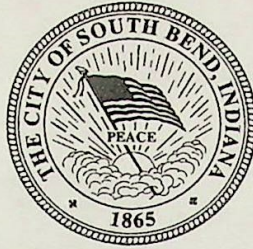


ALLEY VACATION  
ORDINANCE NO. 9820-08  
Status Vacated

Date 3/17/2008

Description:

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 for a distance of 248 feet, more or less and a width of approximately 12 feet



# Office of the City Clerk

John Voorde, City Clerk

March 17, 2008

## MEMORANDUM

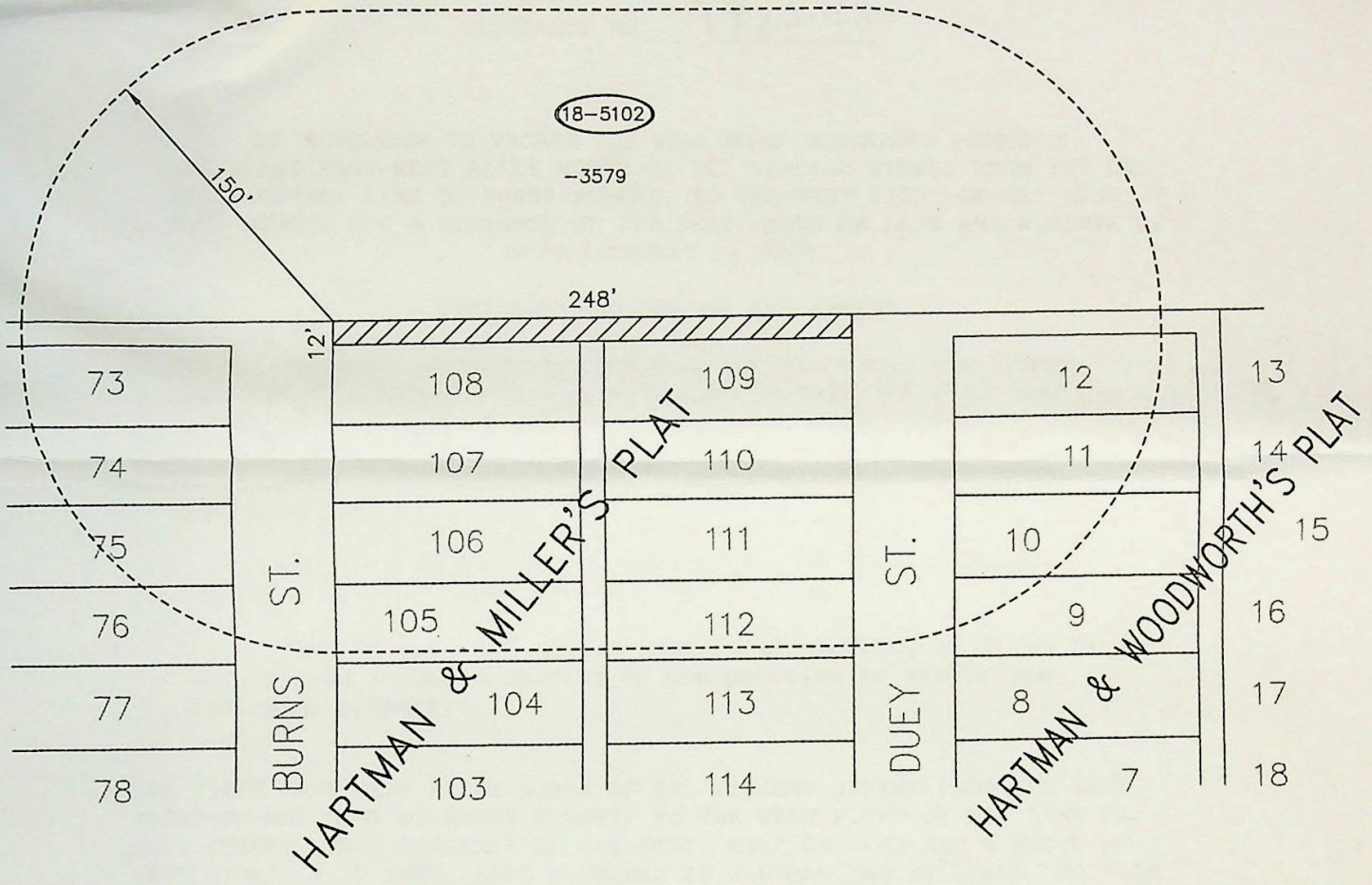
TO: Area Plan Commission  
Board of Public Works  
Building Department  
Division of Engineering  
Fire Department  
Northern Indiana Public Service Company  
Police Department  
Street Department  
Bureau of Traffic & Lighting - Mark  
Community & Economic Development – Pam Meyer  
County Auditor - Paula  
Ed Herman - Water Works - North Station

FROM: John Voorde, City Clerk

All proceedings with reference to Ordinance No. 9820-08 for the vacation of the following property:

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 FOR A DISTANCE OF 248 FEET, MORE OR LESS AND A WIDTH OF APPROXIMATELY 12 FEET

is closed and this area is vacated.



LEGAL DESCRIPTION:

THE ALLEY TO BE VACATED IS DESCRIBED 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 FOR A DISTANCE OF 248 FEET +/- AND A WIDTH OF APPROXIMATELY 12 FEET. PART SITUATED IN HARTMAN AND MILLER'S ADDITION TO THE CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA.

**Filed in Clerk's Office**  
 DEC 5 1977  
 JOHN VOORDE  
 CITY CLERK, SO. BEND, IN.

ORDINANCE NO. 9820-08

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
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 FOR A DISTANCE OF 248 FEET, MORE OR LESS AND A WIDTH OF  
APPROXIMATELY 12 FEET.

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 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 FOR A DISTANCE OF 248 FEET, MORE OR LESS AND A WIDTH OF  
APPROXIMATELY 12 FEET. PART SITUATED IN HARTMAN AND MILLER'S 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 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 18-5100-3526  
Tax Key Number 18-5100-3527  
Tax Key Number 18-5102-3579

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. Rouse  
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 29<sup>th</sup> day of January, 2008, at 3:10 o'clock p. m.

Jamie Tallon  
Deputy City Clerk

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

Stephen J. Truesch  
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

Filed In Clerk's Office  
DEC - 5 2007  
JOHN VOORDE  
CITY CLERK, SO. BEND, IN.



# 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  
4<sup>th</sup> Floor County-City Building  
South Bend, Indiana 46601

RE: Vacation Petition for a portion of the following:

- 716-08 1.) Northwest corner of Napoleon Street and Eddy Street right-of-way
- 9819-08 2.) Southeast corner of Eddy Street and Angela Boulevard right-of-ways
- 1000-08 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.
- 9921-08 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

