

3228

VACATION

RES. NO. 3228

VACATION OF
14' ALLEY BETW.
MICHIGAN ST. AND
ST. JOSEPH ST. RUNNING
SOUTH 85.05' FROM
JEFFERSON BLVD.

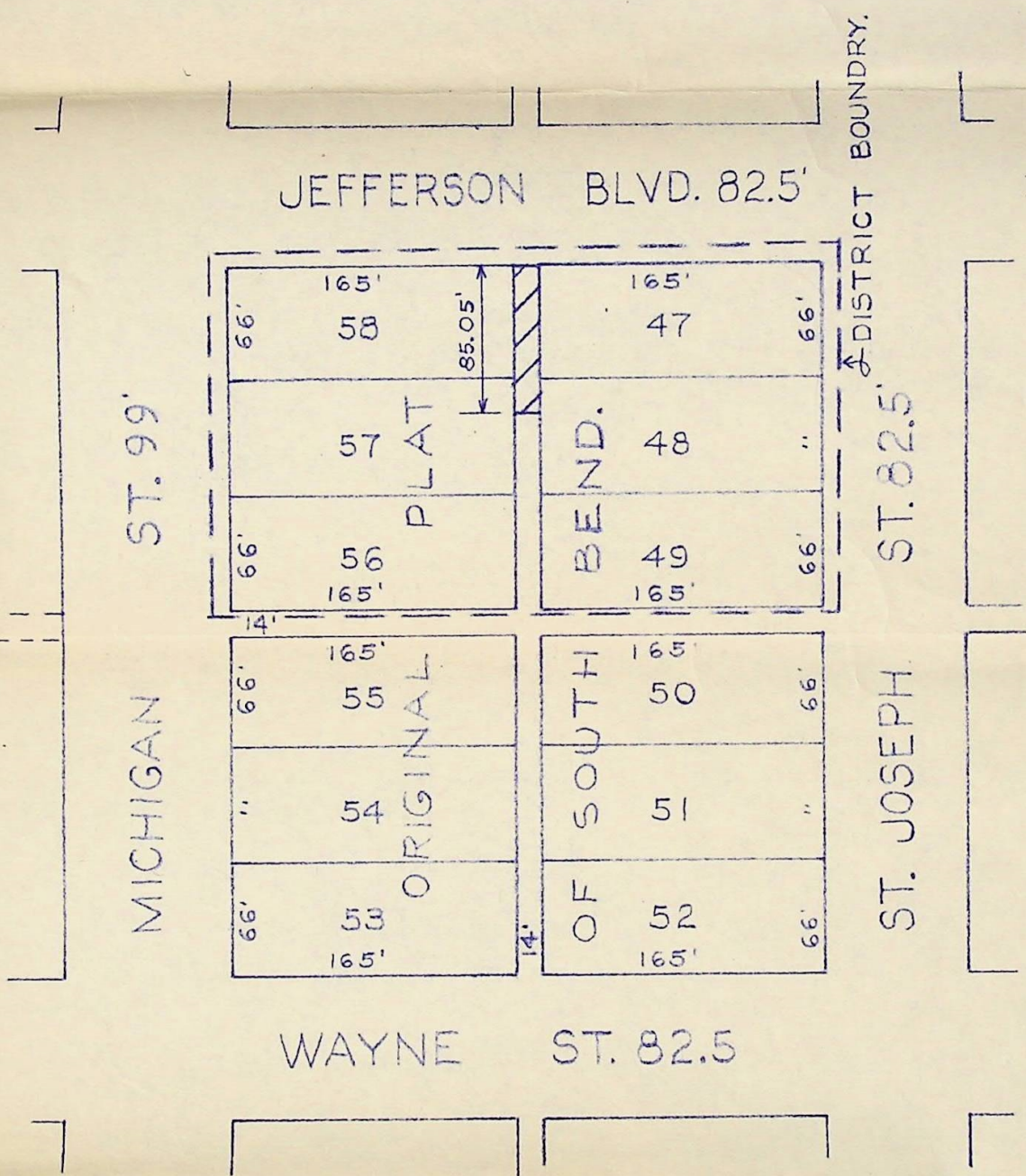
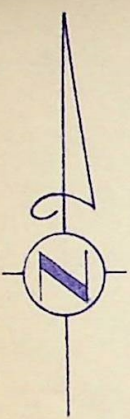
RES. HEARING 12-18-67

ASSESS. ROLL HEARING

1-29-68

PETITION TO VACATE ALLEY.

VACATION OF A 14' ALLE BETWEEN LOTS 47, 48, 57 & 58. ORIGINAL PLAT OF SOUTH BEND, AND RUNNING SOUTH 85.05' FROM THE SOUTH LINE OF JEFFERSON BLVD.



SCALE 1" = 100'

- PORTION OF ALLEY TO BE VACATED.
- DISTRICT BOUNDRY.

Nothing done since passed

Assessment Roll No.

VACATION

On~~X~~ Of a 14' alley between ~~Street~~
Lots 47,48 and 57,58, Original
From Plat of South Bend, and
running south 85.05' from south
To~~X~~ Line of Jefferson Blvd.

under Improvement Resolution No. 3228, 1967

adopted on the 27th day of

November, 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 December 26, 1967

Assessment Roll Hearing

Assessment Roll Confirmed

Final Estimate Allowed

Date of Acceptance

Notices sent

1962

Ideal Press

ASSESSMENT ROLL NO.

The total frontage assessed for pavement isfeet, at.....per front foot.....

The total frontage assessed for pavement isfeet, at.....per front foot.....

The total frontage assessed for pavement isfeet, at.....per front foot.....

" " area " " sewer is.....sq. ft....." sq. foot

" " area " " sewer is.....sq. ft....." sq. foot

" " frontage " " grade is.....feet at.....per front foot.....

" " frontage " " curb is.....feet at.....per front foot.....

" " frontage " " cement walk is.....feet at.....per front foot.....

The total cost of the Improvement is \$..... Amount assessed to City \$.....

And in the following tabular statement is given the name of each property owner on that part of the street so improved; the number of front feet owned by the respective owners; the amount of the cost of such improvement assessed upon each lot or parcel of ground bordering thereon; the full description, together with the owner's name, of each lot or parcel of ground bordering on said part of said street so improved; the amount of allowance made to each owner on account of former improvements, and the net amount due from the owner of each tract of real estate, after deducting the aforesaid allowances.

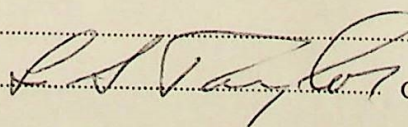
All of said real estate bordering on said improvements being in the City of South Bend, St. Joseph County, Indiana.

In describing said real estate, the following abbreviations are made to-wit: N. for North; S. for South; E. for East; W. for West; ft. 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				
PART OF LOT	No. of Lots	Name of Addition or Sub-Div.			\$	Cts.	\$	Cts.	NET DAMAGES
								\$	Cts.
<p>COPY OF VACATION RESOLUTION NO. 3228, 1967</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>A fourteen (14) foot alley between Lots 47, 48 and 57, 58, Original Plat of South Bend, and running south 85.05 feet from the south line of Jefferson Boulevard.</p> <p>The following property may be injuriously or beneficially effected by such vacation:</p> <p style="text-align: center;">Lots 47, 48, 57 and 58, Original Plat of South Bend, Indiana</p>									
								00.00	00.00

Total amount due the Contractor for the Improvement, \$.....

Respectfully submitted this day of, 19.....

 Civil Engineer

COPY OF VACATION RESOLUTION

NO. 3228, 19 67

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

A fourteen (14) foot alley between Lots 47, 48, 57 and 58, Original Plat of South Bend, and running south 85.05 feet from the south line of Jefferson Boulevard.

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

Lots 47, 48, 57 and 58, Original Plat of South Bend, Indiana.

Notice of this resolution shall be published on the 1 day of 8 and on the 18 day of Dec 1967 in the South Bend Daily Tribune.

This Board, at its office in the City Hall on the 18 day of Dec 1967 at 7:15 p.m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

Adopted this 27th day of Nov

BOARD OF PUBLIC WORKS

Robert J. DeLomb
L. S. Taylor
James C. Bickel

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

ST. JOSEPH COUNTY, INDIANA
CITY HALL
SOUTH BEND, INDIANA 46708

December 6, 1967

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

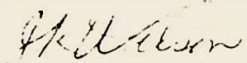
Gentlemen:

The attached alley vacation petition of the St. Joseph Bank and Trust Company was legally advertised under date of November 11 and 18 and given public hearing on November 21, 1967. The following action was taken at a special meeting on November 30, 1967:

Following discussion, it was moved, seconded and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety provided consent petitions are filed by all affected property owners and said petitions are reviewed and approved by the Commission's attorney.

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

Very truly yours,



John E. Wilson
Executive Director

JKW/cas
Attach.

IN THIS ALLEY. ARE NEGOTIATING WITH ST. JOSEPH BANK FOR
RELOCATION.

1. Petition of the St. Joseph Bank and Trust Company to vacate a 14 foot alley between Lots 47, 48, 57 and 58 in the Original Plat of South Bend and running south 85.05 feet from the South line of Jefferson Blvd.

It was moved by Dr. Huys, seconded by Mr. Helvie and unanimously carried that the motion to continue the public hearing of this matter until December 19, 1967 be rescinded and that the matter be considered at this time.

Mr. Charles Boynton and Mr. Bruce Stewart, attorneys, appeared accompanied by Mr. Bajer, St. Joseph Bank. Mr. Boynton indicated that the bank was willing to dedicate an additional 26 feet off of lot 48 to the city for the purpose of making a 40 foot alley so that trucks would have turning room.

Mr. Boynton also presented statements from the other property abutting the private alley which stated that they had no objections to the vacation.

A letter from First Bank and Trust, Trustees and agents for the owners of Lots 55 and North half of Lot 54 stating that they would withdraw their objection to the closing on the basis of the fact that the bank proposes to dedicate sufficient right-of-way for a 40 foot alley along Lot 48 was also submitted by Mr. Boynton.

Following discussion, it was moved by Dr. Huys, seconded by Mr. Helvie and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety provided consent petitions are filed by all affected property owners and said petitions are reviewed and approved by the Commission's attorney.

IN THIS ALLEY. ARE NEGOTIATING WITH ST. JOSEPH BANK FOR
RELOCATION.

TING OF

1. Under the proposed CBD plan a 40 foot T shaped alley would be constructed by closing both the north and south ends of the north-south alley and the west end of the east-west alley thereby creating a T shaped alley with access onto St. Joseph St.

2. The proposed CBD plan may not be executed for several years and the problem would be created as soon as this portion of the alley is vacated.

3. The bank could consider granting a temporary easement across Lot 48 for the purpose of allowing trucks to exit to St. Joseph Street until such time as the CBD plan can be executed.

Following further discussion, it was moved by Mr. Taylor, seconded by Mr. Geib and unanimously carried that the public hearing be continued until the December 19, 1967 meeting.

IN THIS ALLEY. ARE NEGOTIATING WITH ST. JOSEPH BANK FOR RELOCATION.

NOVEMBER 21, 1967

5. Petition of the St. Joseph Bank and Trust Company to vacate a 14 foot alley between Lots 47, 48, 57 and 58 in the Original Plat of South Bend and running south 85.05 feet from the south line of Jefferson Blvd.

There appeared Mr. Charles Boynton and Bruce Stewart, attorneys representing the petitioners. Mr. Boynton described the alley in question and indicated that its vacation was in conformance with the proposed Central Business District plan; that south of the portion to be vacated was a private alley 14 x 72 onto which the State Theatre has exits as well as what is now currently the Karmelcorn Shop. These businesses as well as the bank have the right of access to this private alley and this will not be affected in any way.

Mr. Boynton indicated that they have contacted the owners of these properties, i.e., Sam Brown Estate and the Sisters of Holy Cross (St. Mary's College) and they have no objection to the vacation provided the private alley is not closed also. Mr. Boynton indicated that he is in the process of seeking their written consent to the proposal and in addition they would be willing to dedicate an additional 10 feet off of the west side of Lot 48 thereby making the alley 24 feet wide.

There now appeared Joseph Helling, attorney, representing Russell Realty owner of the property presently leased by J. C. Pennv. He indicated that while the present store is a single unit with principal loading on Wayne Street, if the lease expires and is not renewed these buildings could be reconverted into three separate units again and they in turn would need unloading room in the alley and large delivery trucks could not negotiate the turn into the east-west alley and would not be able to exit through the vacated end. Mr. Helling indicated that there would be no objection to the alley closing if this problem can be satisfactorily settled.

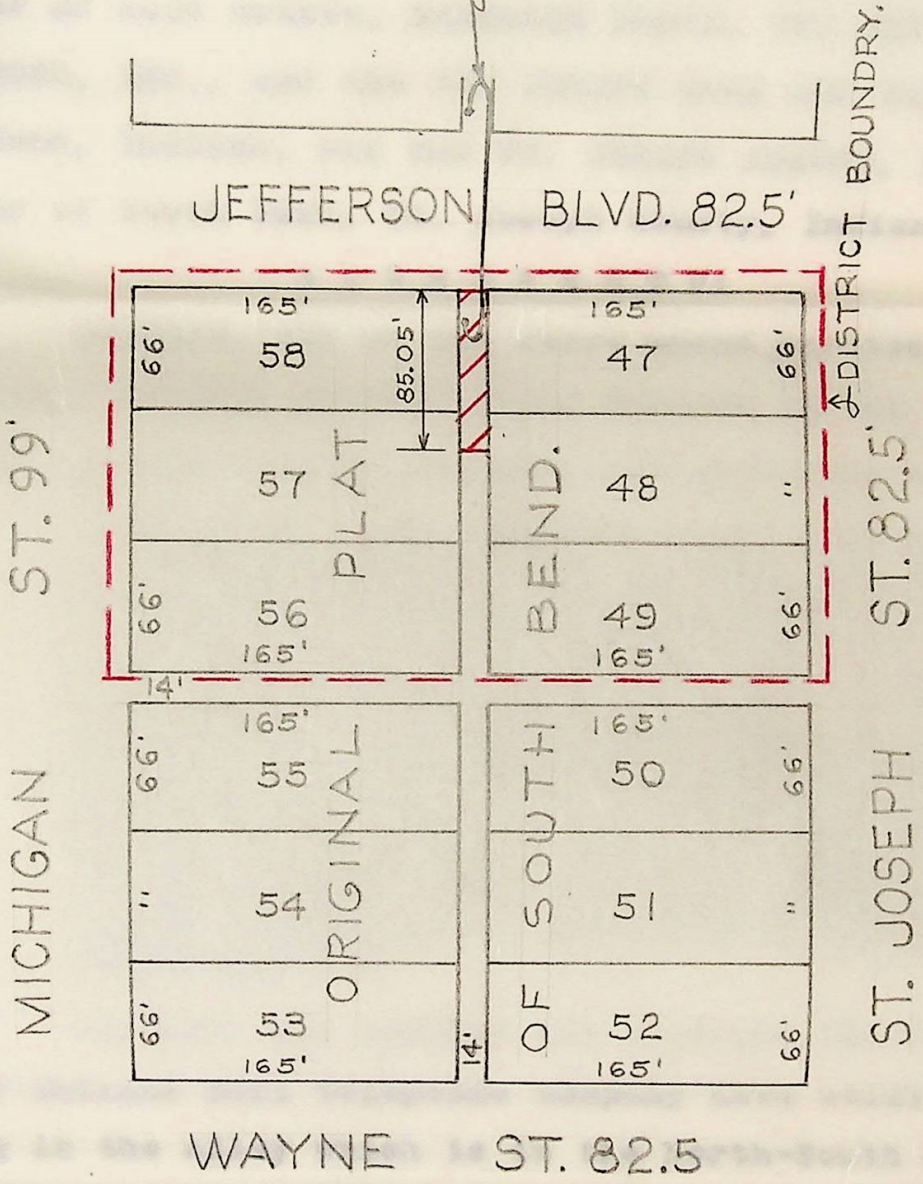
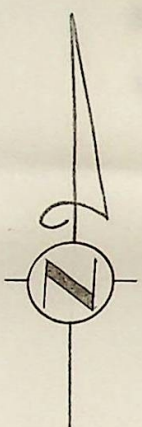
Mr. Boynton now appeared and indicated that they have made arrangements with I & M and Indiana Bell for the relocation of lines around the front of the proposed building.

During discussion of this matter the following points were raised:


PETITION TO VACATE ALLEY.

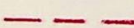
VACATION OF A 14' ALLE BETWEEN LOTS 47, 48, 57 & 58.
 ORIGINAL PLAT OF SOUTH BEND. AND RUNNING SOUTH
 85.05' FROM THE SOUTH LINE OF JEFFERSON BLVD.

102.3' C.C. WESTERN UNION CABLE
 102.3' T.R.
 129.3' C.A.
 SPZ-C 639-A.



SCALE 1"=100'

 PORTION OF ALLEY TO BE VACATED.

 DISTRICT BOUNDRY.

NOTE.

INDIANA BELL TEL. CO. HAVE UNDERGROUND TELEPHONE PLANT
 IN THIS ALLEY. ARE NEGOTIATING WITH ST. JOSEPH BANK FOR
 RELOCATION.

AGREEMENT TO GRANT EASEMENT

This Agreement made and entered into this 30 day of November, 1957, by and between WHITCOMB & KELLER, INC., an Indiana corporation, THE ESTATE OF SAMUEL BROWN BY _____, the duly acting and qualified Executor of said estate, BENJAMIN BROWN, THE SISTERS OF THE HOLY CROSS, INC., and the ST. JOSEPH BANK AND TRUST COMPANY, South Bend, Indiana, and the ST. JOSEPH AGENCY, INC., all in the City of South Bend, St. Joseph County, Indiana.

W I T N E S S E T H:

WHEREAS, all of the above named parties have rights in and to a certain private alley located in the City of South Bend, St. Joseph County, Indiana, and described as follows:

Part of Lot Numbered Fifty-seven (57) as shown on the original plat of the Town, now City of South Bend, Indiana, and more particularly described as follows: Commencing at a point (33) feet South and (93) feet East of the North-west corner of said lot 57; thence North a distance of (14) feet; thence East on a line parallel with the North boundary to the East boundary of said lot 57 a distance of (72) feet; thence South along the East boundary line of lot 57 a distance of (14) feet; thence West on a line parallel with the North boundary of said lot 57 a distance of (72) feet to the place of beginning; and

WHEREAS, the Indiana and Michigan Electric Company and the Indiana Bell Telephone Company have utility lines running in the alley which is in the North-South alley south of Jefferson Blvd., east of Michigan Street and west of St. Joseph Street; and

WHEREAS, it is necessary to relocate said utility easements in order to vacate said alley to a point 85.05 feet south of Jefferson Blvd.; and

WHEREAS, all of the parties are desirous of re-locating said utility easements in order that a new bank and office building can be constructed over the part of the vacated

alley and the adjoining real estate; and

WHEREAS, said utility easements can be relocated in a ten foot wide strip along the private alley, above described, to a point approximately 37 feet west of the present west line of said public alley where said utility easements will then proceed north across the property of the St. Joseph Bank and Trust Company, South Bend, Indiana, to Jefferson Blvd.; and

WHEREAS, the undersigned are agreeable that said alley be relocated in the above described method and execute this Agreement in order that their intention may be made clear as to the relocation of said utility easements.

NOW, THEREFORE, in consideration of the premises and in consideration of the mutual promises made each to the other, it is agreed as follows:

The said parties hereby agree that the Indiana & Michigan Electric Company and the Indiana Bell Telephone Company will be granted an easement to relocate their utility lines in a ten foot easement in and under the private alley; being 14 feet by 72 feet, to a point approximately 37 feet west of the west line of the presently existing public alley; said easement to include the right to place said utilities under ground together with the necessary man holes to service said easement; it being understood that said easement will proceed north across the private alley of the St. Joseph Bank and Trust Company to the south line of Jefferson Blvd.

It is further understood and agreed that the exact description of said easement will be drawn and prepared in the appropriate form of easement granting said easement to the Indiana & Michigan Electric Company and the Indiana Bell Telephone Company; and the undersigned will execute said easement when the same is drawn and placed in final acceptable form.

IN WITNESS WHEREOF, the said parties have hereunto
set their hands and seals all on the day and date first above
written.

WHITCOMB & KELLER, INC.

BY Richard M. Keller, President

THE ESTATE OF SAMUEL BROWN,
DECEASED

BY _____

BENJAMIN BROWN

THE SISTERS OF THE HOLY CROSS, INC.
FOR ST. MARYS COLLEGE

BY Sister Maria Renatae S.C.

CONSENT TO ALLEY VACATION

The undersigned, being the owners of adjoining property in South Bend, Indiana, hereby consent to the petition of the St. Joseph Bank and Trust Company, South Bend, Indiana, and the St. Joseph Agency, Inc., to vacate the alley south of Jefferson Blvd., east of Michigan Street, and west of St. Joseph Street and to a point 85.05 feet south of Jefferson Blvd.

The undersigned hereby represent and show that there is presently existing a private alley 72 feet by 14 feet extending west of the presently existing alley, which said private alley will remain in use for the undersigned. The vacation of the above alley will in no way affect the use by the undersigned of said 14 foot private alley. There will be a right of way established of 26 feet east and west by 41 feet north and south adjacent to the existing public alley making a 40 foot turn around.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals all on the 30 day of November, 1967.

WHITCOMB & KELLER, INC.

BY Richard M. Johnson, President

SISTERS OF THE HOLY CROSS, INC.
FOR ST. MARYS COLLEGE

BY Sister Maria Renata, C.S.C.

BENJAMIN BROWN

ESTATE OF SAMUEL BROWN, DECEASED

BY _____