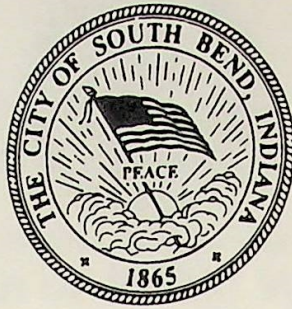


STREET VACATION

6-5-01

Ordinance # 9213-01



# Office of the City Clerk

Loretta J. Duda, City Clerk

JUNE 5, 2001

## MEMORANDUM

TO: Area Plan Commission  
Board of Public Works —  
Building Department  
Division of Engineering  
Fire Department  
Northern Indiana Public Service Company  
Police Department  
Street Department  
Bureau of Traffic & Lighting  
Community & Economic Development  
County Auditor - Melinda

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9213-01 for the vacation of the following property:

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE STREET TO BE VACATED IS TUTT STREET FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 345 FEET, MORE OR LESS. BEING A PART OF GARST'S 1<sup>ST</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi  
South Bend Community School Corporation  
NIPSCO - Jim Betin



1316 COUNTY-CITY BUILDING  
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251  
FAX 219/235-9171  
TDD 219/235-5567

CITY OF SOUTH BEND STEPHEN J. LUECKE, MAYOR  
**BOARD OF PUBLIC WORKS**

April 19, 2001

Members of the Common Council  
Council Chambers  
County-City Building, 4th Floor  
South Bend, Indiana 46601

RE: Street Vacation

Dear Members of the Council:

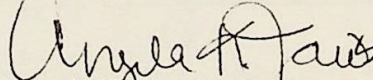
In accordance with Municipal Code Section 18-53.8, a favorable recommendation is being submitted to the Common Council concerning a street vacation on the following:

Tutt Street from the east right of way line of Lafayette Boulevard to the west right of way line of Main Street for a distance of 345 feet, more or less. Being a part of Garst's 1<sup>st</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

Mr. Gilot advised that the Board is in receipt of favorable recommendations concerning this Vacation Petition from the Area Plan Commission, Police Department, Fire Department, Sanitation, Department of Economic Development, City Attorney's Office, and the Engineering Department., subject to any utility easements.

**Therefore, the Board submits to you a favorable recommendation concerning this vacation.**

Sincerely,

  
Angela K. Jacob, Clerk

Attachments

---



1316 COUNTY-CITY BUILDING  
SOUTH BEND, INDIANA 46601-1830



PHONE 219/235-9251  
FAX 219/235-9171  
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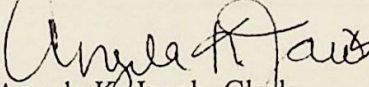
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**Therefore, the Board submits to you a favorable recommendation concerning this vacation.**

Sincerely,

  
Angela K. Jacob, Clerk

Attachments

---



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

I am referring to you the following vacation:

29-00 THE STREET TO BE VACATED IS TUTT STREET FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 345 FEET, MORE OR LESS. BEING A PART OF GARST'S 1<sup>ST</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, April 9, 2001. I assume the council will set this bill for public hearing at its regularly scheduled meeting of April 23, 2001.

If you have any questions, please do not hesitate to contact this office.

Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY \_\_\_\_\_

*Jain Tallson*

APPROVED  
Board of Public Works

APR 19 2001  
*Spring & Silot*  
*Nonell E. Duke*



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:**

The street to be vacated is Tutt Street from the east right of way line of Lafayette Blvd. to the west right of way line of Main Street for a distance of 345 feet, more or less. Being a part of Garst's 1<sup>st</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

**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 street to be vacated is Tutt Street from the east right of way line of Lafayette Blvd. to the west right of way line of Main Street for a distance of 345 feet, more or less. Being a part of Garst's 1<sup>st</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

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 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 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:

Lots 192.193, 194, and 251 Garst's 1<sup>st</sup> ADD.

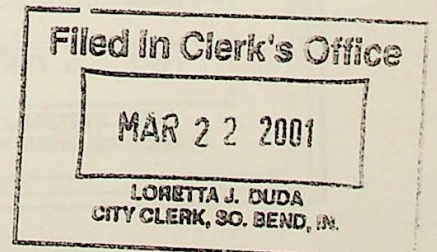
Lots 2 & 3 Studebaker Corridor 3<sup>rd</sup> Minor Sub.

SECTION IV. The purpose of the vacation of the real property is to increase parking and improve traffic flow to the adjoining properties.

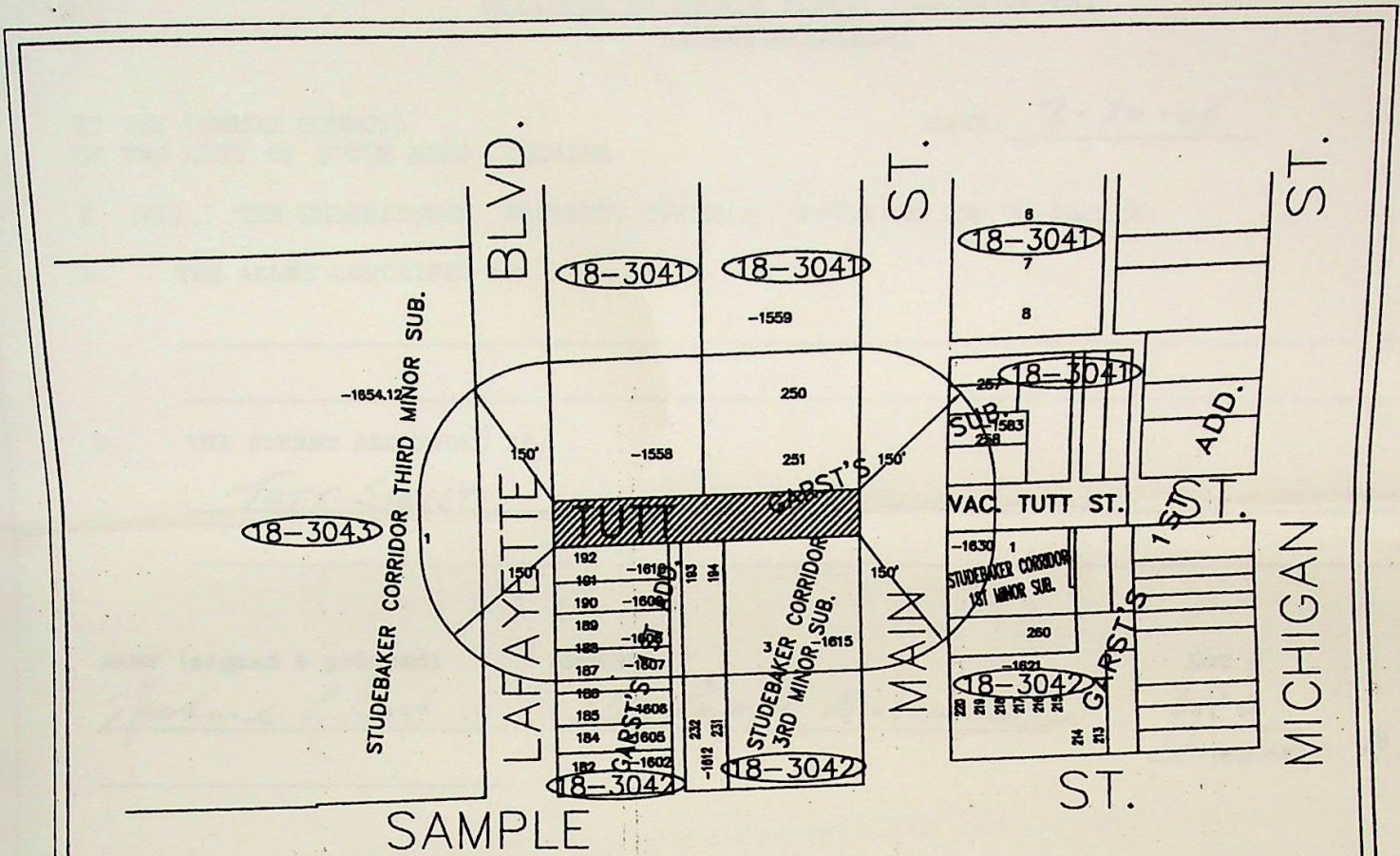
SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

---

Member of the Common Council







SAMPLE

Legal Description:

The street to be vacated is Tutt street from the east right of way line of Lafayette Blvd. to the west right of way line of Main street for a distance of 345 feet, more or less. Being a part of Garst's 1st Addition to the City of South Bend, St. Joseph County, Indiana.



Filed in Clerk's Office  
 MAR 22 2001  
 LORETTA J. DUDA  
 CITY CLERK, SO. BEND, IN.



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

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

DATE: 3-20-01

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

A. THE ALLEY DESCRIBED AS:

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

B. THE STREET DESCRIBED AS:

TUTT STREET  
\_\_\_\_\_  
\_\_\_\_\_

NAME (signed & printed)	ADDRESS	LOT #
<u>Richard L. Best</u>	<u>3510 Park Pl Mishawaka, IN</u>	<u>Lot 3</u> <u>Studebaker Minor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)

NAME: RICHARD L. BEST

RETURN TO:

OFFICE OF THE CITY CLERK  
LORETTA J. DUDA, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601  
219-235-9221

ADDRESS: 3510 PARK PL.  
MISHAWAKA, IN. 46545  
277-7540

PHONE:  
**Filed in Clerk's Office**  
**MAR 22 2001**  
LORETTA J. DUDA  
CITY CLERK, SO. BEND, IN.



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO: -Tony Molnar, Engineering Department  
 - Carl Littrell, Engineering Department  
 - John Byomi, Area Plan Commission  
 - Larry Magliozzi, Department of Economic Development  
 - Chief Bert Prawat, Fire Department  
 - Alonzo Adams, Solid Waste  
 - Traffic Commander Joe Markovich, Police Traffic Department  
 - Frank Schaffer, City Attorney's Office

FROM: Angie Jacob, Clerk *aj*

RE: Alley Vacation

DATE: March 29, 2001

Attached for your review and recommendation is the following alley vacation:

Tutt Street from the east right of way line of Lafayette Boulevard to the west right of way line of Main Street for a distance of 345 feet, more or less. Being a part of Garst's 1<sup>st</sup> Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this street vacation no later than **APRIL 12, 2001**. I am asking for the recommendations a littler earlier, as it will give the Council additional time to review them before the Council meeting. I will be forwarding the recommendations to the Council on April 16 for their review before the public hearing. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

*ANGIE*

---

*no objections*

---

BY: *[Signature]* DATE: *3-30-01*

*SBF*

INTER-OFFICE MEMORANDUM




INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

RECEIVED

MAR 29 2001

CITY OF SOUTH BEND  
DEPARTMENT OF LAW

TO: -Tony Molnar, Engineering Department  
- Carl Littrell, Engineering Department  
- John Byorni, Area Plan Commission  
- Larry Magliozzi, Department of Economic Development  
- Chief Bert Prawat, Fire Department  
- Alonzo Adams, Solid Waste  
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COMMENTS & RECOMMENDATIONS:

NO LEGAL PROBLEMS!

BY: 

DATE:

3-29-2001

INTER-OFFICE MEMORANDUM



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

I am referring to you the following vacation:

29-00 THE STREET TO BE VACATED IS TUTT STREET FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 345 FEET, MORE OR LESS. BEING A PART OF GARST'S 1<sup>ST</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

For your information, the Common Council will have first reading on this vacation request on Monday, April 9, 2001. I assume the council will set this bill for public hearing at its regularly scheduled meeting of April 23, 2001.

If you have any questions, please do not hesitate to contact this office.

Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

Jain Tallson



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

RECEIVED

MAR 29 2001

CITY OF SOUTH BEND  
DIV. OF ENGINEERING

TO: -Tony Molnar, Engineering Department  
- Carl Littrell, Engineering Department  
- John Byorni, Area Plan Commission  
- Larry Magliozzi, Department of Economic Development  
- Chief Bert Prawat, Fire Department  
- Alonzo Adams, Solid Waste  
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- Frank Schaffer, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

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COMMENTS & RECOMMENDATIONS:

*No objection*

\_\_\_\_\_

\_\_\_\_\_

BY: *Carl P. Littrell* DATE: *4/2/01*

INTER-OFFICE MEMORANDUM



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

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If you have any questions, please do not hesitate to contact this office.

Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

Jane Talbot



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO: - Tony Molnar, Engineering Department  
- Carl Littrell, Engineering Department  
- John Byorni, Area Plan Commission  
- Larry Magliozzi, Department of Economic Development  
- Chief Bert Prawat, Fire Department  
- Alonzo Adams, Solid Waste  
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- Frank Schaffer, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation

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I would appreciate receiving your comments and recommendation concerning this street vacation **no later than APRIL 12, 2001**. I am asking for the recommendations a littler earlier, as it will give the Council additional time to review them before the Council meeting. I will be forwarding the recommendations to the Council on April 16 for their review before the public hearing. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

*Recommend street be vacated*

BY: *A. J. Mohr* DATE: *4/3/01*

INTER-OFFICE MEMORANDUM



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

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Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

Jain Tallson



OFFICE OF THE CITY CLERK

**INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**TO:**

- Tony Molnar, Engineering Department
- Carl Littrell, Engineering Department
- John Byorni, Area Plan Commission
- Larry Magliozzi, Department of Economic Development
- Chief Bert Prawat, Fire Department
- Alonzo Adams, Solid Waste
- Traffic Commander Joe Markovich, Police Traffic Department
- Frank Schaffer, City Attorney's Office

**FROM:** Angie Jacob, Clerk *AJ*

**RE:** Alley Vacation

**DATE:** March 29, 2001

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**COMMENTS & RECOMMENDATIONS:**

*No objections*

**BY:**

*AJ*

**DATE:**

*4/2/01*

**INTER-OFFICE MEMORANDUM**



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

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Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

Joni Talboom



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO:           - Tony Molnar, Engineering Department  
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FROM:       Angie Jacob, Clerk *AJ*

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DATE:       March 29, 2001

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COMMENTS & RECOMMENDATIONS:

*Solid Waste are in favor of this  
street vacation*

BY: *Alonzo Adams*                      DATE: *4-10-01*

INTER-OFFICE MEMORANDUM



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

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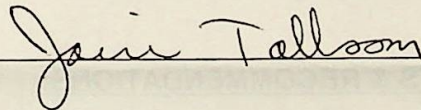
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Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

A handwritten signature in cursive script, appearing to read "Janie Tallson", is written over a horizontal line.



American Electric Power  
P.O. Box 00  
Fort Wayne IN 46801-0000



April 11, 2001

South Bend Board of Public Works  
County-City Building  
South Bend, IN 46601

Re: Vacation of Tutt Street west of South Main Street in the City of South Bend

Dear Sirs:

On April 10, 2001 Indiana Michigan Power purchased a parcel of land 350 feet in length and 165 feet in width west of and adjacent to South Main Street and immediately north of and adjacent to Tutt Street.

We understand that there is currently a petition in the approval process for the vacation of Tutt Street. Indiana Michigan Power Company both support and approves of the vacation of Tutt Street adjacent to our property.

Thank you for your consideration.

Sincerely

Terry Smith  
Real Estate Agent, Sr.  
Land Management Group

*AEP: America's Energy Partner™*



# Area Plan Commission of St. Joseph County

1140 County-City Building  
227 West Jefferson Blvd.  
South Bend, Indiana 46601

Robert W. Sante  
Executive Director

John W. Byorni  
Assistant Director

Phone 219 235-9571

Fax 219 235-9813

April 12, 2001

The Board of Public Works  
13<sup>th</sup> Floor, County-City Building  
South Bend, Indiana 46601

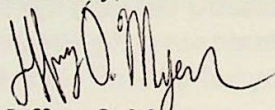
RE: Street Vacation – Tutt Street from the east right-of-way line of Lafayette Boulevard to the west right-of-way line of Main Street for a distance of 345 feet, more or less. Being a part of Garst's 1<sup>st</sup> Addition to the City of South Bend, St. Joseph County Indiana.

Dear Board Members:

It should be noted that only one adjacent property owner has signed the petition and that this vacation would dead-end the alley that extends southward between Tutt Street and Sample Street. The property owner at the southeast corner of Tutt Street and Lafayette Boulevard has a gate to their property on Tutt Street.

If this street is vacated, it should be done so subject to any utility easements and creating cross-access easements for adjacent properties.

Sincerely,



Jeffrey O. Myers  
Planner





**INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**TO:** -Tony Molnar, Engineering Department  
- Carl Littrell, Engineering Department  
- John Byorni, Area Plan Commission  
- Larry Magliozzi, Department of Economic Development  
- Chief Bert Prawat, Fire Department  
- Alonzo Adams, Solid Waste  
- Traffic Commander Joe Markovich, Police Traffic Department  
- Frank Schaffer, City Attorney's Office

**FROM:** Angie Jacob, Clerk *AJ*

**RE:** Alley Vacation

**DATE:** March 29, 2001

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**COMMENTS & RECOMMENDATIONS:**

*RECOMMEND APPROVAL*

---

---

BY: *Jim R. Hunt* DATE: *04.11.01*

---

**INTER-OFFICE MEMORANDUM**



OFFICE OF THE CITY CLERK

TO: BOARD OF PUBLIC WORKS

DATE: MARCH 28, 2001

I am referring to you the following vacation:

29-00

THE STREET TO BE VACATED IS TUTT STREET FROM THE EAST RIGHT OF WAY LINE OF LAFAYETTE BLVD. TO THE WEST RIGHT OF WAY LINE OF MAIN STREET FOR A DISTANCE OF 345 FEET, MORE OR LESS. BEING A PART OF GARST'S 1<sup>ST</sup> ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

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If you have any questions, please do not hesitate to contact this office.

Thanks!

CITY CLERK  
LORETTA J. DUDA

DEPUTY

*Jane Tallon*





**INTER-OFFICE MEMORANDUM**  
**DEPARTMENT OF PUBLIC WORKS**

**TO:** Dr. Dave Varner, Chairperson  
Public Works and Property Vacation Committee

**FROM:** Gary Gilot *GG*

**SUBJECT:** Board of Public Works Recommendation  
Vacation of Tutt Street from East Right of Way Line of Lafayette  
Boulevard

**DATE:** April 23, 2001

---

Attached please find the recommendations from all of the City departments. All were favorable on the vacation of Tutt Street. The property owner to the north is American Electric Power, who is installing a power sub-station and the two are in support of the vacation. There were no issues from a standpoint of ingress/egress or access for Solid Waste. The Board of Public Works will not formally meet on this until Monday, April 23, the date of your scheduled action on this, but it is my full intention to recommend favorably on this vacation.

I will plan to be at your meeting or have a representative there to confirm that this action, in fact, takes place on April 23. If you have any questions or need more information, please contact me at 235-5923.