

12-03-01

RESO # 9274-01

Resolution No.: 9274-01

Description: The alley to be vacated is the first North/South alley East of Lafayette Blvd. From the North right of way line of Sample Street to the right of way line of Tutt street for a distance of 278

Assessed Filed: 12/03/2001

Type: Vacated



Office of the City Clerk

Loretta J. Duda, City Clerk

DECEMBER 3, 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 - Mark
Community & Economic Development
County Auditor - Melinda

FROM: Loretta J. Duda, City Clerk

All proceedings with reference to Ordinance No. 9274-01 for the vacation of the following property:

THE ALLEY TO BE VACATED IS THE FIRST NORTH/SOUTH ALLEY EAST OF LAFAYETTE BLVD. FROM THE NORTH RIGHT OF WAY LINE OF SAMPLE STREET TO THE RIGHT OF WAY LINE OF TUTT STREET FOR A DISTANCE OF 278 FEET MORE OR LESS AND A WIDTH OF 14 FEET. BEING A PART OF GARST 1ST ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

are closed and this area is vacated.

cc: Larry Magliozzi

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

October 18, 2001

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

RE: Alley Vacation

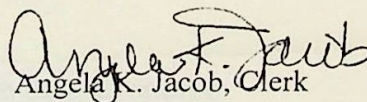
Dear Members of the Council:

In accordance with Municipal Code Section 18-53.8, an unfavorable recommendation is being submitted to the Common Council concerning an alley vacation on the following:

The first north/south alley east of Lafayette Boulevard from the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet, more or less and a width of 14 feet. Being a part of the Garst 1st Addition to the City of South Bend, St. Joseph County, Indiana.

Therefore, the Board submits to you a favorable recommendation concerning this vacation, subject to any utility easements that may be necessary.

Sincerely,


Angela K. Jacob, Clerk

Attachments

c: Rosemary Mandrici, Assessor's Office
Melinda Stopczynski, Auditor's Office

APPROVED
Board of Public Works

ORDINANCE NO. _____

OCT 18 2001
Samuel Schlot
Carl P. Pittill
Donald E. Rubin

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first north / south alley east of Lafayette Blvd. From the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet more or less and a width of 14 feet. Being a part of the Garst 1st Addition to the City of South Bend, St Joseph County, Indiana.

STATEMENT OF PURPOSE AND INTENT

Pursuant to the 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 following property:

The alley to be vacated is the first north/south alley east of Lafayette Blvd. From the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet more or less and a width of 14 feet. Being a part of the Garst 1st 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 the Municipal City of South Bend, Indiana, to construct and maintain and 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:

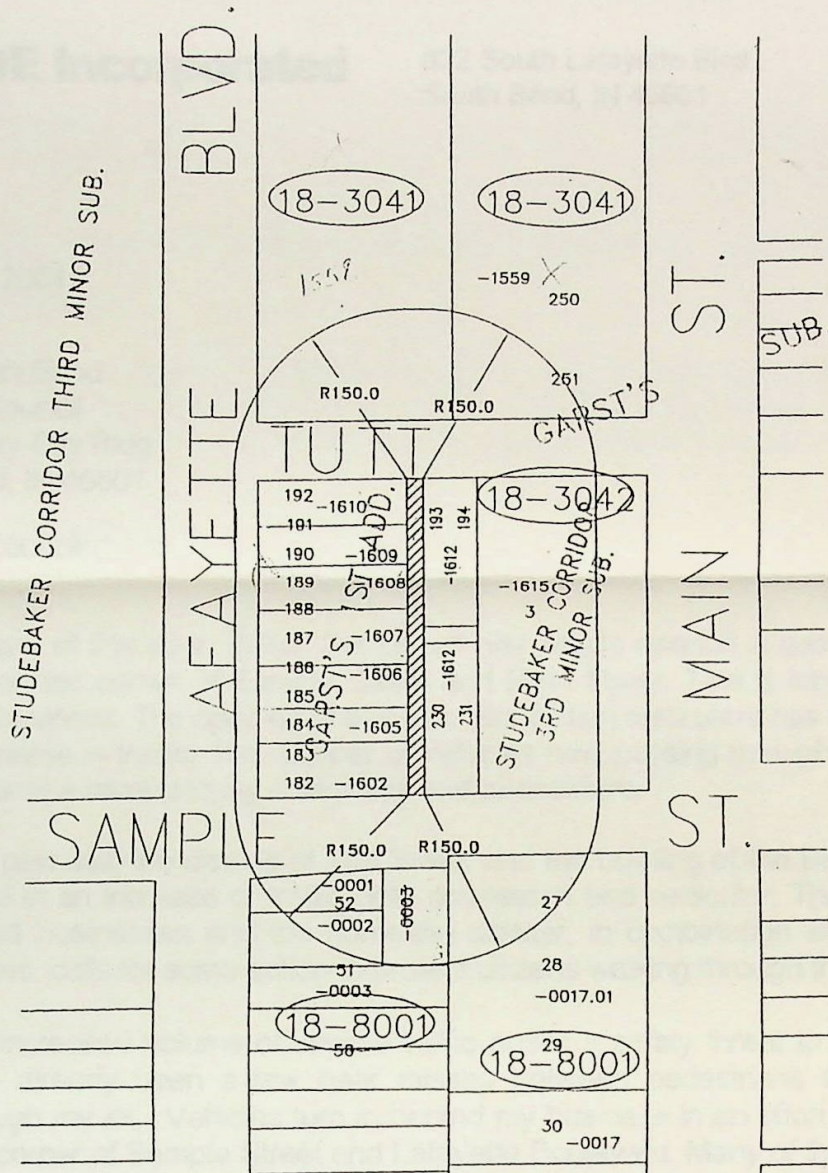
18 3042 1610, 18 3042 1609, 18 3042 1608, 18 3042 1607
18 3042 1615

SECTION IV. The purpose for the vacation of the real property is to control the problem of through traffic in the area, caused by the many changes taking place in the immediate area and also to protect persons walking in the area.

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

Member of the Common Council

The alley to be vacated is the first north/south alley east of Lafayette Street from the north right of way line of Sample Street to the south right of way line of Jutt Street for a distance of 278 feet more or less and a width of 14 feet. Being a part of Corst 1st Addition to the City of South Bend, St. Joseph County, Indiana.



ALLEY VACATION

The alley to be vacated is the first north/south alley east of Lafayette Blvd. from the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet more or less and a width of 14 feet. Being a part of Garst 1st Addition to the City of South Bend, St. Joseph County, Indiana.



AMDE Incorporated

822 South Lafayette Blvd.
South Bend, IN 46601

October 2, 2001

City of South Bend
Common Council
1316 County-City Bldg.
South Bend, IN 46601

Common Council:

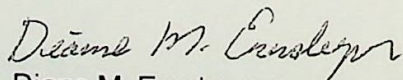
In April of this year, British Petroleum and Arby's opened a gas station and restaurant on the corner of Sample Street and Main Street. This is located directly behind my business. The opening of this new gas station restaurant has resulted in a marked increase in traffic. The number of vehicles now passing through my parking lot has become a hazard to my customers and pedestrians.

The new Jail, the closing of Tutt Street and the building of the BP and Arby's has resulted in an increase of traffic both pedestrian and vehicular. The location of several small businesses and the homeless shelter, in combination with all of the other changes, calls for some action to protect citizens walking through this area.

The increased volume of vehicle traffic poses a safety threat to pedestrians. There have already been a few near misses between pedestrians and vehicles cutting through my lot. Vehicles turn in behind my business in an effort to avoid the light on the corner of Sample Street and Lafayette Boulevard. Many of these vehicles are trying to get to the gas station. The alley behind my business used to connect with Tutt Street. Tutt Street has recently closed and now the alley that runs behind my business is a dead end. Vehicles that attempt to pass through must stop and back up around my business.

The purpose for the vacation of the real property is to control the problem of through traffic in the area, caused by the many changes taking place in the immediate area and to protect persons walking in the area.

Sincerely,


Diane M. Emsberger
President AMDE Inc.

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

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

DATE: _____

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

A. THE ALLEY DESCRIBED AS:

The alley to be vacated is the first north / south alley east of Lafayette Blvd. from the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet more or less and a width of 14 feet. Being a part of Garst 1st Addition to the City of South Bend, St. Joseph County, Indiana.

B. THE STREET DESCRIBED AS:

NAME (signed & printed)	ADDRESS	LOT #
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<u>Richard C. Hamilton</u>	<u>802 S. Lafayette Blvd. South Bend, In., 46601</u>	<u>18 3042 1607</u>
----------------------------	------------------------------------------------------	---------------------

Richard C. Hamilton

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CONTACT PERSON (S)

NAME: Diane M. Ernsberger

ADDRESS: 822 S. Lafayette Blvd., South Bend, In.
46601

PHONE: (219 289-9829

RETURN TO:

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



**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
✓ Joe Markovich, Police Traffic Department
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk *AJ*

RE: Alley Vacation

DATE: October 6, 2001

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

The first north/south alley east of Lafayette Boulevard from the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet, more or less and a width of 14 feet. Being a part of the Garst 1st Addition to the City of South Bend, St. Joseph County, Indiana.

I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 12, 2001**. **Thanks for your cooperation.**


COMMENTS & RECOMMENDATIONS:

No Objections

BY: Capt Markovich DATE: 10-09-01

**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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FROM: Angie Jacob, Clerk 

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
COMMENTS & RECOMMENDATIONS:

Solid Waste are in favor of this
Alley vacation

BY: Alonzo B. Adams DATE: 10-9-01

**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
- Joe Markovich, Police Traffic Department
- Tom Bodnar, City Attorney's Office

FROM: Angie Jacob, Clerk 

RE: Alley Vacation

DATE: October 6, 2001

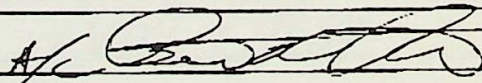
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I would appreciate receiving your comments and recommendation concerning this vacation no later than October 12, 2001. Thanks for your cooperation.

COMMENTS & RECOMMENDATIONS:

ANGIE
no objection

BY:  DATE: 10-9-01

**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
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FROM: Angie Jacob, Clerk *AJ*

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I would appreciate receiving your comments and recommendation concerning this vacation no later than **October 12, 2001**. **Thanks for your cooperation.**

COMMENTS & RECOMMENDATIONS:

No objection. ~~I would also support vacation~~

BY:

Carl B. Littrell

DATE:

10/8/01

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

October 12, 2001

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

RE: The first north/south alley east of Lafayette Boulevard from the north right of way line of Sample Street to the south right of way line of Tutt Street for a distance of 278 feet, more or less and a width of 14 feet. Being a part of the Garst 1st Addition to the City of South Bend, St. Joseph County, Indiana.

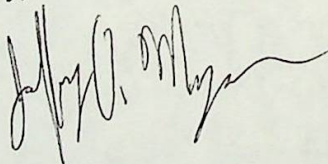
Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

- (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 not 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 not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

The Staff recommends that if this alley is vacated that it be done so subject to the creation of any cross-access or utility easements that may be necessary.

Sincerely,



Jeffrey O. Myers
Planner

