

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

September 10, 2024

Ms. Robin Kendall
Quality Dining, Inc.
4220 Edison Lakes Parkway
Mishawaka, Indiana 46545
cwilson@qdi.com

RE: Encroachment into Public Right-of-Way – 4852 W. Western Ave.

Dear Ms. Kendall:

At its September 10, 2024 meeting, the Board of Public Works approved your request for the installation of a signage at 4852 W. Western Ave. This encroachment was approved subject to the improvements not becoming a safety hazard. Enclosed please find copies of the permit and application.

The encroachment will be permitted to remain and continue until such time as the Board of Public Works of the City of South Bend shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and safe flow of traffic thereon. Said encroachment shall not in any way prejudice or preclude the City's rights with respect to the future use of that portion of the right-of-way.

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: July 18, 2024

TO: Kyle Ludlow, Engineering Department
Zach Hurst, Engineering Department
Derek Erquhart, Fire Department
Chris Dressel, Community Investment

FROM: Theresa Heffner, Clerk theffner@southbendin.com

SUBJECT: **ENCROACHMENT RECOMMENDATION**
Revocable Encroachment – Replace Signage - Quality Dining, Inc. (Burger King)

LOCATION: **S. ROW Line of Western Ave.**

**PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW,
BASED ON THE FOLLOWING CRITERIA:**

1. It has been determined that this encroachment in no way impairs the highway or with the free and safe flow of traffic thereon, and it is recommended that the encroachment be permitted to remain.
2. Said encroachment shall not in any way prejudice or preclude the City's rights with respect to the future use of the portion of the right-of-way.

PUBLIC WORKS: Favorable

COMMUNITY INVESTMENT: Favorable Recommendation

FIRE: Favorable Recommendation



ENCROACHMENT APPLICATION

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

PROPERTY OWNER INFORMATION:

Name of Business/Homeowner: Quality Dining, Inc.
Address: 4220 Edison Lakes Parkway
City/State/Zip: Mishawaka IN 46545
Phone: 574.271.4600 Email: cwilson@qdi.com

ENCROACHMENT INFORMATION:

Location of Encroachment: Along South ROW line of Western Avenue
Encroachment Description: Existing Pylon Sign
CL Road to R/W Line: 80 Feet Size of Encroachment: 5.32' (Above Ground)
Distance of R/W: 140 Feet Amount in R/W: 5.32 Feet

INSTALLER'S INFORMATION:

Business Name: The Pylon Sign is Existing
Address: _____
City/State/Zip: _____
Phone: _____ Email: _____
Signature: _____
Printed Name: _____

INCLUDE THE FOLLOWING ITEMS WITH YOUR APPLICATION:

- Photos of the area where encroachment will take place.
- Plans and Specifications
- Completed Agreement

AFFIRMATION

I, the undersigned do hereby certify and affirm that all the information given in this application is accurate and correct. I understand that encroachments must in no way impair the highway or free and safe flow of traffic thereon and may be revoked at any time.

Signature of Applicant: *Robin Kendall* Date: _____
Printed Name of Applicant: ROBIN KENDALL



REVOCABLE PERMIT

RECOGNITION OF ENCROACHMENT UPON CITY OF SOUTH BEND-CONTROLLED PROPERTY AND PROVISIONS ALLOWING TEMPORARY CONTINUANCE OF SAME

Company/Homeowner Name QUALITY DINING, INC, hereafter, the "APPLICANT."

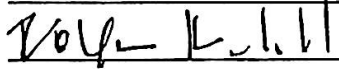
The encroachment will be permitted to remain and continue under the following terms and conditions:

- 1) Until such time as the BOARD OF PUBLIC WORKS ("BOARD") of the CITY OF SOUTH BEND ("CITY") shall determine that such encroachment is in any way impairing or interfering with the highway or with the free and safe flow of traffic thereon;
- 2) Said encroachment shall not in any way prejudice or preclude the CITY'S rights with respect to the future use of the portion of the right-of-way;
- 3) The encroachment as it now exists shall in no manner be added to or enlarged in its present scope or dimensions;
- 4) In the event of change of ownership of the fixture or any other item of personal property which constitutes the aforesaid encroachment, this permit shall become null and void;
- 5) The CITY shall not be liable to APPLICANT for any damages caused to APPLICANT that arise out of or is incidental to any activity and/or incidences authorized by this permit;
- 6) In consideration of the granting of this Permit by the BOARD, APPLICANT shall indemnify, hold harmless and defend the CITY from and against any and all actions or causes of action which the CITY may suffer or incur by reason of bodily injury, including death, to any person or persons, or by reason of damage to or destruction of any property, including the loss thereof, arising out of or in any manner connected with any activity and/or incidences authorized by this permit and/or any activities and/or incidences incidental thereto, or which the CITY may sustain or incur in connection with any litigation, investigation, or other expenditures incidental thereto, including any suit instituted by the CITY to enforce the obligation of this agreement of indemnity.
It is the intent of the parties hereto that the APPLICANT shall indemnify the CITY under this indemnification clause to the fullest extent permitted by law.

This approval shall be binding upon everyone past or present, claiming any interest in and to the aforementioned encroachment.

ACCEPTANCE OF TERMS AND CONDITIONS


I accept and agree to be bound by all of the terms and conditions of this permit.

Submitted By: ROBIN KENDALL
 Signature: 
 Date: _____

BOARD OF PUBLIC WORKS APPROVAL


CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS


Elizabeth A. Maradik, President


Joseph R. Molnar, Vice President


Gary A. Gilot, Member


Briana Micou, Member


Murray L. Miller, Member


Attest: Theresa M. Heffner, Clerk

Date: September 10, 2024

BURGER KING #6574 – SIGN ENCROACHMENT







