

PLAT COMMITTEE

May 14, 2025

Case Number: 2025-VAC-001
Property Address: 608 and 618 East Market Street (*Approximate Addresses*)
Location: Center Township, Council District #18
Petitioner: BTL Real Estate, LLC, and 618 Studio, LLC, by David Kingen and Emily Duncan
Zoning: CBD-2 (FF)
Request: Vacation of the first north-south alley east of Park Avenue, being 12 feet in width, beginning at the south right-of-way line of Wabash Street, south 210 feet, to the north right-of-way line of Market Street.
Waiver Requested: Assessment of benefits (Withdrawn)
Current Land Use: Improved alley
Staff Reviewer: Jeffrey York, Principal Planner II

PETITION HISTORY

This petition was approved by the Plat Committee at their February 12, 2025, hearing, after the petitioner withdrew the request for the assessment of benefits. Due to a staff error, this petition was not placed on the March 12, 2025, hearing, for the assessment of benefits hearing. On **May 7, 2025**, the appraisal report was submitted to the file. Staff has reviewed the findings and agrees with its findings.

ASSESSMENT OF BENEFITS

Appraiser Used: Murphy Appraisal Services, Paul Schuster, Appraiser
Appraiser's Benefits: \$806.40
Appraiser's Fee: \$950.00

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that Metropolitan Development Commission sustain, confirm, approve and adopt the Final Assessment Roll in 2025-VAC-001, assessing benefits in accordance therewith, in the amount of \$806.40 and that the petitioner pay the Appraiser's Fee of \$950.00; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-001; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

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 March 12, 2025; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-001; 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-001; 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 alley right-of-way between Market Street and Park Avenue, within the urban center of the city. This alley is a remnant alley left between Market Street Ohio Street. The rest of the alley, from Park Street to Ohio Street, was vacated in 1981, via 81-VAC-2.

An exhibit is provided below noting the location of this ally in relation to the previous alley, as part of the original plat of this area, recorded on May 12, 1845.

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 with concrete and in excellent condition. Therefore, the city has invested in this alley. Due to previous investment into this right-of-way, the request to waive the assessment of benefits should be denied.

GENERAL INFORMATION

Existing Zoning	CBD-2 (RC) (FF) (TOD)	
Existing Land Use	Offices	
Comprehensive Plan	Urban mixed-use development	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	CBD-2 (FF) (TOD)	Commercial
South:	CBD-2 (FF) (TOD)	Commercial
East:	CBD-2 (FF) (TOD)	Offices
West:	CBD-2 (FF) (TOD)	Offices
Thoroughfare Plan		
Market Street	Primary collector	56-foot existing and proposed
Petition Submittal Date	December 13, 2024	

[illegible]



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

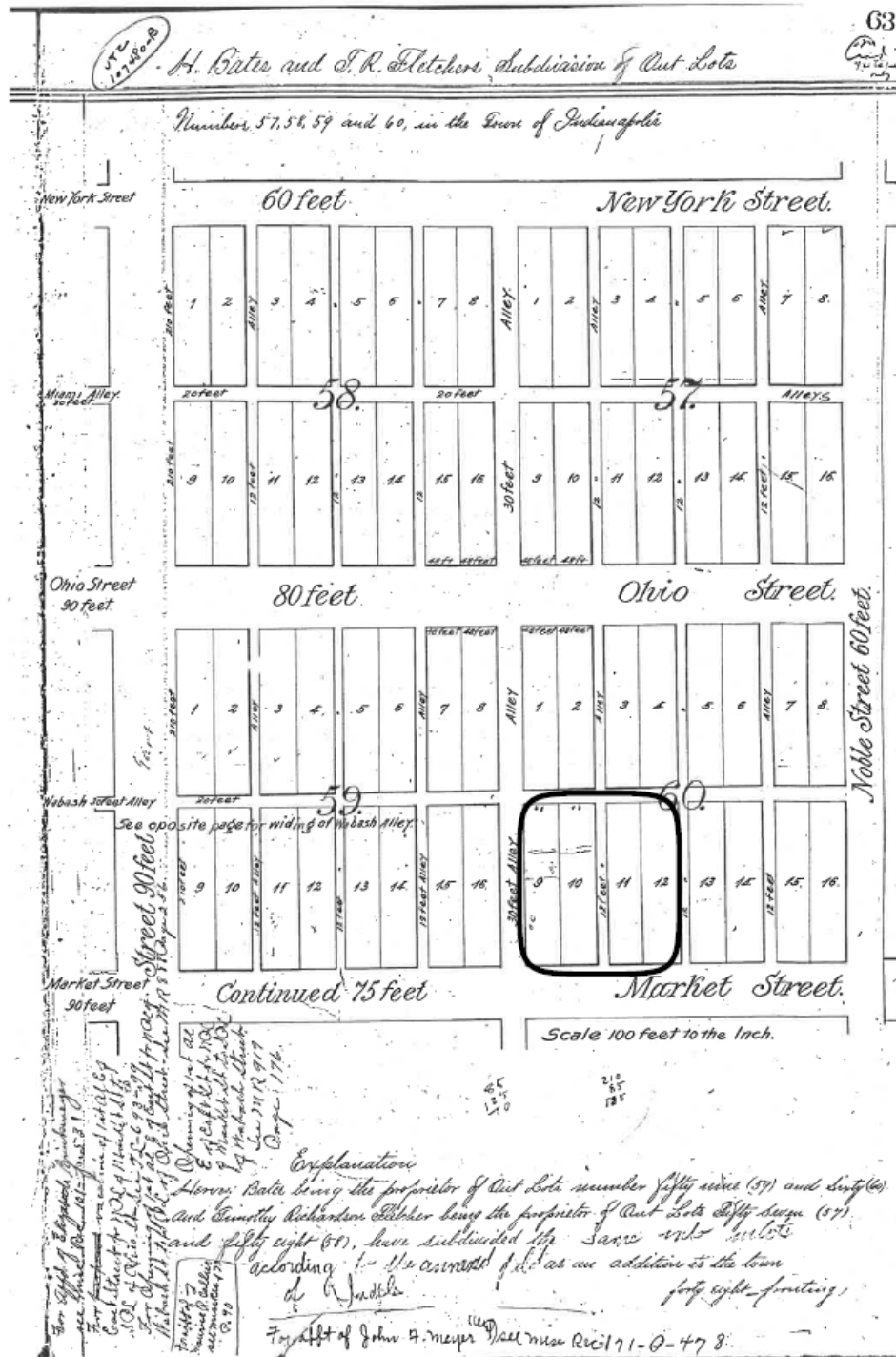
1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:
The alley is unused by the public. Allows the abutting two properties to expand their sites. Converted to private property of
unused public property.

DECISION

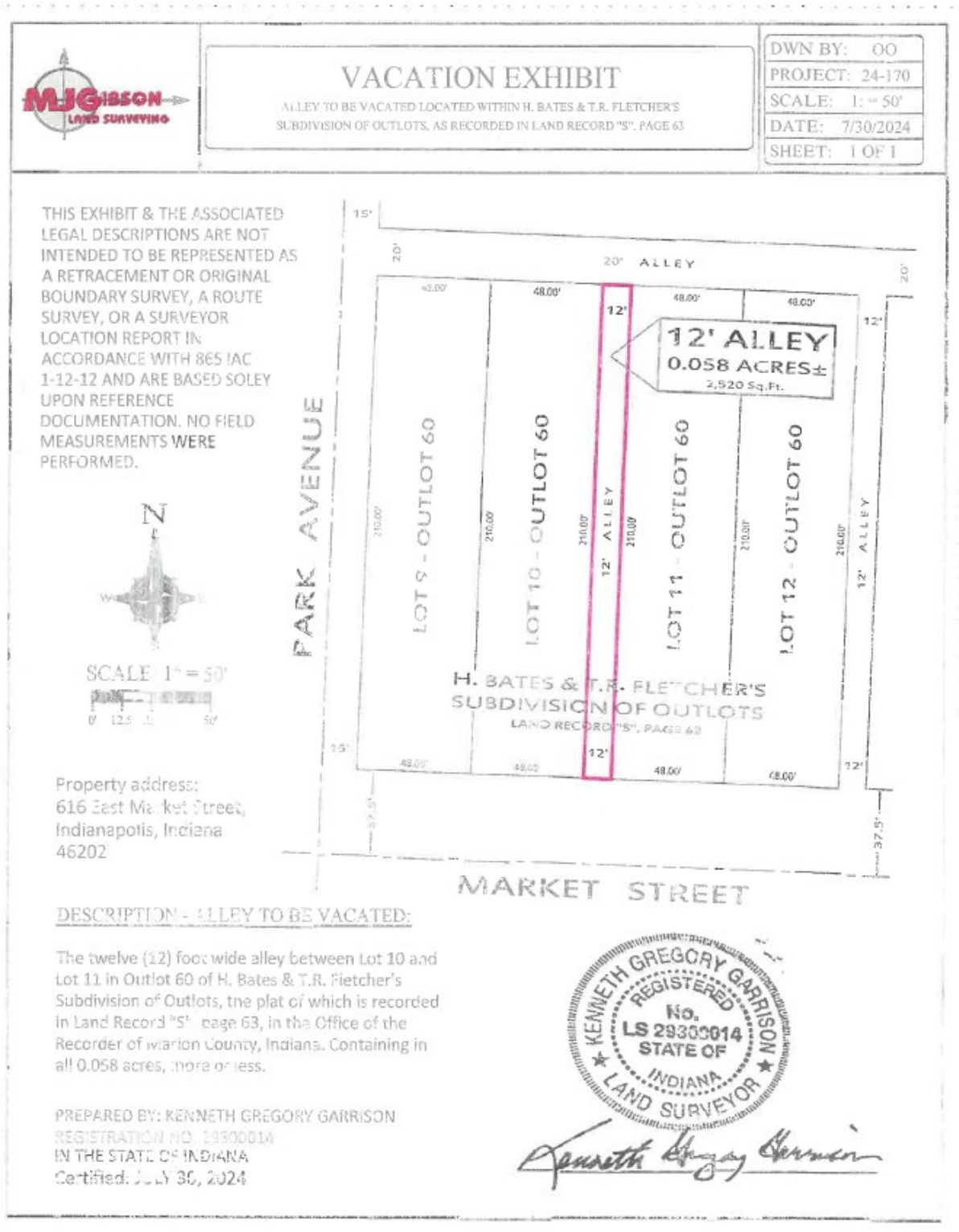
IT IS THEREFORE the decision of this body that this VACATION petition is APPROVED, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____

Findings of Fact



Original Plat



Vacation exhibit.

Photos



Photo of alley from Market Street, looking north



View of the southern portion of the subject alley



View of the remaining portion of the subject alley



View of the northern portion of the subject alley where it intersects with Park Avenue