



PLAT COMMITTEE

June 12, 2024

Case Number: 2024-VAC-001
Property Address: 412 West McCarty Street, 717 and 727 Chadwick Street (*Approximate Addresses*)
Location: Center Township, Council District #18
Petitioner: TWG Development, LLC, by Joseph D. Calderon
Zoning: I-3 (RC); CBD-2 (RC) Pending
Request: Vacation of the first north-south alley south of Norwood Street, being 12 feet in width, beginning at the west right-of-way line of Missouri Street, west 234.32 feet, to the east right-of-way line of Chadwick Street, and a vacation of the first north-south alley east of Missouri Street, ranging in width from 14 feet to 54.29 (irregular-shaped), from the north right-of-way of McCarty Street, north 274.97 feet to the south right-of-way of Norwood Street
Waiver Requested: Assessment of benefits (to be withdrawn)
Current Land Use: Partially improved right-of-way
Staff Reviewer: Jeffrey York, Principal Planner

PETITION HISTORY

This is the first hearing for this vacation petition.

STAFF RECOMMENDATION

The petitioner will withdraw the waiver of the assessment of benefits request. Staff has received an appraisal of the subject site. Staff has reviewed the findings of the appraisal and agrees with its findings.

ASSESSMENT OF BENEFITS

Appraiser Used: Paul K. Schuster
Appraiser's Benefits: \$2,100.00
Appraiser's Fee: \$1,200.00

RECOMMENDED MOTION (approval): That the Plat Committee find that the proposed vacation is in the public interest; that Plat Committee sustain, confirm, approve and adopt the Final Assessment Roll in 2024-VAC-001, assessing benefits in accordance therewith, in the amount of \$2,100.00 and that the petitioner pay the Appraiser's Fee of \$1,200.00; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2024-VAC-001; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

PETITION OVERVIEW

SUMMARY

The subject site is located in the block northwest of the McCarty Street and Missouri Street intersection. An east-west alley, along with the remainder of a north-south alley, would be vacated, if this petition would be approved.

The east-west alley connects Missouri Street to Chadwick Street, to the west. The north-south alley begins at the mid-point of the north-south alley and runs south to a dead-end. There is a small right-of-way to provide for a turnaround for vehicles at the south end of this north-south alley.

The purpose of the vacation would be to provide for a proposed mixed-use development, which would comply with the Comprehensive Plan recommendation of urban mixed-use development. Additionally, a rezoning petition was granted preliminary approval to CBD-2 (RC) to facilitate the zoning that would permit the development. The rezoning petition is in its final stages and should receive final approval in June 2024.

The request to vacate these rights-of-way would be in the public interest as the entire site is under single ownership.

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.

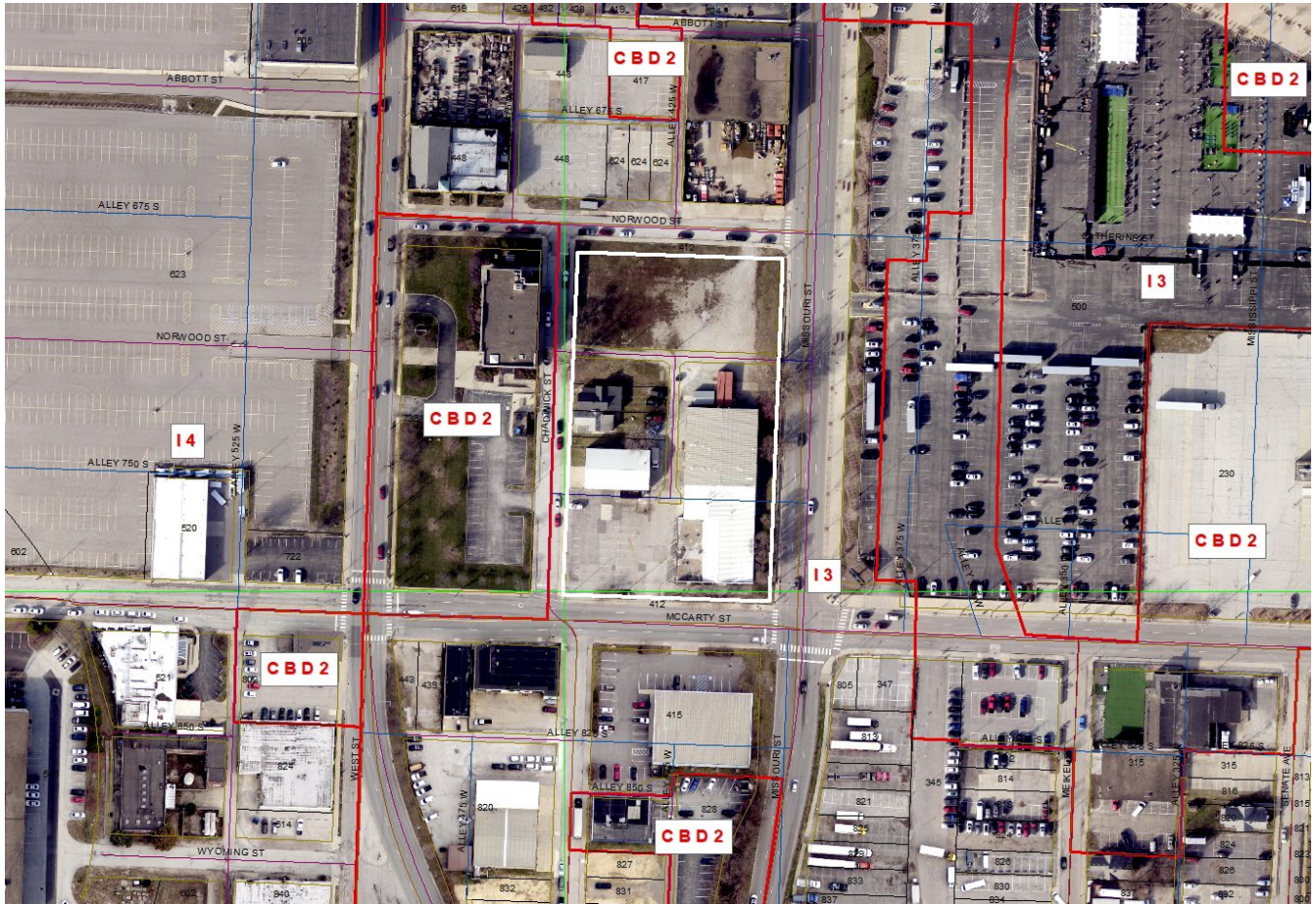
Petitioners and abutters of the vacated right-of-way should consult their own attorneys for advice regarding the ownership of the vacated right-of way.

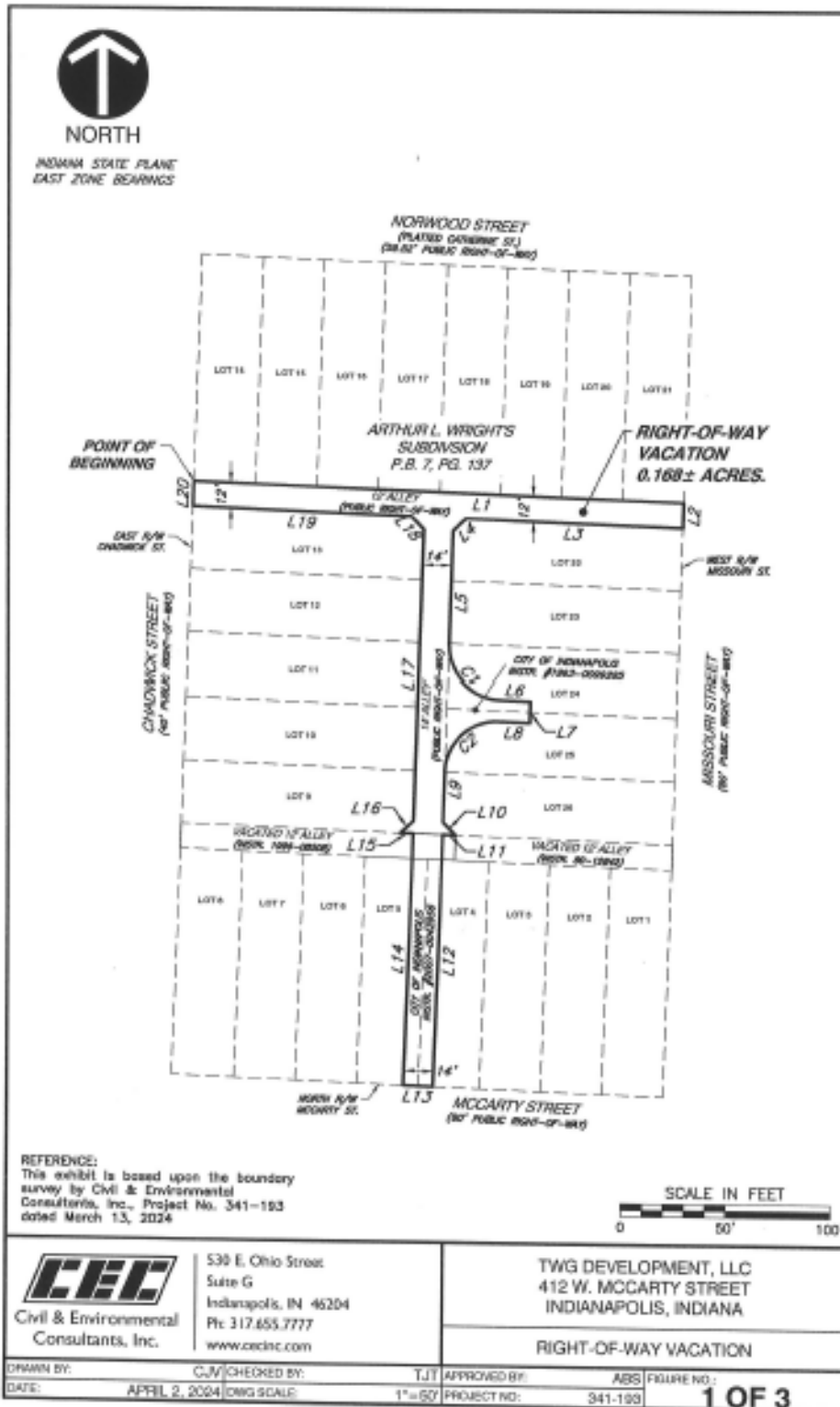
ASSESSMENT OF BENEFITS

The proposed vacated area is partially improved. The petitioner has indicated that they will withdraw the request for the waiver of the assessment of benefits. An Appraisal of the land is expected prior to the hearing.

GENERAL INFORMATION

Existing Zoning	I-3 (RC); CBD-2 (RC) pending	
Existing Land Use	Partially improved public rights-of-way	
Comprehensive Plan	Urban mixed-use development	
Surrounding Context	Zoning	Land Use
North:	I-3 (RC)	Industrial
South:	I-3 (RC)	Commercial
East:	I-3 (RC) / CBD-2 (RC)	Lucas Oil Stadium
West:	CBD-2 (RC)	Office building
Thoroughfare Plan		
Missouri Street	Primary arterial	78-foot existing and proposed right-of-way
McCarty Street	Primary arterial	88-foot existing and proposed right-of-way
Petition Submittal Date	April 25, 2024	







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 alleys do not serve any other properties other than those in the block bounded by McCarty, Norwood, Chadwick and
Missouri Streets and following the vacation, the entire block will be redeveloped with a mixed use project.

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



East-west alley from Missouri Street (top); and from Chadwick Street



North end of north-south alley from Norwood Street looking south



South end of north-south alley from McCarty Street looking north