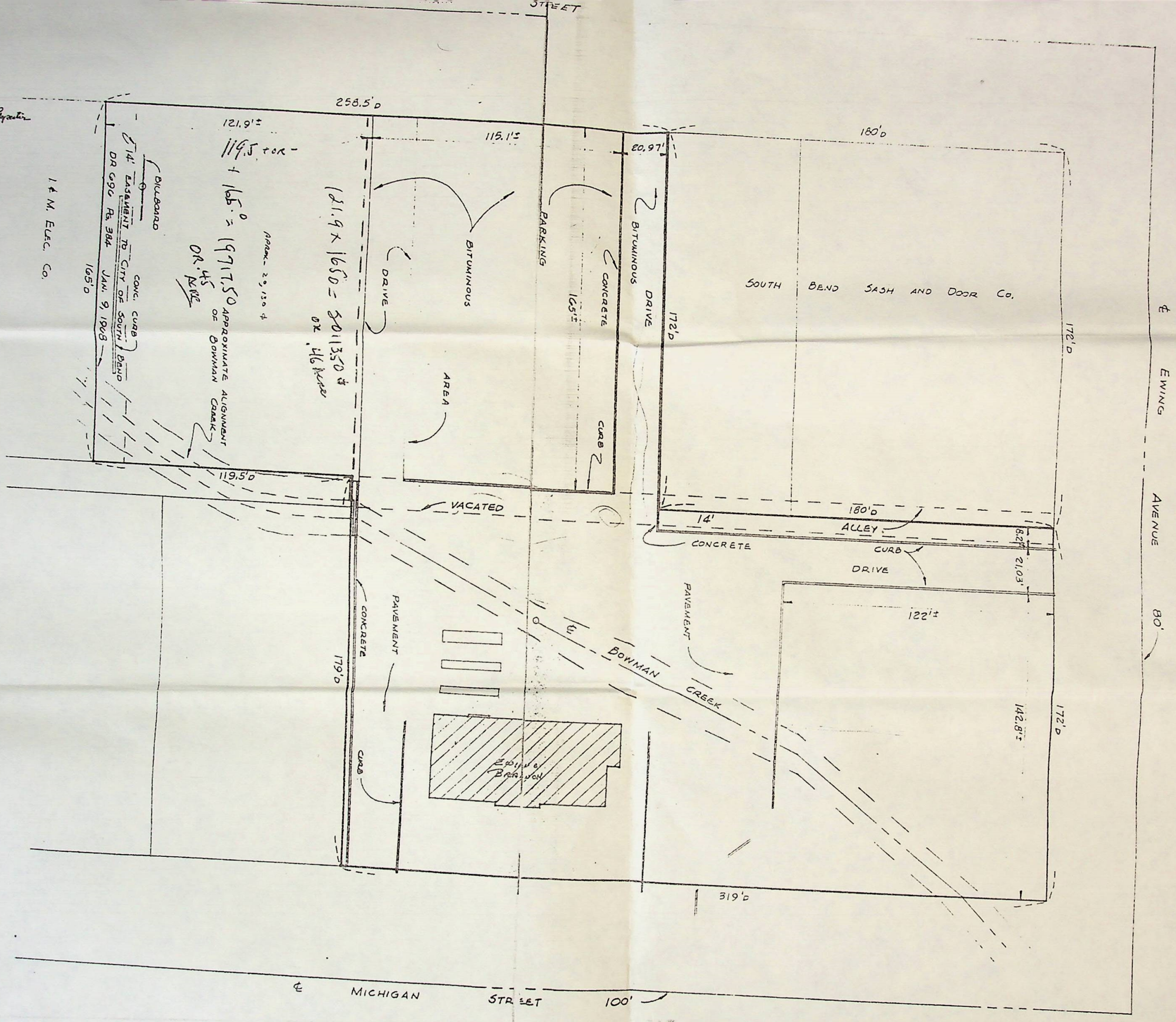
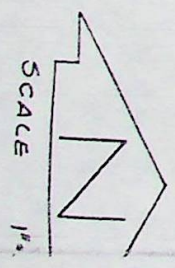


3211

Start from
Check on Side of Property



Supplies Research Revisions
1/19/88



COPY OF VACATION RESOLUTION

NO. 324, 19 27

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

The north-south alley between Main Street and Michigan Street extending south three hundred nineteen (319) feet from the south line of the right-of-way of Ewing Avenue.

Reserving all utility rights of record.

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

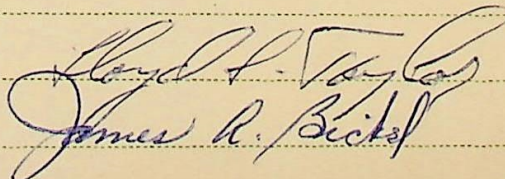
All of lots 1, 2, and 3 in Stull's 6th Addition to the City of South Bend, and a parcel of land described as follows: Beginning at the northeast corner of Lot No. 1 in Stull's 6th Addition; thence running north along the west line of Michigan Street to the south right-of-way line of Ewing Avenue; thence west along the south right-of-way line of Ewing Avenue to the east line of Main Street; thence south along the east line of Main Street three hundred nineteen (319) feet; thence east and parallel to the south line of Ewing Avenue a distance of one hundred sixty-five (165) feet to the west line of said north and south alley to be vacated; thence north along the west line of said north and south alley to a point of intersection of said west line of alley and the north line of Lot No. 1, Stull's 6th Addition extended; thence east and along the north line of Lot No. 1 extended and Lot No. 1, Stull's 6th Addition, to point of beginning.

Notice of this resolution shall be published on the 2nd day of June and on the 9th day of June 1927 in the South Bend Daily Tribune.

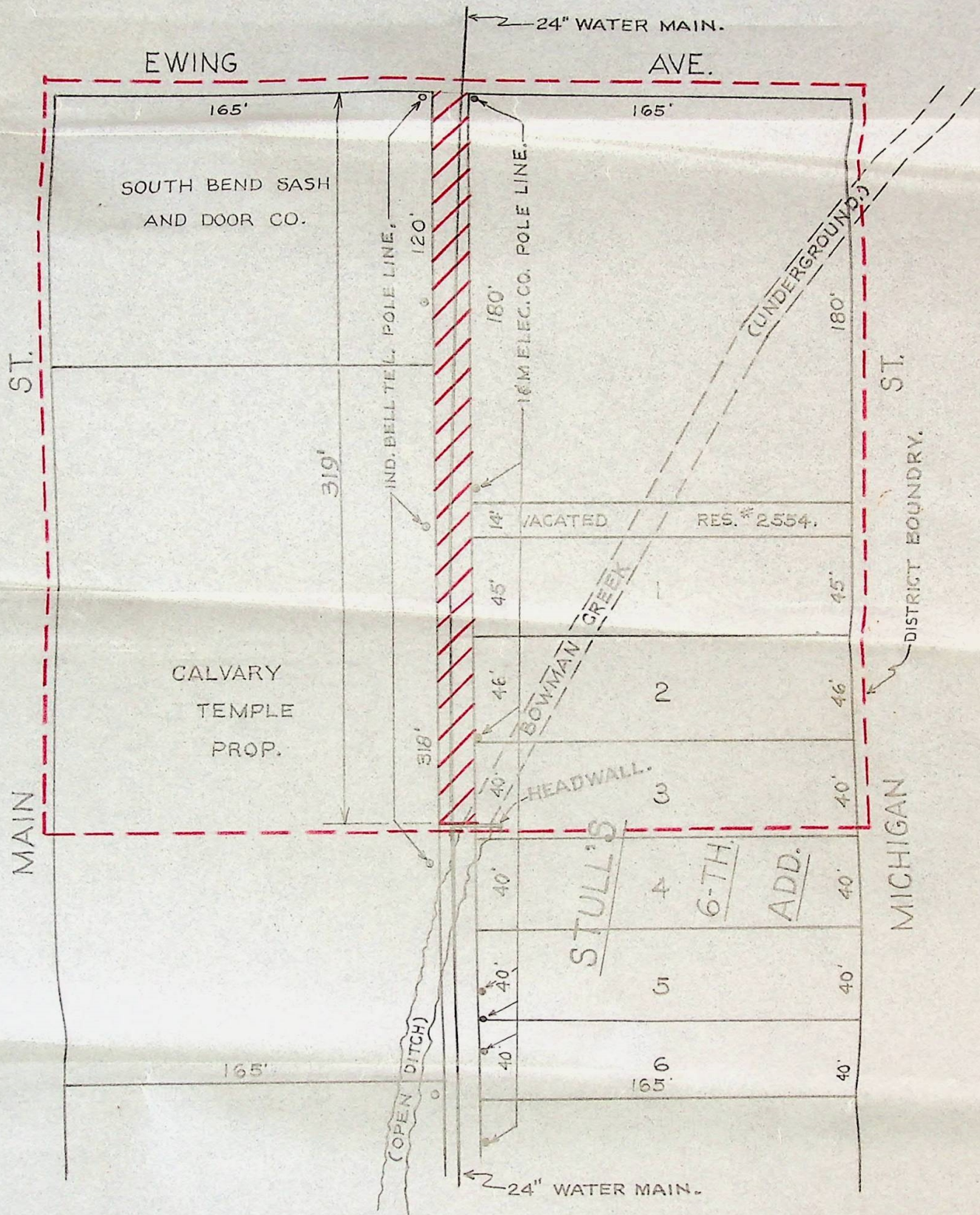
This Board, at its office in the City Hall on the 19th day of June 1927 at 7:15 p.m. will hear and receive remonstrances from all persons interested in or affected by these proceedings.

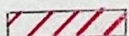
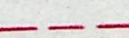
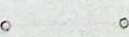
Adopted this 29th day of May

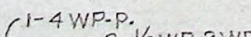
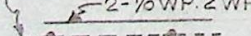
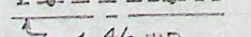
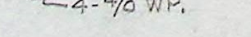
BOARD OF PUBLIC WORKS


 Lloyd H. Taylor
 James R. Bickel

VACATION OF THE NORTH-SOUTH ALLEY BETWEEN
 MAIN STREET AND MICHIGAN STREET EXTENDING
 SOUTH 319 FEET FROM THE SOUTH LINE OF THE
 RIGHT-OF-WAY OF EWING AVENUE.



-  ALLEY TO BE VACATED.
-  DISTRICT BOUNDARY
-  IND. BELL TEL. CO. POLE LINE

-  1-4 WP-P.
 -  2-1/2 WP, 2 WP.
 -  1.5 M. ELEC. CO. POWER LINE
 -  4-4/5 WP.
- SCALE: 1" = 60'

Petitioner
South Bend
Arch. & Assoc. Bank
Respo
5/29/67

3211

Petition to vacate the North-South Alley between Main Street and Michigan Street extending South Three Hundred Ninety feet (319') from the South line of the right-of-way of Ewing Ave.

Reserving all utility rights reserved

Effecting all of lots 1-2-3 in Stulls 6th addition to the city of South Bend & a part of land described as follows: Beginning at the North East corner of lot No 1 in Stulls 6th addition, thence running North along the West line of Michigan Street to the South right-of-way line of Ewing Avenue, thence west along the South right-of-way line of Ewing Ave to the East line of Main Street, thence South along the East line of Main Street Three Hundred Ninety feet (319'), thence East & Parallel to the South line of Ewing Ave a distance of one Hundred Sixty Five feet (165') to the West line of said North-South Alley ^{TO BE VACATED,} thence North along the West line of said North-South Alley to a point of intersection of said West line of alley & the North line of lot No 1 Stulls 6th add. extended, thence East & along the North line of lot No 1 extended & lot No 2 Stulls 6th Addition to point of beginning.

WPK 5.2467

AREA PLAN COMMISSION
OF ST. JOSEPH COUNTY, IND.

129 W COLFAX AVENUE, SOUTH BEND, INDIANA 46601

May 19, 1967

Vacation Resolution

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

Gentlemen:

The attached alley vacation petition of the First Bank & Trust Company was legally advertised under date of May 6 and 13 and given public hearing on May 16, 1967. The following action was taken:

After due consideration it was moved, seconded and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety providing the petitioner amends the petition to exclude the property south from a point six (6) feet north of Lot ~~3~~⁴.

Excerpts from the minutes of the Area Plan Commission are hereby attached and made a part of this report.

Very truly yours,

J. K. Wilson

John K. Wilson,
Executive Director

JKW/caf
Attach.

FILED
MAY 20 1967

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

EXCERPTS FROM THE MINUTES OF THE AREA PLAN COMMISSION
MEETING OF MAY 16, 1967

A petition of the First Bank & Trust Company, et al, to vacate the north-south alley between Main Street and Michigan Street extending south 438 feet from the south line of the right-of-way of Ewing Avenue.

There appeared Jack C. Dunfee, Jr., attorney, representing the petitioners. He stated that they were in receipt of a letter from the Review Committee requesting that certain information be presented to the Commission. The petitioners will grant the City access to the headwall of Bowman Creek; the utility lines will be put underground and then rise again to a pole at Ewing Avenue and easements will be provided to the utilities if necessary; there is no legal ditch across this property and the petitioners have secured title insurance covering the property should any legal question arise; and that the petitioner does not plan to construct any buildings across this vacated portion. The main purpose of the vacation is to control drive-in traffic to the proposed bank.

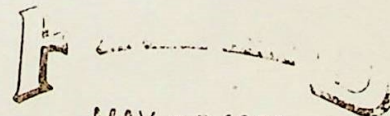
Mr. Taylor now inquired as to what would be done with the property where the ditch is open and if all abutting property owners are a party to the petition.

Mr. Arthur Frist, representing South Bend Sash and Door, now appeared and stated that he had circulated the petition and that two property owners would not sign the petition although they were not in objection to it.

Following discussion the petitioner stated that they would be willing to amend the petition to remove everything south from a point 6 feet north of Lot 3.

No one further appeared.

After due consideration it was moved by Mr. Taylor, seconded by Dr. Huys and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety providing the petitioner amends the petition to exclude the property south from a point 6 feet north of Lot 3.



MAY 22 1967

Board of Public Works & Safety

R.

EXCERPTS FROM THE MINUTES OF THE AREA PLAN COMMISSION
MEETING OF MAY 16, 1967

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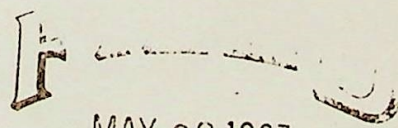
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Following discussion the petitioner stated that they would be willing to amend the petition to remove everything south from a point 6 feet north of Lot 3.

No one further appeared.

After due consideration it was moved by Mr. Taylor, seconded by Dr. Huys and unanimously carried that the petition be recommended favorably to the Board of Public Works and Safety providing the petitioner amends the petition to exclude the property south from a point 6 feet north of Lot 3.



MAY 22 1967

Board of Public Works & Safety

TO: THE BOARD OF PUBLIC WORKS AND SAFETY OF
THE CITY OF SOUTH BEND, INDIANA

P E T I T I O N

The undersigned respectfully petition The Board of Public Works and Safety of the City of South Bend, Indiana to vacate the following described alley situated in the City of South Bend, Indiana:

The North-South alley between Main Street and Michigan Street extending South Four Hundred Thirty-eight feet (438') from the South line of the right-of-way of Ewing Avenue.

FILED

MAR 20 1967

Board of Public Works & Safety

RICHARD J. DUCK, Clerk

ATTEST:

H. R. Solbrig
H. R. Solbrig, its Secretary

FIRST BANK AND TRUST COMPANY OF SOUTH BEND,
an Indiana Corporation

By C. H. Krayer, Jr.
C. H. Krayer, Jr., its President

SOUTH BEND SASH & DOOR CO., INC.
2310 South Main Street
South Bend, Indiana

By Arthur W. Frisk
Arthur W. Frisk, President

ATTEST:

Sumner B. Shimp
Sumner B. Shimp, Secretary

Garry W. Gould
Garry W. Gould
2407-1/2 South Michigan Street

TO: THE BOARD OF PUBLIC WORKS AND SAFETY OF
THE CITY OF SOUTH BEND, INDIANA

AMENDED
PETITION

The undersigned respectfully ~~petition~~ *The Board of Public Works*
and Safety of the City of South Bend, Indiana, to vacate the following
described alley situated in the City of South Bend, Indiana:

The North-South alley between Main Street and Michigan
Street extending South Three Hundred Nineteen feet (319')
from the South line of the right-of-way of Ewing Avenue.

FIRST BANK & TRUST COMPANY
OF SOUTH BEND

By *C. H. Kruyer*
C. H. Kruyer, its President

ATTEST:

H. R. Solbrig
H. R. Solbrig, its Secretary

SOUTH BEND SASH & DOOR CO., INC.

By *Arthur W. Frisk*
Arthur W. Frisk, President

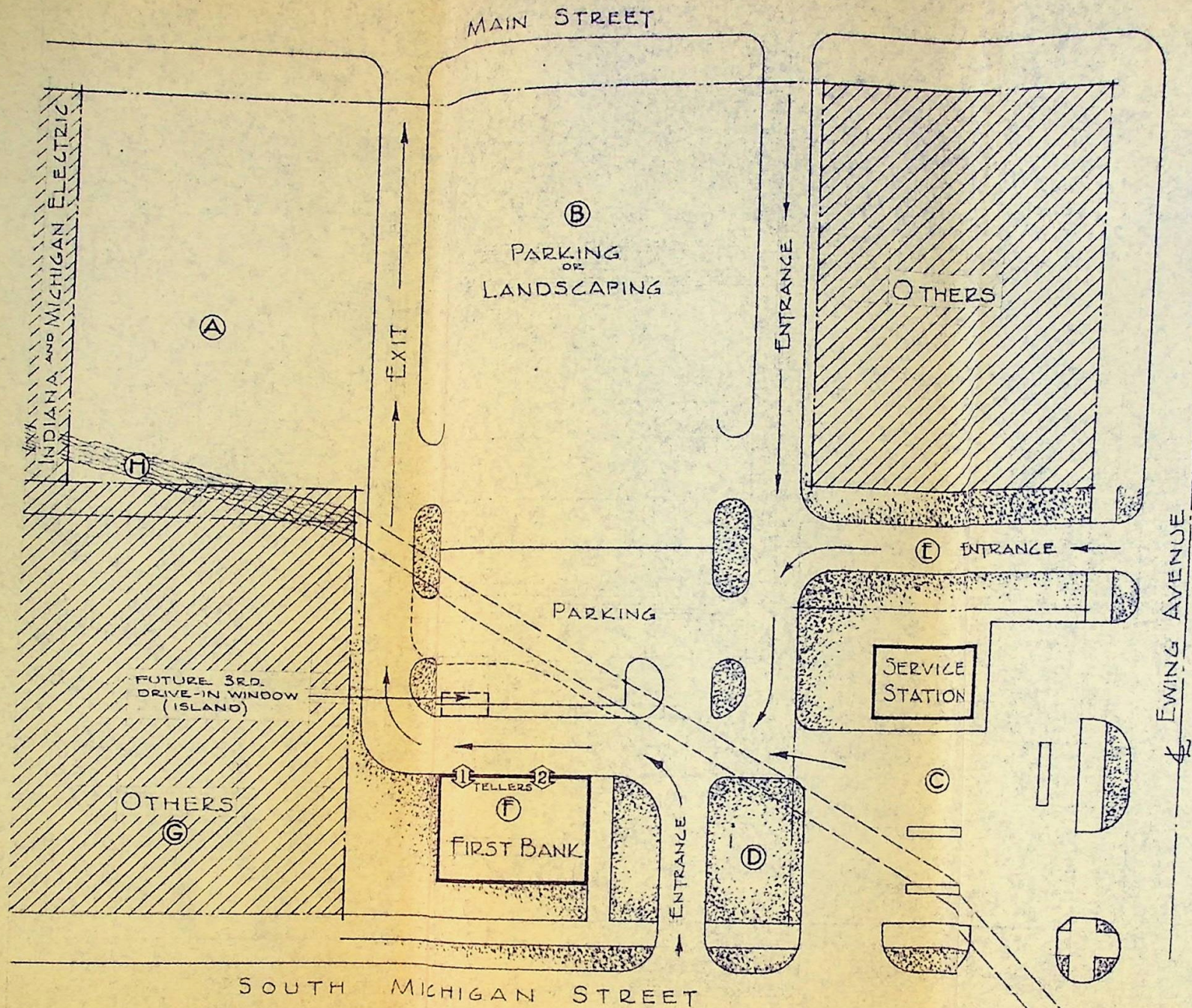
ATTEST:

Sumner B. Shimp
Sumner B. Shimp, Secretary

FILED

MAY 22 1967

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



SOUTH MICHIGAN STREET
 SITE DEVELOPMENT STUDY - PROPOSED
 FIRST BANK AND TRUST CO. - MICHIGAN AT EWING BRANCH

SCALE
 1" = 60'



MAY 16 1967

Assessment Roll No. 2919

VACATION

On N&S Alley betw. Main St. and Street
Michigan St. extending south 319' from south line
From of right-of-way line of
To Ewing Avenue.

under Improvement Resolution No. 3211, 1967

adopted on the 29th day of
May, 1967, and

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

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

Contractor

Net Benefits -- \$00.00

Net Amount, \$.....

Net Damages -- 00.00

Assessment Roll Filed Feb 13 1968

Assessment Roll Hearing Mar 4, 1968

Assessment Roll Confirmed 11

Final Estimate Allowed 11

Date of Acceptance 11

Notices sent

COPY OF
FINAL ESTIMATE

VACATION
of the Cost of the Improvement of NORTH-SOUTH ALLEY BETWEEN MAIN STREET
AND MICHIGAN STREET EXTENDING SOUTH THREE HUNDRED NINETEEN (319) FEET FROM THE
SOUTH LINE OF THE RIGHT-OF-WAY OF EWING ~~Street~~ AVENUE.

To the Honorable Board of Public Works of the City of South Bend, Indiana:

The undersigned, City Civil Engineer of said City, hereby reports to the Board of Public Works thereof the following Final Estimate
of the ~~Improvement~~ ^{vacation} known as the (see description above)

Improvement, authorized by resolution of the Board of Public Works, adopted on the 29th day of May, 1906

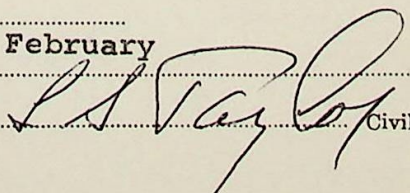
Said estimate is based upon the terms of the contract for said work, dated the _____ day of _____, 19____
and signed by the Board of Public Works, on the part of the City, and by _____
Contractor.

	at	per	\$
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vacation

Total amount due the Contractor for the Improvement, \$ none

Respectfully submitted this 13th day of February, 1968


Civil Engineer

THORNBURG, MCGILL, DEAHL, HARMAN, CAREY & MURRAY

ATTORNEYS AT LAW

645-695 FIRST BANK BUILDING
SOUTH BEND, INDIANA 46601

AREA CODE 219
233-1171

ELI F. SEEBIRT (1955)
LENN J. OARE (1964)
ORLO R. DEAHL (1961)
VERNE G. CAWLEY (1965)

ELKHART OFFICE
305 FIRST NATIONAL BANK BUILDING
522-6980

JAMES F. THORNBURG
WARREN E. MCGILL
WARREN A. DEAHL
JOHN L. CAREY
THOMAS L. MURRAY
WILLIAM J. REINKE
EDWARD J. GRAY
JOHN R. HARMAN
DANIEL W. RUDY
ROBERT A. PFAFF
JACK C. DUNFEE, JR.
BRUCE R. BANCROFT
JOHN T. MULVIHILL
FRANKLIN A. MORSE II
STEPHEN A. SEALL
GORDON S. ESLICK

December 28, 1967

Vac Res 3211

Mr. Robert J. DuComb
City Attorney
511 West Colfax Avenue
South Bend, Indiana

Dear Jim:

In accordance with the decision at the hearing before the Board of Public Works and Safety of the City of South Bend, Indiana, we have prepared and are enclosing with a copy of this letter and one being submitted to Lloyd Taylor, a proposed Grant of Easement over the South Fourteen feet of the land of First Bank and Trust Company of South Bend situated Southerly of Ewing Avenue and extending from the East line of Main Street to the West line of the North and South alley located Easterly of Main Street. As we discussed at the hearing, this Grant of Easement is for right-of-way purposes only. If the enclosure meets with your approval, please have your secretary telephone me and we shall go forward with the execution thereof.

Do you desire that we record such Grant of Easement or deliver such Grant of Easement to Lloyd Taylor for recording? In order that you may check the description included within the enclosure, we are enclosing a xerox copy of the first page of the Warranty Deed containing the description of the various parcels of realty acquired by First Bank and Trust Company of South Bend from Calvary Temple-South Bend Gospel Tabernacle, Inc.

I assume that you will have the secretary of the Board of Public Works and Safety record the vacation proceedings pertaining to the North and South alley. If there is any additional recording expense due in this regard, please have your secretary telephone me as to the amount thereof.

Very truly yours,

THORNBURG, MCGILL, DEAHL,
HARMAN, CAREY & MURRAY

Warren E. McGill
Warren E. McGill

DUPLICATE
ORIGINAL

WEM:ks
Enclosures
cc: Mr. Lloyd Taylor

09678

WARRANTY DEED

Transfer ... 53/5
Taxing Unit ... 513
Date ... 10/16/06

THIS INDENTURE WITNESSETH THAT CALVARY TEMPLE-SOUTH BEND GOS-
PEL TABERNACLE, INC., an Indiana not for profit Corporation, of ST. JOSEPH COUN-
TY in the STATE OF INDIANA

CONVEY AND WARRANT TO FIRST BANK AND TRUST COMPANY OF SOUTH BEND,
of ST. JOSEPH COUNTY in the STATE OF INDIANA, for and in consideration of One Dol-
lar and other good and valuable considerations, the receipt whereof is hereby acknowledg-
ed, the following Real Estate in ST. JOSEPH COUNTY, in the STATE OF INDIANA, to-
wit:

TRACT 1

Lots Numbered One (1), Two (2) and Three (3), excepting the South Six (6) feet of said Lot
Numbered Three (3) as shown on the recorded Plat of Stull's Sixth Addition to the City of
South Bend, together with the vacated alley Fourteen (14) feet in width, North and South,
North of and adjacent to said Lot Numbered One (1).

TRACT 2

A lot or parcel of land in the West half of the North West Quarter of Section Number Twen-
ty-four (24), Township Number Thirty-seven (37) North, Range Number Two (2) East, in
the City of South Bend described as follows: Beginning at the point of intersection of the
original South line of Ewing Avenue in the City of South Bend with the West line of South
Michigan Street; thence running West, with the original South line of Ewing Avenue, One
Hundred Sixty feet ...

09678
WARRANTY DEED

Transfer ... 53/5
Taxing Unit ... 513
Date ... 07/10/66

THIS INDENTURE WITNESSETH THAT CALVARY TEMPLE-SOUTH BEND GOS-
PEL TABERNACLE, INC., an Indiana not for profit Corporation, of ST. JOSEPH COUN-
TY in the STATE OF INDIANA
CONVEY AND WARRANT TO FIRST BANK AND TRUST COMPANY OF SOUTH BEND,
of ST. JOSEPH COUNTY in the STATE OF INDIANA, for and in consideration of One Dol-
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wit:

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Lots Numbered One (1), Two (2) and Three (3), excepting the South Six (6) feet of said Lot
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TRACT 2

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original South line of Ewing Avenue in the City of South Bend with the West line of South
Michigan Street; thence running West, with the original South line of Ewing Avenue, One
Hundred Sixty-five (165) feet to the East line of a public alley; thence South, parallel with
Michigan Street, Two Hundred (200) feet; thence East, parallel with Ewing Avenue, One
Hundred Sixty-five (165) feet to the West line of said Michigan Street; thence North, along
the West line of Michigan Street, Two Hundred (200) feet to the place of beginning; except-
ing therefrom a strip of land Twenty (20) feet in width, North and South, taken off of the
entire North end thereof, heretofore taken for the widening of Ewing Avenue.

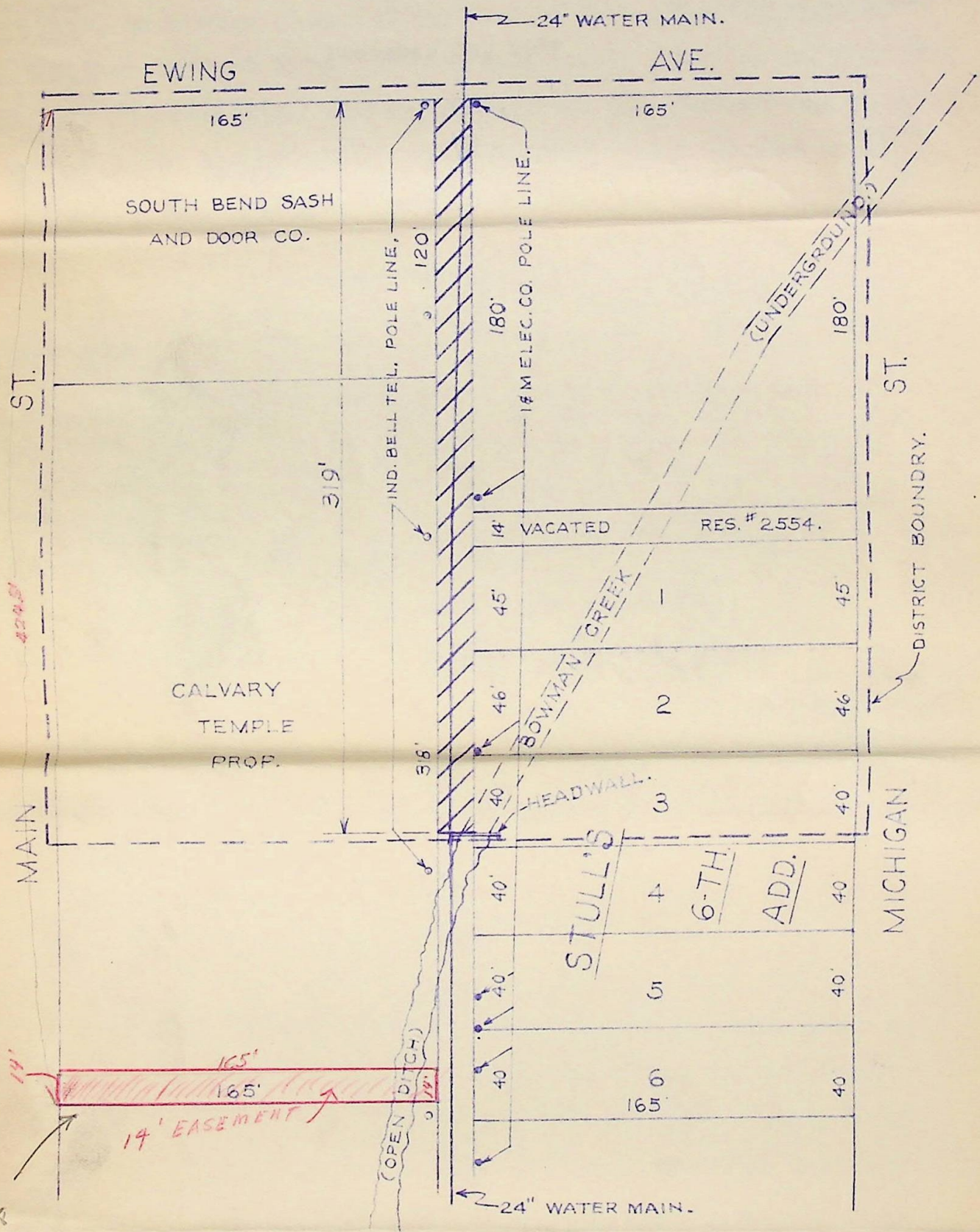
TRACT 3

A lot or parcel of land in the West half of the North West Quarter of Section No. Twenty-
four (24), Township No. Thirty-seven (37) North, Range No. Two (2) East, in the City of
South Bend, described as follows: Beginning at a point on the East line of Main Street in
the City of South Bend One Hundred Twenty (120) feet South of the South line of Ewing Ave.
as now located; running thence South along the East line of said Main Street, Three Hund-
red Eighteen and Five Tenths (318.5) feet, more or less, to the North line of the land of
the Indiana & Michigan Electric Company; thence East, along said North line, One Hund-
red Sixty-five (165) feet to the Westerly line of a public alley; thence North, along the
Westerly line of said alley, Three Hundred Eighteen and Five Tenths (318.5) feet, more
or less, to a point One Hundred Twenty (120) feet South of the South line of Ewing Avenue,
as now located; thence West One Hundred Sixty-five (165) feet to the place of beginning.

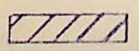
Subject to the taxes for the year 1966, payable in 1967, and all subsequent taxes.

Subject to the balance due on a Mortgage to First Bank and Trust Company of South Bend,
dated July 2nd, 1963, appearing in Mortgage Record 825, page 195, in the Recorder's
Office of St. Joseph County, Indiana.

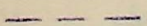
VACATION OF THE NORTH-SOUTH ALLEY BETWEEN MAIN STREET AND MICHIGAN STREET EXTENDING SOUTH 319 FEET FROM THE SOUTH LINE OF THE RIGHT-OF-WAY OF EWING AVENUE.



14' - 2-68'



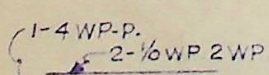
ALLEY TO BE VACATED



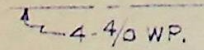
DISTRICT BOUNDARY



IND. BELL TEL. CO. POLE LINE



1# M. ELEC. CO. POWER LINE



SCALE: 1" = 60'

THORNBURG, MCGILL, DEAHL, HARMAN, CAREY & MURRAY

JAMES F. THORNBURG
WARREN E. MCGILL
WARREN A. DEAHL
JOHN L. CAREY
THOMAS L. MURRAY
WILLIAM J. REINKE
EDWARD J. GRAY
JOHN R. HARMAN
DANIEL W. RUDY
ROBERT A. PFAPP

JACK C. DUNFEE, JR.
BRUCE R. BANCROFT
JOHN T. MULVIHILL
FRANKLIN A. MORSE II
STEPHEN A. SEALL
GORDON S. ESLICK

ATTORNEYS AT LAW
645-695 FIRST BANK BUILDING
SOUTH BEND, INDIANA 46601
AREA CODE 219
233-1171

ELI F. SEEBIRT (1955)
LENN J. OARE (1964)
ORLO R. DEAHL (1961)
VERNE G. CAWLEY (1965)

ELKHART OFFICE
305 FIRST NATIONAL BANK BUILDING
522-6980

December 29, 1967

Mr. Robert J. DuComb
City Attorney
511 West Colfax Avenue
South Bend, Indiana

Re: First Bank and Trust Company of
South Bend alley vacation

Dear Jim:

In reviewing the Grant of Easement submitted with my letter of December 28, 1967, I concluded that the commencement point in the description was ambiguous. Therefore, I have revised such Grant of Easement in order to clarify the description as concerns the commencement point of the description for the fourteen-foot parcel involved. I would appreciate it if either Lloyd Taylor or yourself could telephone me as soon as you have approved such draft.

Very truly yours,

THORNBURG, MCGILL, DEAHL,
HARMAN, CAREY & MURRAY

Warren
Warren E. McGill

WEM:ks

THORNBURG, MCGILL, DEAHL, HARMAN, CAREY & MURRAY

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WARREN E. MCGILL
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THORNBURG, MCGILL, DEAHL,
HARMAN, CAREY & MURRAY

Warren

Warren E. McGill

WEM:ks

Enclosures

cc: Mr. Lloyd Taylor

DUPLICATE
ORIGINAL

Before me, a Notary Public in and for said County and State, personally appeared C. H. Kruyer, Jr. and H. R. Solbrig, known to me and to me known to be the President and Secretary, respectively, of First Bank and Trust Company of South Bend, an

GRANT OF EASEMENT

FOR VALUE RECEIVED, FIRST BANK AND TRUST COMPANY OF SOUTH BEND, an Indiana financial institution with principal offices located in South Bend, Indiana, does hereby grant to the MUNICIPAL CITY OF SOUTH BEND, INDIANA, an easement for right-of-way purposes on and over the following described real estate located in St. Joseph County, State of Indiana, to wit:

A parcel of land in the West one-half ($\frac{1}{2}$) of the Northwest quarter ($\frac{1}{4}$) of Section 24, Township 37 North, Range 2 East in the City of South Bend, described as follows: Beginning at a point on the East line of Main Street which is 424.5 feet more or less South of the South line of Ewing Avenue and being on the South boundary line of the land of First Bank and Trust Company of South Bend and the North boundary line of the Indiana & Michigan Electric Company; thence East One Hundred Sixty-five (165) feet to the Westerly line of a public alley; thence North Fourteen (14) feet along the Westerly line of said public alley; thence West One Hundred Sixty-five (165) feet to a point on the East line of said Main Street which is Fourteen (14) feet North of the place of beginning; thence South Fourteen (14) feet to the place of beginning.

IN WITNESS WHEREOF, FIRST BANK AND TRUST COMPANY OF SOUTH BEND herewith executes and delivers this Grant of Easement by its duly authorized officers as of this _____ day of _____, 19_____.

FIRST BANK AND TRUST COMPANY OF SOUTH BEND,
An Indiana financial institution

By _____
C. H. Kruyer, Jr., Its President

Attest:

H. R. Solbrig, Its Secretary

STATE OF INDIANA }
ST. JOSEPH COUNTY } ss:

Before me, a Notary Public in and for said County and State, personally appeared C. H. Kruyer, Jr. and H. R. Solbrig, known to me and to me known to be the President and Secretary, respectively, of First Bank and Trust Company of South Bend, an

Indiana financial institution, and as such officers and for and on behalf of said First Bank and Trust Company of South Bend, acknowledged the execution of the above and foregoing Grant of Easement as their free and voluntary act for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I set my hand and notarial seal as of the ____ day of _____, 19____.

Notary Public

My commission expires:

This instrument was prepared by Warren E. McGill, Attorney at Law.

June 19, 1967

"Mr. Lester J. Emerson appeared before the Board to remonstrate to the Vacation of the alley and reported to the Board that he is the owner of Lot #5 in Stull's 6th Ad Addition and the closing of the alley would prevent access to his property from the north in the future if Bowman Creek is ever covered and tiled."

Mr. DuComb said he ~~would~~ would continue the hearing for one week until June 26 while the engineer consulted the petitioners to see if they would dedicate an alley west to Main St. to provide access to the remaining portion of the north-south alley from both ends.

Therefore public hearing on this vacation will be continued until June 26. "

June 26, 1967

The hearing on Vacation Resolution #3211 which had been postponed from June 19 was again continued until July 10.

HEARING: July 10, 1967, Vacation Resolution #3211

"Mr. Lester T. Emerson and Mrs. Dorothy Rostovic, who appeared on behalf of her aunt, Mrs. George Philipoff, appeared today after the hearing had been postponed from June 26, to remonstrate. The hearing was again postponed this date, until July 17. The Board will continue to try and work out an agreement with the petitioners to provide an alley access from the north for nearby property owners.

July 17, 1967:

"HEARING - VACATION RESOLUTION # 3211: Hearing on the vacation resolution #3211 for the vacation of the north-south alley between Main Street and Michigan Street was again postponed, a new hearing date to be set by the Board. All people will be notified by the Secretary as to when the hearing will be heard."