

Vacation  
Resolution

# 3231 67

First North-South alley  
east of High St. from Broadway

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Cardinal Bottling Co, Inc  
Reliable Dairy, Inc

---

Grant of Easement # 456  
See Deed Records

38175

STATE OF INDIANA )  
COUNTY OF ST. JOSEPH )

ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD  
MAR 3 1 52 PM '68  
BOOK PAGE  
EDWIN A. KALCZYNSKI  
RECORDER

TRANSCRIPT OF PROCEEDINGS IN RE:  
VACATION RESOLUTION NO. 3231, 1967

RECORD NO. 23, Page 1267

Monday, August 14, 1967

The regular meeting of the Board of Public Works was called to order at 10:00 A.M. with all members present.

ENTRY OF PETITION - FIRST ALLEY EAST OF HIGH STREET FROM BROADWAY

Mr. Milton Johnson, attorney, presented a petition for the Cardinal Bottling Company and the Reliable Dairy, by their president, Frank Palmer, Jr., to vacate the first alley East of High Street, extending northerly from Broadway Street to a distance of approximately One-hundred Forty (140) feet.

The petition was referred to the City Engineer Office for proper sketches and letters to the utility companies before referring to the Area Plan Commission for study and recommendation.

RECORD No. 23, Page 1321

Monday, December 4, 1967

The regular meeting of the Board of Public Works and Safety was called to order at 10:00 A.M. with all members present.

AREA PLAN COMMISSION RECOMMENDATION - CARDINAL BOTTLING CO., INC.

Regarding the petition of the Cardinal Bottling Co., Inc., petitioners to vacate the first alley East of High Street and extending Northerly from Broadway Street a distance of approximately (140) feet, the Area Plan Commission took the following action:

After due consideration it was moved, seconded and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety subject to their investigation to determine if all abutting property owners have signed the consent petitions.

After due examination, it was unanimously voted by the Board to send the petition to the City Engineer for preparation of a Vacation Resolution.



RECORD NO. 23, Page 1328

Monday, December 11, 1967

The regular meeting of the Board of Public Works was called to order at 10:00 A.M. with members James A. Bickel and Lloyd S. Taylor present.

ADOPTION - VACATION RESOLUTION 3231, 1967

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA that it is desirable to vacate the following:

The first North-South alley East of High Street and extending North from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

Reserving all public utility rights and the rights of the Municipal City of South Bend, to construct and amintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially affected by such vacation,

Lot No.116, 115, 114, 113 and 117 of Wenger and Kreighbaum's 2nd Addition.

Notice of said Resolution shall be published on the 15th day of December, and on the 22nd day of December, 1967, in the South Bend Tribune and the Tri-County News.

This Board at its office in the City Hall on the 2nd day of January, 1968, at 10:00 A.M. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 11th day December, 1967.

Robert J. DuComb  
James A. Bickel  
Lloyd S. Taylor

RECORD NO. 23, Page 1339

Monday, January 2, 1968

A regular meeting of the Board of Works and Safety was called to order at 10:10 A.M. on January 2, 1968, with the following members present: Arthur W. Frisk, City Attorney, James A. Bickel, Controller and Lloyd S. Taylor, City Engineer.

HEARING - VACATION RESOLUTION NO. 3231 - CARDINAL BOTTLING COMPANY AND RELIABLE DAIRY

Broadway Street a distance of approximately 140 feet which is the termination of said alley.

Reserving all public utility rights and the rights of the Municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially affected by such vacation: Lot No's. 116, 115, 114, 113 and 117 of Wenger and Kreighbaum's Addition.

Notice of publication was read, together with the affidavit of Robert C. De Long who stated under oath that such notice was published in the South Bend Tribune on 12/15/67 and 12/22/67; and together with the affidavit of Alfred W. Snyder II, who stated under oath that such notice was published in the Tri-County News on 12/15/67 and 12/22/67.

The vacation of this alley was petitioned by Cardinal Bottling Company and Reliable Dairy and recommended favorably by the Area Plan Commission.

The Chairman asked if anyone wished to speak for or against the vacation of this alley.

Attorney Don Blackmond appeared and stated that he represented abutting property owners who objected to the vacation.

Fire Chief McHenry also appeared and stated that he had not been notified of the vacation and had not yet had time to check the alley for approval or disapproval.

In view of the questions and objection relative to the vacation at the present time it was moved, seconded and carried that a hearing on Resolution No. 3231 be continued to January 22, 1968, in order for this Board to determine whether all abutting property owners have signed consents and to give the Fire Chief an opportunity to review the safety of such a closing.

Fire Chief McHenry was asked to give his recommendation prior to January 22, 1968.

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RECORD NO. 23, Page 1350

Monday, January 15, 1968

The regular meeting of the Board of Public Works and Safety was called to order at 10:00 A.M. with all members present.



233-312

VACATION RESOLUTION NO. 3231 - (CARDINAL BOTTLING COMPANY AND RELIABLE DAIRY)

Letters from Chief McHenry and from the Area Plan Commission regarding Vacation Resolution No. 3231, which will be heard on January 22, were received and filed by the Board.

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RECORD NO. 23, Page 1353

Monday, January 22, 1968

The regular meeting of the Board of Public Works was called to order at 10:00 A.M. with all members present.

HEARING -- VACATION RESOLUTION NO. 3231 - RELIABLE DAIRY AND CARDINAL BOTTLING COMPANY

The hearing which had been postponed on the following vacation:

The first North-South alley East of High Street and extending North from Broadway Street, a distance of approximately 140 feet which is the termination of said alley, was again brought before the Board.

A copy of the consent petition about which there had been a question as to whether all property owners had signed the petition was presented and filed, signed by C. L. Alexander and Amond Alexander of 1408 High Street, a letter from the Northern Indiana Public Service Company was also presented and filed which read as follows:

In connection with the vacation of the alley "East of High Street from Pennsylvania Avenue South towards Broadway, we have no objection to this vacation providing a satisfactory easement is granted for access to gas mains on the West side of this vacated alley.

Signed by: H. H. Peterson  
OPERATING SUPERINTENDENT

Mr. Johnson, attorney for the vacation stated that they were drawing up an agreement with the Northern Indiana Public Service Company, that they would never build on the easement.

After some discussion on the vacation it was decided to continue the hearing until February 5, until after the vacation was referred back to the Engineering Department and the City Attorney to iron out the problems involved.

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RECORD NO. 23, Page 1361

Monday, February 5, 1968

The regular meeting of the Board of Public Works was held at 10:00 A.M. with

The hearing on the Resolution No. 3231 which had been here-to-fore adopted by the Board of Public Works and Safety and hearing having been held over from January 22, was again brought before the Board and the vacation will be granted upon the condition that the petitioners grant an easement to the City not to build on the vacated right-of-way.

The resolution is as follows:

The 1st North-South alley East of High St. and extending North from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

Reserving all public utility rights of the Municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The Clerk of the Board having previously shown proofs of publication from the South Bend Tribune with affidavit signed by Robert DeLong and from the Tri-County News, with affidavit signed by Alfred Snyder II, and same having been found sufficient, and no remonstrators having appeared and no written remonstrances having been received by the Board, it was moved, seconded and unanimously carried that said resolution be finally adopted and said property be vacated with the stipulation stated at the beginning of this minute.

The City Engineer is directed to prepare an Assessment Roll covering the assessment of benefits and the awards of damages to the surrounding property.

Chief McHenry will also contact the petitioners on the resolution for a key to unlock the gates installed after the final vacation.

RECORD NO. 23, Page 1367

Monday, February 13, 1968 (Tuesday)

The regular meeting of the Board of Public Works was held on Tuesday, Feb. 13, at 10:00 A.M. with all members present.

FILING OF ASSESSMENT ROLL - VACATION RESOLUTION NO. 3231, 1967

Lloyd S. Taylor, City Engineer, filed Primary Assessment Roll showing the award of damages and the assessment of benefits in the matter of the following described vacation:

The first North-South alley East of High Street and extending North from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.



ST. JOSEPH CO.  
INDIANA  
FILED FOR RECORD

INDEXED  
803 308

meet in the City Hall at 10:00 A.M. on the 11th day of March, 1968, for the purpose of hearing and receiving remonstrances from all persons interested in or affected by said vacation and the Board further orders that notice of said hearing together with the amount of damages awarded and benefits assessed be addressed to the property owners by publishing same on the 16th day of February, the 23rd day of February and the 1st day of March, 1968, in the South Bend Tribune and the Tri-County News.

The following property may be injuriously or beneficially affected by such vacation: Lots No. 116, 115, 114, 113 and 117 of Wenger and Kreighbaum's 2nd Addition.

Total Net Damages \$00.00  
Total Net Benefits 00.00

Respectfully submitted this 13th day of February, 1968

Lloyd S. Taylor,  
City Civil Engineer

RECORD NO. 23, Page 1382

Monday, March 11, 1968

A regular meeting of the Board of Public Works and Safety was held at 9:40 A.M. on March 11, 1968, with all members present.

FINAL HEARING - ASSESSMENT ROLL - ALLEY VACATION RESOLUTION NO. 3231 - CARDINAL BOTTLING COMPANY

This being the date set for final hearing on alley vacation Resolution No. 3231, notice of publication being found sufficient, and there being no remonstrances to said alley vacation, the Board hereby ratifies and confirms all matters and things concerning said alley vacation and hereby declares said alley vacated.

I, Doris Allen, Clerk of the Board of Public Works and Safety of the City of South Bend, Indiana, do hereby certify that the above and foregoing is a true and complete copy of proceedings in regard to the vacation of the following:

The first North-South alley East of High Street and extending North from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

Given under by hand and the seal of this office, this 3rd day of,



FILED

AUG 14 1967

P E T I T I O N

Board of Public Works & Safety  
RICHARD J. DUCK, Clerk

South Bend, Indiana

July 26, 1967

TO: The Honorable Board of Public Works  
and Safety of the City of South Bend,  
Indiana

Gentlemen:

The undersigned property owners petition your Honorable Board to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

Respectfully requested,

CARDINAL BOTTLING COMPANY, INC.

By Frank Palmer, Inc.

RELIABLE DAIRY, INC.

By Frank Palmer, Inc.

*Milton J. Hanson  
City of South Bend*



February 13, 1968

VACATION RESOLUTION NO. 3231, 1967

NOTICE is hereby given that the Board of Public Works and Safety of the City of South Bend, Indiana, will on the 11th day of March, 1968, at 10:00 A. M. at its office in the City Hall hold a meeting for the purpose of taking final action on Vacation Resolution No. 3231, same being as follows:

The first north and south alley east of High Street and extending north from Broadway Street a distance of approximately 140'<sup>±</sup>, which is the termination of said alley.

Reserving all public utility rights and the rights of the municipal city of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kreighbaum's 2nd Addition.

Total Net Damages	\$00.00
Total Net Benefits	\$00.00

Respectfully submitted this 13th day of February, 1968.

Lloyd S. Taylor  
City Civil Engineer

Pub. 3 times  
2/16 2/23 3/1

*Dec*  
October 11, 1967

VACATION RESOLUTION NO. 3231

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA,  
That it is desirable to vacate the following:

The first North and South alley east of High Street and extending north from Broadway street a distance of approximately 140 ft., which is the termination of said alley.

Reserving all public utility rights and the rights of the Municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kriegbaum's 2nd Addition.

Notice of this resolution shall be published on the 15th day of December and on the 22nd day of December, 1967, in the South Bend Tribune and the Tri-County News.

This Board, at its office in the City Hall on the 2nd day of January, 1968, at 10:00 A. M. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 11th day of December, 1967

ROBERT J. DUCOMB  
JAMES A. BICKEL  
LLOYD S. TAYLOR

Pub. 2 times  
12/15 12/22

vrk



Northern Indiana Public Service Company



symbol of service  
in nipscoland

1039 East Pennsylvania Avenue  
South Bend, Indiana  
November 21, 1967

Jones, Oberchain, Johnson,  
Ford & Pankow  
802 Odd Fellows Building  
South Bend, Indiana

Att: Mr. D. Blockmond

Gentlemen:

In connection with the vacation of the alley "East of High Street from Pennsylvania Avenue South towards Broadway", we have no objection to this vacation providing a satisfactory easement is granted for access to gas mains on the west side of this vacated alley.

Sincerely,

H. H. Peterson  
Operating Superintendent

HHP:VAB

cc: Mr. T. W. Bucher

**FILED**

JAN 15 1968

Board of Public Works & Safety

~~RICHARD J. DUCK~~, Clerk

*Doris Allen*



C O N S E N T

We, the undersigned property owners, consent to and acknowledge a petition dated July 26, 1967, presented by the Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. requesting that the first alley east of High Street and extending northerly from Broadway Street a distance of approximately one hundred forty (140) feet be vacated.

WITNESS our hands and seals affixed this 20<sup>th</sup> day of ~~October~~ <sup>November</sup>, 1967.

Name

Address

B. L. Alexander

1408 High St

+ M. Miranda Alexander

South Bend, Indiana

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

South Bend, Indiana

\_\_\_\_\_

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\_\_\_\_\_

South Bend, Indiana

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

South Bend, Indiana

**FILED**

JAN 15 1968

Board of Public Works & Safety

~~RICHARD J. DUCK~~, Clerk

*Doris Allen*



# COPY OF VACATION RESOLUTION

NO. 3231, 1967

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA: That it is desirable to vacate the following:

THE FIRST NORTH AND SOUTH ALLEY EAST OF HIGH STREET AND EXTENDING NORTH FROM BROADWAY STREET A DISTANCE OF APPROXIMATELY 140'±, WHICH IS THE TERMINATION OF SAID ALLEY.

RESERVING ALL PUBLIC UTILITY RIGHTS AND THE RIGHTS OF THE MUNICIPAL CITY OF SOUTH BEND TO CONSTRUCT AND MAINTAIN ALL PUBLICLY OWNED UTILITIES AND SURFACE WATER CONTROL STRUCTURES AND DITCHES WITHIN THE VACATED RIGHT-OF-WAY.

The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kriegbaum's 2nd Addition.

Notice of this resolution shall be published on the 15 day of Dec and on the 22 day of Dec 1967 in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the 2nd day of Jan 1968 at 7:15 p.m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 11th day of Dec 1967

Assessment Roll No. 2922

VACATION

First N&S alley east of High  
On St. north from Broadway Street  
approx. 140'±, which is  
termination of said alley.

~~vacation~~ Resolution No. 3231, 1967  
adopted on the 11th day of  
December, 1967, and

recorded in Record..... Page.....

Contract signed on the..... day of  
....., 19.....

Contractor .....  
Net Damages -- \$00.00  
~~Net Amount~~, \$.....  
Net Benefits - 00.00

Assessment Roll Filed February 13, 1968

Assessment Roll Hearing 3-11-68

Assessment Roll Confirmed "

Final Estimate Allowed.....

Date of Acceptance.....

Notices sent .....

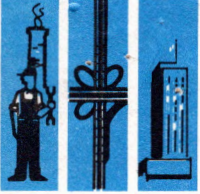


owner of each tract of real estate, after deducting the amount...

All of said real estate bordering on said improvements being in the City of South Bend, St. Joseph County, Indiana.

In describing said real estate, the following abbreviations are made to-wit: N. for North; S. for South; E. for East; W. for West; for feet; ex. for except; Sd. for side; Ed. for end; C. for chains; L. for links; O. P. for original plat; B, L, for lots contained in the State Bank of Indiana's 1st, 2nd and 3rd Plats of Out-Lots to the Town of South Bend, which lots are numbered consecutively through the several plats, from 1 in 1st plat to 130 in 3rd plat; Add. for addition; Sub. for subdivision; L. for Lowell; T. S. B. for Town of South Bend; C. S. B. for City of South Bend.

Description of Real Estate Bordering on the Improvement			No. of feet front	NAME OF OWNER	ASSESSMENT				
OF LOT	No. of Lots	Name of Addition or Sub-Div.			\$	Cts.	\$	Cts.	NET BENEFITS \$ Cts.
<p><u>COPY OF VACATION RESOLUTION NO. 3231, 1967</u></p> <p>RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA: That it is desirable to vacate the following:</p> <p>The first north and south alley east of High Street and extending north from Broadway Street a distance of approximately 140'±, which is the termination of said alley.</p> <p>Reserving all public utility rights and the rights of the municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.</p> <p>The following property may be injuriously or beneficially effected by such vacation:</p> <p>Lots Nos. 116, 115, 114, 113, and 117 of Wender and Kriegbaum's 2nd Addition.</p>									
								00.00	00.



**AREA PLAN COMMISSION  
OF ST. JOSEPH COUNTY, IND.**

J. K. WILSON, EXECUTIVE DIRECTOR  
129 W. COLFAX AVENUE, SOUTH BEND, INDIANA 46601  
(219) 233-2955

December 1, 1967

**FILED**  
DEC 4 1967

**Board of Public Works & Safety**  
RICHARD J. DUCK, Clerk

The Honorable Board of  
Public Works and Safety  
City Hall  
South Bend, Indiana

Gentlemen:

The attached alley vacation petitions of Cardinal Bottling Company, Inc. were legally advertised under date of October 7 and 14 and given public hearing on October 17, 1967. The following action was taken on November 21, 1967:

After due consideration it was moved, seconded and unanimously carried that the petitions be recommended favorably to the Board of Public Works and Safety subject to their investigation to determine if all abutting property owners have signed the consent petitions.

Excerpts from the minutes of the meetings are hereby attached and made a part of this report.

Very truly yours,

John K. Wilson,  
Executive Director

JKW/cas  
Attach.



EXCERPTS FROM THE AREA PLAN COMMISSION MINUTES OF OCTOBER  
17, 1967

2. Petition of Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, more or less.
3. Petition of Cardinal Bottling Company, Inc., and Reliable Dairy, Inc. to vacate the first alley east of High Street extending southerly from Pennsylvania Avenue a distance of approximately 188.6 feet, more or less.

Attorney Don Blackmond appeared representing the petitioners on both of the proposed alley vacation petitions. He indicated that there are three residences along the alley which runs north from Broadway but that they have no garages on the alley and that it is not used for ingress or egress.

In response to a question from the Commission; Mr. Blackmond stated that the petitions for vacation were only signed by the petitioners and not by another other abutting property owners but that they had no objection to the vacation petitions.

Mr. Blackmond indicated that they have no plans to build across the alley if it is vacated but that they desire the vacation for control purposes only. On the basis of this there would be no problem in providing the necessary utility easements.

No one further appeared.

Following discussion of the matter it was moved by Mr. Lehman, seconded by Mr. Pavey and unanimously carried that the petitions be tabled until the November 21, 1967 meeting and that the petitioner be advised that he should secure the permission of the abutting property owners in writing and be made aware of the fact that if the alley is closed only half will legally belong to the petitioner.



EXCERPTS FROM THE AREA PLAN COMMISSION MINUTES OF OCTOBER  
17, 1967

#3231

2. Petition of Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, more or less.

#3230

3. Petition of Cardinal Bottling Company, Inc., and Reliable Dairy, Inc. to vacate the first alley east of High Street extending southerly from Pennsylvania Avenue a distance of approximately 188.6 feet, more or less.

Attorney Don Blackmond appeared representing the petitioners on both of the proposed alley vacation petitions. He indicated that there are three residences along the alley which runs north from Broadway but that they have no garages on the alley and that it is not used for ingress or egress.

In response to a question from the Commission; Mr. Blackmond stated that the petitions for vacation were only signed by the petitioners and not by another other abutting property owners but that they had no objection to the vacation petitions.

Mr. Blackmond indicated that they have no plans to build across the alley if it is vacated but that they desire the vacation for control purposes only. On the basis of this there would be no problem in providing the necessary utility easements.

No one further appeared.

Following discussion of the matter it was moved by Mr. Lehman, seconded by Mr. Pavey and unanimously carried that the petitions be tabled until the November 21, 1967 meeting and that the petitioner be advised that he should secure the permission of the abutting property owners in writing and be made aware of the fact that if the alley is closed only half will legally belong to the petitioner.



FILED

AUG 14 1967

P E T I T I O N

Board of Public Works & Safety

RICHARD J. DUCK, Clerk

South Bend, Indiana

July 26, 1967

TO: The Honorable Board of Public Works  
and Safety of the City of South Bend,  
Indiana

Gentlemen:

The undersigned property owners petition your Honorable Board to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

Respectfully requested,

CARDINAL BOTTLING COMPANY, INC.

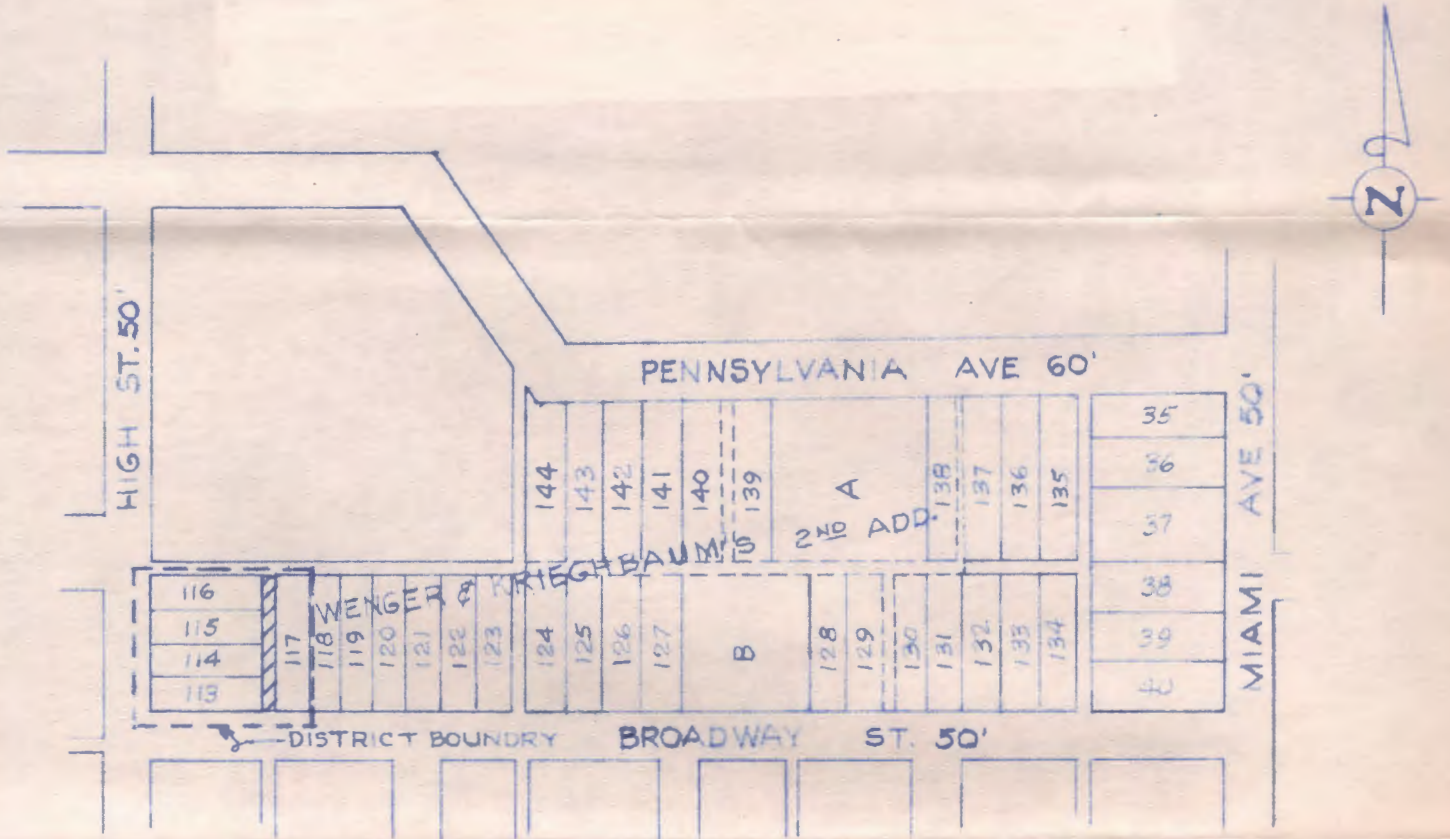
By

Fran Palmer, Jr.  
RELEABLE DAIRY, INC.

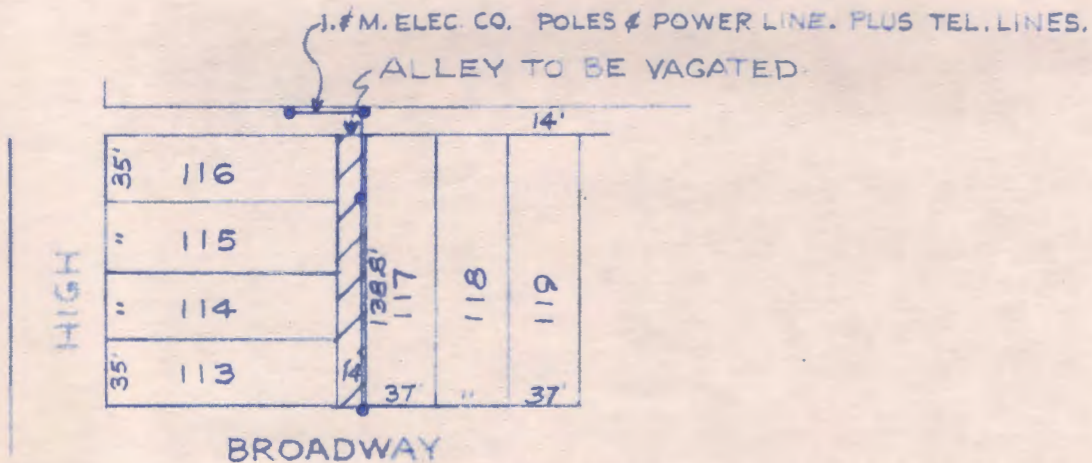
By

# PETITION TO VACATE ALLEY.

TO VACATE AN ALLEY, WHICH SAID ALLEY IS THE FIRST ALLEY EAST OF HIGH STREET AND EXTENDING NORTHERLY FROM BROADWAY STREET A DISTANCE OF APPROXIMATELY 140'±, WHICH IS THE TERMINATION OF SAID ALLEY.



SCALE: 1" = 200'



SCALE: 1" = 100'

— ALLEY TO BE VACATED.

— DISTRICT BOUNDARY



THIS INVOICE IS FOR LEGAL ADVERTISING, PUBLISHED AT YOUR REQUEST, WHICH FIRST APPEARED ON DATE SHOWN BELOW.

DATE	LINES	TIMES	AMOUNT	DESCRIPTION
12/15/67	35	2	\$ 10 08	CAUSE NO. Vacation Resolution. #3231.
EXTRA PROOFS				
PAY THIS AMT. →			\$ 10 08	
INVOICE NO.				
A 6955		SOUTH BEND TRIBUNE SOUTH BEND, IND., 46626		

THIS INVOICE IS FOR LEGAL ADVERTISING, PUBLISHED AT YOUR REQUEST, WHICH FIRST APPEARED ON DATE SHOWN BELOW.

DATE	LINES	TIMES	AMOUNT	DESCRIPTION
10/7/67	15	2	\$ 4 32	CAUSE NO. Legal Notice-Cardinal Bottling and Reliable Dairy to vacate any alley. 140 ft.
EXTRA PROOFS				
PAY THIS AMT. →			\$ 4 32	
INVOICE NO.				
A 3927		SOUTH BEND TRIBUNE SOUTH BEND, IND., 46626		

No. 280

August 19 67

RECEIVED FROM Milton Johnson

One hundred thirty two DOLLARS  
100

Alley vacation for Palmer

Account Total \$ 30.00

Amount Paid \$ \_\_\_\_\_

Balance Due \$ \_\_\_\_\_

Board of Works  
Richard J. Smith  
per VPK

"THE EFFICIENCY® LINE"

#3230 & #3231

# 3231

CLAIM No. \_\_\_\_\_ WARRANT No. \_\_\_\_\_

**IN FAVOR OF**

*South Bend Tribune*

\$ *4*<sup>*32*</sup>

**ON ACCOUNT OF APPROPRIATION**

For *Legal Advertising*

Dept. *Area Plan*

Allowed \_\_\_\_\_, 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_



A claim, to be properly itemized, must show: Kind of service, where performed, dates service rendered, by whom, rate per day, number of hours, rate per hour, price per foot, per yard, per hundred, per pound, per ton, etc., and accompanied with the blue copy of requisition.

**City of South Bend, Indiana**  
**On Account of Appropriation**

To The South Bend Tribune Dr.

Street Address 225 W. Colfax Avenue

Requisition No. \_\_\_\_\_

19 67	ITEMIZED CLAIM	DOLLARS	CTS.
10/7;10/14/67	Legal Advertising: Legal Notice-Cardinal Bottling and Reliable Dairy to vacate alley, 140 ft.	4.	32
	2 Insertions: October 7 and October 14, 1967 15 Lines. (.288)		
	Thank You	\$ 4	32

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature Robert C. DeLong  
 Title Credit Manager

Date October 16, 1967





State of Indiana  
St. Joseph County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Robert C. DeLong who, being duly sworn, says that he is Credit Manager of The South Bend Tribune, a daily newspaper of general circulation printed and published in the English language in the City of South Bend in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time<sup>s</sup>, the dates of publication being as follows:

October 7 and October 14, 1967

*Robert C. DeLong*

Subscribed and sworn to before me this 16th day of October, 1967

*Emery J. Schuler*  
Notary Public

My commission expires March 6, 1971

Charges \$4.32

**LEGAL NOTICE**

Notice is hereby given that the Area Plan Commission will hold a public hearing under date of Tuesday, October 17, 1967 at 7:30 p.m. in Circuit Court, Court House, South Bend, Indiana on the following:

1. Petition of Cardinal Bottling Company, Inc. and Reliable Dairy, Inc. to vacate an alley, which said alley is the first alley east of High Street and extending northerly from Broadway Street a distance of approximately 140 feet, which is the termination of said alley.

AREA PLAN COMMISSION OF  
ST. JOSEPH COUNTY, INDIANA

10:7-14

# 3271

CLAIM No. \_\_\_\_\_ WARRANT No. \_\_\_\_\_

**IN FAVOR OF**

*South Bend Tribune*

\$ 10.08

**ON ACCOUNT OF APPROPRIATION**

For *Legal Advertising*

Dept. \_\_\_\_\_

Allowed \_\_\_\_\_, 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_









State of Indiana  
St. Joseph County ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Robert C. DeLong who, being duly sworn, says that he is credit manager of The South Bend Tribune, a daily newspaper of general circulation printed and published in the English language in the City of South Bend in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for

two time<sup>s</sup>, the dates of publication being as follows:

December 15, 22, 1967

Robert C. DeLong

Subscribed and sworn to before me this 22nd day of December, 19 67

Emery J. Strickland  
Notary Public

My commission expires March 6, 1971

Charges \$10.08

VACATION RESOLUTION No. 3231  
RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, That it is desirable to vacate the following:  
The first North and South alley east of High Street and extending north from Broadway street a distance of approximately 140 ft., which is the termination of said alley.  
Reserving all public utility rights and the rights of the Municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.  
The following property may be injuriously or beneficially effected by such vacation:  
Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kriegbaum's 2nd Addition.  
Notice of this resolution shall be published on the 15th day of December and on the 22nd day of December, 1967, in the South Bend Tribune and the Tri-County News.  
This Board, at its office in the City Hall on the 2nd day of January, 1968, at 10:00 A.M. will hear and receive remonstrances from all persons interested in or affected by these proceedings.  
Adopted this 11th day of December, 1967.  
ROBERT J. DuCOMB  
JAMES A. BICKEL  
LLOYD S. TAYLOR  
12-15, 22

CLAIM No. \_\_\_\_\_ WARRANT No. \_\_\_\_\_

**IN FAVOR OF**

*South Bend Tribune*

\$ *11*<sup>*52*</sup> \_\_\_\_\_

**ON ACCOUNT OF APPROPRIATION**

For *Legal Advertising*

Dept. \_\_\_\_\_

Allowed \_\_\_\_\_, 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_









3/11 <sup>71 2271</sup> Final Action

Vf

**State of Indiana**  
**St. Joseph County** ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned Robert C. DeLong who, being duly sworn, says that he is credit manager of The South Bend Tribune, a daily newspaper of general circulation printed and published in the English language in the City of South Bend in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for

three times, the dates of publication being as follows:

February 16, 23, March 1, 1968

*Robert C. DeLong*

Subscribed and sworn to before me this 1st

day of March, 1968

*Emerj... [Signature]*  
Notary Public

My commission expires March 6, 1971

Charges \$11.52

VACATION RESOLUTION NO. 3231 1967  
NOTICE is hereby given that the Board of Public Works and Safety of the City of South Bend, Indiana, will on the 11th day of March, 1968, at 10:00 A.M. at its office in the City Hall hold a meeting for the purpose of taking final action on Vacation Resolution No. 3231, some being as follows:  
The first north and south alley east of High Street and extending north from Broadway Street a distance of approximately 140', which is the termination of said alley.  
Reserving all public utility rights and the rights of the municipal city of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.  
The following property may be injuriously or beneficially effected by such vacation:  
Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kreighbaum's 2nd Addition.  
Total Net Damages \$00.00  
Total Net Benefits \$00.00  
Respectfully submitted this 13th day of February, 1968.  
Lloyd S. Taylor  
City Civil Engineer  
2:16, 23 3:1

# 3231

CLAIM No. \_\_\_\_\_ WARRANT No. \_\_\_\_\_

**IN FAVOR OF**

*Tri County News*

\$ *11*<sup>*52*</sup> \_\_\_\_\_

**ON ACCOUNT OF APPROPRIATION**

For *Legal Advertising*  
Dept. \_\_\_\_\_

Allowed \_\_\_\_\_, 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_





**Copy of  
Publication Print**

1410 SO. MICHIGAN ST.

PHONE AT 9-

**PROOF OF PUBLICATION**

State of Indiana, St. Joseph County, ss.

Personally came before me, the undersigned, A. W. Snyder II, who on oath says: that he is owner of the TRI-COUNTY NEWS and of the Free Press Publishing Co., publishers thereof: that he is authorized to make this affidavit in its behalf; that the TRI-COUNTY NEWS is a public newspaper of general circulation printed and published in the English language in the City of South Bend, in the aforesaid county and state; that a notice of which the copy attached hereto is a true and correct copy,

was published in said newspaper for two weeks, successively, to-wit:

On the 15th day of Dec. 1967  
 On the 22nd day of Dec. 1967  
 On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
 And on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Fee \$11.52

*Alfred W. Snyder II*

Subscribed and sworn to before me this 22nd day of Dec. 1967

*Ida E. Snyder*

My commission expires \_\_\_\_\_ Notary Public.

July 16, 1969 (Seal)

Proof of publication, of which this is an exact duplicate and original affidavit for your files, has been filed with the clerk of the court, or other authority, from which the order of publication issued. It can be used, if necessary in case of the original, filed officially, is mislaid or lost.

FREE PRESS PUB. CO.

December 12, 1967  
**VACATION RESOLUTION  
NO. 3231 1967**

RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, That it is desirable to vacate the following:

The first North and South alley east of High Street and extending north from Broadway street a distance of approximately 140 ft., which is the termination of said alley.

Reserving all public utility rights and the rights of the Municipal City of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113 and 117 of Wenger and Kriehbaum's 2nd Addition.

Notice of this resolution shall be published on the 15th day of December and on the 22nd day of December, 1967, in the South Bend Tribune and the Tri-County News.

This Board, at its office in the City Hall on the 2nd day of January, 1968, at 10:00 A.M. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 11th day of December, 1967.

ROBERT J. DUCOMB  
JAMES A. BICKEL  
LLOYD S. TAYLOR  
BOARD OF PUBLIC WORKS & SAFETY  
2t12-15, 22

Claim Form No. 201  
 hom, rate per day,  
 with the blue copy

Dr.

gally due, after al-

*Snyder*

, 1953.



TF 3-2-11

CLAIM No. \_\_\_\_\_ WARRANT No. \_\_\_\_\_

**IN FAVOR OF**

*Tri-County News*

\$ *13*<sup>*44*</sup> / \_\_\_\_\_

**ON ACCOUNT OF APPROPRIATION**

For *Legal Advertising*

Dept. \_\_\_\_\_

Allowed \_\_\_\_\_, 19 \_\_\_\_\_

In the sum of \$ \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





Copy of  
Publication Print

February 13, 1968  
**VACATION RESOLUTION  
NO. 3231, 1967**

NOTICE is hereby given that the Board of Public Works and Safety of the City of South Bend, Indiana, will on the 11th day of March, 1968, at 10:00 A.M. at its office in the City Hall hold a meeting for the purpose of taking final action on Vacation Resolution No. 3231, same being as follows:

The first north and south alley east of High Street and extending north from Broadway Street a distance of approximately 140' plus or minus, which is the termination of said alley.

Reserving all public utility rights and the rights of the municipal city of South Bend to construct and maintain all publicly owned utilities and surface water control structures and ditches within the vacated right-of-way.

The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kreighbaum's 2nd Addition.

Total Net Damages	\$00.00
Total Net Benefits	\$00.00

Respectfully submitted this 13th day of February, 1968

LLOYD S. TAYLOR,  
City Civil Engineer  
312-16, 23; 3-1

FREE PRESS PUBLISHING CO.  
SOUTH BEND, INDIANA  
1410 SO. MICHIGAN ST. PHONE AT 9-2455

PROOF OF PUBLICATION

State of Indiana, St. Joseph County, ss.

Personally came before me, the undersigned, A. W. Snyder II, who on oath says: that he is owner of the TRI-COUNTY NEWS and of the Free Press Publishing Co., publishers thereof: that he is authorized to make this affidavit in its behalf; that the TRI-COUNTY NEWS is a public newspaper of general circulation printed and published in the English language in the City of South Bend, in the aforesaid county and state; that a notice of which the copy attached hereto is a true and correct copy,

was published in said newspaper for three weeks, successively, to-wit:

On the 16th day of Feb. 19 68

On the 23rd day of Feb. 19 68

On the 1st day of March 19 68

And on \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Fee \$ 13.44

*Alfred W. Snyder II*

Subscribed and sworn to before me this 1st day of March 19 68

*Ida E. Snyder*

My commission expires \_\_\_\_\_ Notary Public.

July 16, 1969

(Seal)

Proof of publication, of which this is an exact duplicate and original affidavit for your files, has been filed with the clerk of the court, or other authority, from which the order of publication issued. It can be used, if necessary in case of the original, filed officially, is mislaid or lost.

FREE PRESS PUB. CO.

Claim Form No. 201  
nom. rate per day,  
with the blue copy

Dr.

LARS CTS.

13.44

My due, after al-

*Snyder*

953.

#-3231

3/11

# Copy of Publication Print

February 13, 1968  
**VACATION RESOLUTION**  
 NO. 3231, 1967

NOTICE is hereby given that the Board of Public Works and Safety of the City of South Bend, Indiana, will on the 11th day of March, 1968, at 10:00 A.M. at its office in the City Hall hold a meeting for the purpose of taking final action on Vacation Resolution No. 3231, same being as follows:

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The following property may be injuriously or beneficially effected by such vacation:

Lots Nos. 116, 115, 114, 113, and 117 of Wenger and Kreighbaum's 2nd Addition.

Total Net Damages \$500.00  
 Total Net Benefits \$500.00

Respectfully submitted this 13th day of February, 1968.

LLOYD S. TAYLOR,  
 City Civil Engineer  
 3t-16, 23, 3-1

**FREE PRESS PUBLISHING CO.**  
 SOUTH BEND, INDIANA  
 1410 SO. MICHIGAN ST. PHONE AT 9-2455

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State of Indiana, St. Joseph County, ss.

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On the 16th day of Feb. 19 68  
 On the 23rd day of Feb. 19 68  
 On the 1st day of March 19 68  
 And on \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Fee \$ 13.44

*Alfred W. Snyder II*

Subscribed and sworn to before me this 1st day of March 19 68

*Ida E. Snyder*

My commission expires \_\_\_\_\_ Notary Public.

July 16, 1969 (Seal)

Proof of publication, of which this is an exact duplicate and original affidavit for your files, has been filed with the clerk of the court, or other authority, from which the order of publication issued. It can be used, if necessary in case of the original, filed officially, is mislaid or lost.

FREE PRESS PUB. CO.

Claim Form No. 201  
form, rate per day,  
with the blue copy

Dr.

ARS CTS.

13.44

due, after al-

*Snyder*



May 22, 1968.

Mr. Milton Johnson  
Jones, Obenchain, Johnson, Ford & Pankow  
802 Odd Fellows Building  
South Bend, Indiana

Re: Alley Vacation Resolution No. 3231, 1967  
Cardinal Bottling Company, Inc. and  
Reliable Dairy, Inc.

The first north and south alley east of High Street  
and extending north from Broadway Street a distance  
of approximately 140 feet.

Dear Mr. Johnson:

Enclosed is copy of Transcript of the above alley vacation  
proceedings for your records.

Also enclosed is our check in the amount of \$7.12 representing  
refund due you on your original deposit of \$65.00 for this  
proceedings: Accounting is as follows:

Deposit -----	\$65.00
Less: advertising - South Bend Tribune - \$24.96	
Tri-County News ---- 25.92	
Recording fees -----	<u>7.00</u>
	<u>57.88</u>
Check herewith -----	\$ 7.12

Very truly yours,

Doris Allen, Clerk  
BOARD OF PUBLIC WORKS & SAFETY

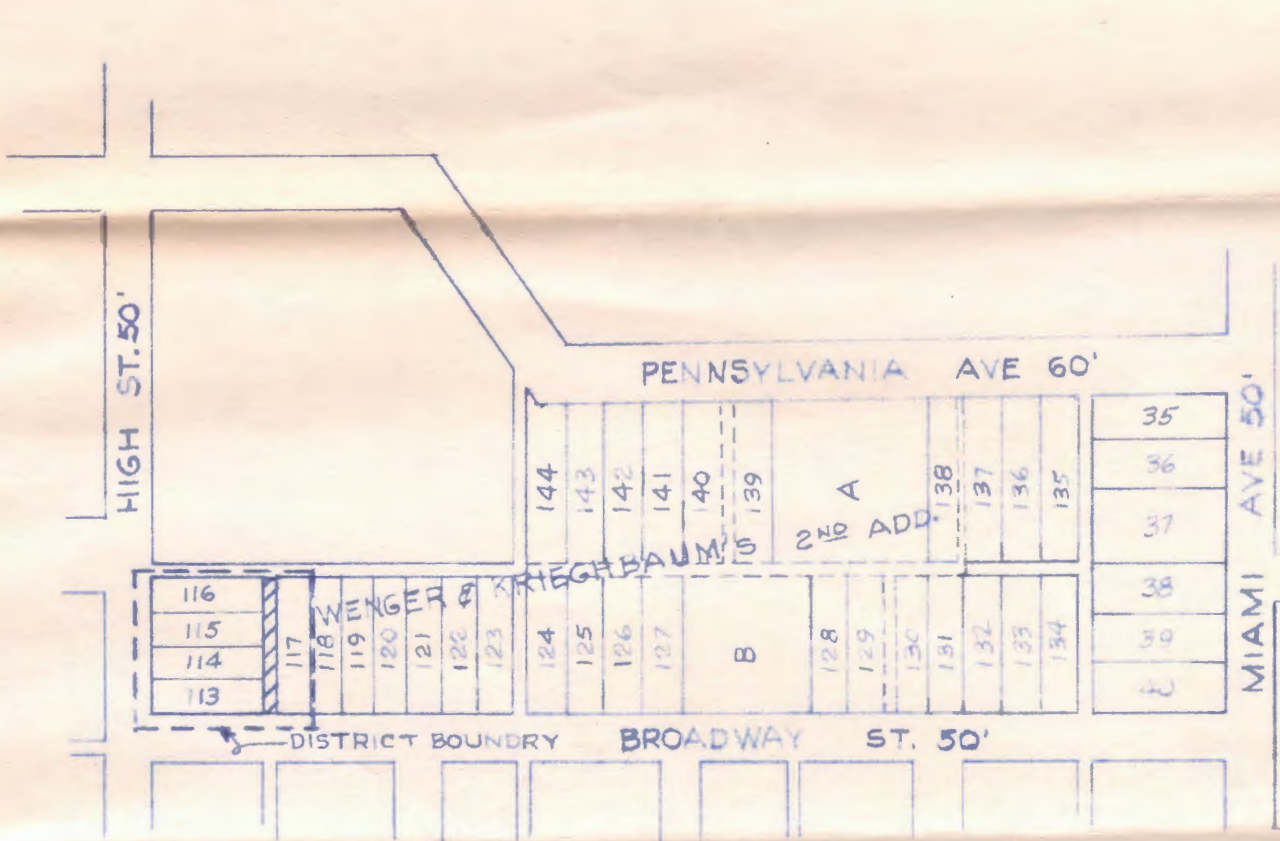
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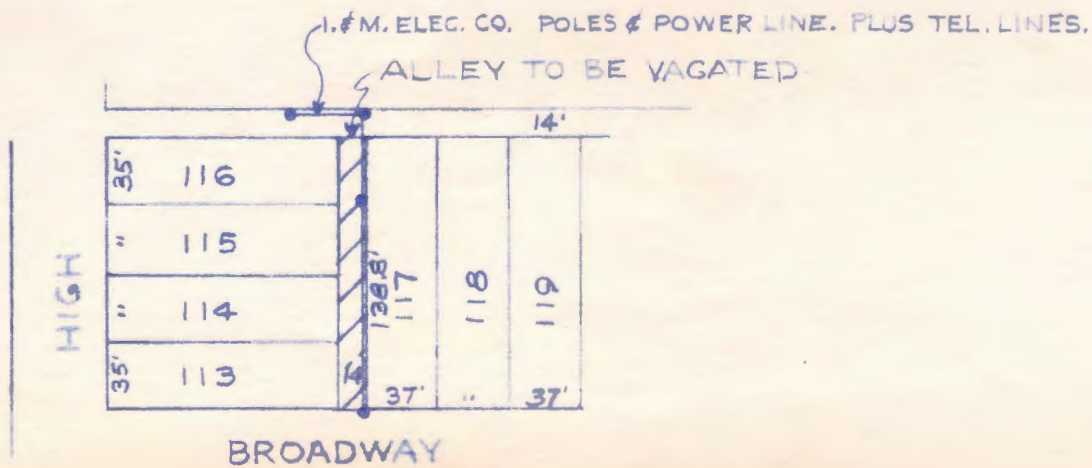


# PETITION TO VACATE ALLEY.

TO VACATE AN ALLEY, WHICH SAID ALLEY IS THE FIRST ALLEY EAST OF HIGH STREET AND EXTENDING NORTHERLY FROM BROADWAY STREET A DISTANCE OF APPROXIMATELY 140'±, WHICH IS THE TERMINATION OF SAID ALLEY.



SCALE: 1" = 200'



SCALE: 1" = 100'

-  — ALLEY TO BE VACATED.
-  — DISTRICT BOUNDARY