

ALLEY VACATION  
**ORDINANCE NO. 10645-19**

Status Vacated

Date: February 25, 2019

**Description:** The East/West portion of Dubail St. 29.8'in  
Width running West Approximately 303' from Right of  
Way of S. Olive Street to Parcel 018-8102-3875

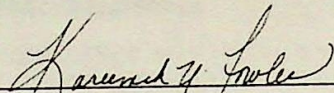
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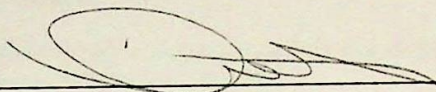
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ORDINANCE No. 10645-19

Passed by the Common Council of the City of South Bend, Indiana \_\_\_\_\_

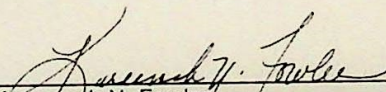
February 25, 19  
\_\_\_\_\_ 20 \_\_\_\_\_

Attest:  City Clerk  
Kareemah N. Fowler

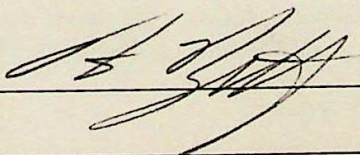
Attest:  President of Common Council

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

February 25, 19  
\_\_\_\_\_ 20 \_\_\_\_\_

 City Clerk  
Kareemah N. Fowler

Approved and signed by me March 6 20 19

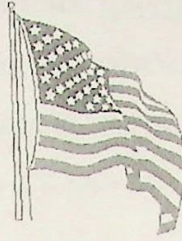
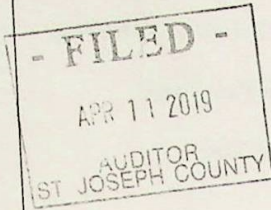
 Mayor

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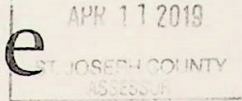
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- Receipt -

# United States of America



## Certificate



STATE OF INDIANA, COUNTY OF ST. JOSEPH, ss:

I, Kareemah N. Fowler, Clerk of the City of South Bend, County of St. Joseph, Indiana, hereby certify that the attached and foregoing is a full, true, and correct copy of

**ORDINANCE 10645-19**

**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:  
THE EAST/WEST PORTION OF DUBAIL ST. 29.8' IN WIDTH RUNNING  
WEST APPROX. 303' FROM RIGHT-OF-WAY OF S. OLIVE ST TO PARCEL  
018-8102-3875**

**PASSED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, FEBRUARY 25, 2019.**

**PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG,  
MARCH 6, 2019.**

**ATTEST: TIM SCOTT, PRESIDENT OF THE COMMON COUNCIL**

**ATTEST: KAREEMAH N. FOWLER, CITY CLERK**

the original of which is now on file in the office of the Clerk of the City of South Bend, St. Joseph County, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of South Bend, St. Joseph County, Indiana, this 10<sup>th</sup> day of April, 20 19

Kareemah N. Fowler

Clerk of the City of South Bend  
St. Joseph County, Indiana

By: Kareemah N. Fowler  
Kareemah N. Fowler

BILL NO. 05-19

ORDINANCE NO. 10645-19

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

The East/West portion of Dubail St. 29.8' in width running West approx.  
303' from right-of-way of S. Olive St to parcel 018-8102-3875.

**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 East/West portion of Dubail St. 29.8' in width running West approx.  
303' from right-of-way of S. Olive St to parcel 018-8102-3875.**

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.

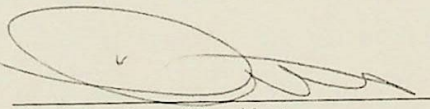
SECTION III. The following property may be injuriously or beneficially affected by such vacating:

Lot Number...Track of Land 450'N&S W Of Olive St Lying In  
No Pt Ne1/4 Sw1/4 Sec 15-37-2e Cont 13.5566Acres+- St  
Bd Assessed

SECTION IV. The purpose of the vacation of the real property is:

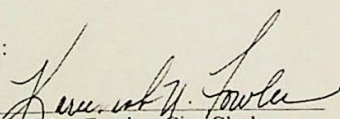
To continue to use this a our North Driveway in and out of Belle  
Way Sales & Service, Inc.

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.

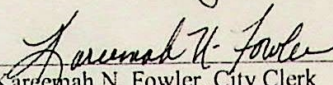


Tim Scott, Council President  
South Bend Common Council

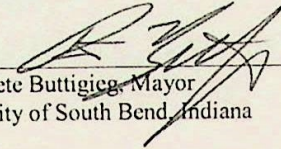
Attest:

  
Karceemah N. Fowler, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the 25<sup>th</sup> day of February, 2019, at 2 o'clock P. m.

  
Kardecyah N. Fowler, City Clerk  
Office of the City Clerk

Approved and signed by me on the 6<sup>th</sup> day of March, 2019, at 10 o'clock a.m.

  
Pete Buttigieg, Mayor  
City of South Bend, Indiana

1st READING 2-11-2019  
PUBLIC HEARING 2-25-2019  
2nd READING 2-25-2019  
NOT APPROVED  
REFERRED  
PASSED 9-0



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

**DATE SENT:** 12/17/2018

**TO:**  Pete Kaminski, Street Department  
 Matt Longfellow, Engineering Department  
 Chris Dressel, Community Investment  
 Federico Rodriguez, Fire Department  
 Larry Magliozzi, Area Plan Commission  
 Angela Smith, Area Plan Commission  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)

**FROM:** Linda M. Martin, Clerk *LM*

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

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**APPLICANT:** Lori Kay Gesto

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**LOCATION:** E/W Portion of Dubail 29.8' in width running W. approx. 303' from W ROW of S. Olive St to Parcel 018-8102-3875

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**DATE DUE:** 12/31/18

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**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:**

---

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

1316 COUNTY-CITY BUILDING  
227 W. 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**

January 22, 2019

Lori Kay Gesto  
1705 S. Olive Street  
South Bend, IN 46613

RE: Street Vacation – Portion of Dubail Street running from Olive Street West to termination at Wabash Street (Preliminary Review)

Dear Ms. Gesto:

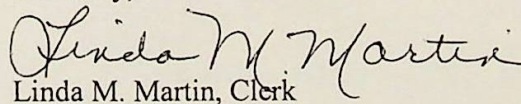
The Board of Public Works, at its January 22, 2019, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department and the Street Department.

Per the Indiana Code 36-7-3-13 guidelines, the vacation met all criteria for a street vacation. Engineering noted there is an existing public water main running down this right-of-way which would require a utility easement agreement to be created if it were to be vacated.

Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this street, subject to a utility easement agreement.

**Please contact Donna Hanson 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 street vacation packet.

Sincerely,

  
Linda M. Martin, Clerk

CITY OF SOUTH BEND  
 DEPARTMENT OF PUBLIC WORKS  
 Street/Alley Vacation Form



227 W. JEFFERSON BOULEVARD PHONE 574/ 235-9251  
 SUITE 1316 COUNTY-CITY BUILDING FAX 574/ 235-9171  
 SOUTH BEND, INDIANA 46601 TDD 574/ 235-5567

**\*THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP\***

Submission Date:	Dec 12, 2018		
Applicant Name:	LORI KAY GESTO	Phone #:	574-261-0305
		Email:	lgesto@belleway.com
Property Address:	1705- S. OLIVE ST. South Bend IN 46613		
Applicant property information:	<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Industrial
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	street is Dubail, west of olive st APPROX 300'		
Is your property adjacent to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Do you own all adjacent properties to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent for the proposed alley vacation			
Reason for street/alley vacation and proposed use:	WE USE AS OUR NORTH DRIVE way.		
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation:  Yes  No

Board of Public Works Authorized Signatures:

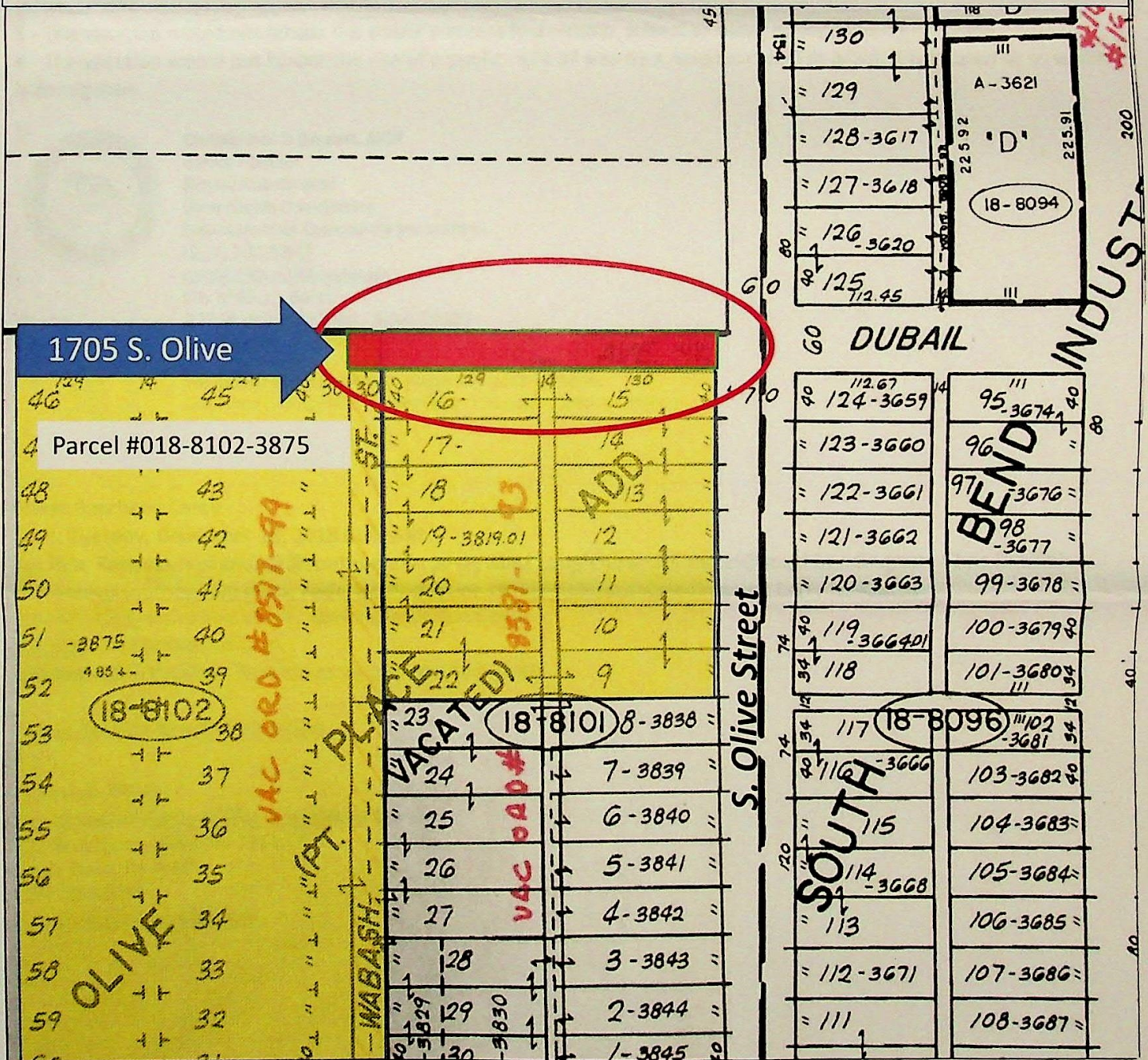
*[Handwritten signatures]*



Lori Kay Gesto  
 1705 S. Olive Street  
 South Bend, IN 46613  
 574-261-0305  
 Mailing: POB 3966, SB, 46619  
 lgesto@belleway.com



Alley/Street to be vacated is the East/West portion of Dubail 29.8' in width running West approx. 303' from W right-of-way of S. Olive Street to parcel 018-8102-3875.



## Raschelle Carey

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**From:** Chris Dressel  
**Sent:** Tuesday, December 18, 2018 4:28 PM  
**To:** Raschelle Carey  
**Cc:** Tim Corcoran  
**Subject:** RE: Alley Vacation Recommendation-Lori Kay Gesto

Recommendation is favorable based on the following criteria.

- 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 space.
- 4 - The vacation would not hinder the use of a public right of way by a neighborhood in which it is located or to which it is contiguous.



Christopher D Dressel, AICP  
Senior Planner  
Bicycle Coordinator  
Brownfields Coordinator  
Department of Community Investment  
(574) 235-5847  
[cdressel@southbendin.gov](mailto:cdressel@southbendin.gov)  
City of South Bend  
227 W. Jefferson Blvd., Suite 1400S  
South Bend, IN 46601

We deliver services that empower everyone to thrive.  
Excellence | Accountability | Innovation | Inclusion | Empowerment

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**From:** Raschelle Carey  
**Sent:** Tuesday, December 18, 2018 8:35 AM  
**To:** Pete Kaminski <[pkaminsk@southbendin.gov](mailto:pkaminsk@southbendin.gov)>; Matt Longfellow <[mlongfel@southbendin.gov](mailto:mlongfel@southbendin.gov)>; Chris Dressel <[cdressel@southbendin.gov](mailto:cdressel@southbendin.gov)>; Federico Rodriguez <[frodrigu@southbendin.gov](mailto:frodrigu@southbendin.gov)>; Larry Magliozzi <[LMAGLIOZ@sjcindiana.com](mailto:LMAGLIOZ@sjcindiana.com)>; [asmith@sjcindiana.com](mailto:asmith@sjcindiana.com)  
**Cc:** [pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)  
**Subject:** Alley Vacation Recommendation-Lori Kay Gesto

Please Provide Recommendation

*Raschelle Carey*

Department of Public Works, Engineering Division  
227 W Jefferson Blvd Ste 1316  
South Bend, IN 46601  
(574) 235-9197  
[Rcarey@southbendin.gov](mailto:Rcarey@southbendin.gov)

## Raschelle Carey

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**From:** Pete Kaminski  
**Sent:** Tuesday, December 18, 2018 10:06 AM  
**To:** Raschelle Carey  
**Subject:** RE: Alley Vacation Recommendation-Lori Kay Gesto

Hi Raschelle, the Street division has no objections to this vacate request. Thank you and I hope your holidays are the best, Pete.

---

**From:** Raschelle Carey  
**Sent:** Tuesday, December 18, 2018 8:35 AM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com  
**Cc:** pmgriffin@nisource.com  
**Subject:** Alley Vacation Recommendation-Lori Kay Gesto

Please Provide Recommendation

*Raschelle Carey*  
Department of Public Works, Engineering Division  
227 W Jefferson Blvd Ste 1316  
South Bend, IN 46601  
(574) 235-9197  
[Rcarey@southbendin.gov](mailto:Rcarey@southbendin.gov)

## Raschelle Carey

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**From:** Federico Rodriguez  
**Sent:** Tuesday, December 18, 2018 10:45 AM  
**To:** Raschelle Carey  
**Subject:** RE: Alley Vacation Recommendation-Lori Kay Gesto

Favorable SBFD

**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](mailto:frodrigu@southbendin.gov)



*We deliver services that empower everyone to thrive.*  
Excellence | Accountability | Innovation | Inclusion | Empowerment

**From:** Raschelle Carey  
**Sent:** Tuesday, December 18, 2018 8:35 AM  
**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@sjcindiana.com>; asmith@sjcindiana.com  
**Cc:** pmgriffin@nisource.com  
**Subject:** Alley Vacation Recommendation-Lori Kay Gesto

Please Provide Recommendation

*Raschelle Carey*  
Department of Public Works, Engineering Division  
227 W Jefferson Blvd Ste 1316  
South Bend, IN 46601  
(574) 235-9197  
[Rcarey@southbendin.gov](mailto:Rcarey@southbendin.gov)



LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

December 21, 2018

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

RE: Street Vacation  
Applicant: Lori Kay Gesto  
Location: Dubail Street, from Olive Street West Approximately 303' to its termination

Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13, and offers a FAVORABLE recommendation. 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.

This street is an unimproved ROW, currently used as an entry drive. No further extension of this ROW is needed or contemplated to support future development.

- (2) The vacation **would not** make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

The three properties that are adjacent to the proposed vacation all have frontage on existing streets.

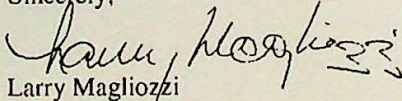
- (3) The vacation **would not** hinder the public's access to a church, school, or other public building or place.

No church, school or other public building or place is accessed by the alley.

- (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 vacation will not hinder access to other adjacent public ways.

Sincerely,

  
Larry Magliozzi

## Raschelle Carey

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**From:** Matt Longfellow  
**Sent:** Monday, January 14, 2019 2:13 PM  
**To:** Raschelle Carey  
**Cc:** Toy Villa; Donna C. Hanson; Chris Dressel; Kara Boyles  
**Subject:** FW: Alley Vacation Recommendation-Lori Kay Gesto -2nd Request  
**Attachments:** Lori Kay Gesto-Alley Vacation.pdf; 1705 S Olive\_Alley vacation.jpg; street view.jpg

I do not have any objections to this vacation request based on the four criteria of IC 36-7-3-13 listed below:

- (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.

However, the Board should be made aware of the following:

- 1) There is an existing public water main running down this right-of-way which would require an access easement to be created if it were to be vacated (shown below).

1701 S Olive St - Google Maps x Michiana Area Council of Govern... x Water & Sewer Map for South B... x +

← → ↻ https://southbend.maps.arcgis.com/home/webmap/viewer.html?webmap=92fa3207b1744e4f8c328af066958e1378&extent=-86.5435

Apps City Standards & Sp... City of South Bend mc | Code of Ordinance Google Maps Macog GIS Google Engineering

Home ▾ Water & Sewer Map for South Bend, IN

Details Basemap Share

About Content Legend

Contents

- Address Points
- Sewer - CSO NetNodes
- Sewer - CSO Areas
- Public Works - Water
- Public Works - Sewer
- Parcels County ...
- City Limits
- World Transportation
- Water ...
- 2017 Aerial
- 2016 Aerial
- 2015 Aerial

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The screenshot shows a web map interface for 'Water & Sewer Map for South Bend, IN'. The main map area displays an aerial photograph of a residential neighborhood. A scale bar at the bottom of the map indicates distances of 0, 30, and 60 feet. Navigation controls (plus, home, minus, and refresh icons) are visible on the left side of the map. The left sidebar contains a 'Contents' panel with a list of map layers, including 'Address Points', 'Sewer - CSO NetNodes', 'Sewer - CSO Areas', 'Public Works - Water', 'Public Works - Sewer', 'Parcels County', 'City Limits', 'World Transportation', 'Water ...', '2017 Aerial', '2016 Aerial', and '2015 Aerial'. The '2017 Aerial' layer is currently selected. At the bottom of the sidebar, there are links for 'Esri.com', 'ArcGIS Marketplace', 'Help', 'Terms of Use', 'Privacy', 'Contact Us', 'Report Abuse', and 'Connect Us'.

2)

Regards,



**Matt Longfellow**  
 Permits Inspector  
 Department of Public Works  
 Division of Engineering  
 Office: (574) 235-5929  
 Mobile: (574) 286-9589  
[m-longfel@southbend.in.gov](mailto:m-longfel@southbend.in.gov)  
 City of South Bend  
 227 W. Jefferson Blvd.  
 South Bend, IN 46601  
[www.southbend.in.gov](http://www.southbend.in.gov)