



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

PUBLIC WORKS & PROPERTY VACATION

DECEMBER 9, 2024, 4:45 P.M.

Committee Members Present:

Shiela Niezgodski, Karen White, Sherry Bolden-Simpson, Jason Piontek, Carl Littrell

Committee Members Absent:

Dr. Oliver Davis

Others Present:

Bianca L. Tirado, Elivet Quijada-Navarro, Matthew Neal, Talia Thornton, James Luk, Bob Palmer

Agenda:

Bill No. 64-24 - Alley Vacation - 512 South Walnut Street

Members marked with an asterisk (*) are present digitally

Please note the attached link for the meeting recording:

<https://docs.southbendin.gov/WebLink/browse.aspx?dbid=0&mediaid=388622>

Committee Chair Sheila Niezgodski called to order the Public Works and Property Vacation Committee meeting at 4:45 p.m.

Bill No. 64-24 - Alley Vacation - 512 South Walnut Street

Eduardo Rodriguez, petitioner, 512 South Walnut Street, South Bend, IN 46619, stated that he is seeking the alley vacation to address ongoing issues with debris being left in his yard. Despite his efforts to deter this by installing additional lighting, the problem persists, leaving him responsible for the cleanup. He also expressed his intention to install a privacy fence around his yard to prevent further disturbances and maintain the property.

Committee Chair Niezgodski requested Clerk Tirado to present the Bill to provide a map of the parcels in question. After reviewing the Bill alongside Citizen Member Carl Littrell, Chair Niezgodski noted that the area being trashed and driven through is actually owned by the railroad. Consequently, there is no legal obstacle preventing the petitioner from installing a privacy fence immediately, even without the alley vacation.

Elisa Prieto, of 56349 Butternut Road, South Bend, IN 46619, inquired whether the area under discussion was the vacant lot adjacent to the railroad.

Committee Chair Niezgodski clarified that the area along Penn Central is owned by the railroad. She recommended that the petitioner install a fence after having the area surveyed and post “No Trespassing” signs. Chair Niezgodski also noted that if the alley vacation proceeds, the petitioner

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Elivet Quijada-Navarro
CHIEF DEPUTY CITY CLERK

Matthew Neal
DEPUTY/DIRECTOR OF POLICY

Talia J. Thornton
DIRECTOR OF SPECIAL OF PROJECTS

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would be required to remove the driveway approach and sidewalk, leaving no access to the petitioner's home.

Elisa Prieto stated that the petitioner currently has access to his home from South Walnut Street.

Chair Niezgodski reiterated that adopting the alley vacation would result in the elimination of the driveway approach.

Elisa Prieto questioned the necessity of this, pointing out that the petitioner owns both 512 and 514 South Walnut Street.

Citizen Member Carl Littrell explained that the petitioner could request a new curb cut from the engineering department at the current driveway location but maintained his recommendation to install a fence.

Elisa Prieto expressed further confusion, emphasizing that the petitioner owns both properties next to the railroad.

Committee Chair Niezgodski reaffirmed that with the alley vacation, access to the home would be lost.

Eduardo Rodriguez stated that his goal in vacating the alley was to seal off the back end and prevent people from entering his property through the rear.

Committee Chair Niezgodski responded that he could achieve this by installing a fence now, suggesting he engage a surveyor to confirm property lines.

Chris Dressel, Senior Planner with offices on the 14th floor of the County-City Building, explained that since 514 South Walnut Street lacks a structure, the alley vacation would render that parcel ineligible for access without an approved structure. Access to the home would need to be reestablished under those conditions.

Committee Chair Niezgodski sought clarification on whether the petitioner would lose access to his home entirely. Dressel confirmed that reestablishing access would require special permission.

Committee Member Sherry Bolden-Simpson expressed her regret over the misunderstanding surrounding the alley vacation and conveyed her hope that the petitioner would not lose access to his home.

Citizen Member Littrell recommended that the petitioner refrain from pursuing the alley vacation and instead collaborate with a surveyor to confirm property boundaries and proceed with installing a privacy fence.

Elisa Prieto noted that there is already a fence behind 512 South Walnut Street.

Eduardo Rodriguez expressed his desire for a "Dead End" sign and a new fence to be installed.

Citizen Member Carl Littrell emphasized the importance of determining the exact boundaries of the railroad's property, the alley, and the petitioner's property to ensure the fence is placed correctly.

Committee Chair Niezgodski remarked that the alley vacation might cause more harm than good.

Citizen Member Littrell suggested that the petitioner consult with the Board of Public Works for



further guidance.

Gemma Stanton, Project Engineer, with offices on the 12th floor of the County-City Building, clarified that while the petitioner can fence in his property, the alley currently dead-ends into railroad property. Unless the railroad agrees to install a barricade, a physical barrier preventing vehicles from accessing the area cannot be erected at that point.

Citizen Member Littrell reiterated that the petitioner should be able to install a fence along the relevant parcel.

Gemma Stanton further clarified that decisions regarding the railroad property rest solely with the railroad company, and the City has no authority to make changes to that parcel.

Committee Chair Niezgodski held the public hearing, and nobody spoke.

Citizen Member Carl Littrell sought confirmation that the petitioner no longer wished to proceed with the alley vacation.

Committee Chair Niezgodski emphasized the importance of ensuring the petitioner had all the necessary information to make an informed decision.

Committee Member Karen White expressed her desire to confirm that the petitioner fully understood his options regarding the alley vacation.

Eduardo Rodriguez stated that he plans to contact the railroad and a surveyor and does not intend to move forward with the alley vacation.

Committee Chair Niezgodski then asked the parliamentarian for guidance on how to table the Bill indefinitely.

Bob Palmer, Council Attorney, with offices on the 4th floor of the County-City Building, advised that the Bill could be tabled to a specific date, allowing for the option to table it again if more time is needed.

Citizen Member Carl Littrell asked to confirm that the petitioner no longer wanted to move forward with the alley vacation.

Committee Chair Niezgodski said she wanted to make sure the petitioner had all the information he needed to decide what to do next.

Committee Member Karen White added that she wanted to be sure the petitioner fully understood all his options.

Eduardo Rodriguez explained that he plans to reach out to the railroad and a surveyor instead of moving forward with the alley vacation.

Committee Chair Niezgodski then asked the parliamentarian for advice on how to table the Bill indefinitely.

Bob Palmer explained that they could table the Bill to a specific date and, if more time was needed, table it again later.

Eduardo Rodriguez said he thought he could get everything sorted out within a year.



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Chris Dressel added that the City would support the petitioner with any questions he might have as he moves forward.

Committee Chair Niezgodski thanked the representatives from the Department of Community Investment and the Engineering Department for their help during the meeting.

Committee Chair Niezgodski motioned to table Bill No. 64-24 to the June 9, 2025 meeting, which was seconded by Committee Member Sherry Bolden-Simpson and carried by a vote of five (5) ayes, with one (1) committee member absent.

Committee Chair Sheila Niezgodski - <i>Aye</i>	Committee Vice Chair Karen L. White – <i>Aye</i>
Committee Member Dr. Oliver Davis - <i>Absent</i>	Committee Member Sherry Bolden-Simpson – <i>Aye</i>
Citizen Member Jason Piontek - <i>Aye</i>	Citizen Member Carl Littrell - <i>Aye</i>

Committee Chair Niezgodski adjourned the Public Works & Property Vacation Committee meeting at 5:12 p.m.

Respectfully Submitted,

Sheila Niezgodski, Committee Chair

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