

PLAT COMMITTEE

November 12, 2025

Case Number:	2025-VAC-008
Property Address:	4344 Wanamaker Drive (<i>Approximate Address</i>)
Location:	Franklin Township, Council District #25
Petitioner:	Keith Williams, by Joseph D. Calderon
Request:	Vacation of Markwood Avenue, being 25 feet in width, from the southwest corner of Lot 53 of Wanamaker Village, 4 th Section, along the south right-of-way line of Markwood Avenue 94.99 feet, to the west right-of-way line of Wanamaker Drive, north 54.5 feet, from the west right-of-way line of Wanamaker Drive along the north right-of-way line of Markwood Avenue approximately 95.92 feet as provided in Exhibit A, with a waiver of the Assessment of Benefits.
Waiver Requested:	Assessment of Benefits
Current Land Use:	Residential
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**.

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-008; that the vacation be subject to the right of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

This petition, if approved, would vacate a portion of the right-of-way of Markwood Avenue located to the west of Wanamaker Drive per the above request. The proposed area to be vacated is improved with an asphalt driveway that leads to the existing residence at 4344 Wanamaker Drive. Markwood Avenue does not extend to the east or the west past the area proposed for vacation (the driveway is bordered by a single-family home and land part of a residential subdivision respectively). The vacation of this portion of the street right-of-way would be in the public interest, and the below exhibit shows the vacation area.

Staff would also note that a Special Request by the petitioner was granted by the Plat Committee on October 8, 2025 to allow for this petition to be heard without a notarized consent form from the property owner to the south (Chessington Grove Homeowners Association). Legal notice was still provided to the HOA as well as to surrounding property owners, neighborhood groups, and public utilities.

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

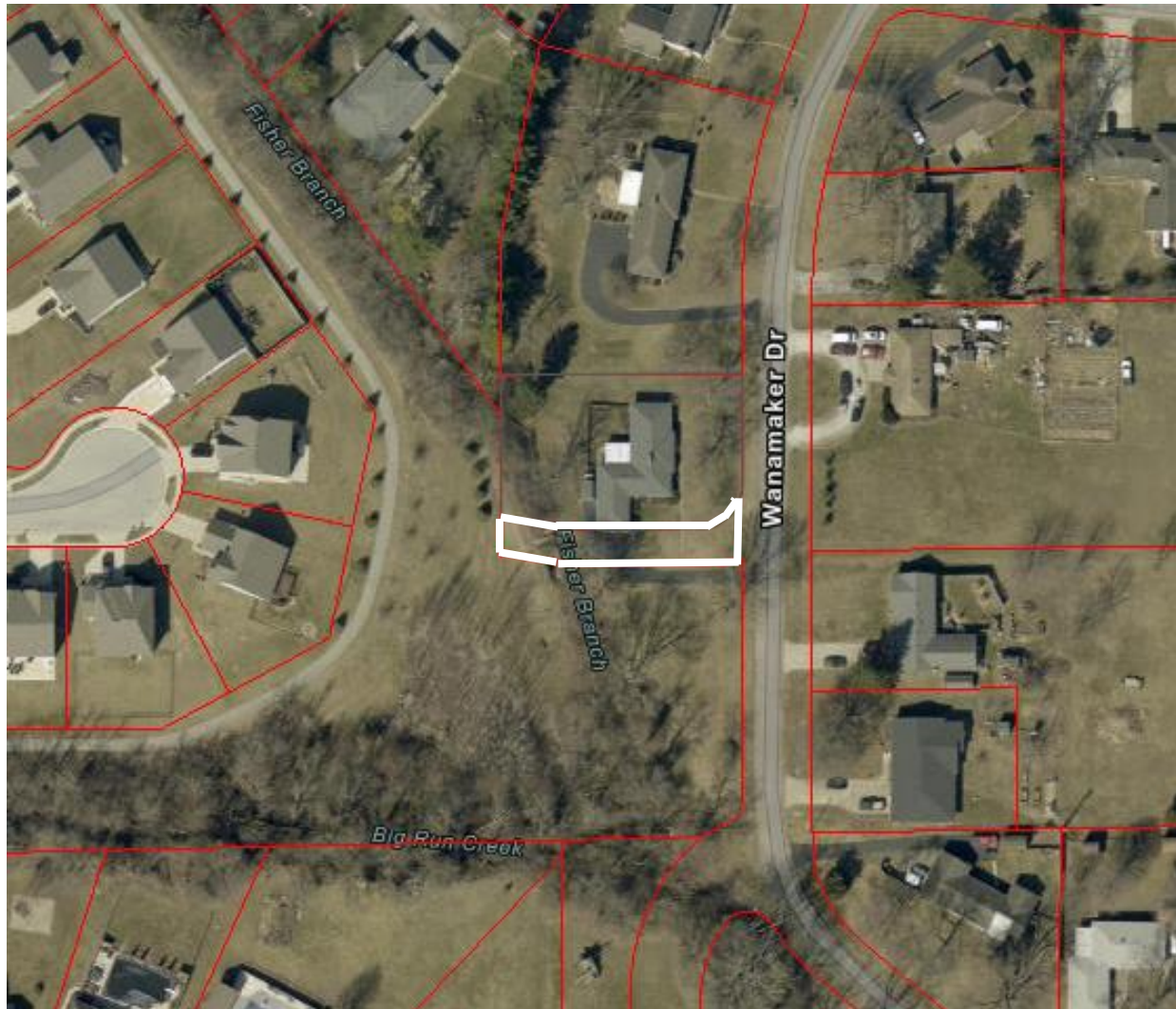
Portions of the existing right-of-way are improved with a hardscaped asphalt driveway. However, per aerial photography it appears that the majority of the driveway area is on the parcel to the south of the current Markwood Avenue right-of-way that is owned by the Chessington Grove HOA. The negotiation of an easement agreement between the owner of 4344 Wanamaker and the HOA to allow for that access would be advisable if no such easement already exists.

With regards to the requested waiver of the Assessment of Benefits, staff would note that most of the area requested to be vacated is unimproved, with a small portion improved with asphalt likely placed by the homeowner and not by any City entity. Therefore, staff recommends approval of the waiver.

GENERAL INFORMATION

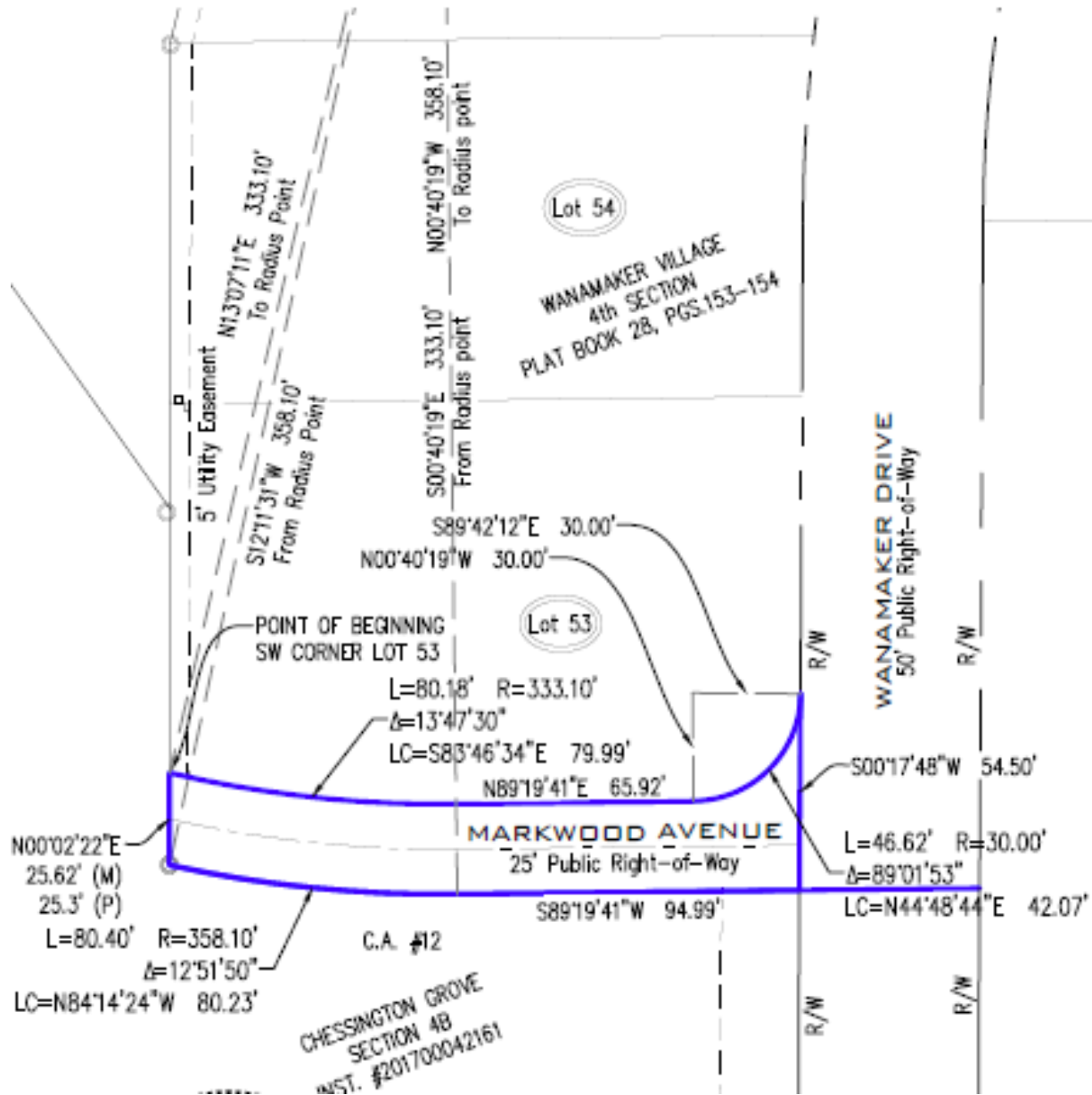
Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-2	Residential
South:	D-2	Residential
East:	D-A	Residential
West:	D-P	Residential
Thoroughfare Plan		
Wanamaker Drive	Local Street	50-foot existing and 50-feet proposed
Markwood Avenue	Local Street	25-foot existing and 50-feet proposed

EXHIBITS



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

It will allow for access to an existing residence (4344 Wanamaker Drive) which is the only residential property served by a right-of-way which was never improved.



PHOTOS



Photo 1: Existing 4344 Wanamaker Residence Viewed from East



Photo 2: Existing 4344 Wanamaker Driveway Viewed from East



Photo 3: Adjacent Property to South of Driveway



Photo 4: Adjacent Property to East