

PLAT COMMITTEE

December 13, 2023

Case Number: 2023-VAC-005

Property Address: 126 West Georgia Street (*Approximate Address*)

Location: Center Township, Council District #16

Petitioner: Roman Catholic Archdiocese of Indianapolis Properties, Inc., as Trustee for St. John The Evangelist Catholic Church, by Paul Carroll and John Cross

Zoning: CBD-2 (RC)

Request: Vacation of the first north-south alley east of Capitol Avenue, being 15 feet in width, beginning at the north right-of-way line of Georgia Street, north 223.71 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana,

Vacation of Chesapeake Street, being 30 feet in width, beginning at the east right-of-way line of Capitol Avenue, east 217.40 feet to the southwest corner of Lot 3 of Square 74 of the Donation of Lands to the City of Indianapolis, Indiana

Waiver Requested: Assessment of benefits

Current Land Use: Public alleys

Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This vacation petition has been continued twice previously, due to ongoing discussions.

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 2023-VAC-005; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, with the following commitment:

Access shall be granted to public utilities and City Departments requiring access to existing public facilities within the vacated areas.

PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate two alleys that abut parking garages to the east and north, and a church and rectory, to the west and south. The larger alley, which is named Chesapeake Street, is 30 feet in width and begins at the western right-of-way of Capitol Avenue and ends 217.40 feet to the east.

PETITION OVERVIEW - CONTINUED

The smaller alley, 15 feet in width, begins at the terminus of Chesapeake Street and ends 223.71 feet south, to the north right-of-way of Georgia Street. This vacation would vacate the remaining alley rights-of-way within this block, which is bounded by Georgia Street to the south, Capitol Avenue to the west, Illinois Street to the east, and Maryland Street to the north.

These alleys provide access to the rear of the abutting properties. The petitioner, the church to the west and south, plans to utilize the space for private events. The petition's Findings of Fact indicates that the alleys are "seldom used by traffic, in poor condition and constantly blighted with litter, trash, and debris".

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 rights of way are in poor condition, as noted in the petitioner's Findings. Therefore, the requested waiver of the Assessment of Benefits would be appropriate.

GENERAL INFORMATION

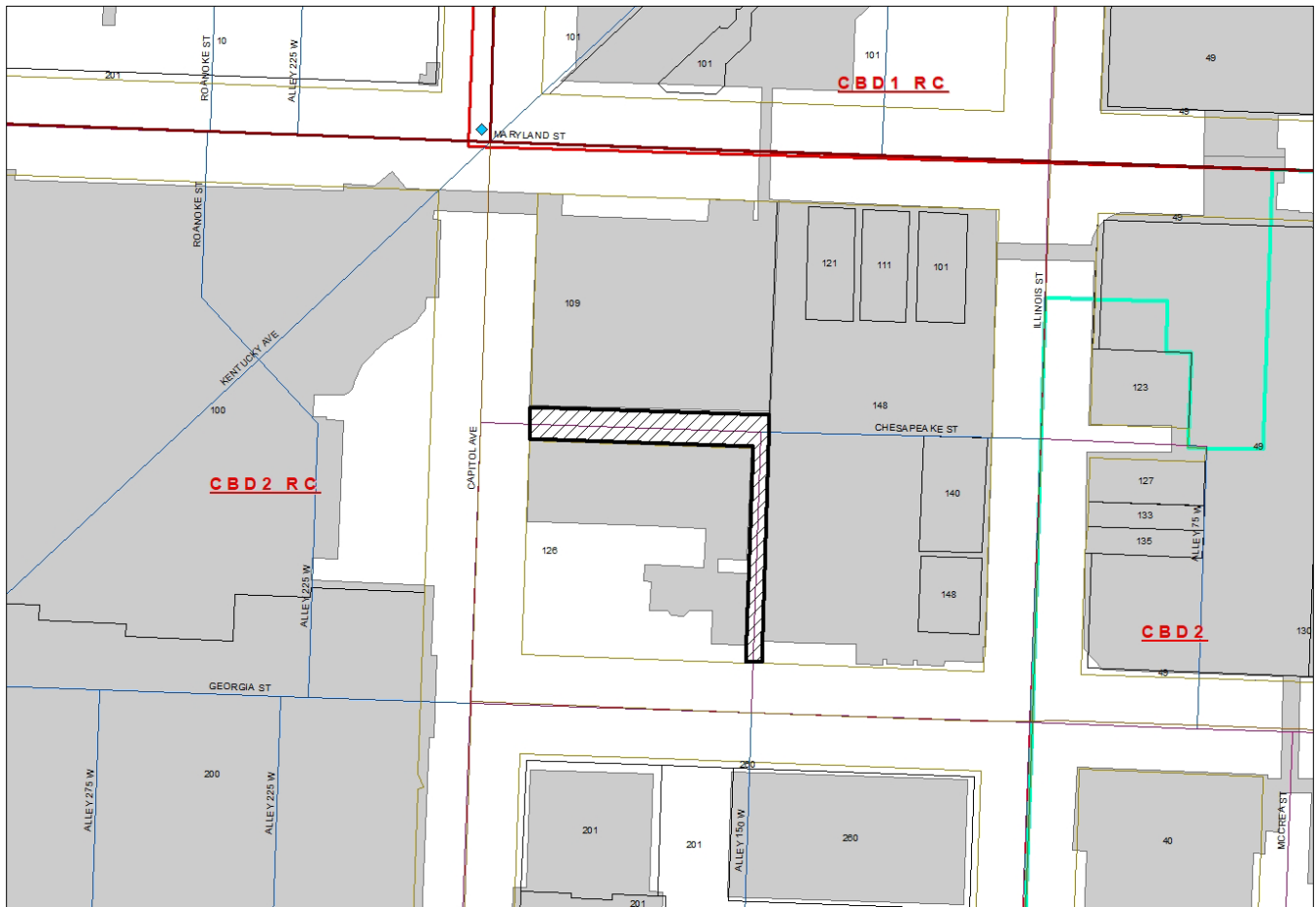
Existing Zoning	CBD-2 (RC)	
Existing Land Use	Religious use	
Comprehensive Plan	Urban Core	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	CBD-2 (RC)	Parking garage
South:	CBD-2 (RC)	Office tower
East:	CBD-2 (RC)	Retail / parking garage
West:	CBD-2 (RC)	Indiana Convention Center



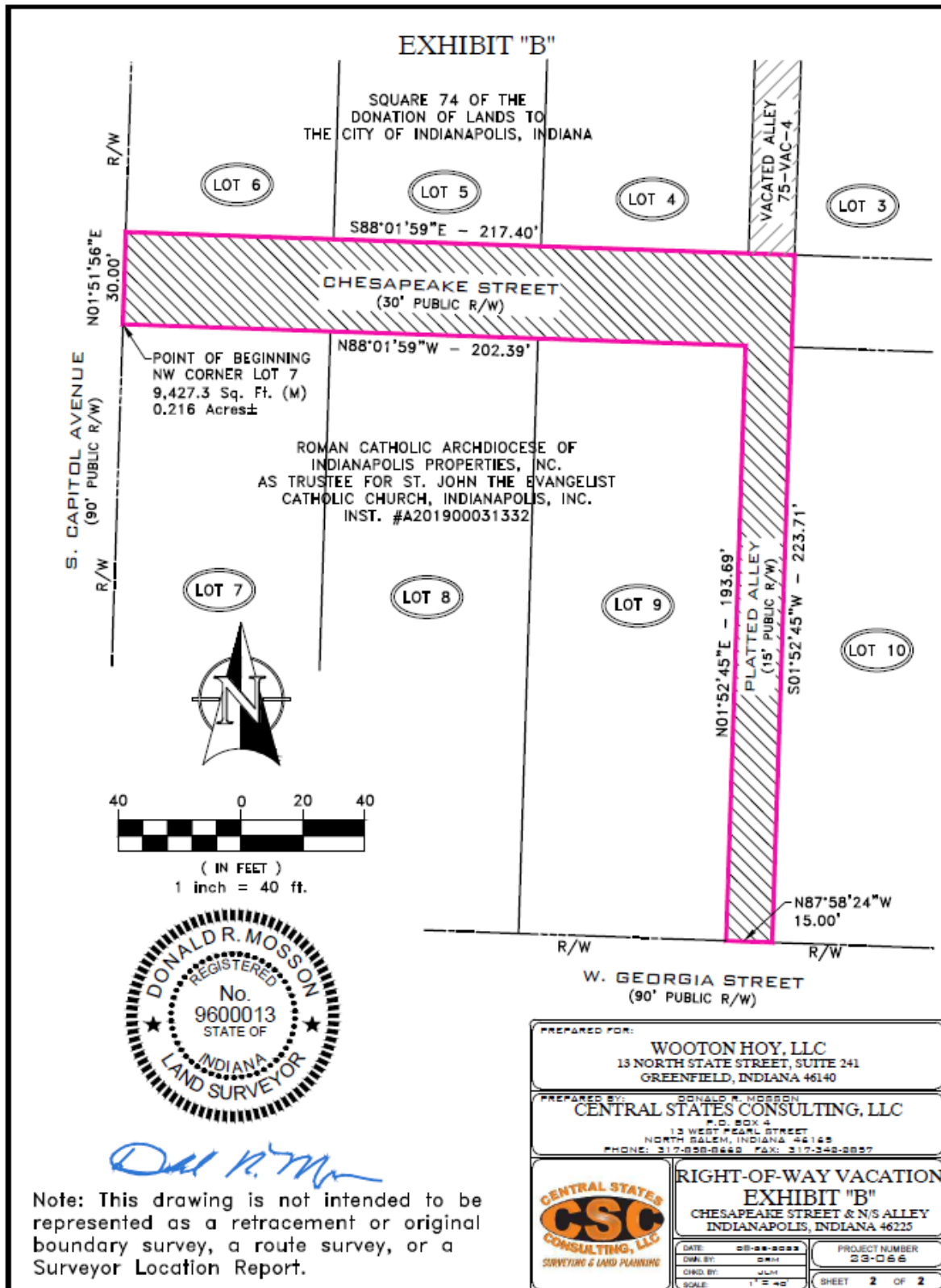
Department of Metropolitan Development
Division of Planning
Current Planning

Thoroughfare Plan		
Capitol Avenue	Primary arterial	78-foot existing and proposed
Georgia Street	Primary collector	56-foot existing and proposed
Petition Submittal Date	August 31, 2023	

EXHIBITS



Zoning map of site and surrounding area





Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number Yes

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 property is seldom used by traffic, in poor condition, and constantly blighted with litter, trash, and debris.

Vacation will result in improvements to areas and ensuring it remains well-maintained. The property will ensure access to necessary utilities and other city departments requiring access. Vacationing will ensure the property has adequate safety precautions given its use.

The property will be improved which will benefit the Georgia St. revitalization and immediate area.

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



Alley access point from Capitol Avenue (top); and alley access from Georgia Street



North-south alley looking south toward Georgia Street from the subject alley intersection



View of subject alley intersection



View of east-west alley looking toward Georgia Street from the subject alley intersection