

**PLAT COMMITTEE**

January 8, 2025

<b>Case Number:</b>	2024-VAC-004
<b>Property Address:</b>	201 East Washington Street ( <i>Approximate Address</i> )
<b>Location:</b>	Center Township, Council District #18 (site) #12 (vicinity)
<b>Petitioner:</b>	Indianapolis Public Transportation Corporation, by Brian J. Tuohy
<b>Zoning:</b>	CBD-2 (RC)
<b>Request:</b>	Vacation of a portion of the south right-of-way of Washington Street, being 45.18 feet in width, beginning 15 feet west of the east right-of-way line of Delaware Street, east 473.68 feet to a point, a vacation of a portion of west right-of-way of Alabama Street, being 24.43 feet in width, beginning at the south right-of-way line of Washington Street, south 209.67 feet to a point, and a vacation of a portion of the east right-of-way of Delaware Street right-of-way, being 15 feet in width, beginning at the south right-of-way line of Washington Street, south 209.62 to a point.
<b>Waiver Requested:</b>	Assessment of benefits (Automatic)
<b>Current Land Use:</b>	Public streets
<b>Staff Reviewer:</b>	Jeffrey York, Principal Planner II

**PETITION HISTORY**

This petition was originally scheduled for hearing on December 11, 2024; however, a quorum was not present. 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 is not required by the Plat Committee Rules of Procedure; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2024-VAC-004; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, and subject to the following commitment:

That an easement be granted to the Department of Public Works that would provide for the continued public use of the sidewalks surrounding the Julia Carson Transit Center.

**PETITION OVERVIEW**

**SUMMARY**

This petition, if approved, would vacate portions of abutting rights-of-way along the Julia Carson Transit Center, along Washington Street, Delaware Street, and Alabama Street. Specifically, up to 45.18 feet of



**Department of Metropolitan Development  
Division of Planning  
Current Planning**

Washington Street right-of-way, 15 feet of Delaware Street right-of-way and 24.43 feet of Alabama Street right-of-way, would be vacated.

The purpose of the vacation, according to the submitted Findings of Fact and petition information, would allow the petitioner to install and maintain public improvements within the area adjacent to the Transit Center, which may include additional sheltered areas for expansion of bus on- and off-boarding and installation of bus platform stations.

Currently, the existing rights-of-way are improved with sidewalks, other walking paths, landscaping, and on-street parking. The petitioner and the Department of Public Works (DPW) have agreed to a commitment that an easement be granted to DPW to provide for the public to utilize the sidewalks surrounding the Transit Center on a permanent basis. Since a mechanism would be provided for uninterrupted use of the sidewalks and allow for expansion of additional transit infrastructure improvements, the vacation would be in the public interest.

## **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 formally requested a waiver of the assessment of benefits, however, the Plat Committee Rules of Procedure state that "No benefits shall be assessed against the owner of any land in governmental or public ownership, or to be vacated for governmental or public use or for use by a semi-public institution or agency engaged in a public, non-proprietary function, such as education or welfare". IndyGo is a semi-public entity, therefore, the assessment of benefits would be automatically waived.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	CBD-2 (RC)	
<b>Existing Land Use</b>	Existing transit center	
<b>Comprehensive Plan</b>	Regional Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	CBD-2 (RC)	City-County Building
South:	CBD-2 (RC)	Former Marion County Jail
East:	CBD-2 (RC)	Surface parking lot
West:	CBD-1 (RC)	Hotel
<b>Thoroughfare Plan</b>		
Washington Street	Primary arterial	78-foot existing and proposed
Delaware Street	Primary arterial	78-foot existing and proposed
Alabama Street	Primary arterial	78-foot existing and proposed
<b>Petition Submittal Date</b>	November 1, 2024	





Aerial map of site and surrounding area

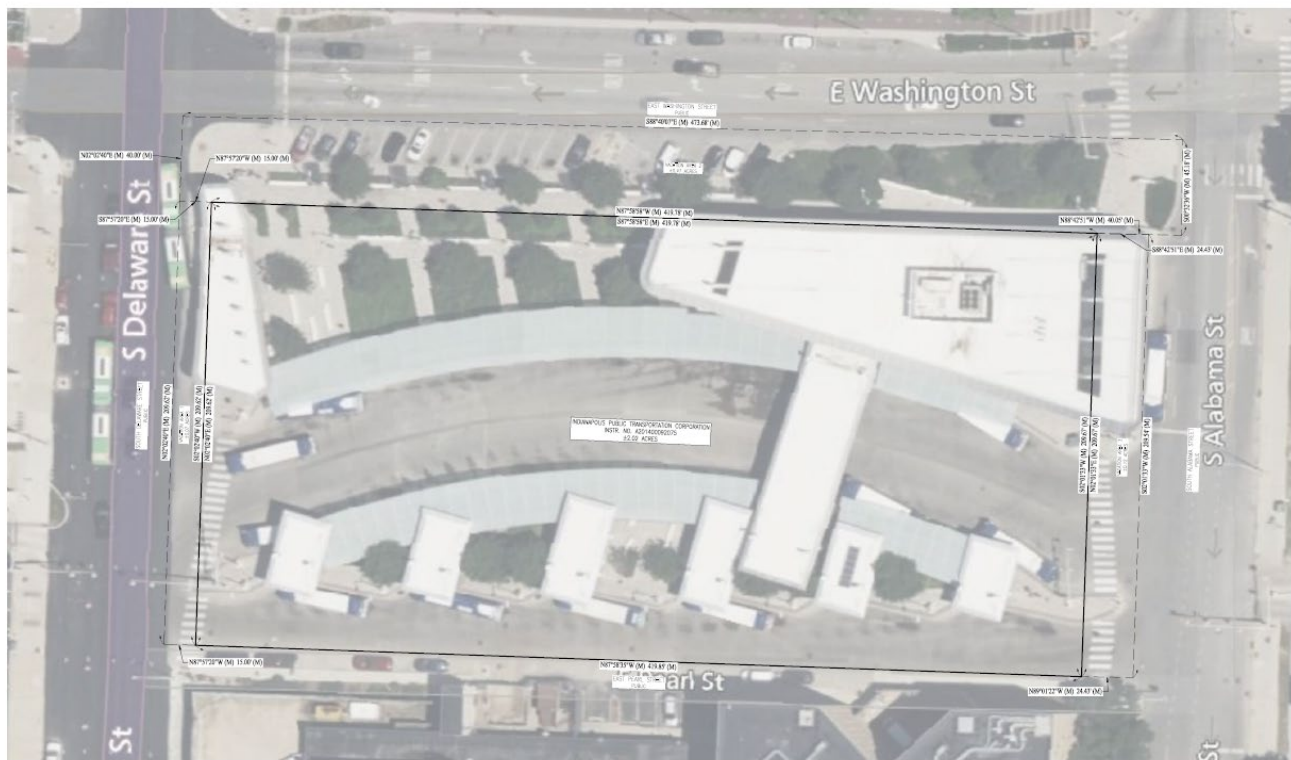
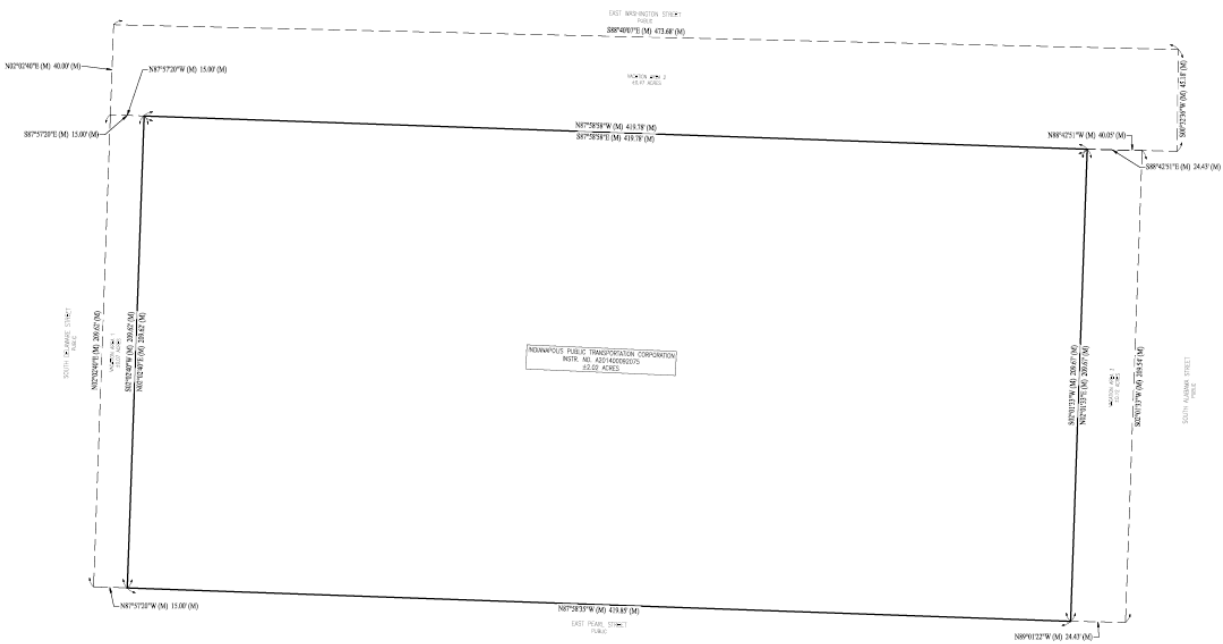


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Petition Number \_\_\_\_\_

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 vacation will allow the Petitioner to install and maintain improvements within the area adjacent to the Carson Transit Center ("CTC"), which improvements will provide bus passengers a more secure and sheltered area for public transportation to and from the CTC.

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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 \_\_\_\_

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**Petition for Vacation  
201 E. Washington Street**

**Petitioner: Indianapolis Public Transportation  
Corporation, by Brian J. Tuohy, Attorney**

**Description of Area to be Vacated:**

Approximately 0.07 acres of right-of-way (“ROW”) on the east side of Delaware Street adjacent to the parcel at 201 East Washington Street (“Site”), approximately 0.47 acres of ROW on the south side of Washington Street adjacent to the Site and approximately 0.12 acres of ROW on the west side of Alabama Street adjacent to the Site (all such ROW are collectively referred to as the “Vacated Area”).

**Reason for Vacation:**

The Petitioner desires to construct bus platform stations within the Vacated Area, improve security in and around the Carson Transit Center (“CTC”) as well as install and maintain other improvements within the Vacated Area to provide more convenient and secure access to public transportation at the CTC.

**Proposed Use:**

Petitioner proposes to use the Vacated Area for public bus on and off boarding, as well as for installation of bus platform stations for customers and sidewalks and other public transportation-related improvements.

**The Public Interest or Benefit that will Result from the Vacation:**

The CTC will be able to provide a convenient, sheltered and secure bus platform for the users of public transportation and will allow improved public use and access to the CTC.



Photos



View of IndyGo transit stop structure at the intersection of Washington Street and Delaware Street, looking south.



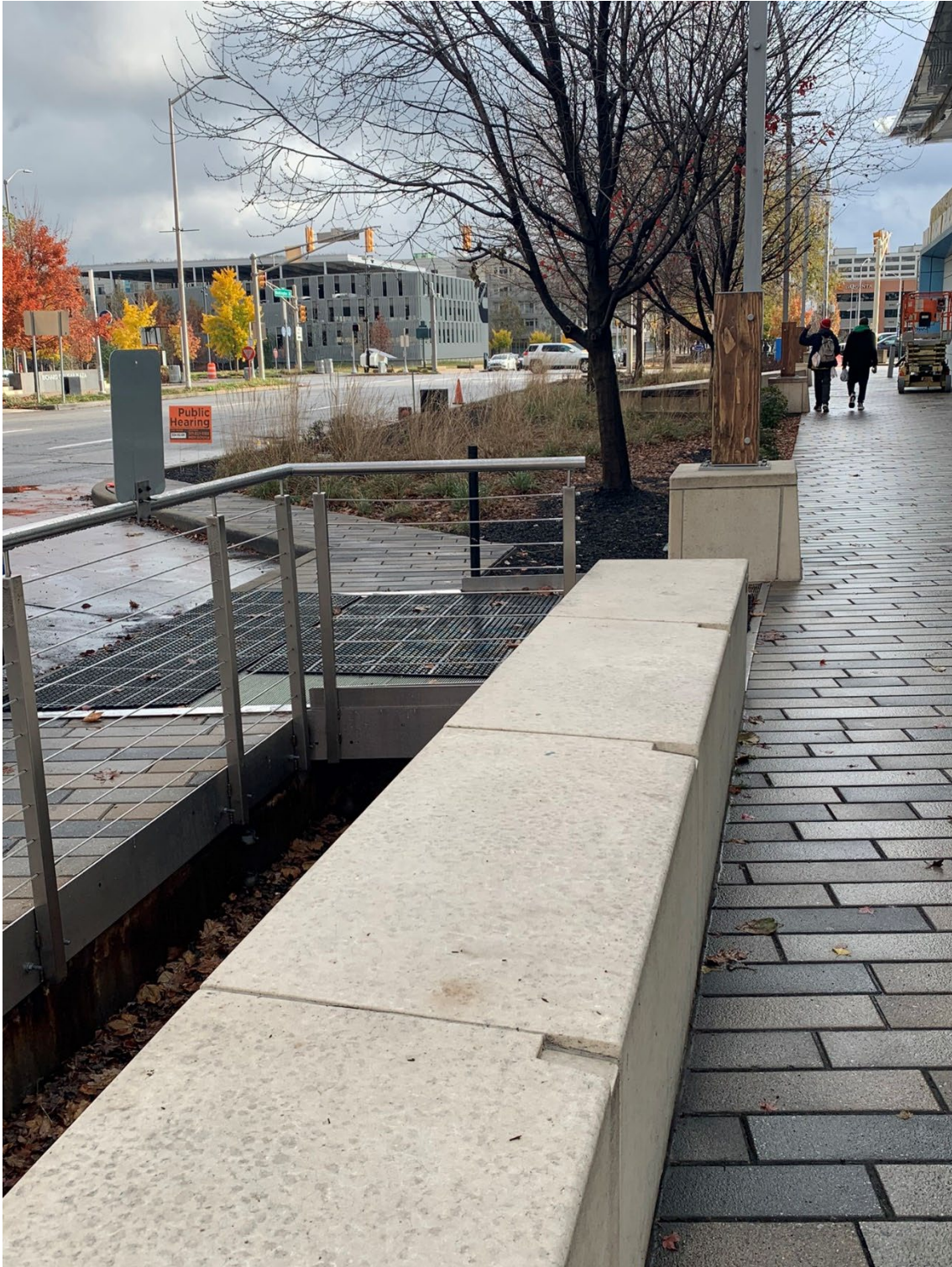
Close view of existing infrastructure within the Delaware Street right-of-way



View of existing infrastructure within the Washington Street right-of-way looking east from the Delaware Street intersection



Close view of existing infrastructure within the Washington Street right-of-way



Close view of existing infrastructure within the Washington Street right-of-way



View of existing infrastructure within the Alabama Street right-of-way, from the Washington Street intersection, looking south