

Alley Vacation  
Ordinance No. 10421-16  
Status: Vacated

Date: 02/22/16

Description: First North/South Alley South  
Of Mishawaka Ave. to the First East/West  
Alley between 28<sup>th</sup> & 29<sup>th</sup> St.

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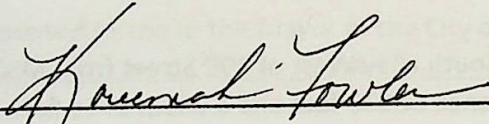
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**ORDINANCE No. 10421-16**

*Passed by the Common Council of the City of South Bend, Indiana*

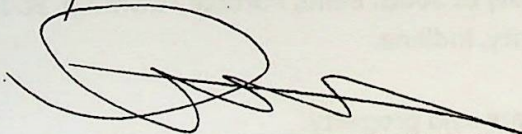
February 22, 20 16

*Attest:*



*City Clerk*

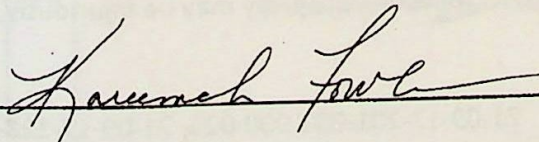
*Attest:*



*President of Common Council*

*Presented by me to the Mayor of the City of South Bend, Indiana*

February 23, 20 16



*City Clerk*

*Approved and signed by me*

February 23, 20 16

ORDINANCE NO. 10421-16

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

The alley to be vacated is the first North/South alley West of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, 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:

The alley to be vacated is the first North/South alley West of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, 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:

71-09-17-201-001.000-026, 71-09-17-128-005.000-026

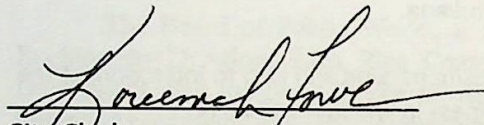
SECTION IV. The purpose of the vacation of the real property is to increase the onsite parking and also to interconnect the east property which is parking to the west property which is the business in which it will serve.

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.

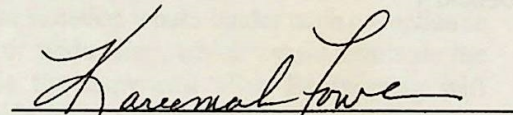


Member of the Common Council

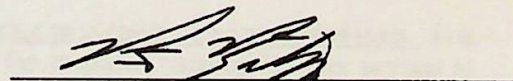
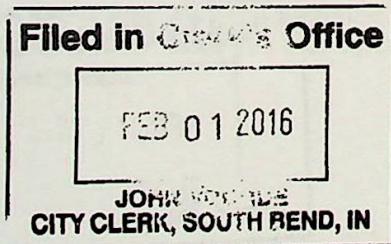
Attest:

  
City Clerk

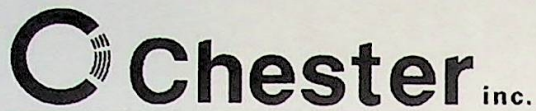
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m.

  
City Clerk

Approved and signed by me on the 23<sup>rd</sup> day of February, 2016, at 9:00 o'clock 9 .m.

  
Mayor, City of South Bend, Indiana

1st  
PUBLIC HEARING  
3rd READING  
NOT APPROVED  
REFERRED  
PASSED



## Construction Services

Architectural & General Contracting Specialists

555 Eastport Centre Drive  
P.O. Box 2237  
Valparaiso, IN 46384

Bus 219-465-7555  
Fax 219-464-2562  
[www.chesterinc.com](http://www.chesterinc.com)

January 21, 2016

City of South Bend  
Common Council  
227 West Jefferson Boulevard  
South Bend, IN 46601

RE: Alley Vacation, 2910 Mishawaka Avenue

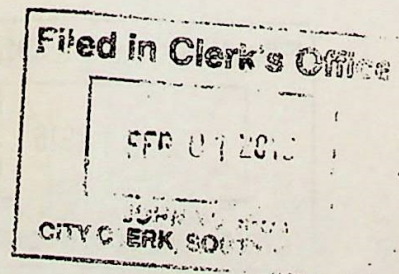
Common Council Members:

The alley to be vacated is the first north/south alley west of 29<sup>th</sup> Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

The purpose of the vacation of the real property is to increase the onsite parking and also to interconnect the east property which is parking to the west property which is the business in which it will serve.

Respectfully

Steve DeBold



1316 COUNTY-CITY BUILDING  
227 WEST JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251  
FAX 574/235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

**BOARD OF PUBLIC WORKS**

Filed in Clerk's Office

October 13, 2015

Chester Arch  
Family Pet Health Center  
2910 Mishawaka Ave  
South Bend, IN 46615

FEB 13 2016

KAY... IN  
CITY CLERK

RE: Alley Vacation – First North/South Alley South of Mishawaka Avenue to the First East/West Alley between 28<sup>th</sup> and 29<sup>th</sup> Street (Preliminary Review)

Dear Mr. Arch:

The Board of Public Works, at its October 13, 2015, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division regarding your request to vacate the above alley. The following comments and recommendations were submitted:

Area Plan stated that 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. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous. Solid Waste stated the vacation would hinder trash collection in the alley. Engineering stated the request is to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular section, but 14' is the narrowest alley Engineering will recommend. They recommended that the requestor provide for vehicular turning by increasing the width of the perpendicular alley circuit.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to working out the turning radius issues with the City Engineering Department.

**\*\*You will need an executed Cross Access Agreement with your neighbors.**

**Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map.** You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,

*Linda M. Martin*  
Linda M. Martin, Clerk



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

**TO:** Pete Kaminski, Street Department  
✓ Mike Bronstetter, Solid Waste  
✓ Corbitt Kerr, Engineering Department  
Jitin Kain, Community Investment  
✓ Federico Rodriguez, Fire Department  
✓ Larry Magliozzi, Area Plan Commission ([lmaglioz@co.st-joseph.in.us](mailto:lmaglioz@co.st-joseph.in.us) or 235-9813 fax)  
✓ Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk *LM*

**DATE SENT:** 9/24/2015

**FROM:**

**SUBJECT:** **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

**APPLICANT:** Family Pet Health Center

**LOCATION:** First N/S Alley South of Mishawaka Avenue to the first E/W Alley between 28<sup>th</sup> and 29<sup>th</sup> St.

**DATE DUE:** October 6, 2015

**FAX OR E-MAIL TO:** 235-9171 / [lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING  
IC 36-7-3-13 CRITERIA:**

1. The vacation would/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/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

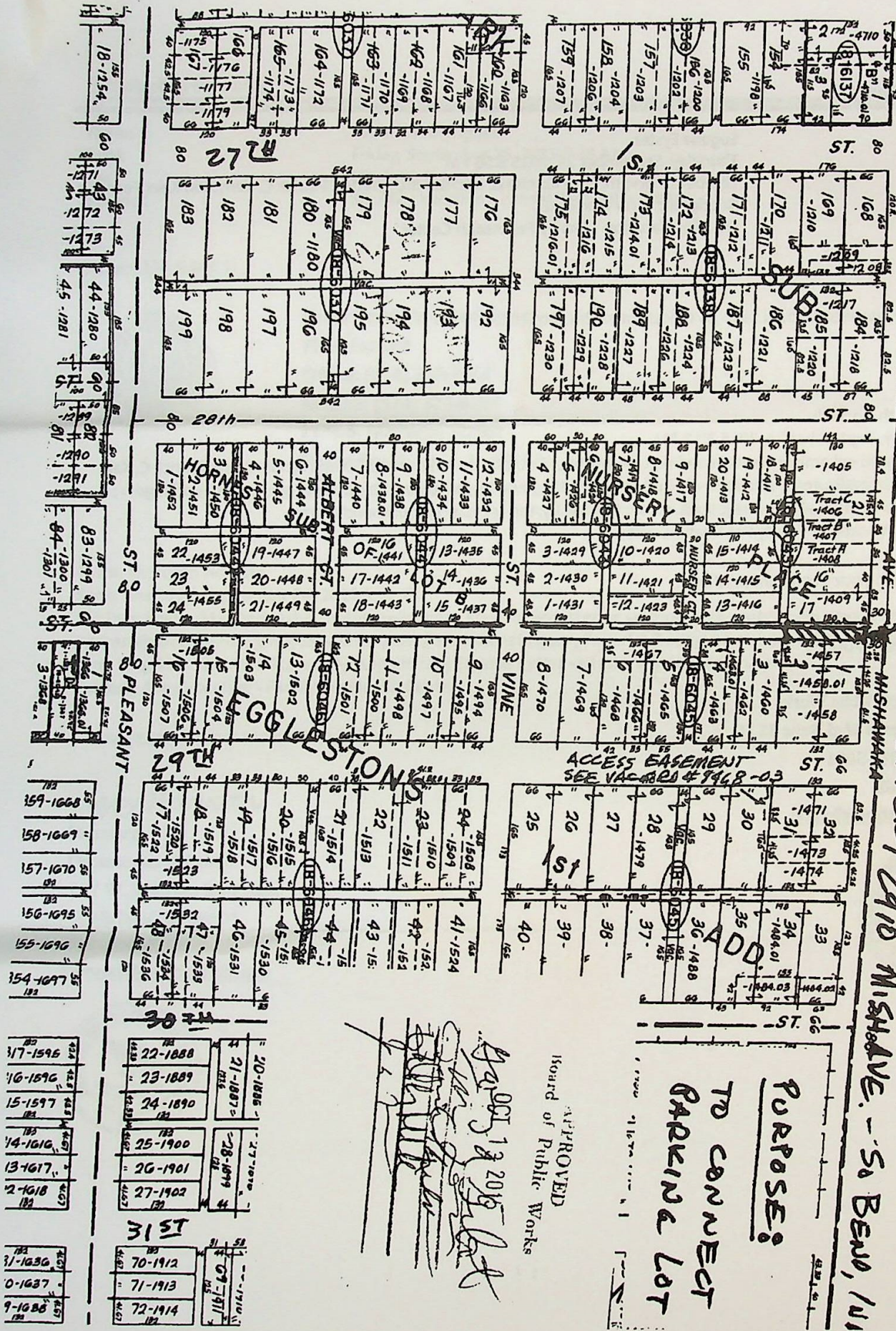
**COMMENTS:**

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By \_\_\_\_\_ Date \_\_\_\_\_

**CONTACT:**  
**CHESTER ARCH WALKY TO BE VACATED**  
**219-4652-9555**

**RETOWNER:**  
**FAMILY PET HEALTH CENTER / 2910 MISHAWAKE - 50 BEAD, WI**  
**OLD RIVER PARK FUTURE**



APPROVED  
 Board of Public Works

OCT 12 2016  
*[Signature]*

PURPOSE:  
 TO CONVERT  
 PARKING LOT



**Elizabeth Horvath**

---

**From:** Eugene Eyster  
**Sent:** Thursday, September 24, 2015 3:56 PM  
**To:** Elizabeth Horvath; Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi  
**Subject:** RE: Alley Vacation - Family Pet Health Center

Ms. Horvath,  
The Police Department would have no objection to this request.

Lt. E. Eyster

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 PM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>  
**Subject:** Alley Vacation - Family Pet Health Center

Please provide your recommendations.

*Lizzy Horvath*

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

[lhovath@southbendin.gov](mailto:lhovath@southbendin.gov)



**Elizabeth Horvath**

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**From:** Federico Rodriguez  
**Sent:** Friday, September 25, 2015 9:38 AM  
**To:** Elizabeth Horvath  
**Subject:** RE: Alley Vacation - Family Pet Health Center

Favorable S.B.F.D.



**Federico (Chico) Rodriguez**  
Fire Marshal  
Office: (574) 235-7564  
Mobile: (574) 876-6734  
1222 S. Michigan Street  
City of South Bend, In 46601  
frodrigu@southbendin.gov

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 PM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>  
**Subject:** Alley Vacation - Family Pet Health Center

Please provide your recommendations.

*Lizzy Horvath*

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

[lhovath@southbendin.gov](mailto:lhovath@southbendin.gov)



**Elizabeth Horvath**

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**From:** Matthew Chappuies <mchappui@co.st-joseph.in.us>  
**Sent:** Friday, September 25, 2015 9:44 AM  
**To:** Elizabeth Horvath  
**Subject:** Alley Vacation  
**Attachments:** Alley Vacation - Family Pet Health Center.pdf

Lizzy,

APC recommends favorably.

Sincerely,

Matthew P. Chappuies, Planner  
Area Plan Commission  
(574) 235-9571



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

TO: Pete Kaminski, Street Department  
Mike Bronstetter, Solid Waste  
Corbitt Kerr, Engineering Department  
Jitin Kain, Community Investment  
Federico Rodriguez, Fire Department  
Larry Magliozzi, Area Plan Commission ([lmaglioz@co.st-joseph.in.us](mailto:lmaglioz@co.st-joseph.in.us) or 235-9813 fax)  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk *LM*

DATE SENT: 9/24/2015

FROM: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

SUBJECT: **Family Pet Health Center**

APPLICANT: **First N/S Alley South of Mishawaka Avenue to the first E/W Alley between 28<sup>th</sup> and 29<sup>th</sup> St.**

LOCATION: **October 6, 2015**

DATE DUE: **235-9171 / [lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)**

FAX OR E-MAIL TO:

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING  
IC 36-7-3-13 CRITERIA:

1. The vacation would/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/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

THIS VACATION WOULD HINDER SOLID WASTE FROM ALLEY COLLECTION IN THE ALLEY BETWEEN 28<sup>TH</sup> AND 29<sup>TH</sup>

By Mike Bronstetter Date 9/28/15

## Elizabeth Horvath

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**From:** Patrick C. Kerr  
**Sent:** Sunday, October 04, 2015 8:46 PM  
**To:** Elizabeth Horvath; Tony Molnar; Carl Littrell  
**Subject:** RE: Alley Vacation - Family Pet Health Center

The requestor is asking to vacate a 16' wide alley, which would terminate the alley at a 12' wide perpendicular alley section. Engineering recommends against vacating this alley unless the requestor can provide for vehicular turning and account for the change in width to the narrower alley. 14' is the narrowest alley Engineering will recommend, so it recommends that the requestor increase the width of the perpendicular alley circuit.

**From:** Elizabeth Horvath  
**Sent:** Thursday, September 24, 2015 3:12 PM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>  
**Subject:** Alley Vacation - Family Pet Health Center

Please provide your recommendations.

*Lizzy Horvath*

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

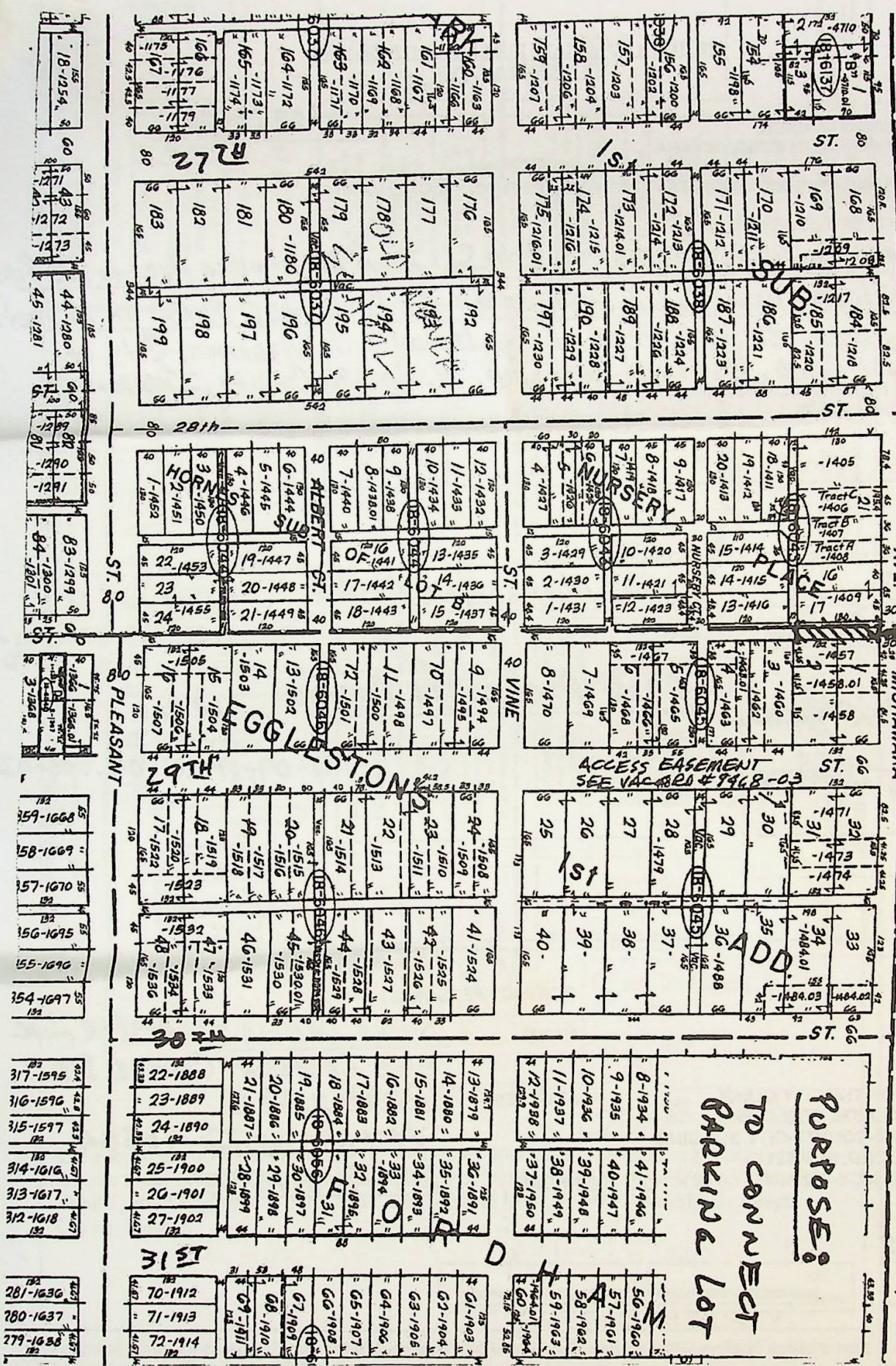
574-235-3168

[lhovath@southbendin.gov](mailto:lhovath@southbendin.gov)



CONTACT: CHESTER ARCH LUEY TO BE REKATED SERVICES 219-4652-9555

PETITIONER: OLD RIVER PARK FAMILY PET HEALTH CENTER / 2910 MISHAWAKA - S. BEND, MN



PURPOSE: TO CONNECT PARKING LOT

ACCESS EASEMENT SEE VACARD #9468-03

222

281h

STON

30

31ST

PURPOSE:

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

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

DATE: 1/21/2016

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

A. THE ALLEY DESCRIBED AS:

NORTH/SOUTH ALLEY WEST OF 29th St. FROM MISHAWAKA AVE. TO THE FIRST  
EAST/WEST ALLEY FOR A DISTANCE OF 130 FEET AND A WIDTH OF 16 FEET.  
SAID ALLEY BEING A PART OF EGGLESTON'S 1st ADDITION, CITY OF  
SOUTH BEND, PORTAGE TOWNSHIP, St. JOSEPH COUNTY, INDIANA.

B. THE STREET DESCRIBED AS:

N/A

NAME (signed & printed)

ADDRESS

LOT #

JOHN BOGNAR

2910 MISHAWAKA AVENUE

~~16~~ 16 & 17

WENDY BOGNAR

71-09-17-128-005.000-  
026

→ John J. Bognar

2920 MISHAWAKA AVENUE

1 & 2

→ Wendy Bognar

71-09-17-201-001.000-026

CONTACT PERSON (S)

NAME:

STEVE DEBOLD - CHESTER, INC

ADDRESS:

555 EASTPORT CENTRE DR.

PO BOX 2237

VALPARAISO, IN 46384

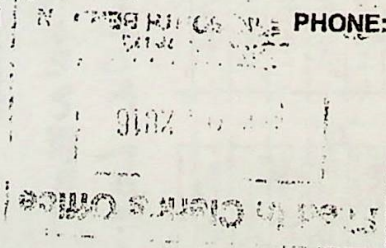
219-465-7555

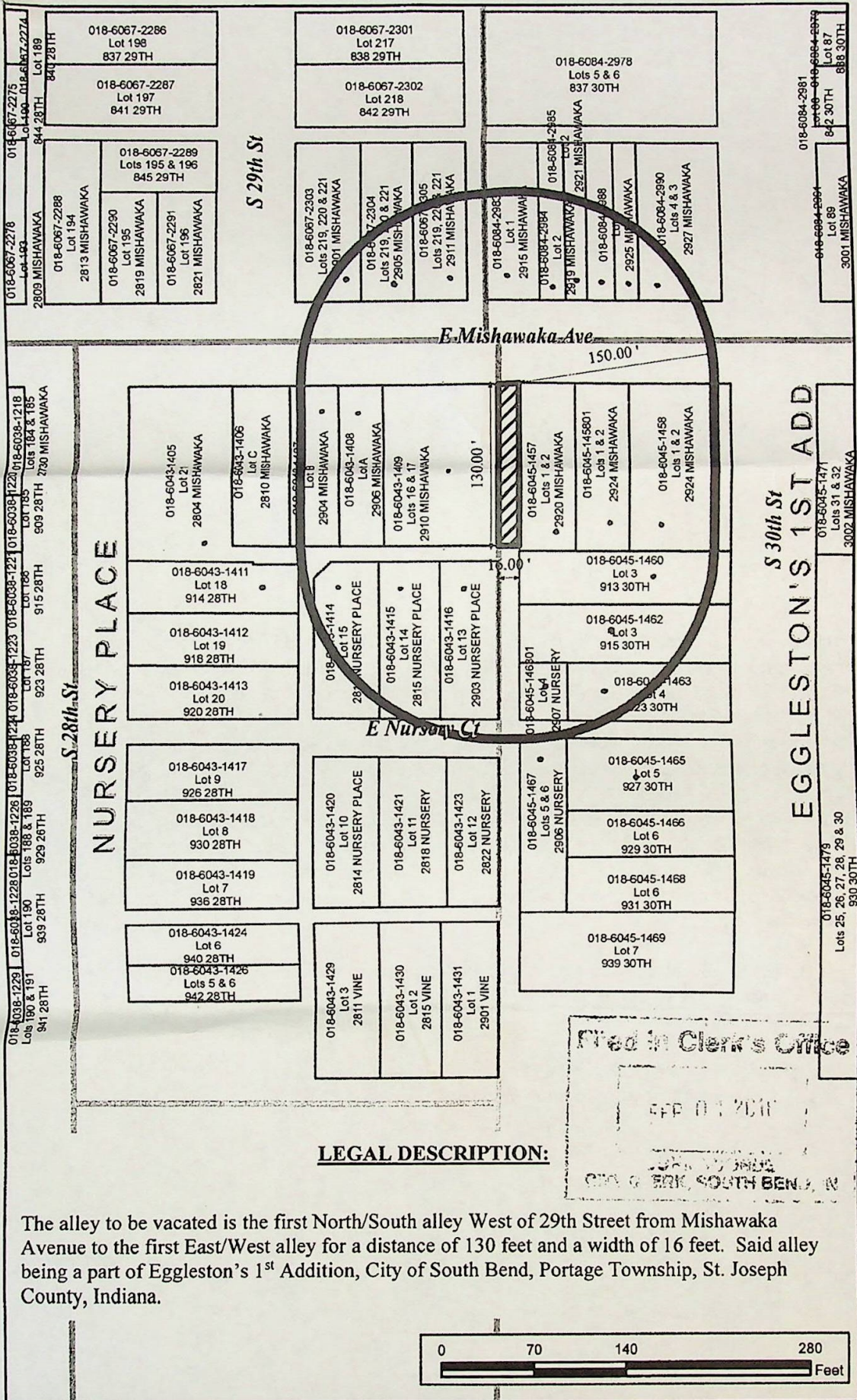
RETURN TO:

OFFICE OF THE CITY CLERK  
JOHN VOORDE, CITY CLERK  
ROOM 455-COUNTY-CITY BUILDING  
SOUTH BEND, IN 46601

574-235-9221

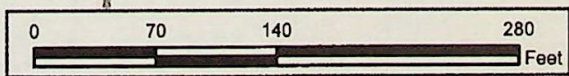
PHONE:





**LEGAL DESCRIPTION:**

The alley to be vacated is the first North/South alley West of 29th Street from Mishawaka Avenue to the first East/West alley for a distance of 130 feet and a width of 16 feet. Said alley being a part of Eggleston's 1<sup>st</sup> Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.



**Alley Vacation**

**2910 Mishawaka Avenue**

City of South Bend  
 Dept. of Public Works #1316  
 227 W Jefferson Blvd.  
 South Bend, IN 46601  
 Phone: (574) 235-9251  
 Fax: (574) 235-9171



**Project No.**

**Page No.**

**Date**





CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR  
**DEPARTMENT OF PUBLIC WORKS**  
Eric Horvath, Director

February 22, 2016

Tim Scott  
Council President  
City of South Bend  
455 County-City Building, 227 W. Jefferson Blvd.  
South Bend, IN 46601

Re: Bill No. 08-16 – Vacate the first North/South alley west of 29<sup>th</sup> Street from Mishawaka Ave.

Dear Mr. Scott,

This letter is to clarify the Department of Public Works position on Bill No. 08-16 concerning the vacation of the first North/South alley west of 29<sup>th</sup> Street from Mishawaka Avenue. The recommendation provided by the Board of Public Works to the petitioner, in its letter dated October 13, 2015 outlined two conditions as part of its favorable recommendation to the Common Council:

1. Provide for vehicular turning by increasing the width of the perpendicular alley circuit
2. Provide an executed cross access agreement with the neighbor

The petitioner, Chester Arch, representing Family Pet Health Center, has worked closely with the City's Engineering staff in coming up with a solution to address the turning radius concern expressed by Solid Waste. The solution involves the petitioner offering an easement through the property to allow for truck access. This solution has been reviewed and vetted by the City Engineer as well as the Director of Solid Waste, who both find it satisfactory.

The City asks that the petitioner record such easement upon approval of the alley vacation by the Common Council and ensure that access to the Solid Waste vehicles is maintained during the current and future construction projects on the site.

It has also been determined that the cross access easement is unnecessary after the current solution for vehicle access was developed jointly by the petitioner and Engineering staff.

Sincerely,

Jitin Kain  
Deputy Director