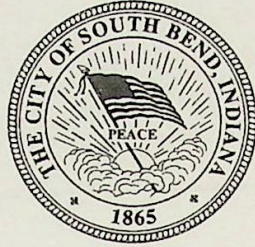


ALLEY VACATION
ORDINANCE NO. 9818-08
Status Vacated

Date 3/17/2008

Description:

A portion of right of way located on the Northwest corner of Napoleon Street and Eddy Street, being a part of the Northeast quarter of Section 1, Township 37 North, Range 2 East, Portage Township, St. Joseph County, Indiana



duplicate

Office of the City Clerk

John Voorde, City Clerk

March 17, 2008

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 – Pam Meyer
County Auditor - Paula
Ed Herman - Water Works - North Station

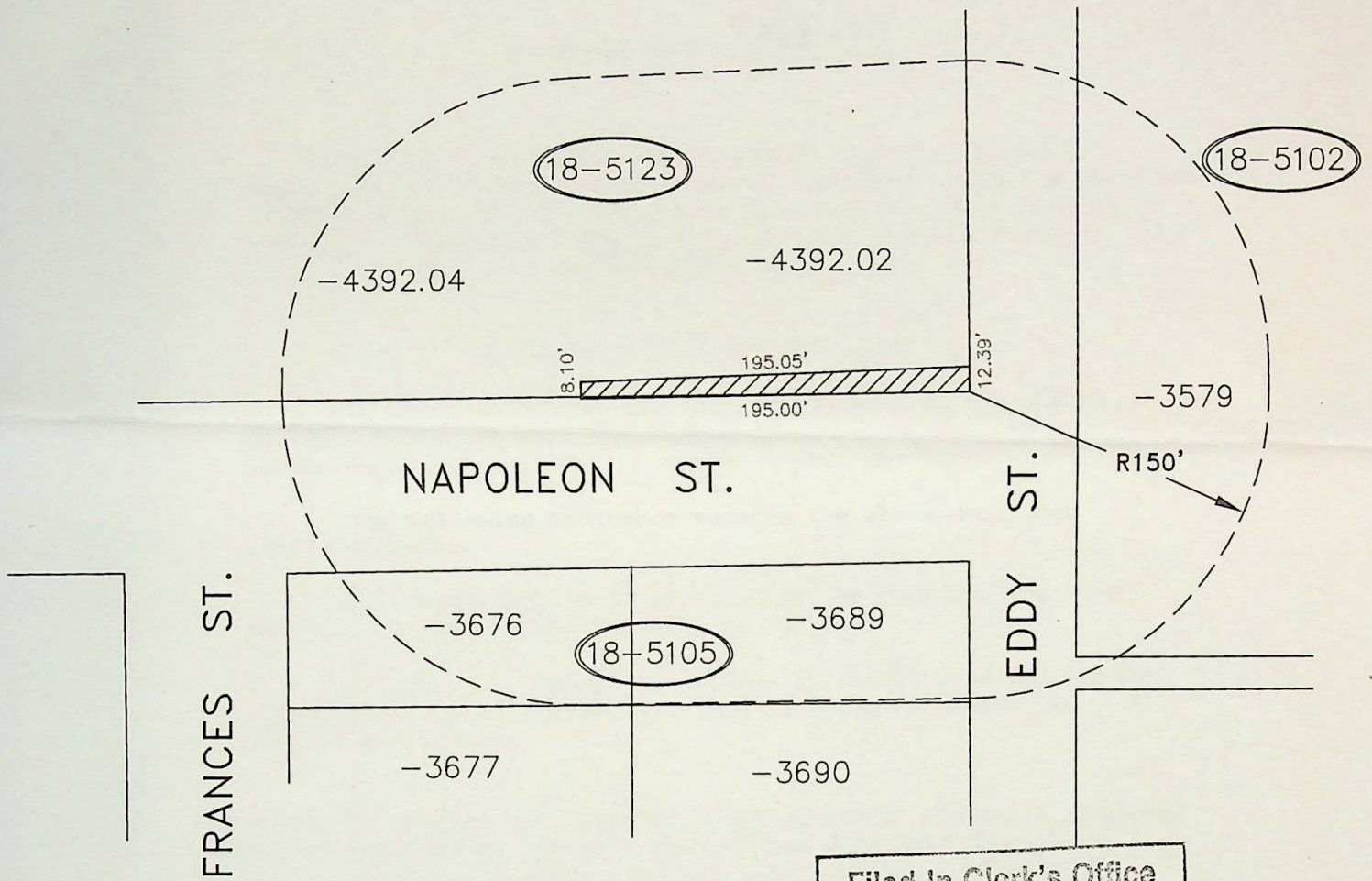
FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 9818-08 for the vacation of the following property:

A PORTION OF RIGHT-OF-WAY LOCATED ON THE NORTHWEST CORNER OF NAPOLEON STREET AND EDDY STREET, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

is closed and this area is vacated.

cc: South Bend Community School Corp. Transportation Dept.
Jim Betin - Northern Indiana Public Service Co.



Filed In Clerk's Office

DEC 5 2007

JOHN VOORDE
CITY CLERK, SO. BEND, IN.

LEGAL DESCRIPTION:

PARCEL R/W VACATION:

A PORTION OF RIGHT-OF-WAY LOCATED ON THE NORTHWEST CORNER OF NAPOLEON STREET AND EDDY STREET, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF NAPOLEON STREET AND THE WEST RIGHT-OF-WAY LINE OF EDDY STREET; THENCE S90°00'00"W ALONG THE NORTH RIGHT-OF-WAY LINE OF NAPOLEON STREET FOR A DISTANCE OF 195.00 FEET; THENCE N00°00'00"W A DISTANCE OF 8.10 FEET; THENCE N88°44'23"E A DISTANCE OF 195.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF EDDY STREET; THENCE S90°00'00"E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 12.39 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. 9818-08

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:
A PORTION OF RIGHT-OF-WAY LOCATED ON THE NORTHWEST CORNER OF NAPOLEON
STREET AND EDDY STREET, BEING A PART OF THE NORTHEAST QUARTER OF
SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, 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:

A PORTION OF RIGHT-OF-WAY LOCATED ON THE NORTHWEST CORNER OF NAPOLEON STREET AND EDDY STREET, BEING A PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF NAPOLEON STREET AND THE WEST RIGHT-OF-WAY LINE OF EDDY STREET; THENCE S. 90°00'00" W, ALONG THE NORTH RIGHT-OF-WAY LINE OF NAPOLEON STREET FOR A DISTANCE OF 195.00 FEET; THENCE N 00°00'00" W A DISTANCE OF 8.10 FEET; THENCE N 88°44'23" E A DISTANCE OF 195.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF EDDY STREET; THENCE S 90°00'00" E ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 12.39 FEET TO THE POINT OF BEGINNING.

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:

Tax Key Number 18-5123-4392.02

SECTION IV. The purpose of the vacation of the real property is to allow for the construction of the Eddy Street Commons facility. The proposed project will use the proposed vacated right-of ways.

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.

Timothy A. Pouse
Member of the Common Council

Attest:

John Voorde
City Clerk

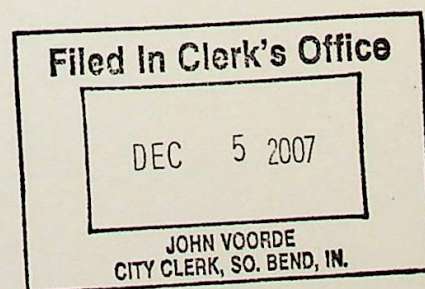
Presented by me to the Mayor of the City of South Bend, Indiana on the 29th day of January, 2008, at 3:00 o'clock p. m.

John Tallon
Deputy City Clerk

Approved and signed by me on the 29th day of January, 2008, at 5 o'clock p. m.

Stephen J. Garcia
Mayor, City of South Bend, Indiana

1st READING 1-14-08
PUBLIC HEARING 1-28-08
3rd READING 1-28-08
NOT APPROVED
REFERRED
PASSED 1-28-08





Danch, Harner & Associates, Inc.

MICHAEL J. DANCH, L.A.
RON HARNER, P.S.
DANIEL W. AKIN, P.E., L.S.

Land Surveyors ■ Professional Engineers
Landscape Architects ■ Land Planners

December 3, 2007

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

RE: Vacation Petition for a portion of the following:

- 1.) Northwest corner of Napoleon Street and Eddy Street right-of-way
- 2.) Southeast corner of Eddy Street and Angela Boulevard right-of-ways
- 3.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Burns Street to the west right-of-way line of Duey Street.
- 4.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Georgiana Street to the west right-of-way line of Burns Street.

Dear Council Members:

Our clients, the University of Notre Dame Du Lac., Northeast Neighborhood Revitalization Organization, Inc., and the South Bend Heritage Foundation are requesting the approval of the Vacation of a portion of the following:

- 1.) Northwest corner of Napoleon Street and Eddy Street right-of-way
- 2.) Southeast corner of Eddy Street and Angela Boulevard right-of-ways
- 3.) alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Burns Street to the west right-of-way line of Duey Street.
- 4.) Alley located as the first east-west alley north of St. Vincent Street from the east right-of-way line of Georgiana Street to the west right-of-way line of Burns Street.

The reason for this request is to allow for the construction of the Eddy Street Commons facility. The proposed project will use the proposed vacated right-of-ways. The City and the Petitioners believe that vacating the above mentioned right-of-ways will not have a detrimental effect on the adjacent properties.

If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,

Michael J. Danch
President
Danch, Harner & Associates

File # 070189.2 pjh

