



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

ALLEY/STREET VACATION PROCEDURES

OVERVIEW

Procedures for the vacation of public rights-of-way are contained in [Article 5, §18-53.8](#) of the *South Bend Municipal Code*.

Required at the time of filing with the Office of the City Clerk are:

1. BPW Recommendation **PACKET** from the Board of Public Works
2. Petition to Vacate
3. Ordinance Draft including improvements or contingencies recommended by the Board of Public Works
4. Envelopes addressed and stamped with certified mail for all property owners within one hundred fifty feet (150') of the right-of-way to be vacated
5. Filing fee of \$150.00. This fee can be submitted in either cash, check, money order, Visa or Mastercard. Checks should be made payable to the City of South Bend
6. A letter briefly explaining why you are submitting a petition to vacate

PROCEDURES & PROCESS

STEP 1 **Download and complete the Board of Public Works Alley/Street Vacation Application here:**

<https://southbendin.gov/wpcontent/uploads/2021/01/Street-Alley-Vacation-Application-Fillable.pdf>

When completed, visit the City's Engineering Department located on the **13th floor of the County-City Building** or send the application via email to horvath@southbendin.gov.

STEP 2 **Confirm Map and Location to Be Vacated:**

The City Engineer's office will **generate a radius map highlighting the area you wish to vacate as well as a list of addresses within 150 feet of the property. They will require your written or verbal confirmation of the correct, highlighted map area for the vacation request. Then, they will** send the request to various City Departments for review.

INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO
CHIEF DEPUTY/CHIEF OF STAFF

RACHAEL E. COATES
DEPUTY/DIRECTOR OF POLICY

GABRIEL MUREI
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



Once the review is complete and comments have been returned, the request will be placed on the Board of Public Works (BPW) agenda. **This process usually takes four (4) to six (6) weeks. For questions about the status of the review of your packet, call the City Engineer’s office at 574-235-9251.**

STEP 3

Board of Public Works Meeting:

The Board of Public Works meets on the second (2nd) and fourth (4th) Tuesdays of the month at 9:15am. The Board will discuss your request at its meeting and decide whether to issue a favorable or unfavorable recommendation. Following the meeting, a Recommendation Packet will be emailed to you, including a letter informing you of your “favorable” or “unfavorable” recommendation. **This letter will also include any improvements or contingencies the Board recommends.** For favorable recommendations, the Board will include a draft ordinance for filing with the Clerk’s Office.

STEP 4

Prepare Certified Mailing Envelopes:

Using the list of addresses in your BPW Recommendation Packet, prepare mailing envelopes addressed to each of the adjacent property owners. The envelopes should have your name and address in the left-hand corner as the return address. *These envelopes will eventually contain a public hearing notice which will be prepared and sent by the City Clerk’s office.* The public hearing notice will be sent via Certified Mail. Please make sure the "Certified Mail" green and white tag is affixed to the top of the envelope with the name and address of the recipient written where indicated. *We do not need the hard-green card that is sometimes used to send Return Receipt Requested Certified Mail.*

STEP 5

Prepare Petition to Vacate Public Rights-of-Way:

Fill out and prepare the Petition to Vacate Public Rights-of-Way, which is included in the packet, or may be requested from the City Clerk’s Office. This petition must be "signed" by at least one (1) abutting property owner. You do not need to secure the signatures of all property owners within one hundred fifty feet (150’).

If you will be making the presentation before the Council please indicate your name, address and phone number in the "Contact Person" area as well.

STEP 6

File Petition with City Clerk’s Office:

Go to the Clerk’s Office on the 4th Floor of the County City Building to file the following items:



1. **BPW Recommendation Packet** from the Board of Public Works
2. **Petition to Vacate**
3. **Ordinance Draft** including improvements or contingencies recommended by the Board of Public Works
4. **Envelopes** addressed and stamped with certified mail for all property owners within one hundred fifty feet (150') of the right-of-way to be vacated
5. **Filing fee of \$150.00.** This fee can be submitted in either cash, check, money order, Visa or Mastercard. Checks should be made payable to the City of South Bend
6. **A letter** briefly explaining why you are submitting a petition to vacate

The deadline for filing agenda items for any meeting is **noon** on the **WEDNESDAY** before the scheduled meeting. *(see attached schedule)*. The Common Council meets on the 2nd and 4th Mondays of each month.

STEP 7

First Reading and Setting of Public Hearing Date:

After you file the Ordinance and Petition, it will be placed on the next Common Council agenda for "First Reading." You are not required to attend this meeting. At this time, the Common Council will set the matter for **public hearing** which will most likely be their next regular meeting.

Indiana Law requires that hearings occur within thirty (30) days of receipt of the petition. At this time, the City Clerk will also send notice of the petition, along with the date and time of the hearing, by certified mail to each abutting property owner. The Clerk's office will also notify the public by publication.

STEP 8

Notice of Public Hearing/Committee Meeting and Full Council Meeting:

When the ordinance is placed on the next Common Council agenda, it will be listed under "Public Hearing" and "Third Reading." **You will need to make a short presentation at this meeting.** Also, all persons speaking in favor of or in opposition to this ordinance will be heard at this time.

The bases for objection to a proposed vacation under Indiana Law are:

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

(3) The vacation would hinder the public's access to a church, school, or other public building or place.

(4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

On the day of the public hearing, the petitioner will be required to attend a meeting of the **Public Works and Property Vacation Committee**. This Committee is composed of four (4) members of the Common Council who will review the matter and make a recommendation to the entire Council. You will be required to make a short presentation outlining why you want the right-of-way vacated.

You will make the same presentation at the afternoon Committee meeting and the **7:00 p.m. Common Council meeting**. The afternoon meeting will be held in the Common Council meeting room located in the City Clerk's office on the 4th Floor of the County-City Building. The evening meeting will be held in the Council Chambers located in the middle of the fourth floor of the County-City Building.

STEP 9

Ordinance Certification Process:

After approval by the Common Council and the Mayor, the Ordinance will be advertised in its entirety in the South Bend Tribune and the Tri-County News. This publication will take place on the FRIDAY of the week following the Council meeting. The vacation becomes effective thirty (30) days from the date of the publication. At that time, the City Clerk's office will certify the document and record it with the St. Joseph County Recorder. The Petitioner will receive a certified copy, as well as the County Auditor and Township Assessor. Also, at this time notification of the vacation is sent to the Area Plan Commission, the Engineering Department, Bureau of Traffic and Lighting, Board of Public Works, Fire Department, Northern Indiana Public Service Company and the South Bend Community School Corporation Transportation Division if the vacation involves a public street.

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