



Metropolitan Development Commission Plat Committee (April 9, 2025) Meeting Agenda

Meeting Details

Notice is hereby given that the Plat Committee of the Metropolitan Development Commission of Marion County, IN will hold public hearings on:

Date: Wednesday, April 09, 2025

Time: 1:00 PM

Location: Room 260, 2nd Floor, City-County Building, 200 E. Washington Street

At which time and place the following petitions requesting approval of subdivision plats and petitions and resolutions for the vacation of Streets, Alleys, Plats, or Public Grounds, will be heard, pursuant to Indiana Code 36-7-4-700, series and action thereon determined.

Business:

Adoption of Meeting Minutes:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

- 1. 2025-PLT-010 | 1421 East Michigan Street**
Center Township, Council District #12, zoned D-8
Indy Real Estate Consulting, LLC, by Justin and David Kingen

Approval of a Subdivision Plat to be known as Replat of Lot 6 of North Arsenal Park Addition, dividing 0.14-acre into two lots.

** Continuance requested to May 14, 2025

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

- 2. 2025-PLT-013 | Marlowe Avenue**
Center Township, Council District #13, zoned D-8
Colleen M. Caito, by Andrew Wert

Approval of a Subdivision Plat to be known as Replat of Lot 6 and part of Lot 5 in Block 5 in Walker East Ohio Street Addition, subdividing 0.122-acre into two lots.

- 3. 2025-VAC-002 | 1450 South Reisner Street**
Center Township, Council District #18
Indianapolis Public Schools, by Russell McClure

Vacation of the first north-south alley west of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Howard Street, south 120 feet, with a waiver of the assessment of benefits.

- 4. 2025-VAC-003 | 6280 North College Avenue**
Washington Township, Council District #7
6280 LLC, by Joseph D. Calderon

Vacation of an irregular-shaped portion of subterranean rights of the first east-west alley, south of Westfield Boulevard, which has an elevation of 717.01 feet, from an elevation of 708.9 feet to 716.9 feet, from a point 84.21 feet east of the southwest corner of Lot 1, Light Shore Acres, as recorded in Plat Book 17, Page 19 in the office of the Recorder of Marion County, Indiana, to a point 4.08 feet south, thence 8.09 feet east, thence 4.18 feet northwest, to the north right-of-way line of the subject alley, thence 5.19 feet west along the north right-of-way of the subject alley, to the point of beginning, with a waiver of the assessment of benefits.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

PETITIONS FOR PUBLIC HEARING (New Petitions):

5. 2025-PLT-012 | 5344 Poindexter Drive

City of Lawrence, Lawrence Township, Council District #10, zoned C-S
BGP Development, Ltd., by Evan Evans

Approval of a Subdivision Plat to be known as Poindexter Industrial Park Phase 2, Replat of Lot 2, subdividing 3.691 acres into two lots, with a waiver of the sidewalk requirement along Poindexter Drive, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance.

6. 2025-VAC-004 | 1301 East 16th Street

Center Township, Council District #13
Oaks Community Center, Inc., by Timothy Ochs and Jennifer Milliken

Vacation of a portion of Dr. A. J. Brown Avenue, being a maximum of 69.37 feet in width, beginning at the south right-of-way line of 16th Street, south 467.14 feet to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



PLAT COMMITTEE **April 9, 2025**

Case Number: 2025-PLT-010
Property Address: 1421 East Michigan Street (*Approximate Address*)
Location: Center Township, Council District #13
Petitioner: Indy Real Estate Consulting, LLC, by Justin and David Kingen
Zoning: D-8
Request: Approval of a Subdivision Plat to be known as Replat of Lot 6 of North Arsenal Park Addition, dividing 0.14-acre into two lots.
Waiver Requested: None
Current Land Use: Two-Family Dwelling
Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

This petition was continued from the March 12, 2025 Plat Committee hearing to the April 9, 2025 hearing after Staff found that a variance was needed.

The petitioner is requesting another continuance to the May 14, 2025 Plat Committee hearing to allow time for the variance process to be resolved.



PLAT COMMITTEE **April 9th, 2025**

Case Number: 2025-PLT-013

Property Address: 1335 Marlowe Avenue (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Colleen M. Caito, by Andrew Wert

Zoning: D-8

Request: Approval of a Subdivision Plat to be known as Replat of Lot 6 and part of Lot 5 in Block 5 in Walker East Ohio Street Addition, subdividing 0.122-acre into two lots.

Waiver Requested: None

Current Land Use: Residential

Staff Reviewer: Kiya Mullins, Associate Planner

PETITION HISTORY

This is the first hearing for this plat petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated February 5th, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
2. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
4. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
5. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
6. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
7. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



9. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
10. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.

PETITION OVERVIEW

SITE PLAN AND DESIGN

The subject site is 0.122-acre in a D-8 zoning district. If approved, this plat petition will split the existing parcel into two (2) parcels.

STREETS

There are no current plans to affect Marlowe Avenue.

SIDEWALKS

There are no current plans to affect the sidewalk located off Marlowe Avenue.

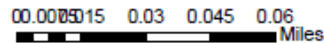
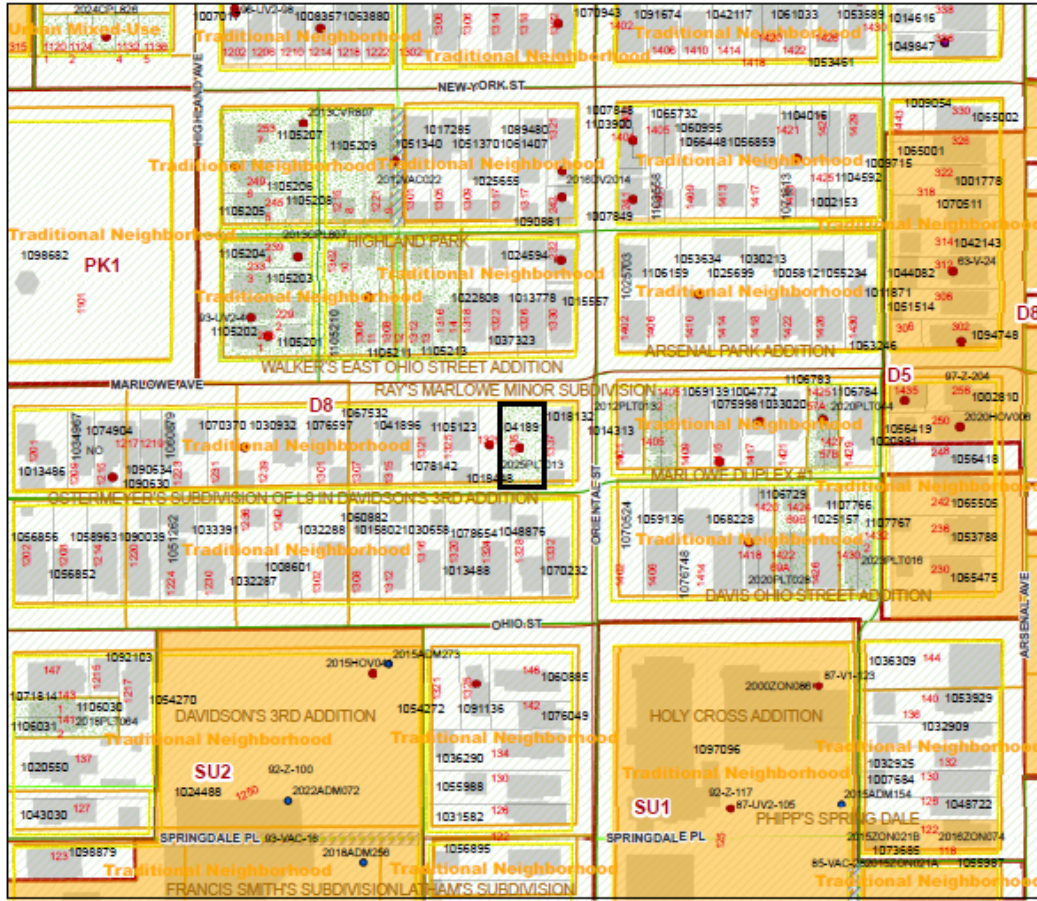
PROCEDURE

This plat petition, if approved, only legally establishes the division of the land. The new constructions, when built on these newly created parcels will be required to meet all development standards of the D-8 Dwelling District, including, but not limited to, setbacks, minimum open space, use standards, and frontages.

GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	Vacant	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-8	Traditional Neighborhood
South:	D-8	Traditional Neighborhood
East:	D-5	Traditional Neighborhood
West:	D-8	Traditional Neighborhood
Thoroughfare Plan		
Marlowe Avenue	Local Street	60 feet of right-of-way existing and 48 feet proposed.
Petition Submittal Date	February 5 th , 2025	

EXHIBITS



Legend

- ZoningApprovals
- ZoningLncu
- ZoningVariances
- Rezoning
- ZoningVacations
- ZoningPlats
- CCGIS.ThoroughfarePlan
- CCGIS.EASEMENT
- CCGIS.RIGHTOFWAY
- CCGIS.STREETS

- Built/Platted
- OPER_STATUS**
- REMOVED
- VACATED
- VACATED/BUILT
- VACATED/LOCATOR
- CCGIS.DMDLandUsePlanBase
- CCGIS.lhpc
- CCGIS.ZONING
- PARCELSTATEPIN
- PARCELS
- PLATTEDSUBDIVISION
- CCGIS.Buildings



Exhibit 1: ArcGIS map of subject site and surrounding area.

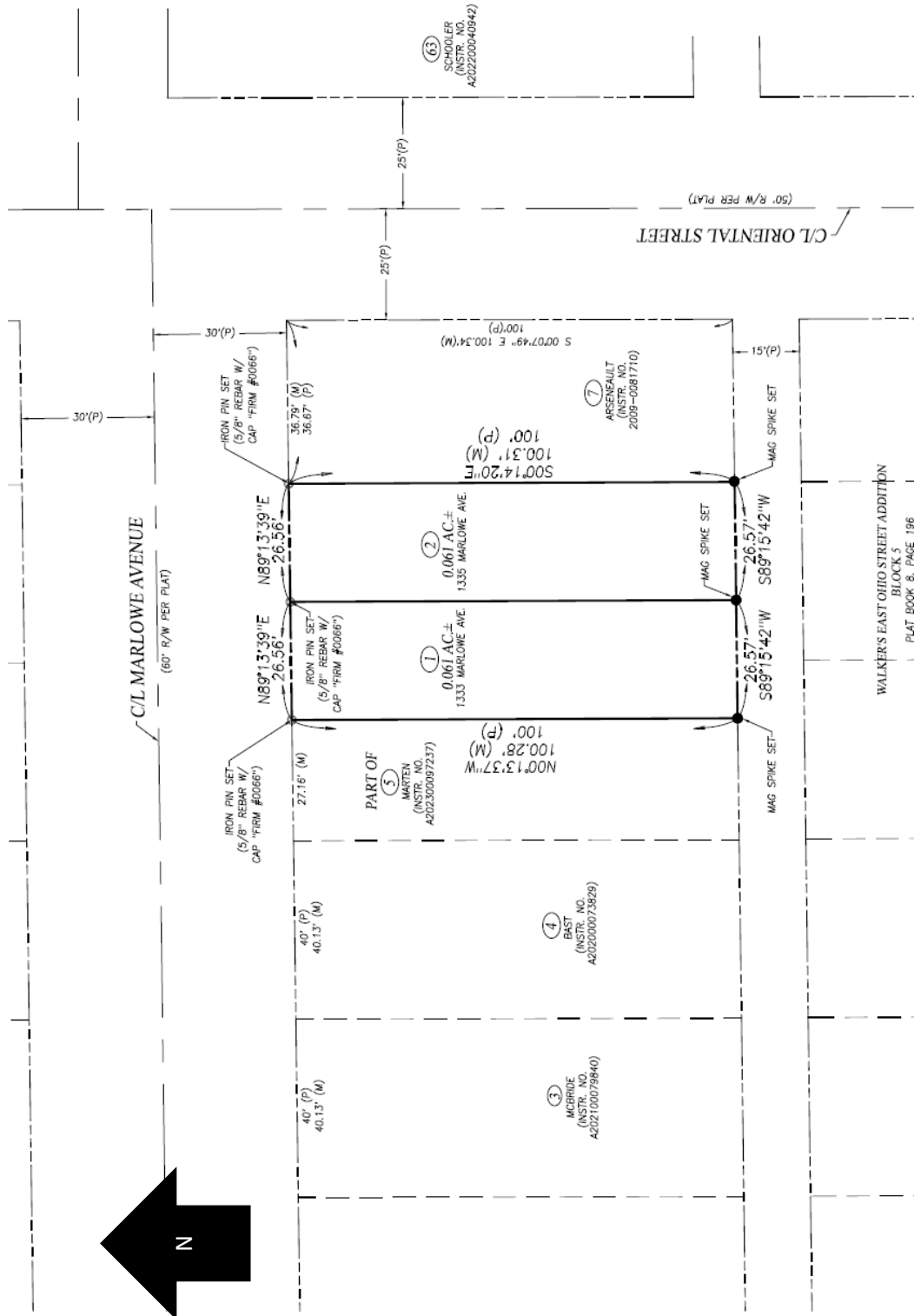


Exhibit 2: The proposed parcel split.



Exhibit 3: The subject site.



Exhibit 4: Looking east down Marlowe Avenue.



Exhibit 5: Looking west down Marlowe Avenue.



PLAT COMMITTEE **April 9, 2025**

Case Number: 2025-VAC-002

Property Address: 1450 South Reisner Street (*Approximate Address*)

Location: Center Township, Council District #18

Petitioner: Indianapolis Public Schools, by Russell McClure

Zoning: SU-2

Request: Vacation of the first north-south alley west of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Howard Street, south 120 feet.

Waiver Requested: Assessment of benefits

Current Land Use: Playground

Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This vacation petition was continued from the March 12, 2025, hearing to the April 9, 2025, hearing, at the request of staff.

STAFF RECOMMENDATION

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-002; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, with the following commitment:

A vacation petition shall be filed within one year of approval of 2025-VAC-002, for the remaining unimproved east-west public alley that abuts the subject alley and extends 157.72 feet west to Richland Street.

PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate an unimproved alley that is currently improved with a playground for a school. This alley, which is 120 feet in length, and 15 feet in width, begins at the south right-of-way of Howard Street. The alley dead ends at an abutting east-west alley that extends west to Richland Street. This east-west alley is also unimproved.



PETITION OVERVIEW - CONTINUED

Staff is concerned with creating a dead-end alley, if this vacation is approved, even if the abutting alley is unimproved. Staff would support this vacation only if a commitment is approved, along with the approval of the vacation, that would require a subsequent vacation petition to be filed to vacate the east-west alley within one year of approval.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

ASSESSMENT OF BENEFITS

The subject right of way is unimproved, therefore, the requested waiver of the Assessment of Benefits would be appropriate.

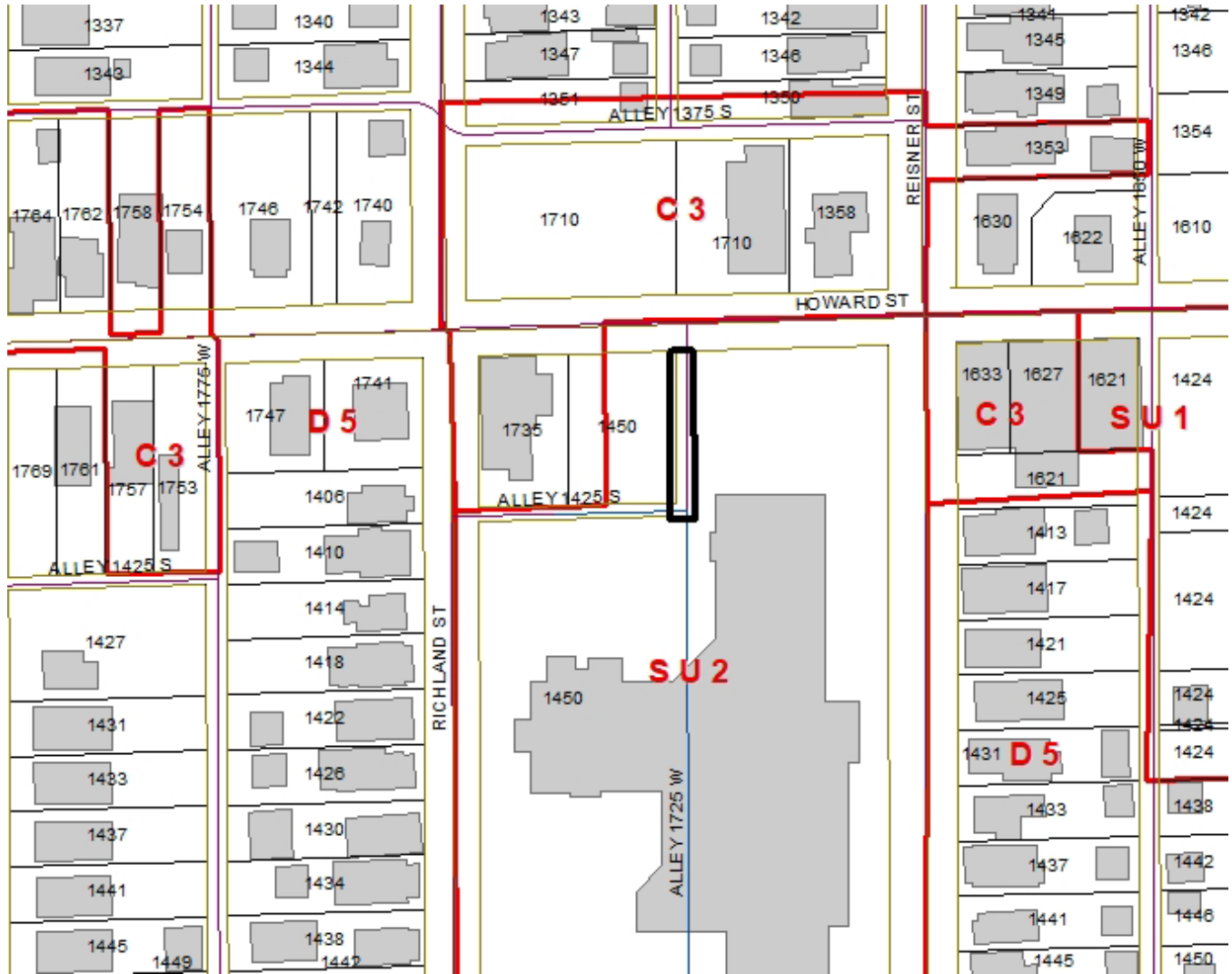
GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	School	
Comprehensive Plan	Special Use	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	SU-2 School
	South:	SU-2 School
	East:	SU-2 School
	West:	D-5 Residential
Thoroughfare Plan		
Howard Street	Local Street	48-foot existing and proposed
Richland Street	Local Street	48-foot existing and proposed
Petition Submittal Date	January 8, 2025	

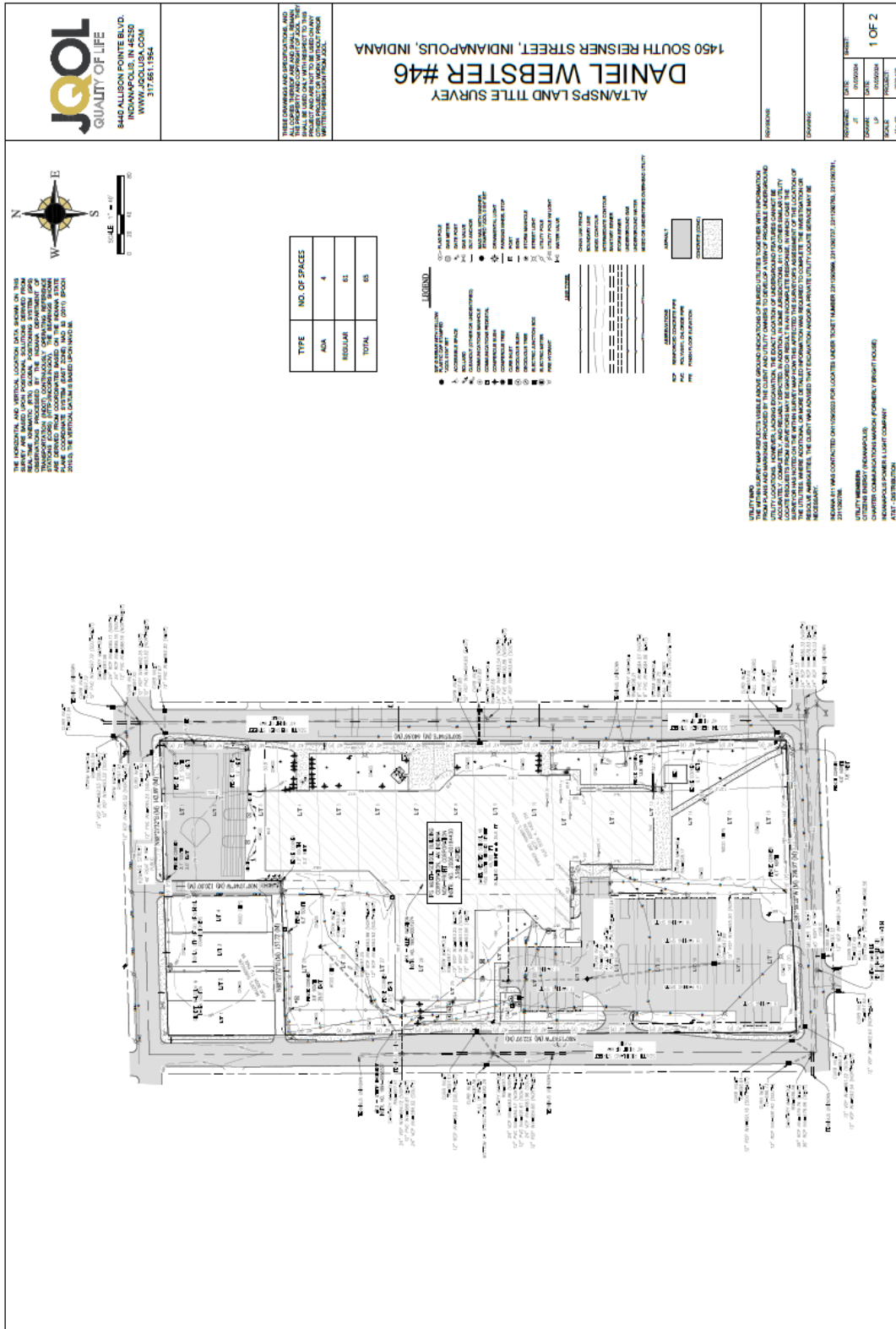


Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS



Zoning map of site and surrounding area





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
The public RoW is contained completely within IPS property as part of a playground and has been Improved and maintained by IPS

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Photos



Photo of subject alley from Richland Street



Photo of subject alley from Richland Street



Photo of abutting alley that extends to Richland Street



PLAT COMMITTEE **April 9, 2025**

Case Number: 2025-VAC-003

Property Address: 6280 North College Avenue (*Approximate Address*)

Location: Washington Township, Council District #7

Petitioner: 6280 LLC, by Joseph D. Calderon

Zoning: MU-2 (TOD)

Request: Vacation of an irregular-shaped portion of subterranean rights of the first east-west alley, south of Westfield Boulevard, which has an elevation of 717.01 feet, from an elevation of 708.9 feet to 716.9 feet, from a point 84.21 feet east of the southwest corner of Lot 1, Light Shore Acres, as recorded in Plat Book 17, Page 19 in the office of the Recorder of Marion County, Indiana, to a point 4.08 feet south, thence 8.09 feet east, thence 4.18 feet northwest, to the north right-of-way line of the subject alley, thence 5.19 feet west along the north right-of-way of the subject alley, to the point of beginning

Waiver Requested: Assessment of benefits

Current Land Use: Improved alley

Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This petition was continued from the March 12, 2025, hearing to the April 9, 2025, hearing at the request of staff. As of this writing, no new information has been submitted to the file.

STAFF RECOMMENDATION

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-003; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

This request would provide for a vacation of subterranean rights within an alley east of Westfield Boulevard, for a portion of a structural foundation. The alley would continue to remain open for pedestrians and vehicle use for the public.

The request would have no impact on public use of the alley.



PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting land owner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

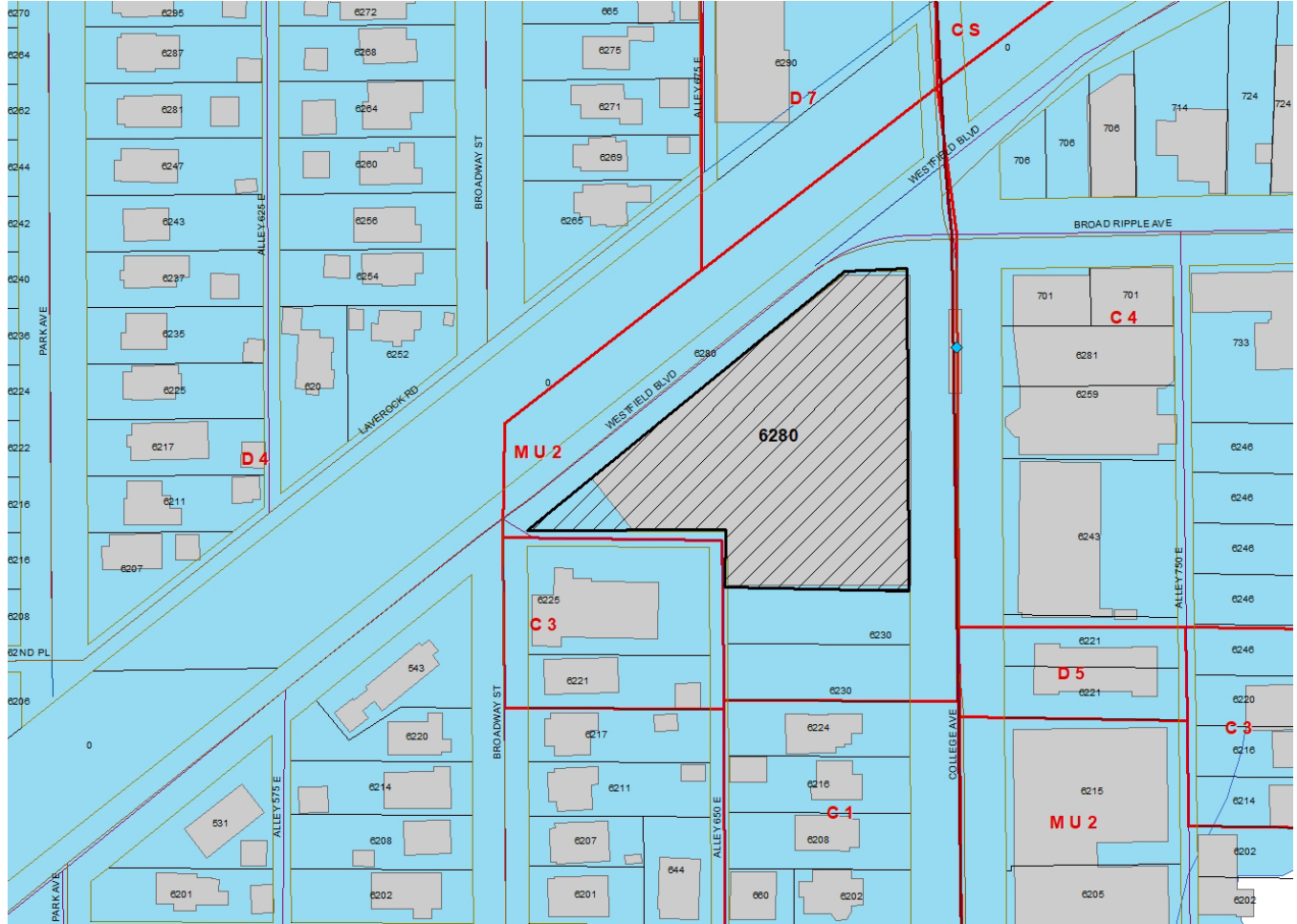
ASSESSMENT OF BENEFITS

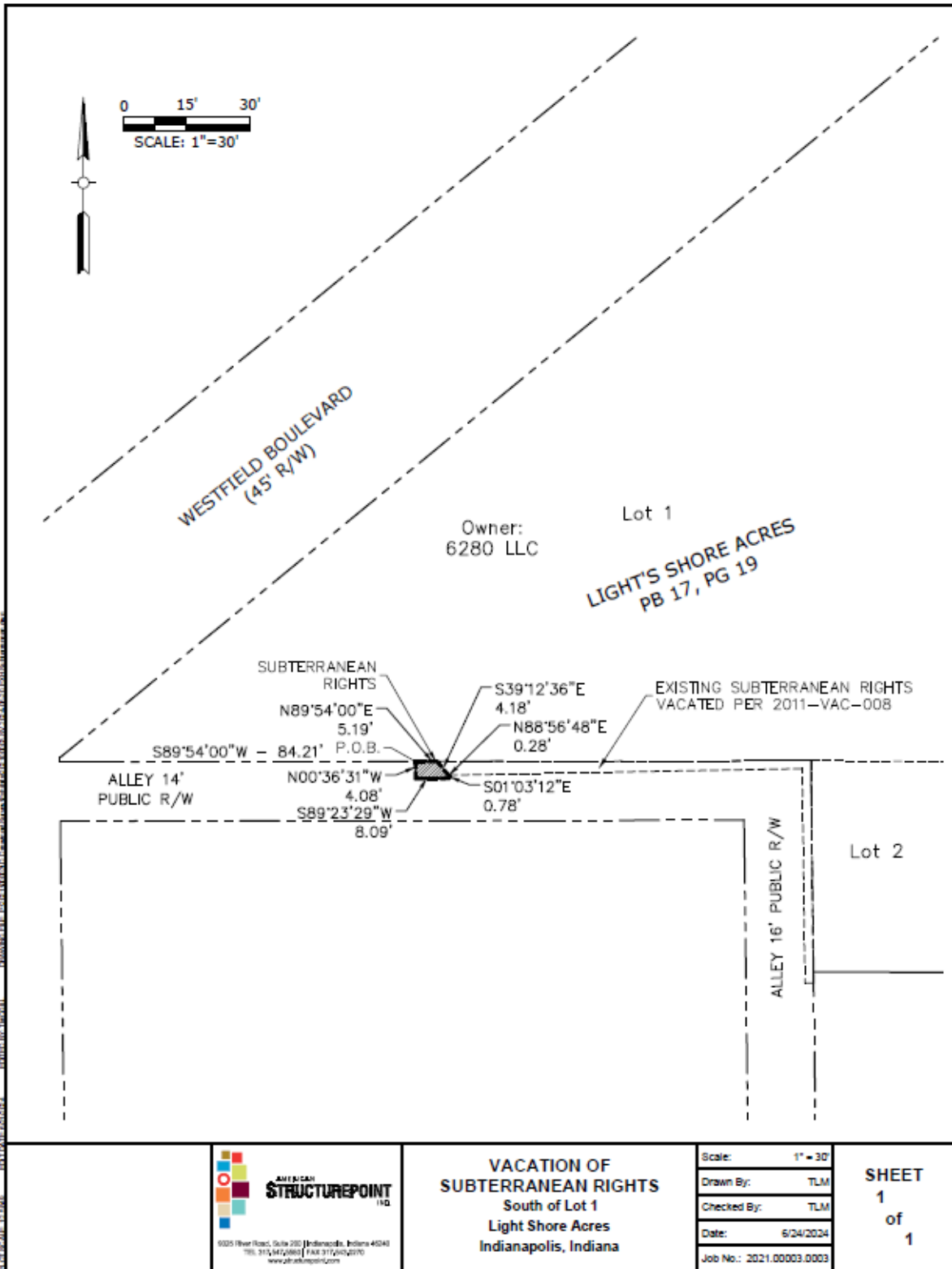
A waiver of the assessment of benefits would be appropriate in that the proposed right-of-way vacation would not affect any improved right-of-way.

GENERAL INFORMATION

Existing Zoning	MU-2 (FF) (TOD)		
Existing Land Use	Improved public right-of-way		
Comprehensive Plan	Urban mixed-use		
Surrounding Context	Zoning	Land Use	
	North:	D-4 (FF) (TOD) / D-7 (FF) (TOD)	Single-family residential / commercial retail
	South:	MU-2 (FF) (TOD) / C-3 (FF) (TOD)	Undeveloped
	East:	C-4 (FF) (TOD)	Commercial
	West:	D-4 (FF) (TOD)	Single-family residential
Thoroughfare Plan			
College Avenue	Primary arterial	78-foot existing and proposed	
Westfield Boulevard	Secondary arterial	56-foot existing and proposed	
Petition Submittal Date	November 8, 2024		

EXHIBITS







Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

The vacation will allow a mixed use project to be completed. The vacation will not impact the surface of the alley at all.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Photos







PLAT COMMITTEE **April 9, 2025**

Case Number: 2025-PLT-012

Property Address: 5344 Poindexter Drive (*Approximate Address*)

Location: City of Lawrence, Lawrence Township, Council District #10

Petitioner: BGP Development, Ltd., by Evan Evans

Zoning: C-S

Request: Approval of a Subdivision Plat to be known as Poindexter Industrial Park Phase 2, Replat of Lot 2, subdividing 3.691 acres into two lots, with a waiver of the sidewalk requirement along Poindexter Drive, per Chapter 741, Article III, Section 6 of the Consolidated Zoning and Subdivision Ordinance.

Waiver Requested: Waiver of the sidewalk requirement along Poindexter Drive

Current Land Use: Vacant

Staff Reviewer: Noah Stern, Senior Planner

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff recommends that the Plat Committee **approve** and find that the plat, file-dated February 14, 2025, complies with the standards of the Subdivision regulations, subject to the following conditions:

1. That the applicant provides a bond, as required by Section 741-210, of the Consolidated Zoning and Subdivision Ordinance.
2. Subject to the Standards and Specifications of Citizens Energy Group, Sanitation Section.
3. Subject to the Standards and Specifications of the Department of Public Works, Drainage Section.
4. Subject to the Standards and Specifications of the Department of Public Works, Transportation Section.
5. That addresses and street names, as approved by the Department of Metropolitan Development, be affixed to the final plat prior to recording.
6. That the Enforcement Covenant (Section 741-701, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording
7. That the Site Distance Covenant (Section 741-702, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
8. That the Sanitary Sewer Covenant (Section 741-704, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.



Department of Metropolitan Development
Division of Planning
Current Planning

9. That the Storm Drainage Covenant (Section 741-703, of the Consolidated Zoning and Subdivision Ordinance) be affixed to the final plat prior to recording.
10. That the plat restrictions and covenants, done in accordance with the rezoning commitments, be submitted prior to recording the final plat.
11. That all the standards related to secondary plat approval listed in Sections 741-207 and 741-208 of the Consolidated Zoning and Subdivision Ordinance be met prior to recording the final plat.
12. That the waiver of the sidewalk requirement along Poindexter Drive be denied.

PETITION OVERVIEW

SITE PLAN AND DESIGN

This site is zoned C-S and is vacant. The proposed plat would subdivide the property into two lots to provide for a commercial development. The proposed plat meets the standards of the C-S zoning classification.

STREETS

Lot One and Two would front on Poindexter Drive. No new streets are proposed as part of this petition.

SIDEWALKS

Sidewalks are required as a part of this plat. Sidewalks are existing along East 56th Street and are not existing along Poindexter Drive. The petitioner is seeking a waiver of the sidewalk requirement along Poindexter Drive. Staff believes that sidewalks are an important and necessary infrastructural element of public rights-of-way that increases connectivity, access, and safety for any members of the public not using a motor vehicle. With the Poindexter Drive right-of-way currently not containing any sidewalks, Staff finds the requirement to implement sidewalks as a part of this platting process to be an important first step in building out the pedestrian network and improving access along Poindexter Drive. Further, Staff does not find there to be any physical difficulties/obstructions that would complicate/prohibit the placement of sidewalks at this location. Therefore, Staff is not supportive of the waiver request, and recommends that sidewalks be placed along the frontage of Poindexter Drive.



Department of Metropolitan Development
 Division of Planning
 Current Planning

GENERAL INFORMATION

Existing Zoning	C-S	
Existing Land Use	Vacant	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	I-1	Industrial
South:	C-S	Commercial
East:	C-S	Commercial
West:	D-5II	Residential
Thoroughfare Plan		
Poindexter Drive	Local Street	48-foot existing and 48-feet proposed right-of-way
Petition Submittal Date	2/4/25	

EXHIBITS

Aerial





Department of Metropolitan Development
Division of Planning
Current Planning

Legal description and plat details for POINDEXTER INDUSTRIAL PARK PHASE 2, REPLAT OF LOT 2 SECONDARY PLAT. Includes sections for LEGAL DESCRIPTION, DOWNSCREENING, SURVEYOR'S CERTIFICATE, and a KEY MAP. The plat shows Lot 2 (1.5384 acres) and Lot 3 (2.1834 acres) with various boundary measurements and easements.

PHOTOS











PLAT COMMITTEE **April 9, 2025**

Case Number: 2025-VAC-004

Property Address: 1301 East 16th Street (*Approximate Address*)

Location: Center Township, Council District #13

Petitioner: Oaks Community Center, Inc., by Timothy Ochs and Jennifer Milliken

Zoning: CBD-2 (FF)

Request: Vacation of portion of Dr. A. J. Brown Avenue, being a maximum of 69.37 feet in width, beginning at the south right-of-way line of 16th Street, south 467.14 feet to the north right-of-way line of Interstate 70, with a waiver of the assessment of benefits.

Waiver Requested: Assessment of benefits

Current Land Use: Improved alley

Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This is the first hearing for this petition.

STAFF RECOMMENDATION

Staff finds the **vacation** would be in the public interest and recommends the vacation petition be **approved**. Staff does not support the waiver of the assessment of benefits and recommends **denial of the waiver of the assessment of benefits**.

RECOMMENDED MOTION (denial of waiver request): That the Plat Committee find that the proposed vacation is in the public interest, that the waiver of the assessment of benefits be denied; that a hearing upon the assessment of benefits be held on May 14, 2025; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-004; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16

RECOMMENDED MOTION (approval of waiver request): That the Plat Committee find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-004; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.



PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate an improved street right-of-way between 16th Street and Interstate 70. This street, which dead-ends at Interstate 70, is the southern end of Dr. A. J. Brown Avenue. Two unimproved alleys, which connect to this street, near the southern end, were vacated in 2024, under 2024-CVC-833.

This vacation would provide for improved access to the school, which is undergoing an expansion.

The vacation of this portion of this street right-of-way would be in the public interest.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner or Metropolitan Development Commission determines how vacated right-of-way is divided. The approval of a vacation petition only eliminates the public right-of-way. The vacation approval does nothing more. A petitioner will not receive a deed or other document of conveyance after the approval of a vacation.

The general rule under Indiana case law is that when a street or highway is vacated or abandoned the title to the land reverts to the abutting property owners. This rule exists by virtue of the fact that the abutting landowner owns to the center of the street or highway subject only to an easement for the public to the use of the street or highway. *Gorby v. McEndarfer* 135 Ind.App. 74, *82, 191 N.E.2d 786, **791 (Ind.App.1963). However, there are possible exceptions to this general rule.

After a vacation of public right-of-way, the county assessor determines how the vacated right-of-way will be assessed for tax purposes.

Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

ASSESSMENT OF BENEFITS

The entire right-of-way is improved and in excellent condition. Additionally, there are sidewalks on both sides of the improved street. Therefore, the city has invested in the street and sidewalks. Due to previous investment into this right-of-way, the request to waive the assessment of benefits should be denied.



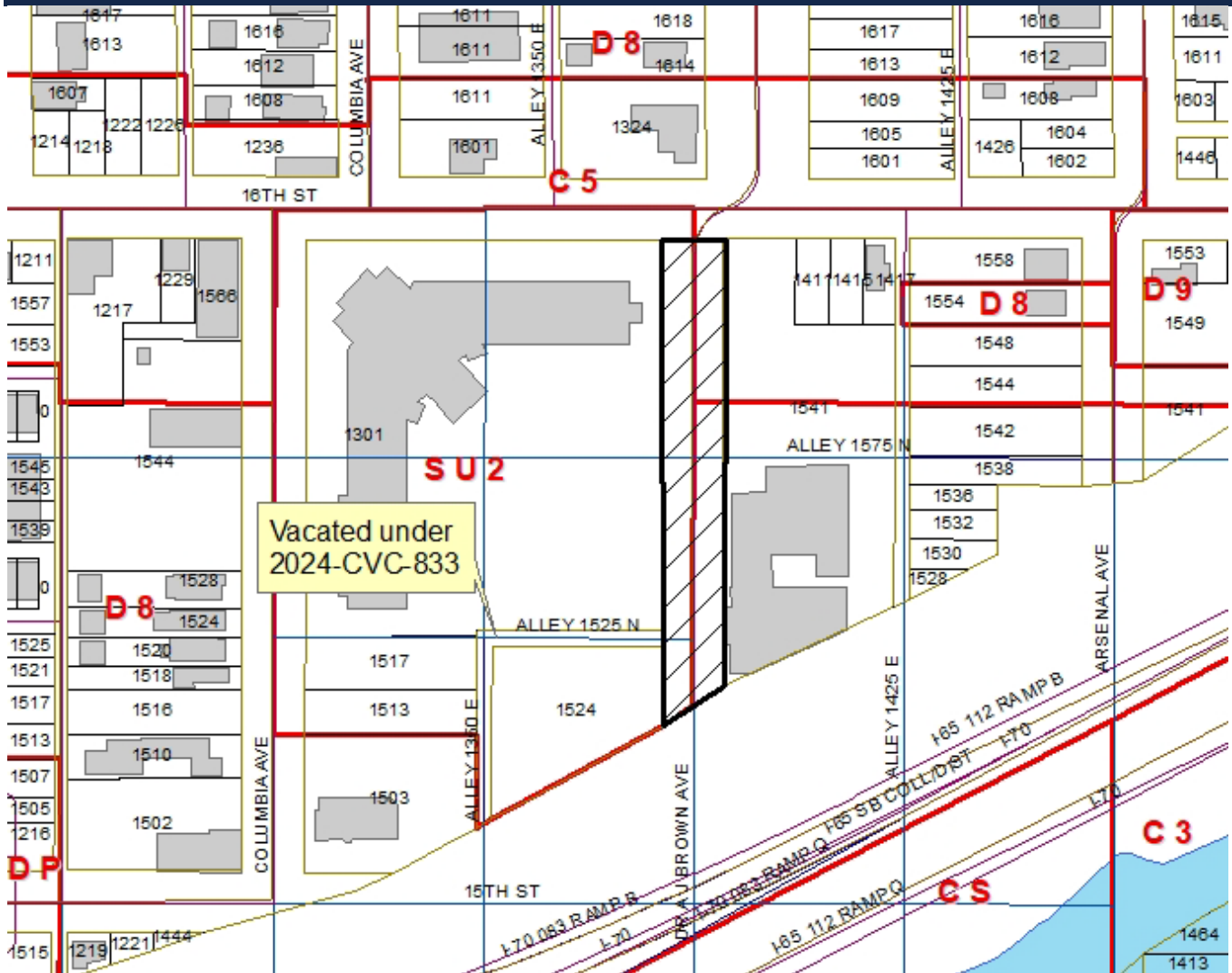
GENERAL INFORMATION

Existing Zoning	D-8	
Existing Land Use	School, undeveloped land, and vacant building with parking area	
Comprehensive Plan	Community Commercial and Traditional Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	C-5 Commercial
	South:	D-8 I-70
	East:	C-5 / D-8 Church
	West:	C-5 / D-8 Church / Commercial and Residential
Thoroughfare Plan		
Dr A J Brown Avenue	Local Street	48-foot proposed right-of-way and 57.5-foot existing right-of-way
16 th Street	Primary Arterial Street	78-foot proposed right-of-way and 61-foot existing right-of-way
Columbia Avenue	Local Street	48-foot proposed right-of-way and 62-foot existing right-of-way
Petition Submittal Date	February 27, 2025	



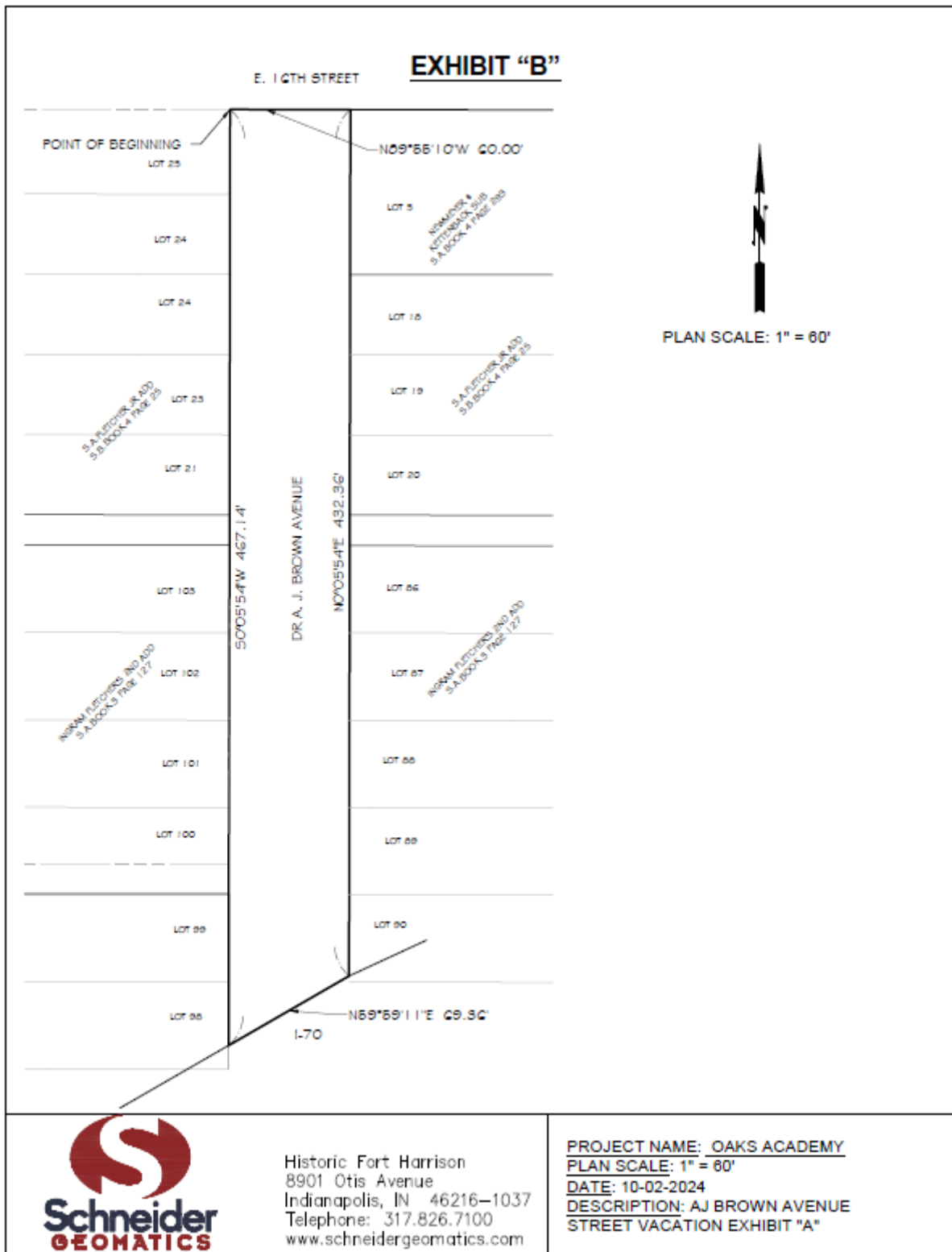
Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS





**Department of Metropolitan Development
Division of Planning
Current Planning**





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA

PETITION FOR VACATION OF A PUBLIC WAY, EASEMENT OR PUBLIC PLACE

FINDINGS OF FACT

1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:

It will provide space for more effective access and parking for both neighboring uses. The additional space available from the vacation will allow for a better and safer site plan with private driveway, parking, and sidewalks.

Removing the street from the City's costly maintenance responsibilities is also in the public interest.

DECISION

IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Findings of Fact

Photos



Photos of subject street and sidewalks



Photos of subject street and sidewalks



Photos of subject street and sidewalks