

Petition for
Vacation
Part of
St Joseph ^{and}
Marion Streets

4, 1, 1901

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

To the Board of Public Works of South Bend:-

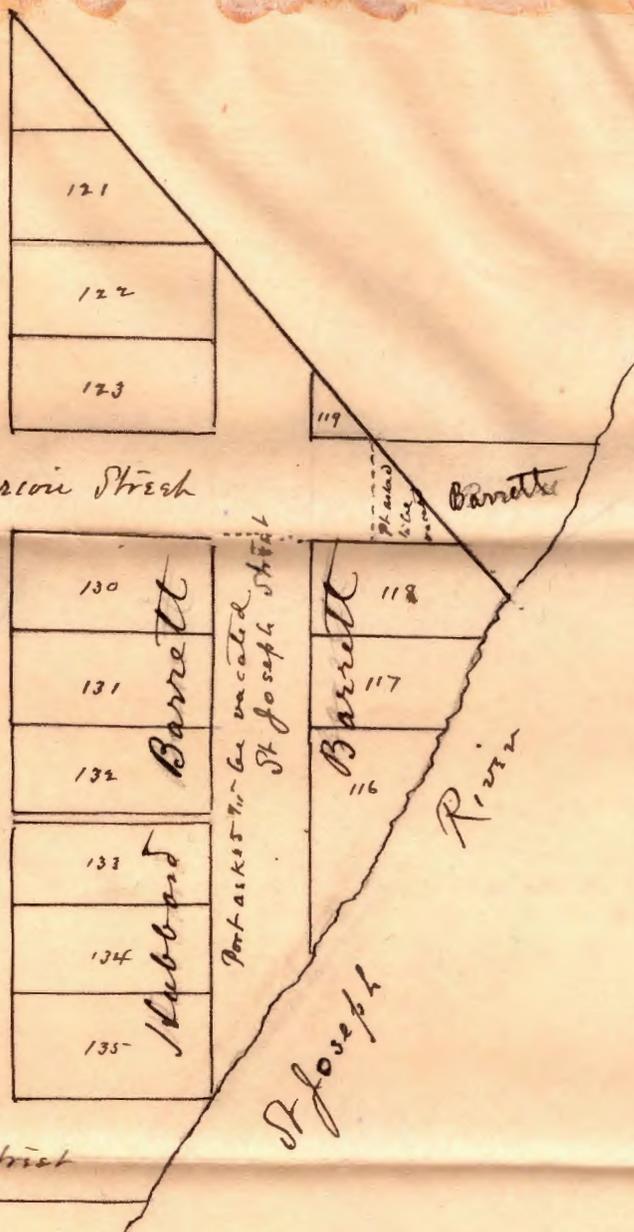
The undersigned respectfully petition your Board that you take steps to vacate the following portions of St. Joseph Street: Bounded on the North by the South line of Marion Street and on the South by the St. Joseph River.

Also the following portion of Marion Street; The triangular parcel of the East end bounded on the West by a line at right angles to the North side of Marion Street and drawn from the Southeast corner of Lot 119 due South to Lot 118. All such lots, streets and parcels are in the Original Plat of South Bend and are shown on the accompanying plat which is a part of such original plat of South Bend.

Your petitioners show that they own all the lands on both sides of said parcel sought to be vacated. That Mary Barrett owns Lots 116 and 117, 118, 130, 131, 132 and the lands East of the East end of Marion Street and Lucius Hubbard owns Lots, 133, 134, and 135, all in the Original Plat of South Bend, St. Joseph County, Indiana. They show that said parts sought to be vacated are low and rough and are and always have been unfit for use as a street. That said parcels have never been used as a street, but have ever since said Original Plat has been laid out now seventy years ago, occupied and used by the abutting owners for their private purposes. That there is no probability that they will ever be used as a street. That no other property owner or citizen is specially interest in such vacation.

Lucius Hubbard

Mary Barrett



~~To the Printer,
insert this notice on the
day of _____ and
in the _____ day of _____
and at no other time.~~

DEPARTMENT OF PUBLIC WORKS.

Vacations
CONDEMNATION.

Notice of Hearing of Assessments
and Awards.

St. Joseph Street

This Notice for resident property owners only.

April 23 1901
Served this notice
personally on
Lucius Hubbard
by reading same to him,
and leaving a copy.
Arthur L. Hubbard.

NOTICE OF HEARING OF ASSESSMENTS AND AWARDS

CONDEMNATION

CITY OF SOUTH BEND, INDIANA

CITY OF SOUTH BEND, INDIANA.

DEPARTMENT OF PUBLIC WORKS.

~~CONDEMNATION.~~ *Vacation*

NOTICE OF HEARING ON AMOUNT OF ASSESSMENTS AND AWARDS.

To

Lucius Hubbard

You are hereby notified that the assessments and awards are completed in the proceedings brought by this department to ~~appropriate~~ ^{*Vacate*} for the use of the City of South Bend, the following described property:

That part of St. Joseph Street bounded on the north by the south line of Marion Street and on the south by the St. Joseph River.

The amount of your assessment is \$ *50*. The Board of Public Works will meet at *7¹⁵* P. M., on the *7* day of *May* 190*1* to receive and hear remonstrances from all persons as to the amounts of their assessments and awards.

Board of Public Works
Arthur L. Hubbard
Pres.

STATE OF INDIANA, }
 St. Joseph County, } ss.

Personally appeared before me, the undersigned,

F. A. Miller

one of the publishers of the **South Bend Saturday Tribune**
 a weekly public newspaper, of general circulation, printed and
 published in the City of South Bend, in the County aforesaid,
 who being duly sworn, upon his oath saith, that the notice, of
 which the attached is a true copy, was duly published in said
 paper for 2 weeks successively, to-wit:

On the 4th day of April 1901
 On the 11th day of April 1901
 On the _____ day of _____ 18____
 and on the _____ day of _____ 18____

F. A. Miller

Subscribed and sworn to before me this 23rd

day of April 1901

C. E. Patten

My Commission expires April 26/1903.

Notice of Resolution of Vacation.

Notice is hereby given that the Board of Public Works did on the 3d day of April, 1901, pass the following resolution:

Resolved, by the Board of Public Works of the City of South Bend, Indiana, that it is desirable to vacate the following:

That portion of St. Joseph street bounded on the north by the south line of Marion street and on the south by the St. Joseph river

Also that portion of Marion street, to-wit: The triangular parcel of the East end bounded on the west by a line at right angles to the north side of said street and drawn from the south-east corner of Lot 119, South to Lot 118.

That the following property will be beneficially affected by such vacation, to-wit: Lots 120, 121 and 122, the property of Mrs. Mary Hubbard.

Also the property of Lucius Hubbard. No property will be injuriously affected. All said lots and streets are in the original plat of the town, now City of South Bend, Indiana.

Resolved, that this resolution be published once each week for two consecutive weeks in the South Bend Daily Tribune and that the 23d day of April, 1901 at 7:15 p. m. be and it is hereby fixed as the time when remonstrances from persons interested therein or affected thereby will be heard.

All persons interested therein or effected by such proposed vacations will please take notice and file any remonstrance before the board at the city hall before the hour aforesaid.

ARTHUR L. HURBARD,
 SAMUEL LEEPER,
 CHARLES GOETZ.



COPY OF
Vacation Resolution.

No. 1

FOR VACATING
Parts of
Marion & St. Joseph.
Streets

Engineer's Report

Resolution Adopted April 3, 1901.

Notice Published April 14 & 11

First Hearing April 23

Final Order April 24

Roll of Property Owners

Notice of Second Hearing O.K.

Second Hearing waived

Appeal none

Record No. 1, page 12

COPY OF VACATION RESOLUTION.

No. 1, 1901

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA: That it is desirable to vacate the following:

That portion of St. Joseph Street bounded on the north by the south line of East Marion Street and on the South by the St. Joseph River. Also that portion of Marion Street to wit: The triangular parcel of the east end bounded on the west by a line at right angles to the north side of said Street and drawn from the South east corner of Lot 119 south to Lot 118.

The following property ~~may~~ ^{will} be injuriously or beneficially effected by such vacation:

Lots 116, 117, 118, 130, 131, 132, the property of Mary Barrett. Lots 133, 134 and 135, the property of Luemie Hubbard.

No property will be injuriously affected. all said lots and streets are in the original plat of the Town now City of South Bend, Indiana.

Ordered that notice of this resolution be published once each week for two consecutive weeks in the South Bend Daily Tribune and that persons interested or affected by the proposed vacation be given a hearing on the 23rd day of April 1901 at 7:15 p. m.

Notice of this resolution shall be published on the.....day of.....and on the.....day of.....190..., in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the.....day of.....190...at 7:15 p. m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 3 day of April

The following property ~~may~~ ^{will} be injuriously ~~or~~ beneficially effected by such vacation;

Lots 116, 117, 118, 130,

131, 132, the property of Mary Barrett. Lots 133, 134

and 135, the property of Lucius Hubbard.

No property will be injuriously affected. all said lots and streets are in the original plat of the Town now city of South Bend, Indiana.

Ordered that notice of this resolution be published once each week for two consecutive weeks in the South Bend Daily Tribune and that persons interested or affected by the proposed vacation be given a hearing on the 23rd day of April 1901 at 7:15 p. m.

Notice of this resolution shall be published on the.....day of.....and on the.....day of.....190., in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the.....day of.....190.... at 7:15 p. m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 3 day of April

BOARD OF PUBLIC WORKS.

A. L. Hubbard
Pres.



In

From

To

REMONSTRANCE

FILED

FILED

APR 23 1901

Board of Public Works.

REMONSTRANCE.

South Bend, *April 22* 1901

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND:

Gentlemen:

The undersigned owners of
real estate abutting on east Marion Street, from
Michigan Street to St. Joseph Street
respectfully remonstrate against any further action of the Board of Public Works in the
matter of vacation of St. Joseph Street and part of Marion Street for
the following reasons;

The vacation of St. Joseph Street will give to Mary Barrett real estate worth \$2,000.00. The opening of east Marion Street to the St. Joseph River will not take real estate from Mary Barrett worth more than \$100.00. We feel that the St. Joseph River is a beautiful stream of water and is a decided advantage to have a street leading thereto, and we object to the closing of both St. Joseph and east Marion Streets. It was the intention of the Rockstroh heirs to open up Marion Street to the river, and the plat made by them, before land was sold to Christian Soens and Mary Barrett, of Rockstroh's Second Addition and recorded in Plat Book Seven, page 62, surveyed by Meighan in October, '99, and acknowledged October 23, 1899, and adopted by the Common Council November 15, 1899, shows the extension of Marion Street. The ground asked to be vacated for in St. Joseph Street is worth \$2,000.00, while the amount paid by Mary Barrett for the two Rockstroh lots and portion of the street was \$1,000.00. The experience of the city in opening new streets warrants us in objecting to the closing of a street already had, as we find it an easy matter to give away streets already had and difficult to obtain new ones.

Wilbert Ward.
Mrs. C. J. Rockstroh.
Matilda J. Zyoder

REMONSTRANCE.

South Bend, *April 22* 1901

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND:

Gentlemen:

The undersigned owners of

real estate abutting on east Marion Street *, from*
St. Joseph Street *to the east end of Marion Street*

respectfully remonstrates against any further action of the Board of Public Works in the
matter of vacating part of Marion Street for the following reasons;

George Rockstroh and others by their warranty deed dated October 2, 1899, and recorded October 14, 1899, and recorded in Deed Record 112 on pages 588, 589, 590, conveyed to the undersigned the tract of ground lying north of the north line of Marion Street and east of St. Joseph Street, and now occupied by me for a brick yard and said deed contained the following clause, "Grantors give, ~~to~~ ~~grantee~~ and convey the right of way over their land ~~to~~ Navarre and Marion Streets, for ingress and egress to lands herein conveyed to said grantee". Afterwards on October 17, 1899, George Rockstroh and others by warranty deed, recorded in Record *No 112* of Deeds on pages 592, 593 conveyed to Mary Barrett certain real estate and included in that deed the ground which would be in Marion Street if extended east to the river. The vacation asked for by Mary Barrett leaves a cul-de-sac in Marion Street east of St. Joseph Street, and creates some doubt about my right to pass over the ground vacated. The equitable thing to do is, to vacate Marion Street from St. Joseph Street east, in which vacation Mary Barrett and I would be treated alike as we should be. At the time of the purchase by myself and Mary Barrett, there was a plat in the hands of Jasper Garst, who was agent for the Rockstroh estate, showing the dedication and extending of east Marion Street to the St. Joseph River. I object to having Marion Street cut up for the sole purpose of giving Mary Barrett frontage at my expense.

Christian Duens