

PLAT COMMITTEE

May 14, 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. This petition was continued by the petitioner from the April 9, 2025, to the May 14, 2025, hearing. 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.

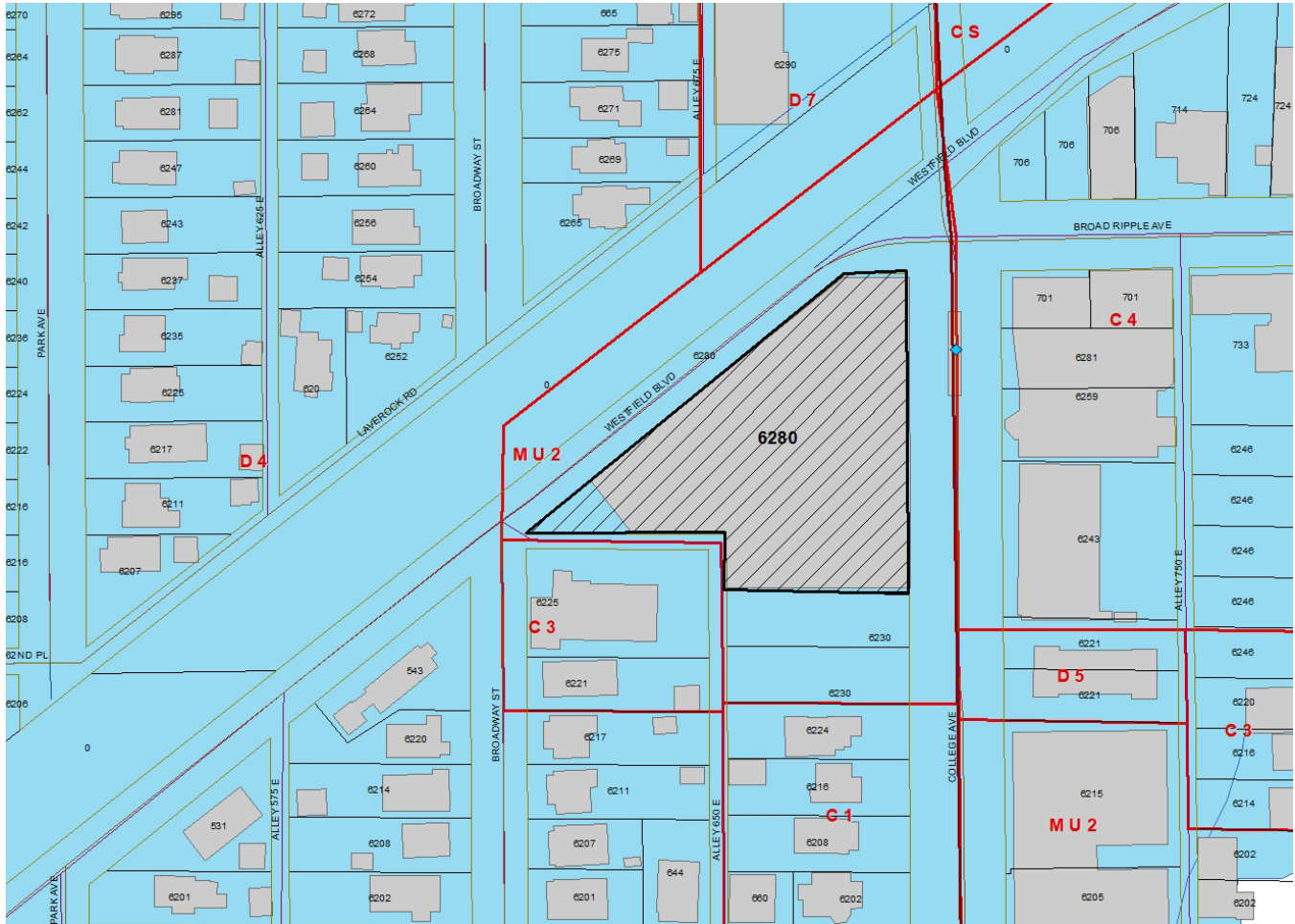
ASSESSMENT OF BENEFITS

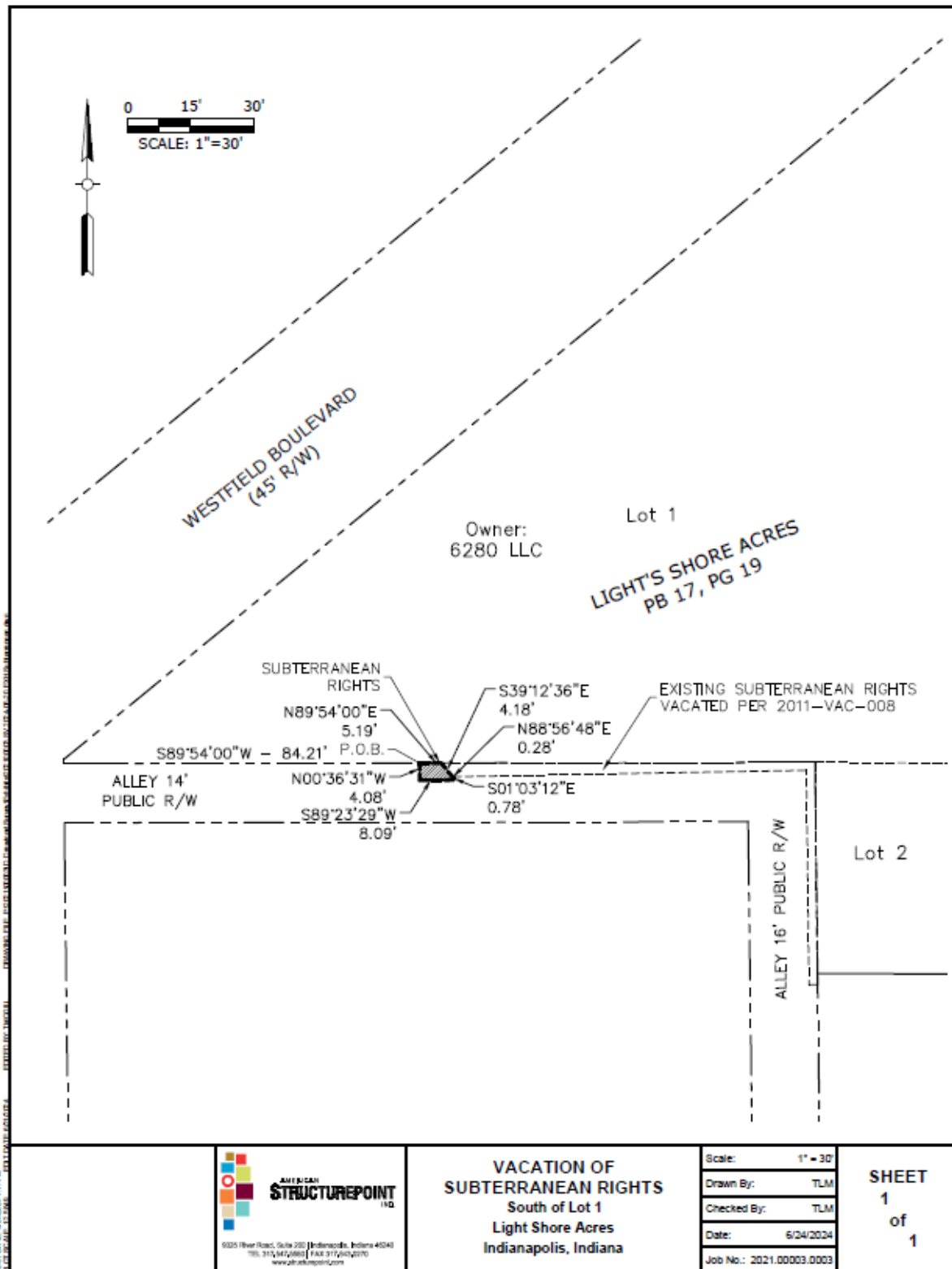
A waiver of the assessment of benefits would be appropriate in that the proposed right-of-way vacation would not affect any improved right-of-way.

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



