

PLAT COMMITTEE

December 13, 2023

Case Number: 2023-VAC-008
Property Address: 75 West 18th Street (*Approximate Address*)
Location: Center Township, Council District #11
Petitioner: Wesley Place Apartments, LLC, by Peter D. Cleveland
Zoning: MU-2 (RC)
Request: Vacation of a portion of Pierson Street, also known as the first north-south alley east of Illinois Street, being nine feet in width, beginning at the south right-of-way line of 18th Street, south to a point 401 feet.
Waiver Requested: Assessment of benefits
Current Land Use: Public alley
Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This is the first hearing for this vacation petition.

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-008; 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 the western-most nine feet of an improved 30-foot-wide alley, also known as Pierson Street. This alley provides access to the rear of properties between Illinois Street and Meridian Street, south of 18th Street. In 2020, a Regional Center Approval was granted for a mixed-use development, with access to a ground level parking garage from this alley. Also, surface parking areas, curbing and landscaped islands were reviewed and approved within the alley, as part of that request. The parking areas, curbing and landscaped islands have been installed. These areas encroach nine feet into the right-of-way of this alley.

The remaining portion of this alley would be 21 feet in width, providing adequate room for public access to the adjacent properties; therefore, the vacation of this portion of the alley would be in the public interest.

PETITION OVERVIEW - CONTINUED

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 petitioner milled and repaved this alley; therefore, the requested waiver of the Assessment of Benefits would be appropriate.

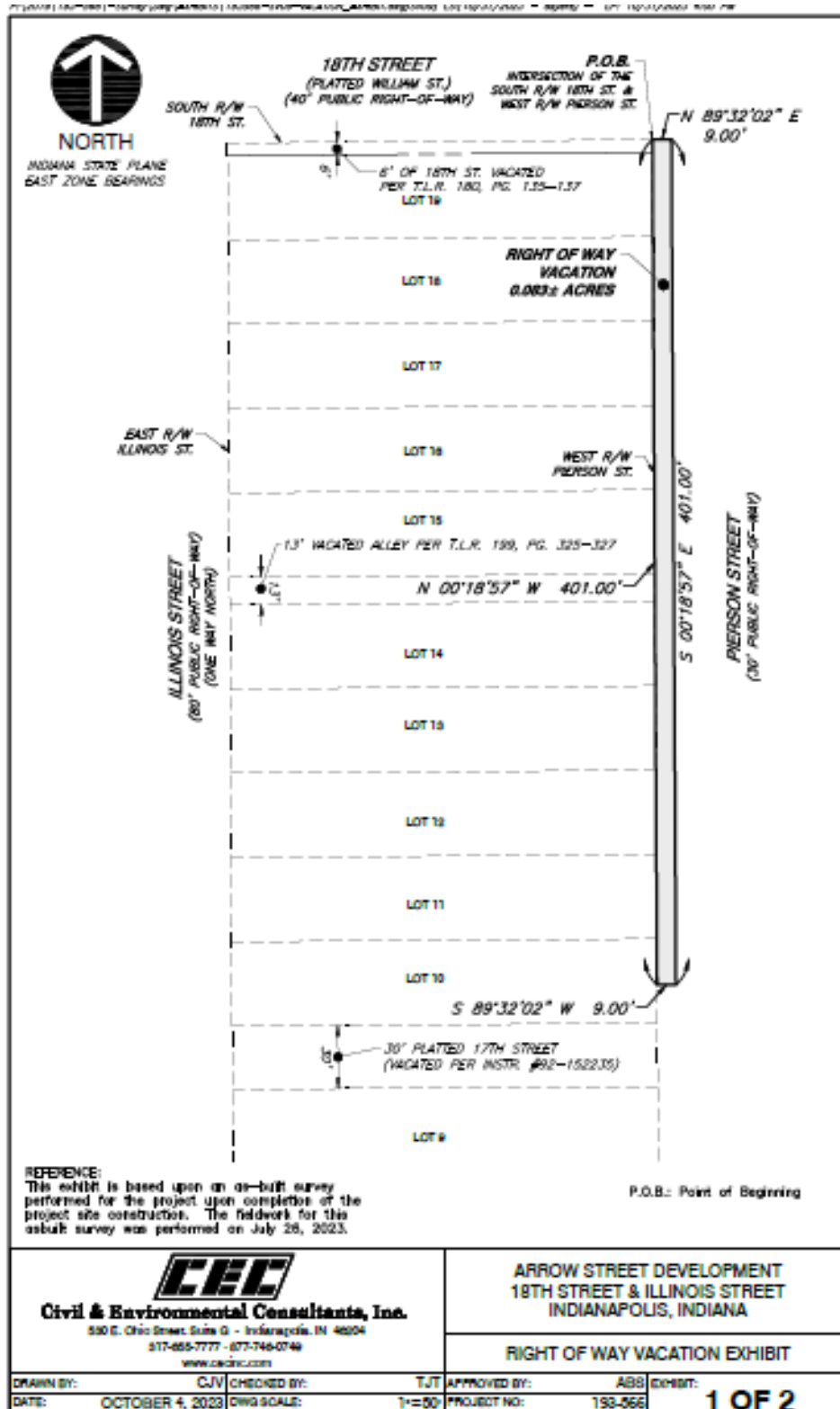
GENERAL INFORMATION

Existing Zoning	MU-2 (RC)	
Existing Land Use	Existing mixed-use building	
Comprehensive Plan	City Neighborhood development	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	C-4 (RC)	Parking garage
South:	MU-2 (RC)	Parking garage
East:	C-S (RC)	Six-story office building
West:	MU-1 (RC)	Vacant retail (to be mixed-use development)
Thoroughfare Plan		
Illinois Street	Primary arterial	78-foot existing and proposed
Petition Submittal Date	November 1, 2023	

EXHIBITS



Zoning map of site and surrounding area



P:\2018\182-0661-Drawing\Drawings\1820661-0201-ARROW-STREET-INDY.dwg (5/10/16/2021 - whitening) - LP: 10/16/2021 11:40 AM

RIGHT OF WAY VACATION DESCRIPTION

PART OF PIERSON STREET LYING BETWEEN 18TH STREET AND 18TH STREET, BEING MORE PARTICULARLY DESCRIBED BY TYLER J. THOMPSON, LS21400006 OF CIVIL & ENVIRONMENTAL CONSULTANTS, INC. ON OCTOBER 4, 2023, AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF PIERSON STREET AND THE SOUTH RIGHT OF WAY OF 18TH STREET; THENCE NORTH 89 DEGREES 32 MINUTES 02 SECONDS EAST, ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 9.00 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 57 SECONDS EAST, PARALLEL WITH SAID WEST RIGHT OF WAY LINE A DISTANCE OF 401.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 02 SECONDS WEST, PARALLEL WITH SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 9.00 FEET TO SAID WEST RIGHT OF WAY LINE; THENCE NORTH 00 DEGREES 16 MINUTES 57 SECONDS WEST, ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 401.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.083 ACRES OF LAND, MORE OR LESS.

Tyler J. Thompson
 Registered Land Surveyor No. LS21400006
 October 4, 2023
 tthompson@cecinc.com
 prepared by Tyler J. Thompson



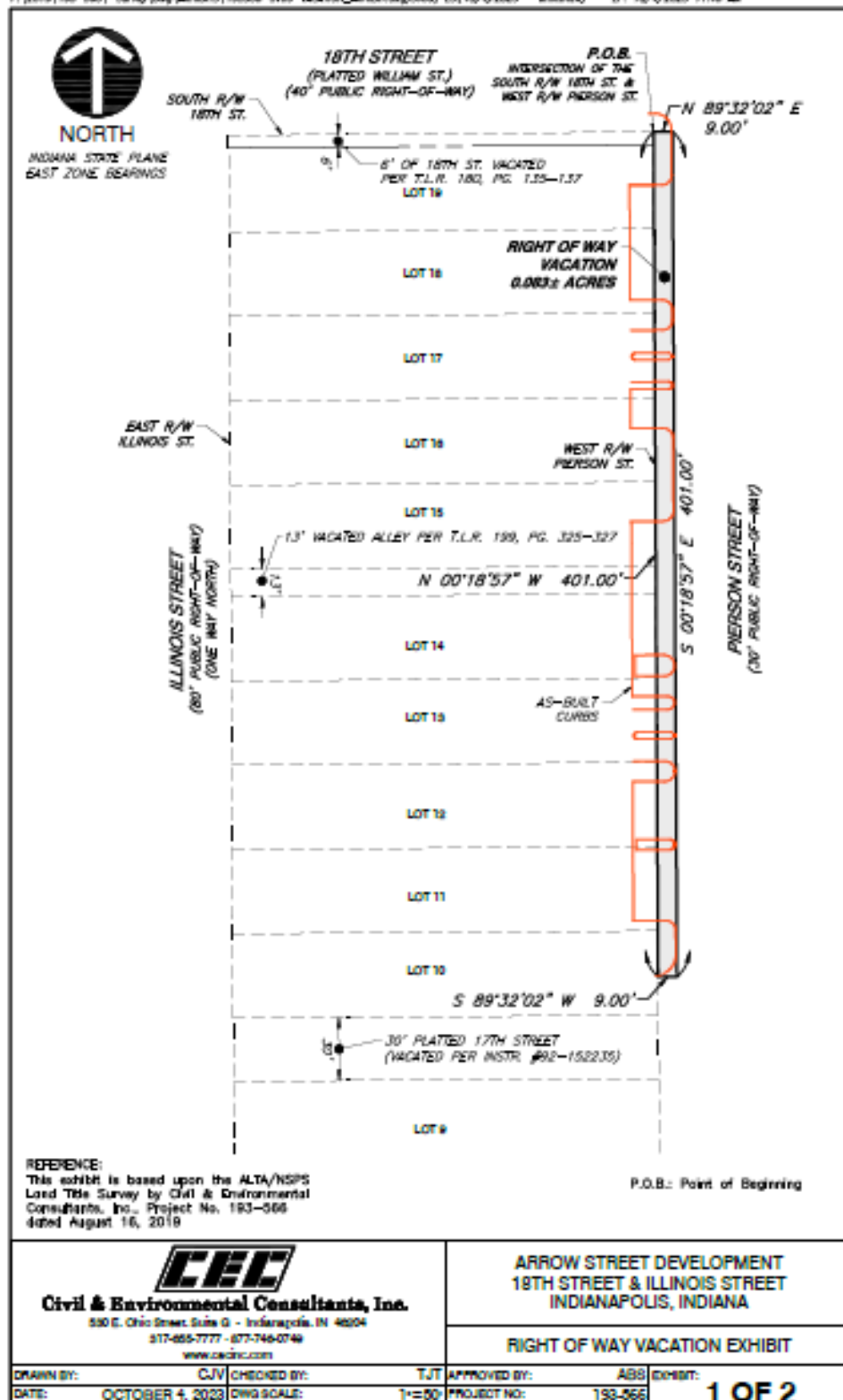
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Tyler J. Thompson

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ARROW STREET DEVELOPMENT
 18TH STREET & ILLINOIS STREET
 INDIANAPOLIS, INDIANA

RIGHT OF WAY VACATION EXHIBIT

DRAWN BY: CJV	CHECKED BY: TJT	APPROVED BY: ABS	EXHIBIT: 2 OF 2
DATE: OCTOBER 4, 2023	DWG SCALE: 1"=50'	PROJECT NO: 193-566	



Photos



View of subject site, from 18th Street looking south



View of subject site, from 18th Street looking south



Close-up view of area to be vacated. Statement reads: "Approximate 9' area (1/2 of Parking Space) to be vacated along length of Wesley Place Apartments"



Another close-up view of area to be vacated. Statement reads: "Approximate 9' area (1/2 of Parking Space) to be vacated along length of Wesley Place Apartments"



View at south end of subject site.



View looking north. Statement reads: "Remaining 21' width"