

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 JAMES MUELLER, MAYOR  
**BOARD OF PUBLIC WORKS**

August 27, 2024

Ms. Ariel Stanley  
Masterbilt Precision Machining  
325 S. Walnut St.  
South Bend, IN 46601  
[ariel@masterbilt-inc.com](mailto:ariel@masterbilt-inc.com)

RE: Alley/Street Vacation – East/West Alley between S. Chestnut St. and S. Walnut St. and North/South Alley between the Train tracks and Napier St. (Preliminary Review)

Dear Ms. Stanley:

At its August 27, 2024 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, 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.

Therefore, the Board of Public Works submitted a **favorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications**. These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures  
TH/hh



**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** February 23, 2024

**TO:** Kyle Ludlow, Public Works  
Kara Boyles, Engineering  
Zach Hurst, Engineering  
Chris Dressel, Community Investment  
Derek Erquhart, Fire Department  
Brad Rohrscheib, Police Department

**FROM:** Theresa Heffner, Clerk (theffner@southbendin.gov)

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

**APPLICANT:** Ariel Stanley/Masterbilt Precision Machining  
**LOCATION:** 325 S. Walnut St.

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**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 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.

**PUBLIC WORKS/ENGINEERING: Favorable**

**COMMUNITY INVESTMENT: Favorable**

- 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.

**FIRE: Favorable Recommendation**

**POLICE: Favorable recommendation**



# STREET/ALLEY VACATION APPLICATION

City of South Bend – Board of Public Works  
227 W. Jefferson Boulevard, Ste. 1316  
South Bend, IN 46601

Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Property  
Address: \_\_\_\_\_

Applicant property information:  Residential  Commercial  Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

Is your property adjacent to the alley of interest?	Yes	No
Do you own all adjacent properties to the alley of interest?	Yes	No
Does the existing alley provide garage access to other property owners?	Yes	No
Does the alley receive daily traffic excluding your own use?	Yes	No
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	Yes	No

Reason for street/alley vacation and proposed use:

A map **MUST** be provided highlighting the area you would like to vacate with this application.

### OFFICE USE ONLY:

Board Recommendation:  Yes  No

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Gary A. Gilot, Member

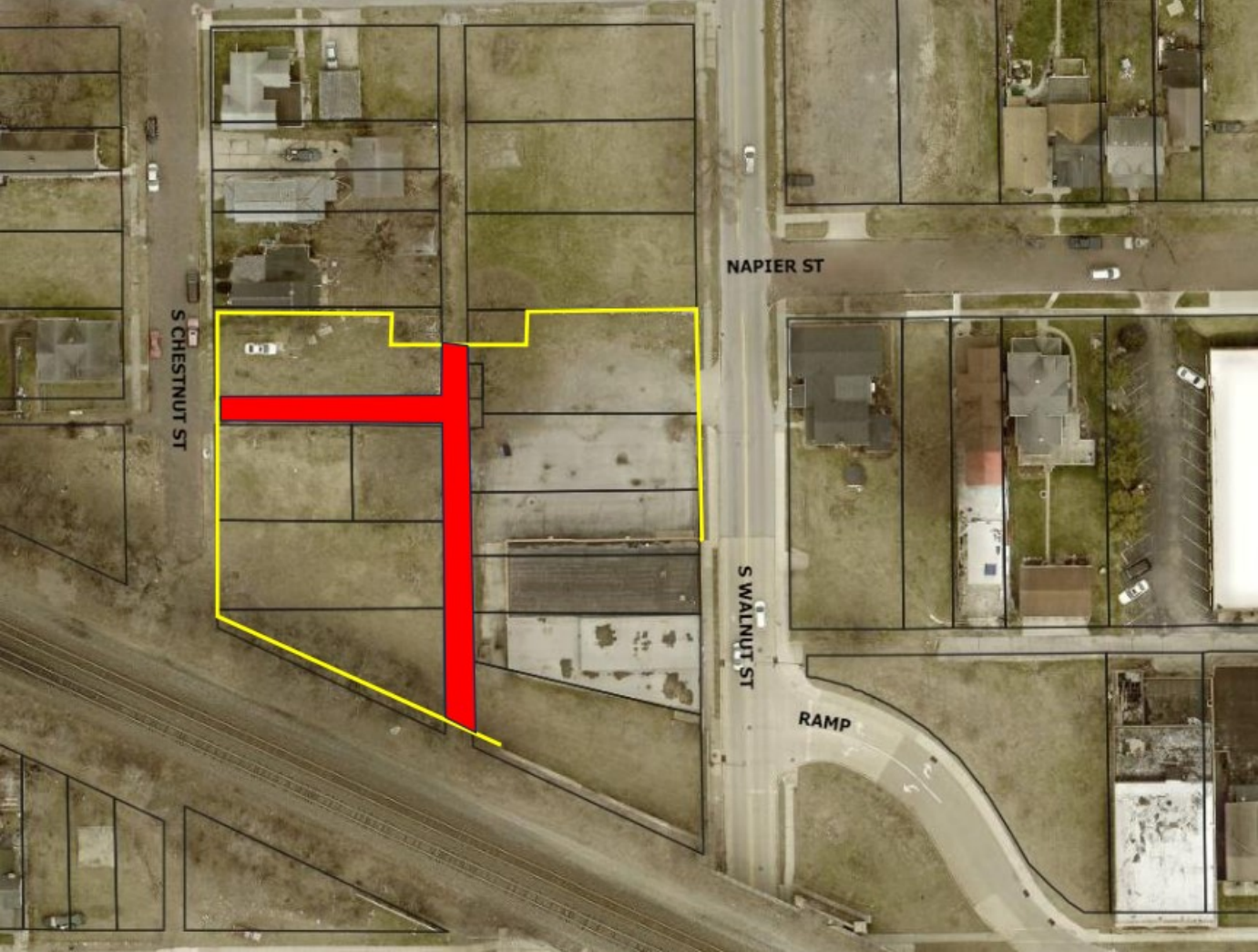
Murray L. Miller, Member

Joseph R. Molnar, Vice President

Briana Micou, Member

Attest: Theresa M. Heffner, Clerk

Date: August 27, 2024

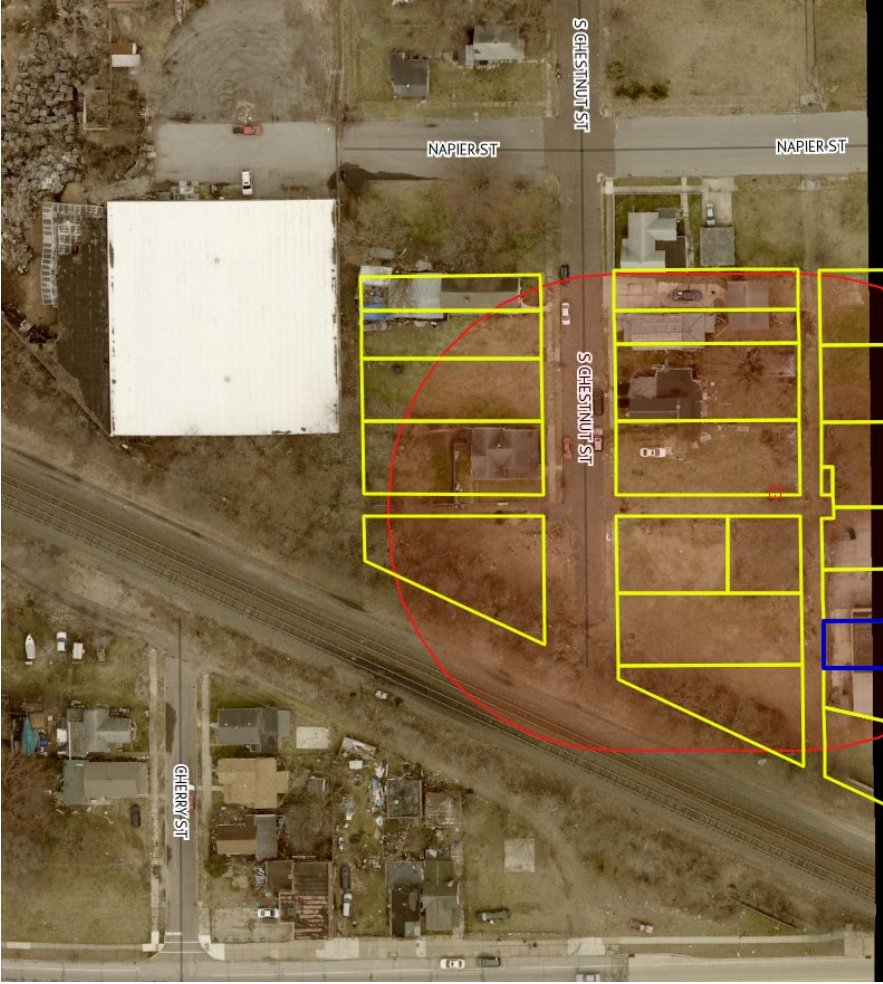


S CHESTNUT ST

NAPIER ST

S WALNUT ST

RAMP



Name	Mailing Address	Proper Address
Ross Grady	PO BOX 11714 Merrillville, IN 46411	313 S. Chestnut St. South Bend, IN 46601
Guadalupe Ramos	512 S. Olive St. South Bend, IN 46619	310 S. Chestnut St. South Bend, IN 46601
William Anderson Jr.	315 Chestnut St. South Bend, IN 46601	315 S. Chestnut St. South Bend, IN 46601
Richard Dodson	617 S.36 <sup>th</sup> St. South Bend, IN 46615	309 S. Chestnut St. South Bend, IN 46601
Bear Tidmore	1904 W. 84 <sup>th</sup> Ave. Merrillville, IN 46410	308 S. Chestnut St. South Bend, IN 46601
Gethsemane Church of God Inc. Indiana Corp.	308 S. Walnut St. South Bend, IN 46619	307 S. Walnut St. South Bend, IN 46601 & Parcel# 018-3076-3051
R. Ray Real Estate, LLC.	705 N. Hill St. South Bend, IN 46617	324 Chestnut St. South Bend, IN 46601 & Parcel# 018-3076-305301
Kenny & Jamie Johnson	311 Chestnut St. South Bend, IN 46619	311 S. Chestnut St. South Bend, IN 46601
Foxtrot Realty Inc.	4201 W. Linden Ave. South Bend, IN 46619	1410 Napier St. South Bend, IN 46601
Thomas and Joetta Taylor	225 N. Mahaffie St. Olathe, KS 66061	312 S. Chestnut St. South Bend, IN 46601
Masterbilt Inc.	325 S. Walnut St. South Bend, IN 46619	316, 318, 319, 320, 323, 325 & 331 S. Chestnut St. & Parcel# 018-3076-3053 & Parcel# 018-3076-3056

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

*(TYPE IN HERE THE LEGAL DESCRIPTION THAT A SURVEYOR WOULD PROVIDE)*

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STATEMENT OF PURPOSE AND INTENT

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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:

*(TYPE IN HERE THE COMPLETE LEGAL DESCRIPTION THAT A SURVEYOR WOULD PROVIDE)*

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:

*(TYPE IN HERE THE LOT NUMBERS OF THE PROPERTY OWNERS THAT ABUT THE PROPERTY TO BE VACATED. YOU DO NOT NEED TO INDICATE THE NAMES AND LOT NUMBERS OF ALL PERSONS WITHIN 150- FEET - ONLY THE ABUTTING PROPERTY OWNERS.)*

Section IV. The purpose of the vacation of the real property is *(COMPLETE THE ABOVE SENTENCE INDICATING WHY YOU DESIRE TO HAVE THE PROPERTY VACATED)*

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.

\_\_\_\_\_  
Karen White, Council President  
South Bend Common Council

Attest:

\_\_\_\_\_  
Bianca L. Tirado, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
Bianca L. Tirado, City Clerk  
Office of the City Clerk

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, at \_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana





# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

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

DATE: \_\_\_\_\_

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

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2. THE STREET DESCRIBED AS:

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Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
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1.

2.

3.

INTEGRITY | SERVICE | ACCESSIBILITY

**Danica Kulemeka**  
CHIEF DEPUTY / CHIEF OF STAFF

**Elivet Quijada-Navarro**  
DEPUTY / DIRECTOR OF POLICY

**Matthew Neal**  
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbendin.gov





# OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

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## **ALLEY/STREET VACATION PROCEDURES**

### **OVERVIEW**

Procedures for the vacation of public rights-of-way are contained in [Article 5, §18-53.8](#) of the *South Bend Municipal Code*.

### **Required at the time of filing with the Office of the City Clerk are:**

1. BPW Recommendation **PACKET** from the Board of Public Works
2. Petition to Vacate
3. Ordinance Draft including improvements or contingencies recommended by the Board of Public Works
4. Envelopes addressed and stamped with certified mail for all property owners within one hundred fifty feet (150') of the right-of-way to be vacated
5. Filing fee of \$150.00. This fee can be submitted in cash, check, money order, Visa or Mastercard. Checks should be made payable to the City of South Bend
6. A letter briefly explaining why you are submitting a petition to vacate

### **PROCEDURES & PROCESS**

#### **STEP 1**      **Download and complete the Board of Public Works Alley/Street Vacation Application: Print/download application from website.**

When completed, visit the City's Engineering Department located on the **13th floor of the County-City Building** or send the application via email to [horvath@southbendin.gov](mailto:horvath@southbendin.gov).

#### **STEP 2**      **Confirm Map and Location to Be Vacated:**

The City Engineer's office will generate a radius map highlighting the area you wish to vacate as well as a list of addresses within 150 feet of the property. They will require your written or verbal confirmation of the correct, highlighted map area for the vacation request. Then, they will send the request to various City Departments for review.

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INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO  
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

RODGER J. PINTO  
DEPUTY/DIRECTOR OF POLICY

GABRIEL N. MUREI  
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | [www.southbendin.gov](http://www.southbendin.gov)



Once the review is complete and comments have been returned, the request will be placed on the Board of Public Works (BPW) agenda. This process usually takes four (4) to six (6) weeks. For questions about the status of the review of your packet, call the City Engineer’s office at 574-235-9251.

**STEP 3**

**Board of Public Works Meeting:**

The Board of Public Works meets on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Tuesdays of the month at 9:30am. The Board will discuss your request at its meeting and decide whether to issue a favorable or unfavorable recommendation. Following the meeting, a Recommendation Packet will be emailed to you, including a letter informing you of your “favorable” or “unfavorable” recommendation. **This letter will also include any improvements or contingencies the Board recommends.** For favorable recommendations, the Board will include a draft ordinance for filing with the Clerk’s Office.

**STEP 4**

**Prepare Certified Mailing Envelopes:**

Using the list of addresses in your BPW Recommendation Packet, prepare mailing envelopes addressed to each of the adjacent property owners. The envelopes should have your name and address in the left-hand corner as the return address. *These envelopes will eventually contain a public hearing notice which will be prepared and sent by the City Clerk’s office.* The public hearing notice will be sent via Certified Mail. Please make sure the "Certified Mail" green and white tag is affixed to the top of the envelope with the name and address of the recipient written where indicated. We do not need the hard-green card that is sometimes used to send Return Receipt Requested Certified Mail.

**STEP 5**

**Prepare Petition to Vacate Public Rights-of-Way:**

Fill out and prepare the Petition to Vacate Public Rights-of-Way, which is included in the packet, or may be requested from the City Clerk’s Office. This petition must be "signed" by at least one (1) abutting property owner. You do not need to secure the signatures of all property owners within one hundred fifty feet (150’).

If you will be making the presentation before the Council please indicate your name, address, and phone number in the "Contact Person" area as well.

**STEP 6**

**File Petition with City Clerk’s Office:**

Go to the Clerk’s Office on the 4<sup>th</sup> Floor of the County City Building to file the following items:

1. **BPW Recommendation Packet** from the Board of Public Works
2. **Petition to Vacate**
3. **Ordinance Draft** including improvements or contingencies recommended by the Board of Public Works
4. **Envelopes** addressed and stamped with certified mail for all property owners within one hundred fifty feet (150’) of the right-of-way to be vacated



- 5. **Filing fee of \$150.00.** This fee can be submitted in cash, check, money order, Visa or Mastercard. Checks should be made payable to the City of South Bend
- 6. **A letter** briefly explaining why you are submitting a petition to vacate

The deadline for filing agenda items for any meeting is **noon** on the **WEDNESDAY** before the scheduled meeting. (*see attached schedule*). The Common Council meets on the 2nd and 4th Mondays of each month.

**STEP 7**

**First Reading and Setting of Public Hearing Date:**

After you file the Ordinance and Petition, it will be placed on the next Common Council agenda for "First Reading." You are not required to attend this meeting. At this time, the Common Council will set the matter for **public hearing** which will most likely be their next regular meeting.

**Indiana Law requires that hearings occur within thirty (30) days of receipt of the petition. At this time, the City Clerk will also send notice of the petition, along with the date and time of the hearing, by certified mail to each abutting property owner. The Clerk’s office will also notify the public by publication.**

**STEP 8**

**Notice of Public Hearing/Committee Meeting and Full Council Meeting:**

When the ordinance is placed on the next Common Council agenda, it will be listed under "Public Hearing" and "Third Reading." **You will need to make a short presentation at this meeting.** Also, all persons speaking in favor of or in opposition to this ordinance will be heard at this time.

**The bases for objection to a proposed vacation under Indiana Law are:**

- (1) The vacation would 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 make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

On the day of the public hearing, the petitioner will be required to attend a meeting of the **Public Works and Property Vacation Committee**. This Committee is composed of four (4) members of the Common Council who will review the matter and make a recommendation to the entire Council. You will be required to make a short presentation outlining why you want the right-of-way vacated.



You will make the same presentation at the afternoon Committee meeting and the **7:00 p.m. Common Council meeting**. The afternoon meeting will be held in the Common Council meeting room located in the City Clerk's office on the 4th Floor of the County-City Building. The evening meeting will be held in the Council Chambers located in the middle of the fourth floor of the County-City Building.

**STEP 9**

**Ordinance Certification Process:**

After approval by the Common Council and the Mayor, the Ordinance will be advertised in its entirety in the South Bend Tribune and the Tri-County News. This publication will take place on the FRIDAY of the week following the Council meeting. The vacation becomes effective thirty (30) days from the date of the publication. At that time, the City Clerk's office will certify the document and record it with the St. Joseph County Recorder. The Petitioner will receive a certified copy, as well as the County Auditor and Township Assessor. A notification is then provided to the Board of Public Works via email.

(Revised 02/04/2022)