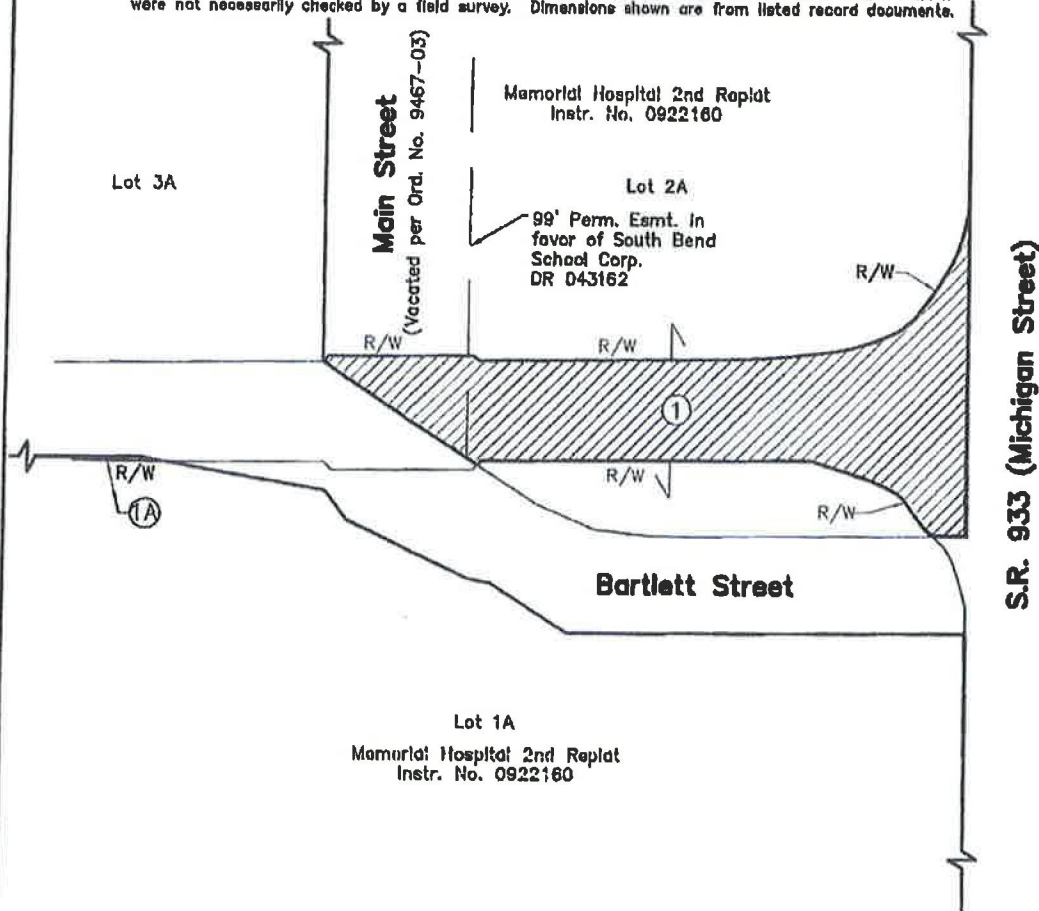
Parcel No: 1 and 1A **RIGHT-OF-WAY PARCEL PLAT** Code: na  
 Des. No.: na  
 Project: na  
 Road: Bartlett Street  
 Sec: 1 Town: 37N Range: 2E Prepared for: City of South Bend  
 Owner: Memorial Hospital of South Bend, Inc. County: St. Joseph  
 Drawn: jsb  
 Checked: mdc



Hatched area is approximate acquisition.

Deed Rec: -  
 Key Number: -

This plat was prepared from information obtained from the recorder's office and other sources which were not necessarily checked by a field survey. Dimensions shown are from listed record documents.



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1" = 50'



**EXHIBIT "A"**

Project: 114-035  
Parcel: 4A FEE SIMPLE  
Key #: 71-08-01-354-003.000-026

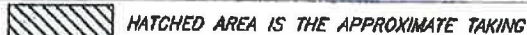
A triangular tract of land located within Lot One Hundred sixty-seven (167), as shown on the Original Plat of South Bend, St. Joseph County, Indiana more particularly described as follows: Beginning at the southwest corner of said Lot 167; thence North along the west line of said Lot 167 a distance of 66 feet more or less to the northwest corner of said Lot 167; thence Easterly along the north line of said Lot 167 a distance of 63.10 feet; thence Southwesterly along a curve to the left, with a radius of 398.10 feet and a distance of 91.05 feet more or less to the southwest corner of said Lot 167 and the point of beginning.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

Dewey L. Witte 10/30/2015  
Dewey L. Witte Date  
Indiana Registered Land Surveyor  
License Number LS29800022



Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



**PARCEL:**

PROJECT

ROAD.

ALAD:

## CONCLUSIONS

**COUNTY:**

## SECTION

**TOWNSHIP**

**RANGE:**

11-12

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

CHECKED BY: D.E. WHITE 70-30-2075  
DATE: 5-31-1981

*INSTRUMENT #9113044, DATED 5-01-1991*

**INSTRUMENT #9838888, DATED 7-23-1998**

**INSTRUMENT #9855447, DATED 10-23-1998**

INSTRUMENT #9857869, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

*Dimensions shown are from the above listed Record Documents.*

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL

**EXHIBIT "A"**

Project: 114-035  
Parcel: 4B FEE SIMPLE  
Key #: 71-08-01-354-002.000-026

The West 92 feet Lot Numbered 168 as shown on the Original Plat of the Town now City of South Bend, excepting therefrom that portion conveyed to the City of South Bend in Document Number 7928652.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

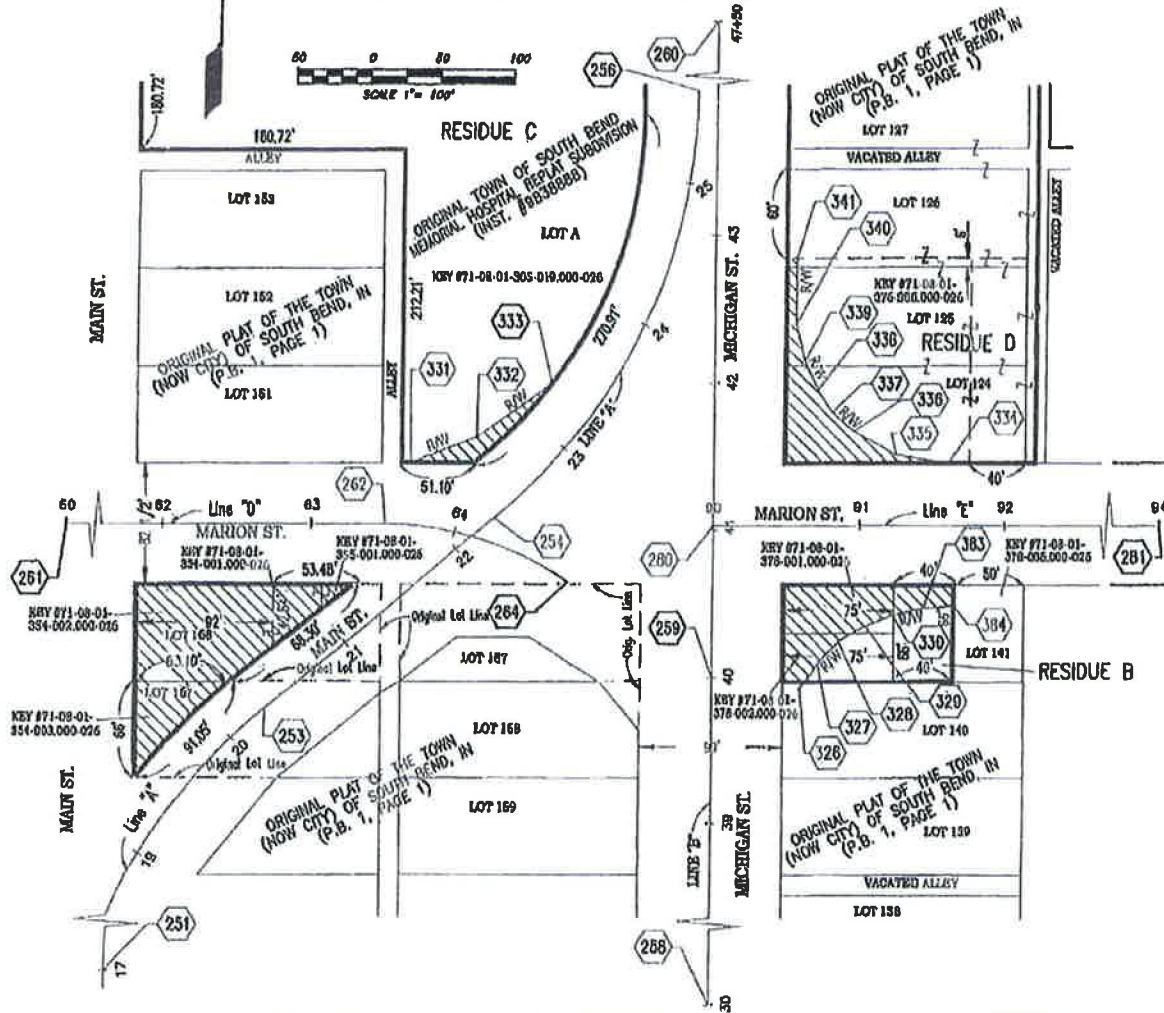
Dewey L. Witte 10/30/2015  
Dewey L. Witte Date  
Indiana Registered Land Surveyor  
License Number LS29800022



# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL




## EXHIBIT "A"

Project: 114-035  
Parcel: 4C FREE SIMPLE  
Key #: 71-08-01-354-001.000-026

A triangular tract of land located within Lot One Hundred sixty-eight (168) as shown on the Original Plat of South Bend, St. Joseph County, Indiana more particularly described as follows: Beginning at the southwest corner of said Lot 168; thence Easterly along the south line of said Lot 168 a distance of 92.00 feet; thence Northerly and parallel to the west line of said Lot 168 a distance of 23.46 feet to the true point of beginning; thence continuing Northerly and parallel to the west line of said Lot 168 a distance of 42.54 feet to the north line of said Lot 168; thence Easterly along the north line of said Lot 168 a distance of 53.48 feet; thence Southwesterly a distance of 68.30 feet more or less to the point of beginning.

Except a part of said Lot 168 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, described as follows: Commencing at the southwest corner of said lot; thence North 89 degrees 45 minutes 42 seconds East 92.00 feet; thence North 0 degrees 28 minutes 35 seconds West 66.00 feet to the north line of said lot; thence North 89 degrees 45 minutes 42 seconds East 32.49 feet along said north line to the point of beginning of this description; thence North 89 degrees 45 minutes 42 seconds East 20.99 feet to the northwestern boundary of Main Street; thence South 51 degrees 10 minutes 10 seconds West 26.76 feet along the boundary of said Main Street; thence North 0 degrees 28 minutes 35 seconds West 16.69 feet to the point of beginning of this description and containing 175 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

 10/30/2015  
Dewey L. Witte Date  
Indiana Registered Land Surveyor  
License Number LS29800022

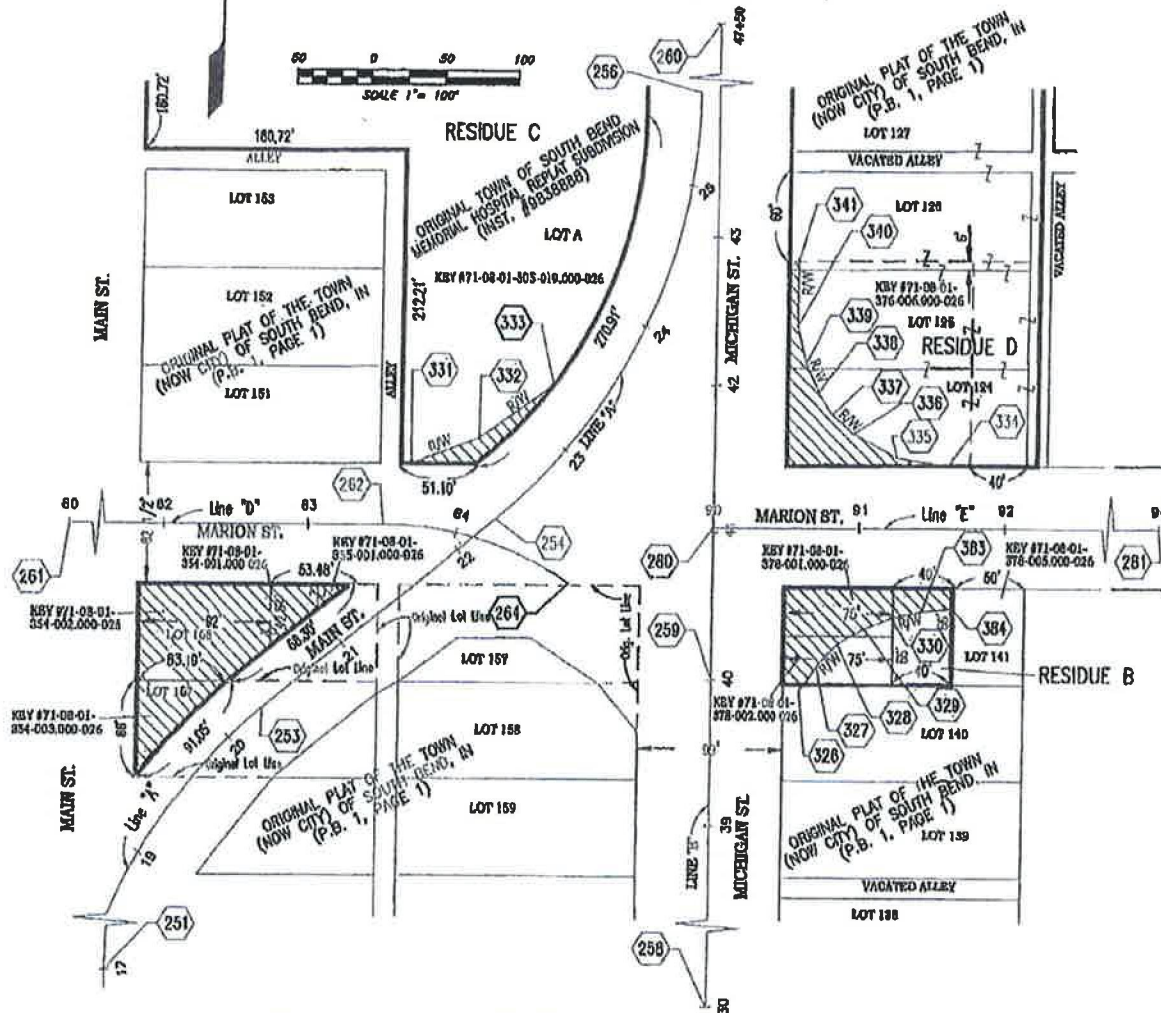




# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991  
INSTRUMENT #9838888, DATED 7-23-1998  
INSTRUMENT #9855447, DATED 10-23-1998  
INSTRUMENT #9857969, DATED 11-06-1998  
INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL

### EXHIBIT "A"

Project: 114-035  
Parcel: 4D FEE SIMPLE  
Key #: 71-08-01-355-001.000-026

A part of Lot 168 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Commencing at the southwest corner of said lot; thence North 89 degrees 45 minutes 42 seconds East 92.00 feet; thence North 0 degrees 28 minutes 35 seconds West 66.00 feet to the north line of said lot; thence North 89 degrees 45 minutes 42 seconds East 32.49 feet along said north line to the point of beginning of this description: thence North 89 degrees 45 minutes 42 seconds East 20.99 feet to the northwestern boundary of Main Street; thence South 51 degrees 10 minutes 10 seconds West 26.76 feet along the boundary of said Main Street; thence North 0 degrees 28 minutes 35 seconds West 16.69 feet to the point of beginning of this description and containing 175 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

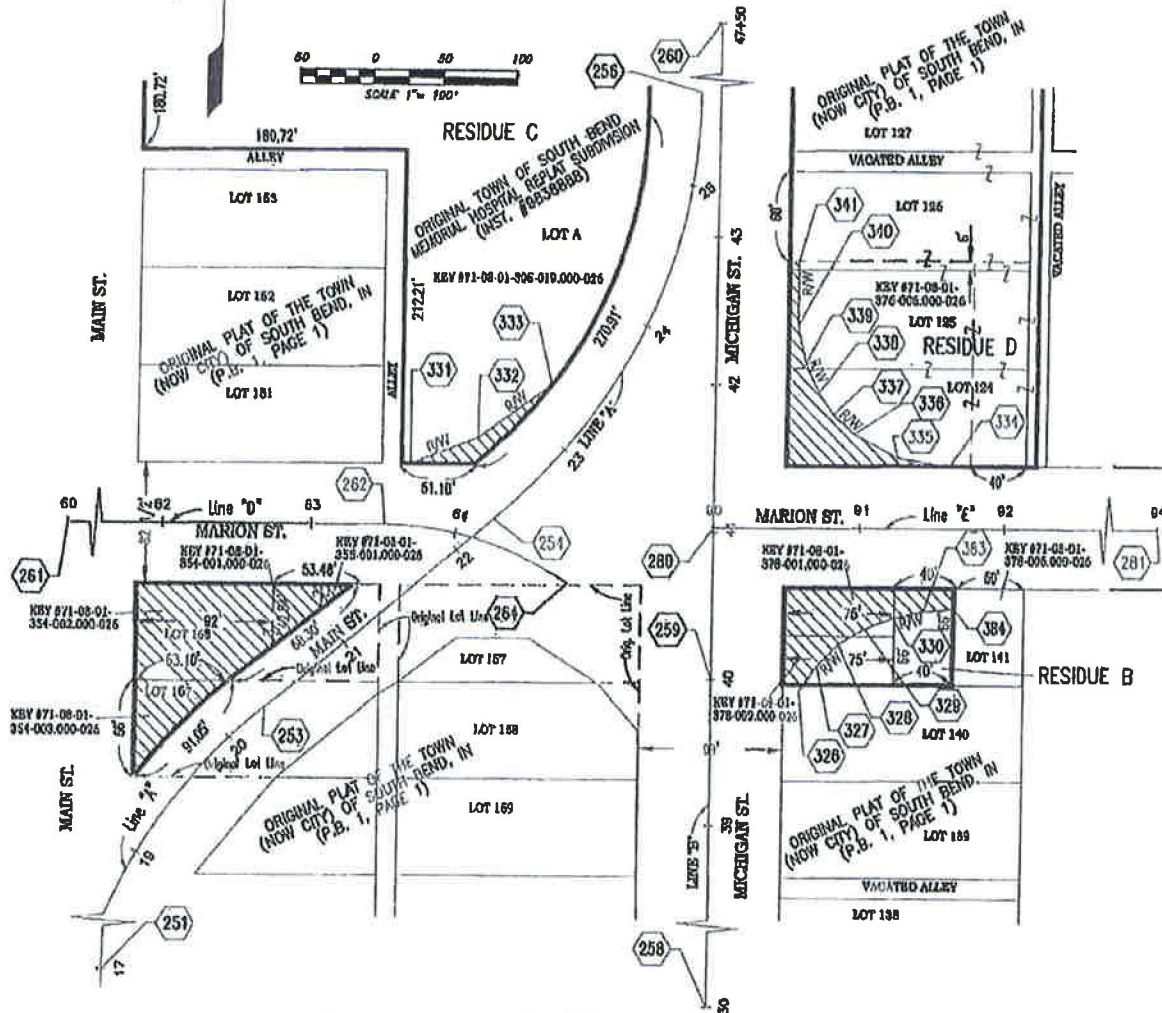
Dewey L. Witte 10/30/2015  
Dewey L. Witte Date  
Indiana Registered Land Surveyor  
License Number LS29800022



# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McGOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

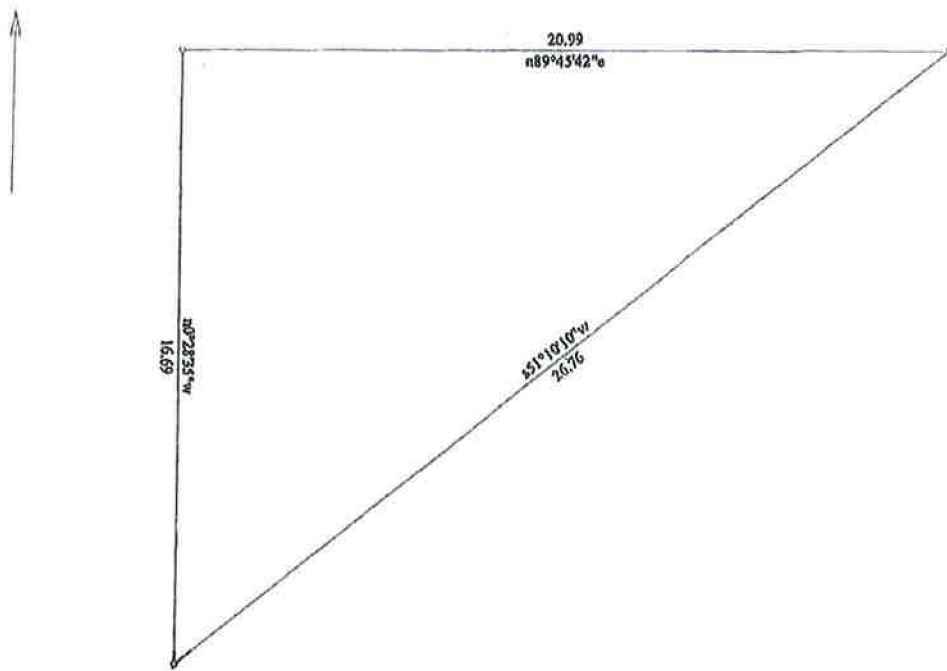
INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McGOOL



Title: Parcel 4D Fee Simple		Date: 10-28-2015
Scale: 1 inch = 4 feet	File: Parcel 4D DP.des	
Tract 1: 0.004 Acres: 175 Sq Feet: Closure = n64.5255w 0.01 Feet; Precision = 1/11880; Perimeter = 64 Feet		
001=n89.4542e 92.00	004=n89.4542e 20.99	
002=n0.2835w 66.00	005=s51.1010w 26.76	
003=n89.4542e 32.49	006=n0.2835w 16.69	



### EXHIBIT "A"

Project: 114-035  
Parcel: 4B FEE SIMPLE  
Key #: 71-08-01-378-002.000-026

A part of Lot 141 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the southwest corner of said lot; thence North 0 degrees 28 minutes 35 seconds West 33.00 feet along the west line of said lot to the northwest corner of Parcel II described in Instrument #9857969; thence North 89 degrees 45 minutes 42 seconds East 46.57 feet along the north line of said Parcel II; thence South 58 degrees 47 minutes 53 seconds West 10.77 feet to point "328" designated on said plat; thence South 42 degrees 26 minutes 55 seconds West 20.61 feet to point "327" designated on said plat; thence South 35 degrees 12 minutes 13 seconds West 15.10 feet to the south line of said lot; South 89 degrees 45 minutes 42 seconds West 14.46 feet along said south line to the point of beginning of this description and containing 923 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

*Dewey L. Witte*

11/10/2015

Dewey L. Witte  
Indiana Registered Land Surveyor  
License Number LS29800022

Date

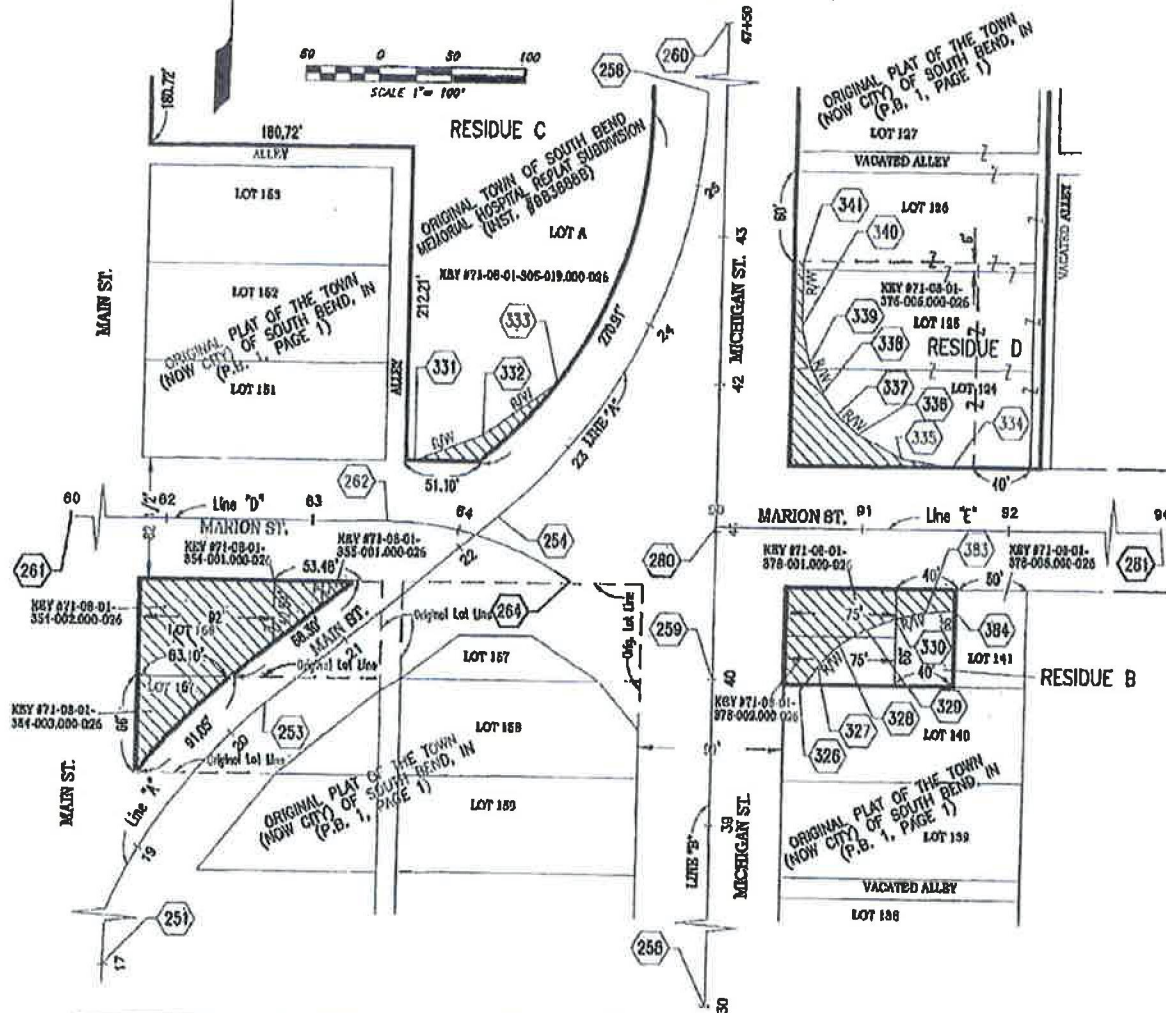


REVISED 11/09/15

# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

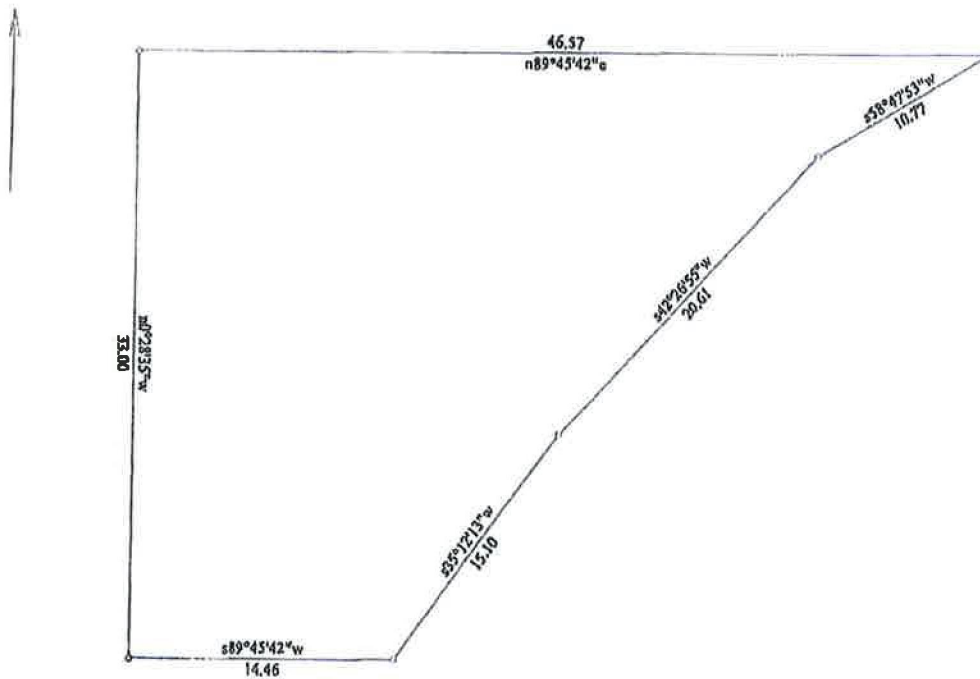
INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL



Title: Parcel 4B Fee Simple Revised		Date: 11-09-2015
Scale: 1 inch = 8 feet	File: Parcel 4B DP.txt	
Tract 1: 0.021 Acres: 923 Sq Feet: Closure = s49.4016w 0.01 Feet: Precision = 1/13264: Perimeter = 141 Feet		
001=n0.2835w 33.00	004=s42.2655w 20.61	
002=n89.4542e 46.57	005=s35.1213w 15.10	
003=s58.4753w 10.77	006=s89.4542w 14.46	

### EXHIBIT "A"

Project: 114-035  
Parcel: 4F FEE SIMPLE  
Key #: 71-08-01-378-001.000-026

A part of Lot 141 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the northwest corner of said lot; thence North 89 degrees 45 minutes 42 seconds East 75.00 feet along the north line of said lot to the northeast corner of the tract of land described in Instrument #9855447; thence South 0 degrees 28 minutes 35 seconds East 20.30 feet along the east line of the tract described in said Instrument #9855447; thence South 77 degrees 00 minutes 06 seconds West 0.74 feet to point "330" designated on said plat; thence South 68 degrees 29 minutes 27 seconds West 20.64 feet to point "329" designated on said plat; thence South 58 degrees 47 minutes 53 seconds West 9.83 feet to the south line of the tract described in said Instrument #9855447; thence South 89 degrees 45 minutes 42 seconds West 46.57 feet along said south line to the west line of said lot; thence North 0 degrees 28 minutes 35 seconds West 33.00 feet along said west line to the point of beginning of this description and containing 2,275 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

*Dewey L. Witte*

11/10/2015

Dewey L. Witte  
Indiana Registered Land Surveyor  
License Number LS29800022

Date



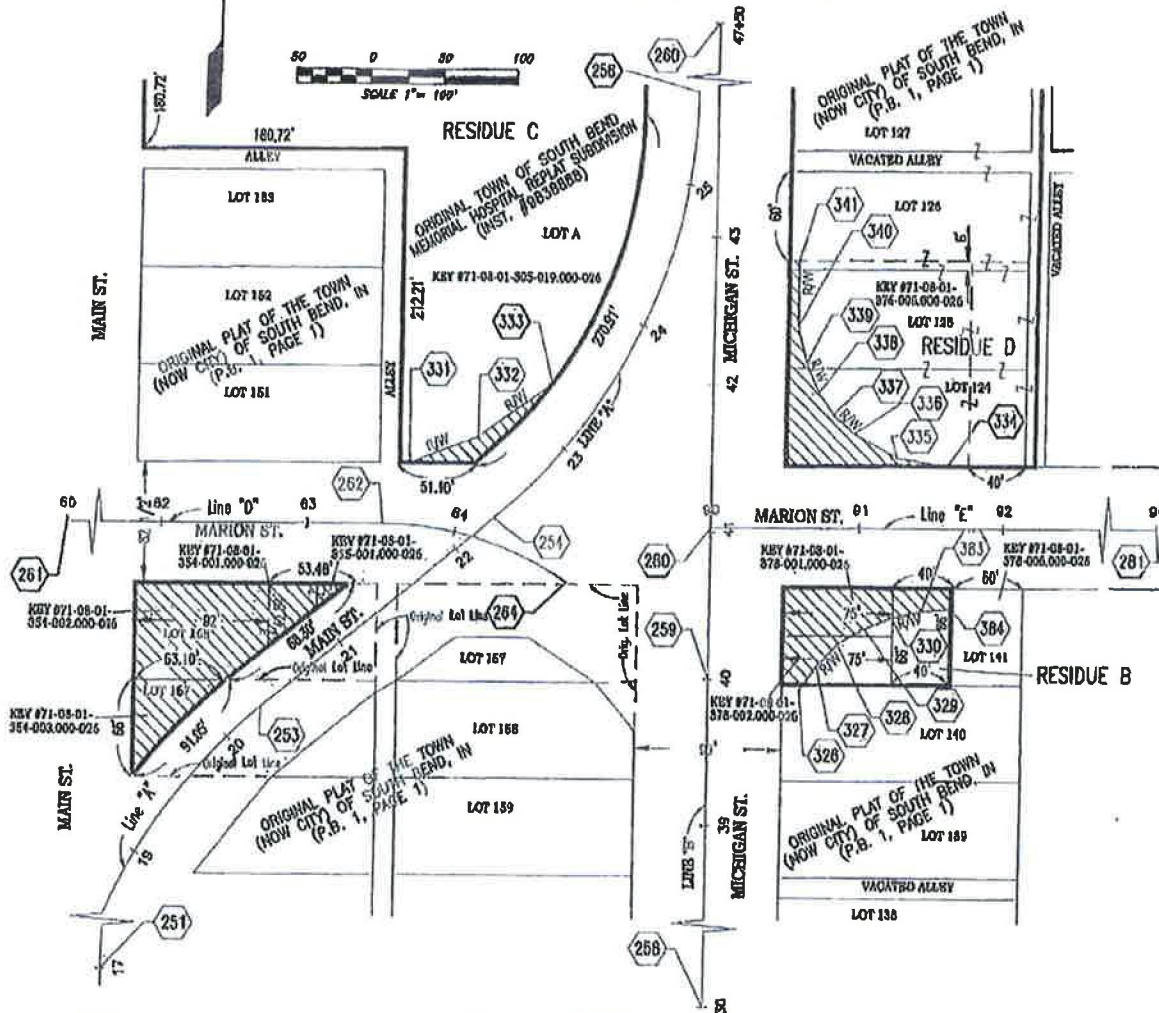
REVISED 11/09/15



# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. MCCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

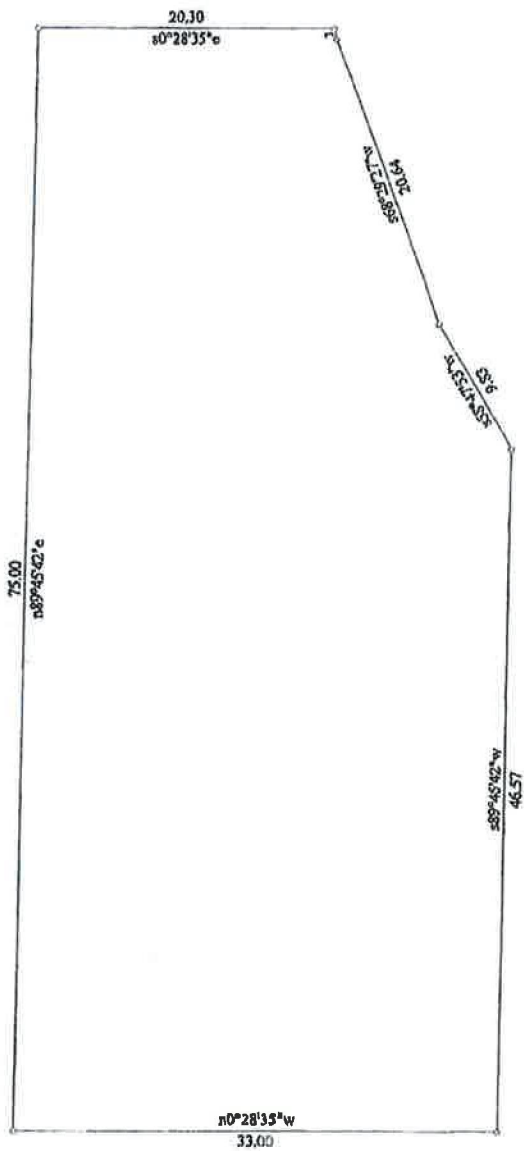
INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. MCCOOL



Title: Parcel 4F Fee Simple Revised		Date: 11-09-2015
Scale: 1 inch = 10 feet	File: Parcel 4F DP.txt	
Tract 1: 0.052 Acres: 2275 Sq Feet Closure = 040.4208e 0.01 Feet Precision = 1/17814: Perimeter = 206 Feet		
001=089.4542e 75.00	004=88.2927w 20.64	007=00.2835w 33.00
002=00.2835e 20.30	005=88.4753w 9.83	
003=877.0006w 0.74	006=89.4542w 46.57	

## EXHIBIT "A"

Project: 114-035  
Parcel: 4G FEE SIMPLE  
Key #: 71-08-01-376-006.000-026

A part of Lot 141 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at a point on the north line of said lot South 89 degrees 45 minutes 42 seconds West 50.00 feet from the northeast corner of said lot, which point of beginning being the northeast corner of Parcel 1 described in Instrument #9857969; thence South 0 degrees 28 minutes 35 seconds East 14.36 feet along the east line of said Parcel 1 to point "384" designated on said plat; thence South 85 degrees 27 minutes 50 seconds West 20.64 feet to point "383" designated on said plat; thence South 77 degrees 00 minutes 06 seconds West 19.89 feet to the west line of Parcel 1 designated in said Instrument #9857969; thence North 0 degrees 28 minutes 35 seconds West 20.30 feet along the west line said Parcel 1 to the north line of said lot; thence North 89 degrees 45 minutes 42 seconds East 40.00 feet along said north line to the point of beginning of this description and containing 663 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

*Dewey L. Witte*

11/10/2015

Dewey L. Witte  
Indiana Registered Land Surveyor  
License Number LS29800022

Date

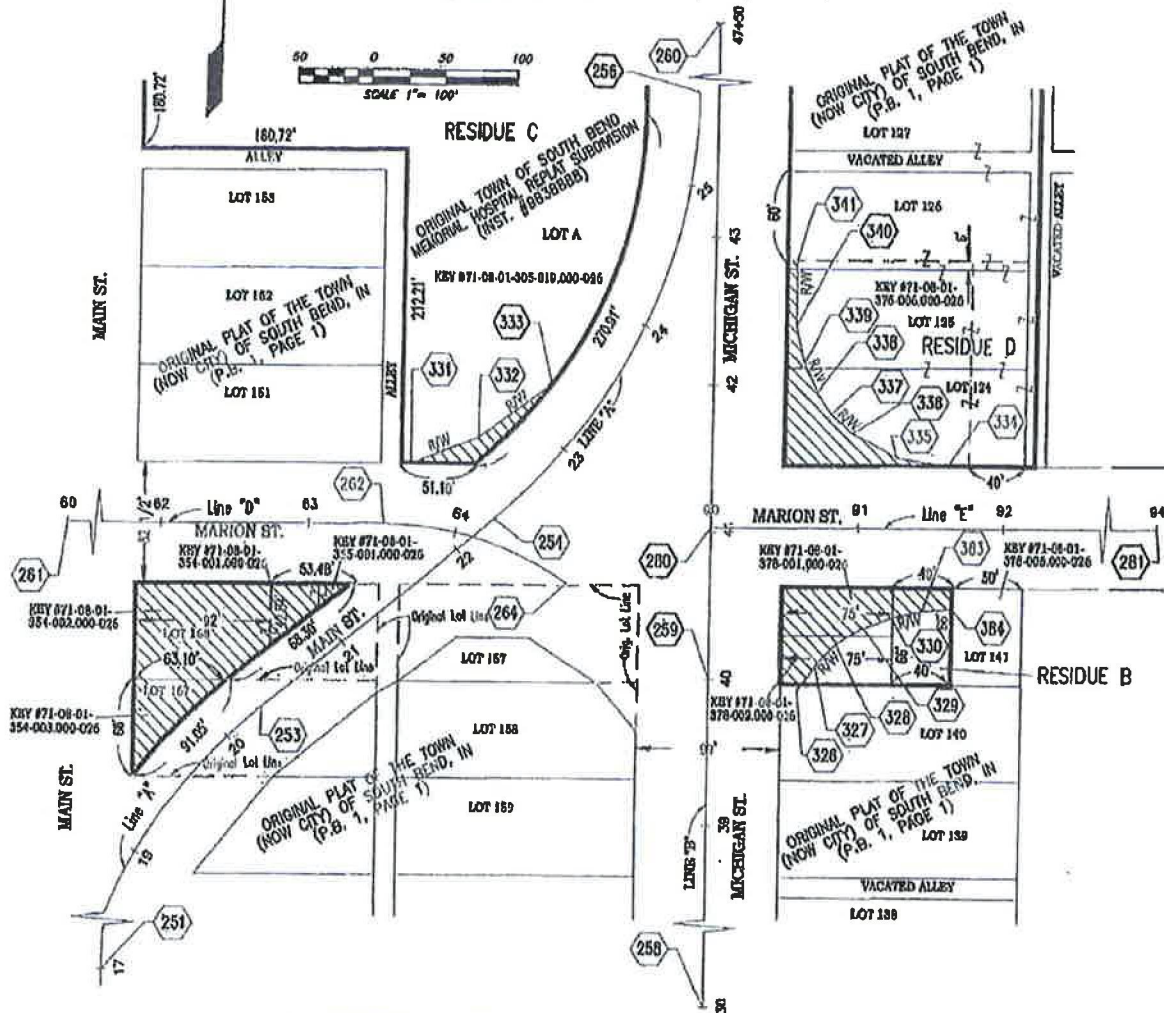



REVISED 11/09/15

# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCOOL 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #8113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

INSTRUMENT #9855447, DATED 10-23-1998

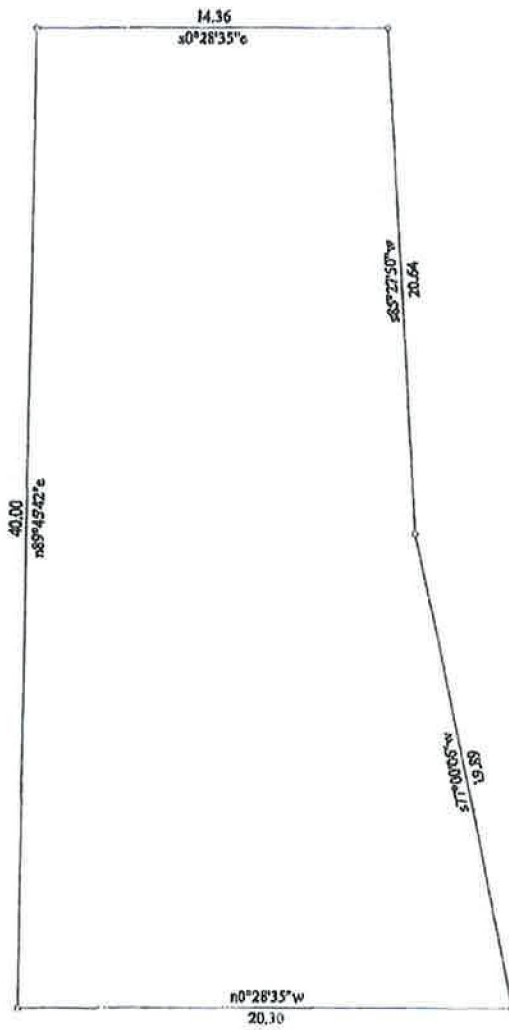
INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCOOL





Title: Parcel 4G Pee Simple Revised		Date: 11-09-2015
Scale: 1 inch = 6 feet	File: Parcel 4G DP.txt	
Tract 1: 0.015 Acres: 663 Sq Feet: Closure = 88.5308e 0.01 Feet: Precision = 1/21195: Perimeter = 115 Feet		
001=N89.4542W 50.00 004=S77.0006W 19.89		
002=S0.2835E 14.36 005=N0.2835W 20.30		
003=S85.2750W 20.64 006=N89.4542E 40.00		

### EXHIBIT "A"

Project: 114-035  
Parcel: 4H FEE SIMPLE  
Key #: 71-08-01-305-019.000-026

A part of Lot A in the Original Town of South Bend Memorial Hospital Replat Subdivision, the plat of which is recorded in Instrument #9838888, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at a point on the south line of said lot North 89 degrees 45 minutes 42 seconds East 6.38 feet from the southwest corner of said lot, which point of beginning being designated as point "331" on said plat; thence North 68 degrees 58 minutes 44 seconds East 49.59 feet to point "332" designated on said plat; thence North 54 degrees 07 minutes 27 seconds East 62.40 feet to point "333" designated on said plat, which point is on the southeastern line of said lot; thence Southwesterly 75.41 feet along an arc to the right and having a radius of 301.00 feet and subtended by a long chord having a bearing of South 43 degrees 55 minutes 34 seconds West and a length of 75.21 feet to the southeast corner of said lot; thence South 89 degrees 45 minutes 42 seconds West 44.67 feet along the south line of said lot to the point of beginning of this description and containing 927 square feet, more or less.

This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

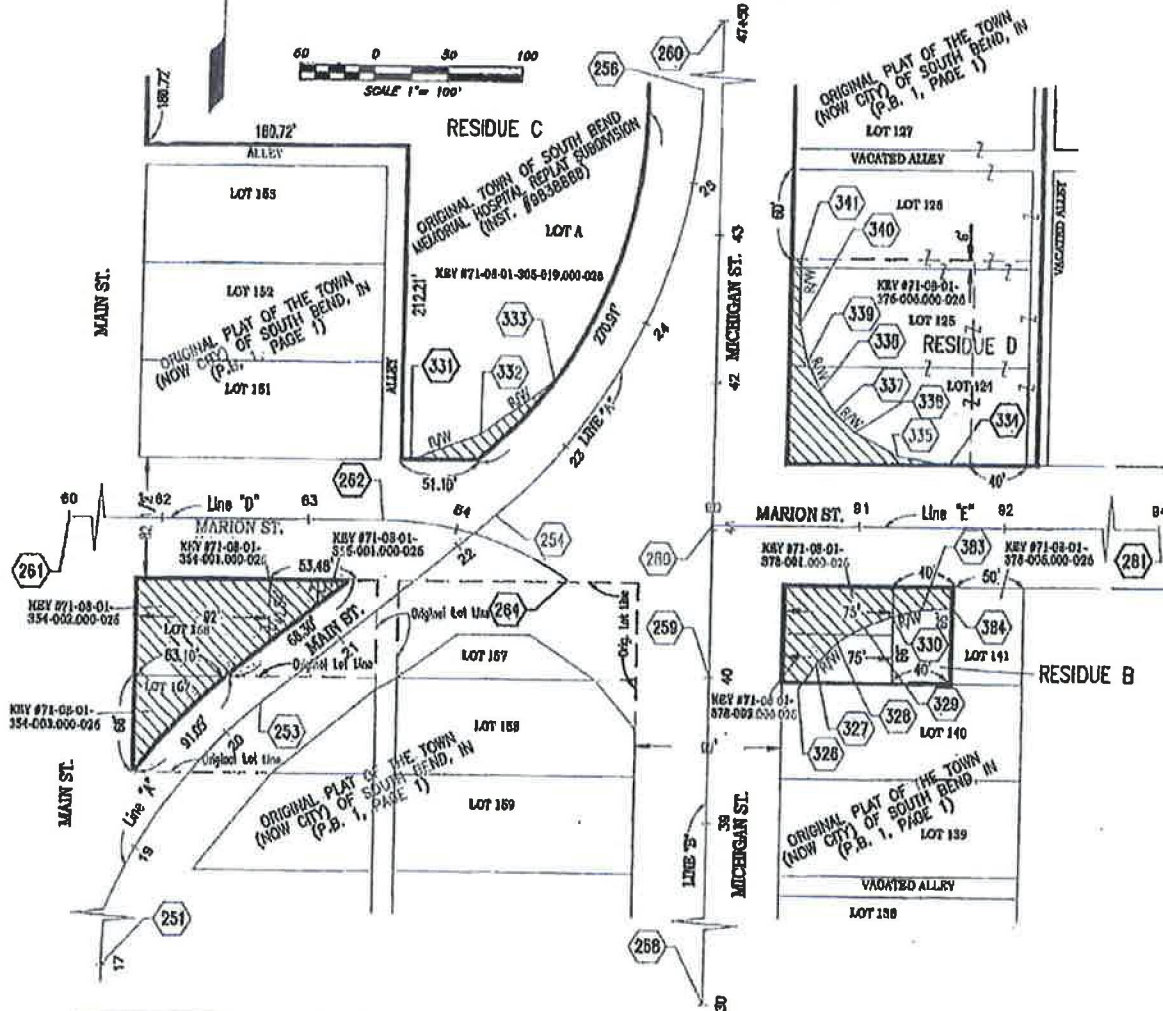
Dewey L. Witte 10/30/2015  
Dewey L. Witte Date  
Indiana Registered Land Surveyor  
License Number LS29800022




# EXHIBIT "B"

## R/W PARCEL PLAT

Prepared for the City of South Bend, IN  
by Beam, Longest & Neff L.L.C. (Job #140109)



 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: MEMORIAL HOSPITAL OF SOUTH BEND, INC.

PARCEL: 4

PROJECT: 114-035

ROAD: MICHIGAN STREET, MAIN STREET  
& MARION STREET

COUNTY: ST. JOSEPH

SECTION: 1

TOWNSHIP: 37 N.

RANGE: 2 E.

DRAWN BY: R.J. McCool 9-15-2015

CHECKED BY: D.L. WITTE 10-30-2015

INSTRUMENT #9113044, DATED 5-01-1991

INSTRUMENT #9838888, DATED 7-23-1998

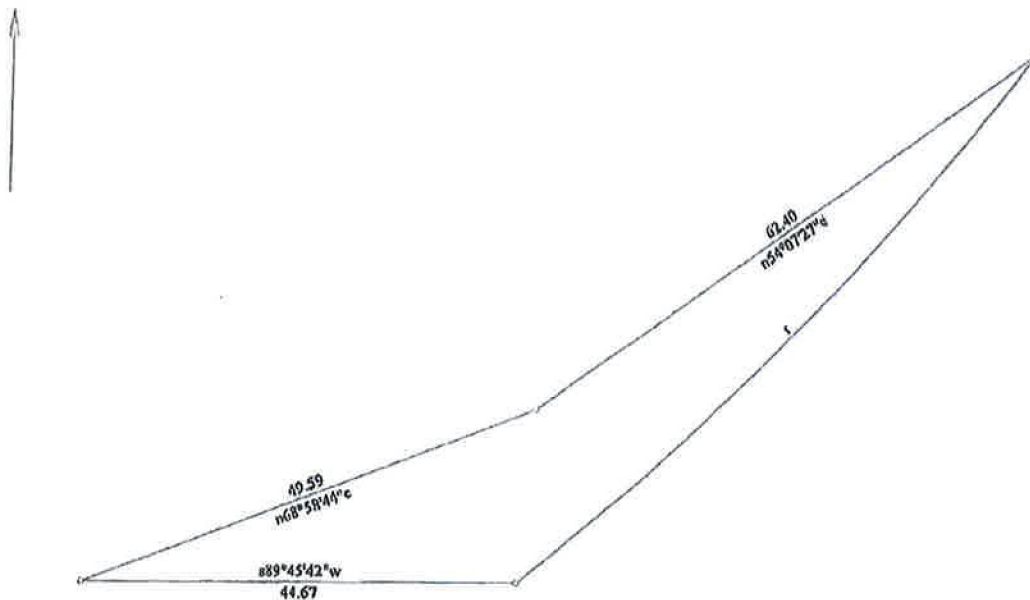
INSTRUMENT #9855447, DATED 10-23-1998

INSTRUMENT #9857969, DATED 11-06-1998

INSTRUMENT #0151513, DATED 10-12-2001

Dimensions shown are from the above listed Record Documents.

11-12-15 REVISED PER DESIGN CHANGE R.J. McCool



Title: Parcel 4H Fee Simple		Date: 10-28-2015
Scale: 1 inch = 15 feet	File: Parcel 4H DP.txt	
Tract 1: 0.021 Acres: 927 Sq Feet: Closure = s72.1042w 0.01 Feet: Precision = 1/33111: Perimeter = 232 Feet		
001=n89.4542e 6.38	003=n54.0727e 62.40	005=s89.4542w 44.67
002=n68.5844e 49.59	004: R: R=301.00 Dng=s89.2534w, Chd=75.21	



### EXHIBIT "A"

Project: 114-035  
Parcel: 4K FEE SIMPLE  
Key #: 71-08-01-376-006.000-026

A part of Lots 124, 125 and 126 in the Original Plat of the Town (now City) of South Bend, Indiana, the plat of which is recorded in Plat Book 1, Page 1, in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land lying within the right of way lines depicted on the attached Right-of-Way Parcel Plat marked Exhibit "B", described as follows: Beginning at the southwest corner of said Lot 124; thence North 0 degrees 28 minutes 35 seconds West 138.76 feet along the west line of Lots 124, 125 and 126 to the northwest corner of the tract of land described in Instrument #9113044; thence North 89 degrees 45 minutes 42 seconds East 6.50 feet along the north line of the tract of land described in said Instrument #9113044 to point "341" designated on said plat; thence South 0 degrees 28 minutes 35 seconds East 44.12 feet to point "340" designated on said plat; thence South 13 degrees 58 minutes 20 seconds East 25.71 feet to point "339" designated on said plat; thence South 24 degrees 42 minutes 15 seconds East 21.93 feet to point "338" designated on said plat; thence South 34 degrees 09 minutes 59 seconds East 18.03 feet to point "337" designated on said plat; thence South 48 degrees 01 minute 12 seconds East 19.35 feet to point "336" designated on said plat; thence South 62 degrees 09 minutes 22 seconds East 34.00 feet to point "335" designated on said plat; thence South 80 degrees 55 minutes 18 seconds East 35.47 feet to point "334" designated on said plat, which point is on the south line of said Lot 124; thence South 89 degrees 45 minutes 42 seconds West 110.68 feet along said south line to the point of beginning of this description and containing 3,269 square feet, more or less.

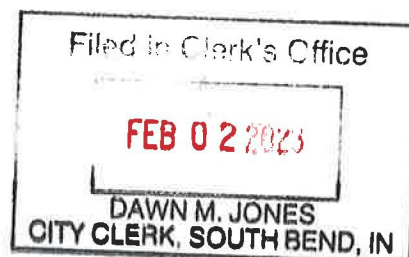
This description was prepared by Beam, Longest and Neff, L.L.C., for the City of South Bend, Indiana as part of the Roundabout Intersection at Marion, Michigan and Main Streets Project, BLN #140069.

*Dewey L. Witte*  
Dewey L. Witte  
Indiana Registered Land Surveyor  
License Number LS29800022

11/13/2015  
Date



REVISED 11/12/15



## Public Vacations Checklist

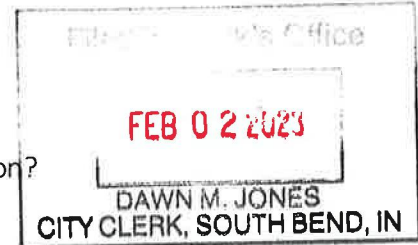
Petitioner: Jones Petrie Rafinski  
Address/Description: Old Bartlett St lying do of new Bartlett  
Bill No. 05-23

1. Have you been through Engineering/Board of Public Works?

☒ Yes

☒ Received recommendation documentation?

☐ No



2. Filing Documents

☒ Completed Vacation Petition

☒ Ordinance

☒ 150' Radius Map

☒ Addressed envelopes w/ postage

☒ Payment

• Receipt # 11203

3. Reading Schedule

☒ First Reading Feb 13<sup>th</sup>: 2/13

☐ 2<sup>nd</sup>/3<sup>rd</sup> Reading \_\_\_\_\_

☐ Date passed? \_\_\_\_\_

☐ Effective Date? \_\_\_\_\_

☐ Ordinance No. \_\_\_\_\_

4. Public hearing notification

☐ To 150' list date \_\_\_\_\_

☐ Petitioner

☐ Public Works/Engineering

☐ Vacation & Public Works Committee

5. Advertising

☐ Public Hearing advertisement \_\_\_\_\_

☐ Passed advertisement (in full) \_\_\_\_\_

6. Effective Notification date (30 days after passage publication) \_\_\_\_\_

☐ Electronic notification sent (include ordinance)

7. Certifications

☐ Recorder (no blue back)

☐ Auditor (include map)

☐ Assessor

☐ Receipt

☐ Petitioner

☐ Area Plan Commission

☐ Board of Public Works

Electronic  
Copies

[illegible]



## OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK



February 8, 2023

The South Bend Common Council  
4th Floor County-City Building  
South Bend, Indiana 46601

Re: Proposed 2023 City Clerk Staff Non-Bargaining Salary Ordinance Amendment

Dear Council Members,

Attached is an ordinance setting the maximum salary and wages non-bargaining employee position of the Executive Assistant/Director of Special Projects of the City Clerk's Office.

I will present this bill to the Common Council at the appropriate committee and council meeting. It is requested that this bill be filed for 1<sup>st</sup> reading on February 13, 2023 with 2<sup>nd</sup> reading, public hearing, and 3<sup>rd</sup> reading scheduled for February 27, 2023. Please don't hesitate to let me know if you have any questions or require further information.

Thank you for your consideration.

Respectfully,

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

Attachment

CC: Office of the City Clerk

INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO  
CHIEF DEPUTY/CHIEF OF STAFF

RACHAEL E. COATES  
DEPUTY/DIRECTOR OF POLICY

GABRIEL MUREI  
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

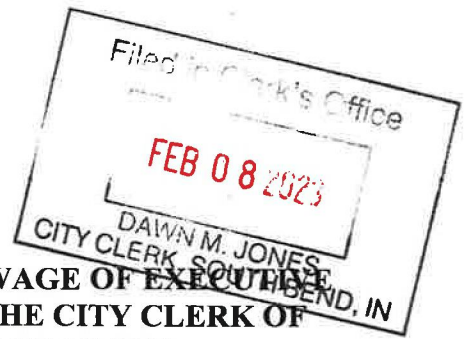
455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbend.in.gov



**BILL NO.06-23**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING MAXIMUM SALARY AND WAGE OF EXECUTIVE ASSISTANT/DIRECTOR OF SPECIAL PROJECTS FOR THE CITY CLERK OF SOUTH BEND, INDIANA, FOR THE CALENDAR YEAR 2023**



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**STATEMENT OF PURPOSE AND INTENT**

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Pursuant to Indiana Code § 36-4-7-3(d), this Ordinance sets forth the maximum compensation to be paid to deputies and non-bargaining personnel appointed by the City Clerk of the City of South Bend for the calendar year 2023.

This Ordinance establishes such compensation for the Executive Assistant/Director of Special Projects a non-bargaining employee by specific position and title. The budgeted or actual compensation paid to a City employee in each position may be less than the maximum amounts set forth herein but may not exceed those amounts.

This Ordinance is in the best interest of the City and the affected the position of Executive Assistant/Director of Special Projects a non-bargaining employee.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

**Section I.     Maximum Compensation**

The maximum amount to be paid as compensation for the City Clerk Executive Assistant/Director of Special Projects a non-bargaining employee personnel appointed by the City Clerk of the City of South Bend is hereby established as \$49,466, which is incorporated herein by reference. As a city employee, this personnel is paid on a bi-weekly basis. Amount b set forth, as well as the maximum compensation for this position.

**Section II.     Holidays, Vacations and Other Monetary and Fringe Benefits Incorporated by Reference**

- (a)     **Holidays.** Holidays designated by the Board of Public Works shall govern non-bargaining employees for the calendar year 2023. The provisions of the City's Employee Handbook as it may be amended from time to time shall apply and are incorporated herein by reference.
- (b)     **Vacations.** Vacation for non-bargaining employees shall be as set forth in the City's Employee Handbook as it may be amended from time to time, incorporated herein by reference.
- (c)     **Family Leave.** The Family and Medical Leave Act Policy is, hereby, incorporated herein by reference in its entirety.
- (d)     **Parental Leave.** Parental leave will be offered to all eligible full-time employees in accordance with the policy adopted by the administration effective January 1, 2020. This policy may be amended from time to time and will be incorporated into the City's Employee Handbook.
- (e)     **Insurance.**
  - (1)     **Comprehensive Major Medical Insurance Program.** The City shall maintain a comprehensive major medical insurance program in which, subject to Section III herein, non-bargaining employees regularly scheduled to work 30 hours or more per week may participate under the rules and

guidelines of the plan document. All employees are provided access to a copy of a plan document each year.

- (2) **Short and Long-Term Disability.** Short and Long-Term Disability shall be as set forth in the City's Employee Handbook, as it may be amended from time to time, which is incorporated herein by reference.
- (3) **Payment for Election to Leave Employer's Comprehensive Major Medical Insurance Program.** The City shall pay one hundred and thirty (\$130) per month (\$65 bi-weekly) to any Employee who elects to leave the City's comprehensive major medical insurance program to be covered by another program for which the City makes no contribution. This election shall not be mandatory, and the Employee who made such election may return to the City's comprehensive major medical Insurance Program, provided that the conditions are a Qualifying Life Event or Open Enrollment of the City's Comprehensive Major Medical Insurance Program, and the contributions specified herein are made, but in such event said Employee shall forfeit the one hundred and thirty dollar (\$130) payment per month thereafter.
- (4) **Life Insurance.** The City shall provide term life insurance coverage in an amount 1x annual salary rounded up to the nearest \$1,000 for each benefit eligible employee except for Police and Fire which are at set forth in the collective bargaining agreement. Such insurance shall become effective upon the award of a group life insurance bid by the Board of Public Works, or upon the beginning of the plan year, whichever is later.
- (5) **Benefit Waiting Period.** The City notes that life insurance and comprehensive major Medical Insurance programs require a minimum eligibility period of thirty (30) days; and that the long-term disability program requires a minimum ninety (90) day eligibility period which must be met.
- (f) **Hiring Bonus.** The City Clerk, may, at his/her discretion, offer a Hiring Bonus to a new employee as an incentive for the employee to accept the position offered. This Bonus will be paid to the employee in addition to the salary set forth in the Salary Ordinance. The range of these monetary bonuses will be from one hundred (\$100) to four thousand dollars (\$4,000).
- (g) **Early Retirement Incentives.** The City Clerk shall have discretion to offer an early retirement incentive program that may take the form of a bonus upon retirement for years of service or assistance with health insurance for a retiree who is not Medicare eligible. Such assistance shall not exceed one (1) year. Any such bonus or assistance must be approved by the City Clerk and Controller and is subject to appropriation by the Common Council before any such bonus or assistance may be paid.

I.C. 5-10.2-3-1.2 permits employers to purchase one year for every five years of service for employees in PERF covered positions under certain conditions. The City Clerk shall have discretion to offer such early retirement incentive program, pursuant to statute, after consultation with the Controller and after appropriation by the Common Council.
- (h) **Other Monetary Fringe Benefits.** All other fringe benefits shall be as set forth in the City's Employee Handbook as it may be amended from time to time.

### **Section III. Employee Definitions**

- (a) **Full-Time Employee.** Full-time employees are those employees who are regularly scheduled to work forty (40) hours per week, or a reduced full-time schedule of thirty (30) hours or more per week as approved by the City Clerk on a voluntary basis.



Such employees are eligible for the Employer's Benefits Package subject to the terms, conditions and limitations of each benefit program. However, solely for purposes of qualification for health care benefits under the federal Patient Protection and Affordable Care Act (the Act) as amended, the definition of full-time employees shall be the equivalent of that which is provided in the Act, and this Section shall not be construed to be in conflict with the Act.

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FEB 08 2023  
CITY CLERK, DAWN M. JONES  
SOUTH BEND, IN

- (b) **Part-Time Employee.** Part-time employees are those employees who are not assigned to a full-time status as defined by the City including those who qualify for health care benefits under the Act, but who do not meet the City's definition of full-time employee under subpart (a) of this Section, and who are scheduled to work less than the City of South Bend's full-time schedule, not to equal or exceed one thousand five hundred sixty (1,560) hours per year. While they do receive certain mandated benefits (such as worker's compensation, social security benefits, and for some, health care under the Act), they are not eligible for other City benefit programs with the exception of the positions listed below:

All Attorneys employed in the City's Legal Department in part-time positions as well as all elected Council members are eligible for participation in all of the Employer's Benefit Programs.

**Section IV. City's Employee Handbook Availability**

Two (2) copies of the City's Employee Handbook shall be kept on file and made available for public inspection during regular hours in the office of the City Clerk on the 4th Floor of the County-City Building, South Bend, Indiana.

**Section v. Effective Date**

This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

\_\_\_\_\_  
Sharon L. McBride, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana