

Hearing No. 14-1916

# Department of Public Works

THIS ENVELOPE CONTAINS PAPERS

Under *Vacation* Resolution No. 31

Adopted on the 17<sup>th</sup> day of October 1916

For *Vacation* of \_\_\_\_\_  
On *Part of Madison St*  
~~From~~ *an East side of East*  
To *Race*

*Roll ordered*

For Proof of Publication see Proof

Record \_\_\_\_\_ Page \_\_\_\_\_

# CITY OF SOUTH BEND, INDIANA

## DEPARTMENT OF PUBLIC WORKS

Notice of Resolution of VACATION No. 31.

Notice is hereby given that the Board of Public Works of said City at a meeting of said Board, held on the.....17th.....day of.....October 1916.....191....., adopted a resolution for the.....vacation.....of the following described property:

Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana. 309.9 feet west of the north east corner of said lot; thence north westerly 8degrees 13 $\frac{1}{2}$ ' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145.5 feet to the place of beginning.

The following property may be injuriously or beneficially effected by such vacation: Beginning at the south east corner of lot 31 in the Original Plat of Lowell now a part of the City of South Bend, thence west on the south line of said lot 31 to the East Race; thence northerly with the meanderings of the East Race to a point 66 feet north of the north line of Madison Street; thence east parallel to and 66 feet north of the north line of Madison Street to the west line of Emerick Street; thence south on the west line of Emerick Street to the south east corner of said lot 31 which point is the place of beginning.

The object of such.....is the vacation of part of Madison Street.....  
.....on east side of East Race, in the City of South Bend, Indiana.

~~The following persons are interested in these proceedings:~~

Said Board will meet at 7:45.....P.M., on the...14th.....day of November 1916.

The object of such...is the vacation of part of Madison Street  
on east side of East Race, in the City of South Bend, Indiana.

~~The following persons are interested in the proceedings:~~

Said Board will meet at 7:45 P.M., on the 14th day of November 1916.  
191..., at its office in the City Hall and receive and hear remonstrances from all persons  
interested in or affected by these proceedings.

**BOARD OF PUBLIC WORKS**

Veronica C. Sweeney  
Clerk of Board.

E. M. MORRIS  
A. H. RICE  
JOHN B. WEBER

Notice is hereby given that the BOARD OF PUBLIC WORKS has  
fixed Tues Nov 14 - 1916 at 7:45 P.M. as a date on which  
to hear all persons interested in or affected by Vacation

Resolution No. 31 the purpose of the same is for the Vacation  
of Part of Madison Street on east  
side of East Race in City.

Said Board will meet at its office in the City Hall for the purpose of taking  
final action thereon.



BOARD OF PUBLIC WORKS.

THIS NOTICE IS NOT REQUIRED BY LAW

South Bend, Ind. Dec. 21, 1916.

Mr. Will Bergan,

South Bend, Indiana.

Dear Sir :-

We hereby notify you that hearing on roll for assessments of benefits and awards of damages for the vacation of a part of Madison Street from south side of Madison Street at east side of east race under Vacation Resolution No. 31, is continued from December 19th., 1916 to December 26th. 1916 at 7:45 P.M. to afford others a hearing who were unable to be present by reason of a defect in their notice or unable by reason of a misunderstanding as to the date of hearing.

Very truly,

BOARD OF PUBLIC WORKS.

Clerk, of the Board of Public  
Works.

South Bend, Ind. Dec. 21, 1916.

Mr. Frank P. Nicely,

South Bend, Indiana.

Dear Sir :-

We hereby notify you that hearing on roll for assessments of benefits and awards of damages for the vacation of a part of Madison Street from south side of Madison Street at east side of East Race under Vacation Resolution No. 31, is continued from December 19th., 1916. to December 26th., 1916 at 7:45 P.M. to afford others a hearing who were unable to be present by reason of a defect in their notice or unable to be present by reason of a misunderstanding as to the date of hearing.

Very truly,

BOARD OF PUBLIC WORKS

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Clerk, of the Board of  
Public Works.

South Bend, Ind. Dec. 21, 1916.

Mr. James Judie,

South Bend, Indiana.

Dear Sir :-

We hereby notify you that hearing on roll for assessments of benefits and awards of damages for the vacation of a part of Madison Street from south side of Madison Street at east side of East Race under Vacation Resolution No. 31, is continued from December 19th., 1916 to December 26th. 1916 at 7:45 P.M. to afford others a hearing who were unable to be present by reason of a defect in their notice or unable by reason of a misunderstanding as to the date of hearing.

Very truly,

BOARD OF PUBLIC WORKS.

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Clerk, of the Board of Public  
Works.

South Bend, Ind. Dec. 21, 1916.

Singer Mfg. Company,

South Bend, Indiana.

Gentlemen:-

We hereby notify you that hearing on roll for assessments of benefits and awards of damages for the vacation of a part of Madison Street from south side of Madison Street at east side of East Race under Vacation Resolution No. 31, is continued from December 19th., 1916. to December 26th., 1916 at 7:45 P.M. to afford others a hearing who were unable to be present by reason of a defect in their notice or unable by reason of a misunderstanding as to the date of hearing.

BOARD OF PUBLIC WORKS.

Very truly,

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Clerk, of the Board of  
Public Works.

DATE.....

Sent blue  
Print to  
Mr. Seibert  
Office  
by Mr. Couter  
2/20/17

W.S.

NAME.....

ADDRESS.....

# CITY OF SOUTH BEND, INDIANA

DEPARTMENT OF PUBLIC WORKS

19/2/1916 191

To Board of Public Works

You are hereby directed to investigate the following matter connected with your department and report on same to this Board at once:

Wicely says if Engineer would  
give him proper stakes sidewalk  
could be in what about vacating  
of property here

Board of Public Works.

## REPORT

191

Board of Public Works: —

Gentlemen: Pursuant to your request in the above matter, I beg leave to report the same has been carefully investigated by this department.

Engineer ordered to prep res and for  
vacation and place stakes.

# REMONSTRANCE

South Bend, Ind., Nov. 8th. 1916 191

To the Honorable Board of Public Works  
of the City of South Bend, Indiana.

Gentlemen:—

We, the undersigned resident property owners, Remonstrate against any further action by your honorable body in the matter of ~~improvement~~ <sup>Vacation</sup> Resolution #31. for the Vacation of a strip of land belonging to the City of South Bend and being a part of East Madison Street situated just east and south of the Mace bridge.

Respectfully,

Name

Address

Henry Probst	Leon Hill + Madison
Mrs Elizabeth Thoner	705 E Madison St
Mrs M. Hertel	516 E. Madison St
Mrs A. Jangerle	333 N. Hill St
Peter B. Miller	618 E. Madison St
Mrs Marynolf Inzumar,	615 E. Madison
A. P. Perley	707 " "
William N. Burgan	422-4 E Madison St.
W. E. Krest	725 E Madison St
Geo. Atwood	714 E Cedar St
Mrs Julia Atwood	714 E Cedar St
A. Rieder	336 North St Peter St
M. Schubert	729 E Madison St



COPY OF  
**Vacation Resolution.**

No. 31

FOR VACATING

**APPROVED**  
**NOV 14 1915**  
**BOARD OF PUBLIC WORKS.**  
By *W. M. Merritt*  
**PRESIDENT.**

*Engineer's Report* .....

*Resolution Adopted* .....

*Notice Published* .....

*First Hearing* .....

*Final Order* .....

*Roll of Property Owners* .....

*Notice of Second Hearing* .....

*Second Hearing* .....

*Appeal* .....

*Record No.* ....., *page* .....

# COPY OF VACATION RESOLUTION.

No. 31, 1946

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

vacate the following: Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana 309.9 feet west of the north east corner of said lot; thence north westerly  $8^{\circ}13\frac{1}{2}'$  from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145.5 feet to the place of beginning.

RESOLVED  
BY THE BOARD OF PUBLIC WORKS  
CITY OF SOUTH BEND, INDIANA  
OCT 27 1946

Vacation Resolution

The following property may be injuriously or beneficially affected by such vacation; Beginning at the south east corner of lot 31 in the Original Plat of Lowell now a part of the City of South Bend, thence west on the south line of said lot 31 to the East Race; thence northerly with the meanderings of the East Race to a point 66 feet north of the north line of Madison Street; thence east parallel to and 66 feet north of the north line of Madison Street to the west line of Emerick Street; thence south on the west line of Emerick Street to the south east corner of said lot 31 which point is the place of beginning.

*Part of Madison  
on E. side of E. Race*

Notice of this resolution shall be published on the 20th day of Oct 1946 and on the 27th day of Oct 1946, in the South Bend Daily Tribune.

The Board of Public Works in the City Hall on the 14th day of Nov 1946 at 7:45 p. m. will hear and receive remon-

17th day of Oct 1946

The following property may be injuriously or beneficially affected by such vacation: Beginning at the south east corner of lot 31 in the Original Plat of Lowell now a part of the City of South Bend, thence west on the south line of said lot 31 to the East Race; thence northerly with the meanderings of the East Race to a point 66 feet north of the north line of Madison Street; thence east parallel to and 66 feet north of the north line of Madison Street to the west line of Emerick Street; thence south on the west line of Emerick Street to the south east corner of said lot 31 which point is the place of beginning.

*Part of Madison  
on E. side of E. Race*

Notice of this resolution shall be published on the *20<sup>th</sup>* day of *Oct*, 19*16* and on the *27<sup>th</sup>* day of *Oct*, 19*16*, in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the *14<sup>th</sup>* day of *Nov*, 19*16*, at *7:45* p. m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this *17<sup>th</sup>* day of *Oct*, 19*16*

BOARD OF PUBLIC WORKS.

*W. H. Greeney  
Chairman of Board.*

*W. M. Morris*  
*A. Rice*  
*John B. Weber*

**Department of Public Works**

*Singer Mfg. Co.*  
*2115 W. Division St.*  
*City*

**Notice of Hearing of Assessments of  
Benefits and Awards of Damage**

Serve this notice on *above*  
*party*

by delivering a copy at his last usual  
place of residence in South Bend,

this *12-5* 191*6*

*Wesolek*

VACATION OF A PART OF MADISON STREET FROM SOUTH SIDE OF MADISON STREET AT EAST SIDE OF EAST RACE, UNDER VACATION RESOLUTION NO. 31. In the City of South Bend, Indiana.

## CITY OF SOUTH BEND, INDIANA

### DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE BOARD

Notice of hearing and amount of assessments and awards of damages

To SINGER MANUFACTURING COMPANY.

Notice is hereby given you that an award of damages or an assessment of benefit has been made in behalf of real estate, situated in the City of South Bend, Indiana, owned by you, known and described as follows, to-wit:

which award of damages or assessment of benefits is set opposite said description.

	Damages	Benefits	Net Damages	Net Benefits
	\$	\$	\$	\$

**PROPERTY VACATED:**

Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City, of South Bend Indiana, 309.9 feet west of the north east corner of said lot; thence north westerly 8 degrees 13½' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145½ feet to the place of beginning.

Beginning at a corner formed by the intersection of the west line of Emerick Street and the north line of Madison Street; thence west on the north line of Madison Street; to the Hydraulic Mill Race; thence northerly with said Mill Race to the St. Joseph River; thence continuing northerly down stream following the meanderings of said river to the south west corner of lot 2 in Cotbrell's 2nd. Add. to Lowell now a part of the City of South Bend; thence on the south line of lot 2 and 1 in said Addition to the west line of Emerick Street; thence south on said line to the place of beginning, all vacated streets and alleys therein.	00.00	00.00	00.00	00.00
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All in pursuance to a resolution adopted by the Board of Public Works of said City on

October 17th., 1916; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 19th., 1916.

for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

to the place of beginning.

Beginning at a corner formed by the intersection of the west line of Emerick Street and the north line of Madison Street; thence west on the north line of Madison Street; to the Hydraulic Mill Race; thence northerly with said Mill Race to the St. Joseph River; thence continuing northerly down stream following the meanderings of said river to the south west corner of lot 2 in Cotbrell's 2nd. Add. to Lowell now a part of the City of South Bend; thence on the south line of lot 2 and 1 in said Addition to the west line of Emerick Street; thence south on said line to the place of beginning, all vacated streets and alleys therein.

00.00      00.00      00.00      00.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on ~~October 17th., 1916~~ 191\_\_\_; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the ~~December 19th., 1916.~~ 191\_\_\_, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

Board of Public Works { E. M. MORRIS,  
A. H. RICE,  
JOHN B. WEBER.

*E. M. Morris*

VERONICA C. SWEENEY, Clerk of Board.

President.

**Department of Public Works**

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*Will H. Bergan*  
*828 E. Colfax*  
*City*

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**Notice of Hearing of Assessments of  
Benefits and Awards of Damage**

Serve this notice on *Above*

*party*  
by delivering a copy at his last usual  
place of residence in South Bend,

this *12-5* 191*6*

*Wesolek*

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VACATION OF A PART OF MADISON STREET FROM SOUTH SIDE OF MADISON STREET AT EAST SIDE OF EAST RACE, Under Vacation Resolution No. 31. In the City of South Bend, Indiana.

## CITY OF SOUTH BEND, INDIANA

### DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE BOARD

Notice of hearing and amount of assessments and awards of damages

To WILL N. BERGAN

Notice is hereby given you that <sup>no</sup> award of damages or an assessment of benefit has been made in behalf of real estate, situated in the City of South Bend, Indiana, owned by you, known and described as follows, to-wit:

which award of damages or assessment of benefits is set opposite said description.

	Damages	Benefits	Net Damages	Net Benefits
PROPERTY VACATED:	\$	\$	\$	\$

Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana, 309.9 feet west of the north east corner of said lot; thence northwesterly 8 degrees 13 $\frac{1}{2}$ ' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145 $\frac{1}{2}$  feet to the place of beginning.

West 53.6 feet off of east  
218.6 feet pf lot 31 Original Plat  
of Lowell

00.00 00.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on November 2nd, 1906; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 26th., 1911, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

( E. M. MORRIS,

Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana, 309.9 feet west of the north east corner of said lot; thence northwesterly 8 degrees 13½' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145½ feet to the place of beginning.

West 53.6 feet off of east  
218.6 feet of lot 31 Original Plat  
of Lowell

00.00            00.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on November 2nd, 1906; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 26th., 1916, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

Board of Public Works { E. M. MORRIS,  
A. H. RICE,  
JOHN B. WEBER.

*E. M. Morris*

VERONICA C. SWEENEY, Clerk of Board.

President.

**Department of Public Works**

*Frank O. Wisely*  
*1322 So. Main St.*  
*City*

**Notice of Hearing of Assessments of  
Benefits and Awards of Damage**

Serve this notice on *Above*

*party*

by delivering a copy at his last usual  
place of residence in South Bend,

this *12-5* 191*6*

*Wesolk*



VACATION OF A PART OF MADISON STREET FROM SOUTH SIDE OF MADISON STREET  
AT EAST SIDE OF EAST RACE, UNDER VACATION RESOLUTION NO. 31. In the City  
of South Bend, Indiana.

## CITY OF SOUTH BEND, INDIANA

### DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE BOARD

Notice of hearing and amount of assessments and awards of damages

To FRANK P. NICELY.

Notice is hereby given you that an award of damages or an assessment of benefit has been made in behalf of real estate, situated in the City of South Bend, Indiana, owned by you, known and described as follows, to-wit:

which award of damages or assessment of benefits is set opposite said description.

Damages	Benefits	Net Damages	Net Benefits
\$	\$	\$	\$

#### PROPERTY VACATED:

Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana, 309.9 feet west of the north east corner of said lot; thence northwesterly 8 degrees 13 $\frac{1}{2}$ ' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145 $\frac{1}{2}$  feet to the place of beginning.

00.00	25.00	00.00	25.00
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All in pursuance to a resolution adopted by the Board of Public Works of said City on October 17th., 1916; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 19th., 1916, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

( E. M. MORRIS,

corner of said lot 31 thence east 145<sup>1</sup>/<sub>2</sub>  
feet to the place of beginning.      00.00      25.00      00.00      25.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on  
October 17th., 1916; authorized by the provision of an act of the general assembly of the  
State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 19th., 1916  
191\_\_\_, for the purpose of hearing any remonstrances which you may desire to present in regard  
to the amount of your award of damages or assessment of benefits as aforesaid.

Board of Public Works

{ E. M. MORRIS,

{ A. H. RICE,

{ JOHN B. WEBER.

*E. M. Morris*

VERONICA C. SWEENEY, Clerk of Board.

\_\_\_\_\_  
President.

**Department of Public Works**

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*James A. Judice*  
*901 E. Wash. Ave*  
*City*

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**Notice of Hearing of Assessments of  
Benefits and Awards of Damage**

Serve this notice on \_\_\_\_\_

*above*

*party*

by delivering a copy at his last usual  
place of residence in South Bend,

this \_\_\_\_\_

*12-5*

191 *6*

*Wesoluk*

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VACATION OF A PART OF MADISON STREET FROM SOUTH ~~XXXX~~ SIDE OF MADISON STREET at east side of East Race, under Vacation Resolution No. 31. In the City of South Bend, Indiana.

## CITY OF SOUTH BEND, INDIANA

### DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE BOARD

Notice of hearing and amount of assessments and awards of damages

To James A. Judie

Notice is hereby given you that ~~an~~ award of damages or an assessment of benefit has been made in behalf of real estate, situated in the City of South Bend, Indiana, owned by you, known and described as follows, to-wit:

which award of damages or assessment of benefits is set opposite said description.

PROPERTY VACATED.	Damages \$	Benefits \$	Net Damages \$	Net Benefits \$
Beginning at a point on the north line of lot 31 in the Original Town of Lowell now a part of the City of South Bend, Indiana, 309.9 feet west of the north east corner of said lot; thence north westerly 8degrees 13½' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145½ feet to the place of beginning.				
East 165 feet of lot 31. Original Plat of Lowell.			00.00	00.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on October 17th, 1916; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 19th, 1916, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

E. M. MORRIS,

West of the north east corner of said lot; thence north westerly 8degrees 13 $\frac{1}{2}$ ' from the north line of said lot 147 feet; thence south 21.02 feet to the north west corner of said lot 31 thence east 145 $\frac{1}{2}$  feet to the place of beginning.

East 165 feet  
of lot 31.

Original Plat of  
Lowell.

00.00

00.00

All in pursuance to a resolution adopted by the Board of Public Works of said City on October 17th. 1916; authorized by the provision of an act of the general assembly of the State of Indiana, approved March 6th, 1905, entitled "An act concerning municipal corporations."

The Board of Public Works will meet in its office at 7:45 P. M. on the December 19th. 1916. 1916, for the purpose of hearing any remonstrances which you may desire to present in regard to the amount of your award of damages or assessment of benefits as aforesaid.

Board of Public Works

E. M. MORRIS,

A. H. RICE,

JOHN B. WEBER.

VERONICA C. SWEENEY, Clerk of Board.

*E. M. Morris*

President.

FILED

DEC 26 1916

BOARD OF PUBLIC WORKS.

By

*C. M. Murray*

PRESIDENT

To the Board of Public Works

of the City of South Bend, Indiana:

IN THE MATTER OF THE VACATION OF  
PART OF MADISON STREET from South side )  
of Madison Street at East side of East Race )  
under Vacation Resolution No. 31. In the City )  
of South Bend, Indiana. )

*a.* *on Madison Street in the city of South Bend*  
*and the owner*  
The undersigned, *a.* property owner, of property adjacent to and  
adjoining the proposed vacation in the above entitled matter, and  
*a.* property owner whose property will be injuriously affected by  
such vacation, hereby remonstrates against the award of damages  
made by the Board, in this, to-wit:

That the Board has not *awarded* ~~awarded~~ him any damages, and that his  
property will be damaged and injuriously affected to the amount of  
One Thousand (\$1000.00) Dollars; that the proposed vacation narrows  
Madison Street to such an extent that the free access to this remon-  
strator's property is interfered with, and the said street is narrowed  
from its original width to such an extent that it will cause a jog  
in said street and the public will be compelled to walk in the  
traveled part of said street; that the proposed vacation of said strip  
will affect the value of this remonstrator's property to the amount of  
One Thousand (\$1000.00) Dollars and will cause the owner of the same and  
all other citizens great inconvenience and annoyance; and that the  
property proposed to be vacated is necessary to the growth of the city  
in which the same is situated and to the proper development of this  
remonstrator's property which adjoins the said proposed property that  
is sought to be vacated; and for the *further* reason that the said Board has no  
jurisdiction over the subject matter involved herein and has no  
jurisdiction to vacate the said strip of property described in said

Vacation Resolution No.31; and that the proposed vacation will leave a portion of the real estate of this remonstrant within such city without ingress or egress by means of a public way or street.

Dated at South Bend, Indiana, this 26th. day of December, 1916.

*William A. Bergare*