



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

PUBLIC RIGHT-OF-WAY 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. Petition to Vacate
2. Ordinance
3. 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
4. Filing fee of \$150.00. This fee can be submitted in either cash, check, money order, Visa or Mastercard. Checks should be made payable to the City of South Bend
5. A letter briefly explaining why you are submitting a petition to vacate
6. A copy of the radius map

PROCEDURES & PROCESS

STEP 1

Visit the City Engineering Department located on the 13th floor of the County-City Building with your request to vacate a street or alley. The City Engineer's office will send the request to various City Departments for review. Once the review is complete and comments have been returned, the request will be placed on the Board of Public Works (BPW) agenda. The Board of Public Works will then send you a letter with the Board's recommendation. Once the letter is received from the Board, you should request a radius map from the Engineering Department on the 13th floor.

STEP 2

After receiving a BPW recommendation and an Engineering radius map, pick up the vacation packet from the City Clerk's office located on the 4th floor of the County-City Building for further instruction.

STEP 3

You will need to visit Area Plan Commission located on the 11th floor of the County-City Building and find the names and addresses of the individuals who own property located within the radius map. If a property is on "the line" it is

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best to include that property owner. The Area Plan Commission Staff will assist you with this task. Note that the radius map will include both lot numbers and key numbers.

STEP 4

Once you have the map and the names and addresses of property owners, you are ready to prepare the envelopes which will eventually contain a public hearing which will be prepared and sent by the City Clerk's office. The envelopes should have your name and address in the left-hand corner as the return address and should be addressed to the above referred to property owners. The public hearing notice will be sent Certified Mail so the "Certified Mail" green and white tag needs to be 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

The petition to Vacate Public Rights-of-Way which is included in the packet does not have to be re-typed. You may use this form simply by filling in the proper areas. This petition must be "signed" by at least one (1) abutting property owner. You do not need to secure the signatures of the 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

An ordinance must accompany the petition for vacation. The Ordinance included in the packet is a sample.

Please retype this ordinance filling in the specific areas where noted. The Deputy City Clerk can email you a word document form to complete.

Once passed by the Common Council this document will be recorded with the St. Joseph County Recorder's office, so a neat, clean ordinance is required on 8 1/2 x 11 sized paper.

You will need to include the **legal description** of the property to be vacated in the title. This legal description is located on the radius map which you received from the Engineering Department. Please note that if the legal description is too lengthy, ask the Engineering Department to give you a condensed version for the title only. Note that the complete legal description must be contained in the body of the ordinance in the second area to be filled in.

The reason we ask for a short legal description in the title is because this is the title typed on the Common Council agenda which must be read by the City Clerk.

In Section III of the ordinance you will be asked to include the lot numbers or key numbers of the property that abuts the property to be vacated. You do not need



to list all of the property owners within one hundred fifty feet (150'), only the abutting property owners.

In Section IV of the ordinance, you will need to indicate the reason you want the public right-of-way closed.

STEP 7

After you have 1) received the map, 2) found out the names and addresses of property owners within 150' feet of the proposed vacation, 3) prepared envelopes for Certified Mail, 4) prepared the ordinance, 5) the petition and 6) the letter, you are ready to file this information with the City Clerk's office along with the \$150.00 non-refundable filing fee.

The City Clerk's office is located at:

455 County-City Building
227 W. Jefferson Blvd.
County-City Building- Room 455
South Bend, Indiana

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 8

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.

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 time. Also, all persons speaking in favor of or in opposition to this ordinance will be heard at this time.

STEP 9

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 10

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. Also, at this time notification of the vacation is sent to the Area Plan Commission, the Engineering Department, Bureau of Traffic and Lighting, Board of Public Works, Fire Department, Northern Indiana Public Service Company and the South Bend Community School Corporation Transportation Division if the vacation involves a public street.

(Revised 03-11-2021)



OFFICE OF THE CITY CLERK

DAWN M. JONES, 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:

2. THE STREET DESCRIBED AS:

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
1.			
2.			
3.			

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

(TYPE IN HERE THE LEGAL DESCRIPTION WHICH IS FOUND ON THE RADIUS MAP WHICH YOU RECEIVED FROM THE ENGINEERING DEPARTMENT. REMEMBER, IF THE LEGAL DESCRIPTION IS LENGTHY, PLEASE ASK THE ENGINEERING DEPARTMENT FOR A SHORT VERSION TO BE USED IN THIS TITLE ONLY)

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:

(TYPE IN HERE THE COMPLETE LEGAL DESCRIPTION WHICH IS LOCATED ON THE RADIUS MAP WHICH YOU RECEIVED FROM THE ENGINEERING DEPARTMENT)

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:

Dawn M. Jones, 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 _____, 2021, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2021, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
SUBJECT: 2021 REGULAR COUNCIL MEETING NOTICE

The following dates are for the South Bend Common Council meetings of **2021** to be held on the 2nd/4th Mondays of each month in the **Council Chambers** on the **4th floor of the County-City Building** at **7:00 p.m.** Any Special Meetings called by the South Bend Common Council will be given a separate notice.

2021 COMMON COUNCIL MEETING DATES

<u>Month</u>	<u>Meeting Date</u>	<u>Filing Deadline (By 12:00 P.M. Noon)</u>
January	4 th	N/A (Organizational Meeting) at 5:00 P.M.
	11 th	6 th
	25 th	20 th
February	8 th	3 rd
	22 nd	17 th
March	8 th	3 rd
	22 nd	17 th
April	12 th	7 th
	26 th	21 st
May	10 th	5 th
	24 th	19 th
June	14 th	9 th
	28 th	23 rd
July	12 th	7 th
	26 th	21 st

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<u>Month</u>	<u>Meeting Date</u>	<u>Filing Deadline (By 12:00 P.M. Noon)</u>
August	9 th	4 th
	23 rd	18 th
September	13 th	8 th
	27 th	22 nd
October	11 th	6 th
	25 th	20 th
November	8 th	3 rd
	22 nd	17 th
December	13 th	8 th
	27 th	22 nd (Typically Cancelled)

cc: Mayor James Mueller
Committee Meeting List
Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

Rev. 12/11/2020