

PLAT COMMITTEE

August 13, 2025

Case Number: 2025-VAC-007
Property Address: 1824 North New Jersey Street (*Approximate Address*)
Location: Center Township, Council District #13
Petitioner: Bradley D. Vogelsmeier and Brooke E. Vogelsmeier, by Paul J. Lambie
Request: Vacation of the first east-west alley south of 19th Street, being 12 feet in width, beginning at the west right-of-way line of New Jersey Street, west 156.43 feet, to the east right-of-way line of Ogden Street, with a waiver of the Assessment of Benefits.
Waiver Requested: Assessment of Benefits
Current Land Use: Residential / Undeveloped
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff finds the **vacation** would be in the public interest and recommends the vacation petition be **approved**. Staff supports the **waiver of the Assessment of Benefits** and recommends **approval** subject to the below commitment.

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-007; that the vacation be subject to the right of public utilities under IC 36-7-3-16; and subject to the following commitment:

That the existing curb cut along the eastern portion of the vacated alley shall be closed off and sidewalk restored in that area to connect into the existing sidewalk network within 18 months of approval of 2025-VAC-007.

PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate an improved alley right-of-way between New Jersey Street and Ogden Street, within the Herron-Morton Place Historic District. The western portion of the proposed vacation is improved with a gravel drive leading to an existing residence at 1824 N New Jersey, while the eastern portion is unimproved. The portion of the alley to the east was vacated in 1966 (D-66-6), and the portion of the alley to the west is fully unimproved. The vacation of this portion of the street right-of-way would be in the public interest, and an exhibit is provided below showing the proposed vacation area.

PROCEDURE

Neither the Division of Planning nor the Plat Committee, Hearing Examiner, nor 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

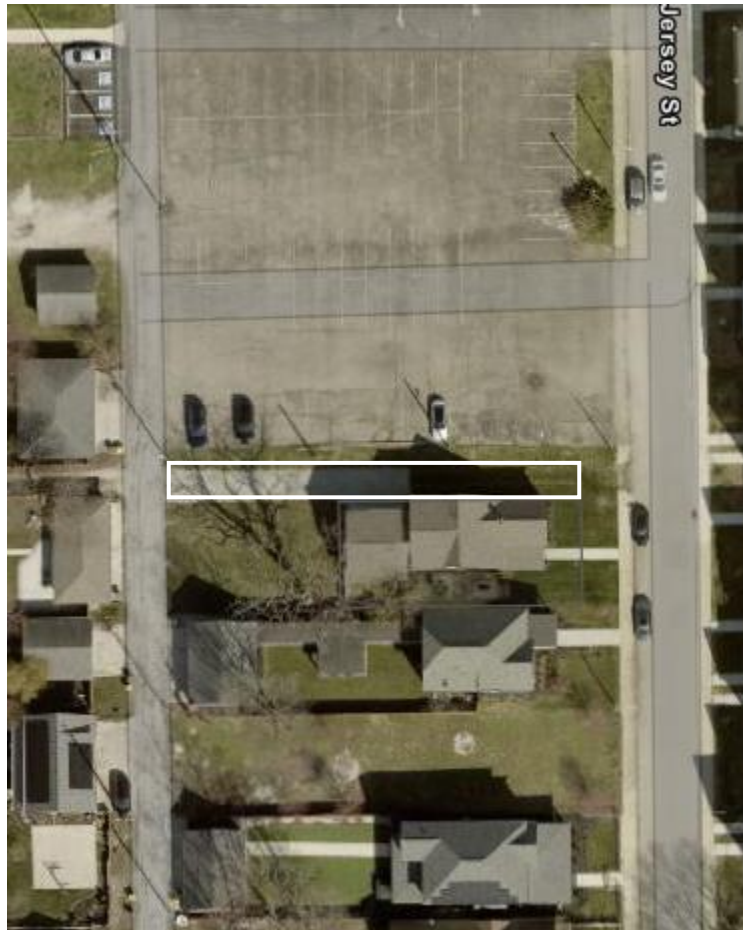
A portion of the existing right-of-way is improved with a gravel driveway, but no portion of the alley is improved with permanent hardscaping. However, historical aerial photography and the placement of the curb cut on the eastern side of the alley both imply that this alley may have been improved in the past.

The applicant indicated their openness to have that curb cut implying public function closed off in conjunction with a proposed rear carriage house addition within the next year. Staff recommends approval of the request to waive the Assessment of Benefits subject to a commitment that the curb cut be closed and sidewalk restored in that area to connect into the existing network within 18 months of petition approval.

GENERAL INFORMATION

| | | |
|--------------------------------|---------------------------|---------------------------------------|
| Existing Zoning | D-8 / C-3 (IHPC-HMP) | |
| Existing Land Use | Residential / Undeveloped | |
| Comprehensive Plan | Traditional Neighborhood | |
| Surrounding Context | <u>Zoning</u> | <u>Land Use</u> |
| North: | C-3 | Parking Lot |
| South: | D-8 | Residential |
| East: | D-8 | Residential |
| West: | D-8 | Residential |
| Thoroughfare Plan | | |
| New Jersey Street | Local Street | 58-foot existing and 48-feet proposed |
| Petition Submittal Date | July 4, 2025 | |

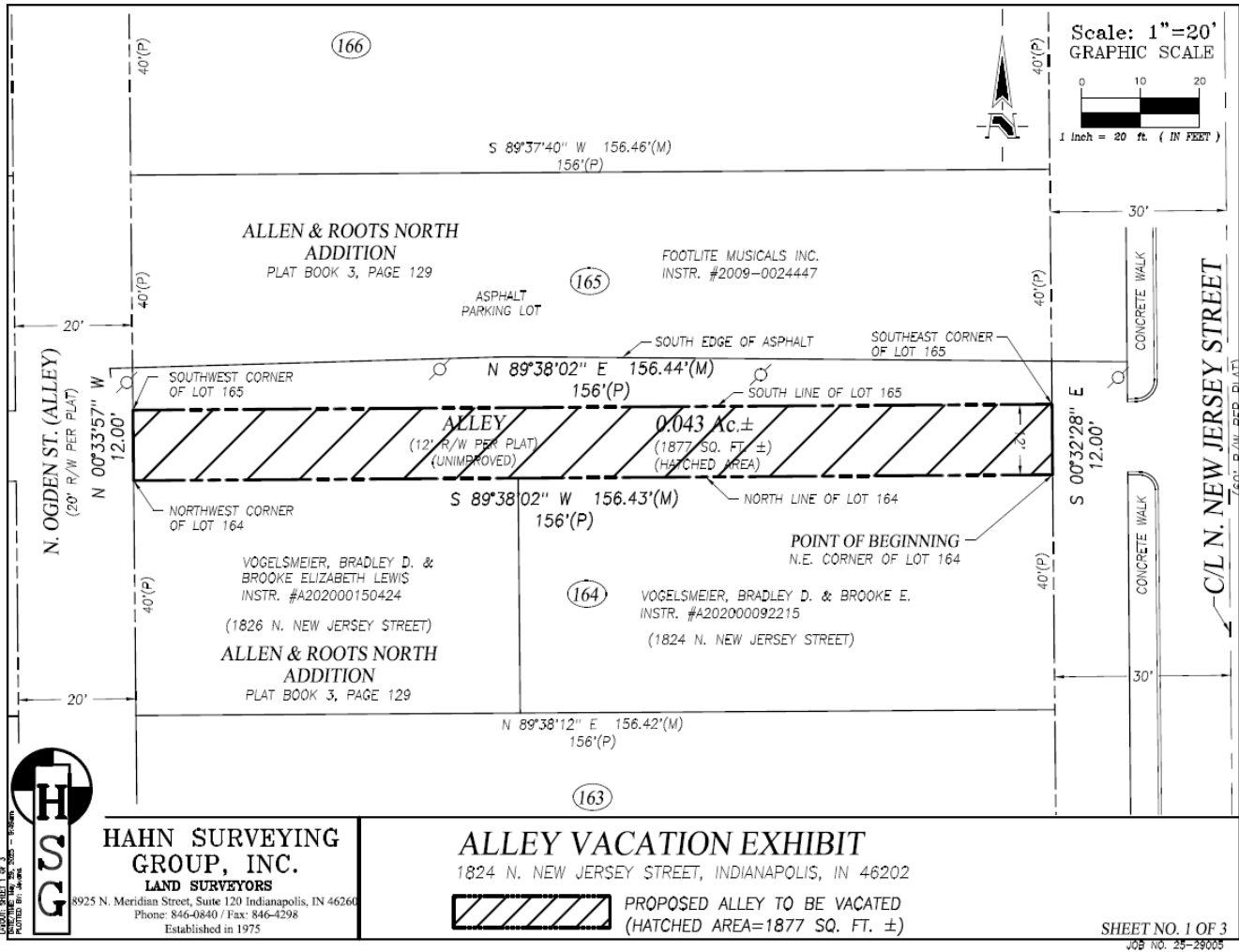
EXHIBITS



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

this platted alley has not been improved, maintained, and used by the public for many decades, if ever, it is not necessary to accommodate future public transportation or access needs, and the vacation of this right-of-way would allow for it to be assessed for property taxes for the private function that it serves.





PHOTOS



Photo 1: Existing Alley and Curb Cut Viewed from East (May 2024)



Photo 2: Existing Alley and Residence Viewed from North



Photo 3: Existing Alley Viewed from West



Photo 4: Adjacent Property to South of Residence (viewed from East)



Photo 5: Adjacent Alley to West of Proposed Vacation



Photo 6: Adjacent Property to East of Proposed Vacation



Photo 7: Adjacent Parking Area to North of Proposed Vacation