



# OFFICE OF THE CITY CLERK

## BIANCA L. TIRADO, CITY CLERK

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### **PUBLIC RIGHT-OF-WAY VACATION PROCEDURES**

#### **OVERVIEW**

The formal procedures for the vacation of public rights-of-way are contained in *Article 5, §18-53.8 of the South Bend Municipal Code*. The steps below provide additional details to help the petitioner through the process.

#### **PROCEDURES & PROCESS**

**STEP 1** The Petitioner completes a Public Right of Way Vacation Pre-Application form, available at <https://southbendin.gov/board/public-works> and submits to [PWEngineering@southbendin.gov](mailto:PWEngineering@southbendin.gov). City of South Bend Engineering and Department of Community Investment staff will review the form and follow up with the petitioner for more information or questions as needed before issuing the preliminary written recommendation. City Staff will also explain the process and inform the petitioner of any potential opposition to the vacation.

All requests are weighed against established criteria and staff generates a preliminary recommendation shared with the petitioner. The petitioner will determine whether or not to proceed with the request. There is no fee to submit a pre-application form.

**STEP 2** Following preliminary review, if the petitioner wishes to continue the request, they will submit the completed pre-application with staff comments to the Board of Public Works (BPW) at [PWEngineering@southbendin.gov](mailto:PWEngineering@southbendin.gov). A \$300 nonrefundable filing fee is due at this time payable by calling 574.233.0311 or visiting the Engineering office on the 13<sup>th</sup> floor of the County-City Building.

A radius map and list of addresses within 150 feet is generated by Engineering and the request is typically distributed to the following departments for review and comment: Community Investment, Engineering, Police, and Fire. Following review, the petition and recommendation will be placed on an upcoming BPW agenda. After the BPW meeting, an ordinance and legal description will be drafted and provided to the petitioner with instructions for filing with the Clerk's Office along with a letter containing the BPW recommendation.

**STEP 3** The Petitioner pays a \$150 nonrefundable filing fee to the Clerk's Office to file an ordinance drafted by Legal Department. The Clerk's Office processes the

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vacation request by preparing the envelopes for public hearing and the petition to Vacate Public Rights-of-Way for signature. The Clerk's Office files the Ordinance and Petition to be placed on the next Common Council agenda. The Common Council meets on the 2nd and 4th Mondays of each month. The deadline for filing agenda items for any meeting is noon on the WEDNESDAY before the scheduled meeting. (see attached schedule)

STEP 4

Once the Alley Vacation bill is filed with the Clerk's Office; it will be placed on the next Common Council agenda for "First Reading." The Petitioner is not required to attend this meeting. At this time, the Common Council will set the matter for a public hearing which will most likely be their next regular meeting.

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

STEP 5

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. The Petitioner will be required to make a short presentation outlining the reasons for the vacation request.

The Petitioner 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. City staff will be present at the hearing to offer assistance and answer questions regarding the vacation request as needed.

STEP 6

After approval by the Common Council and the Mayor, the Ordinance will be advertised in its entirety in the South Bend Tribune and the Mishawaka Enterprise. 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 will the St. Joseph County Auditor and Township Assessor. Also, at this time notification of the vacation is sent to the South Bend Departments noted above plus the South Bend Plan Commission, Board of Public Works, Northern Indiana Public Service Company and the South Bend Community School Corporation Transportation Division if the vacation involves a public street.

The ordinance becomes effective thirty (30) days from the date of the publication. The City Clerk's office certifies the document and record it with the



St. Joseph County Recorder. notification of the vacation is sent to relevant city agencies.

(Revised 5-25-25)