

## PLAT COMMITTEE

February 11, 2026

<b>Case Number:</b>	2025-VAC-012
<b>Property Address:</b>	1458 and 1464 North New Jersey Street (Approximate Addresses)
<b>Location:</b>	Center Township, Council District #13
<b>Petitioner:</b>	Heather Harris and Ann Holmes, by Joseph D. Calderon
<b>Request:</b>	Vacation of the first east-west alley south of 15 <sup>th</sup> Street, being 13.58 feet wide, from the west right-of-way line of New Jersey Street, being the southeast corner of Lot 14 of A. L. Wright's 1 <sup>st</sup> Addition as recorded in Plat Book 4, Page 3 in the Office of the Recorder of Marion County, Indiana, 150 feet to the west, to the east right-of-way line of the first north-south alley west of New Jersey Street, with a waiver of the assessment of benefits.
<b>Waiver Requested:</b>	Assessment of Benefits
<b>Staff Reviewer:</b>	Michael Weigel, Senior Planner

## PETITION HISTORY

**1/14/26:** A continuance was requested by the petitioner to allow for additional time to consider the commitment proposed by staff.

**12/10/25:** A continuance was requested by staff due to an error involving the publication of legal notice.

## 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** only if subject to the below commitment.

**RECOMMENDED MOTION (approval of waiver request with condition):** 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-012; 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, the sidewalk restored, and that the additional paving to the west of the existing and restored sidewalk be removed within 12 months of approval of 2025-VAC-012.

**RECOMMENDED MOTION (approval of waiver request without condition):** 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-012; that the vacation be subject to the right of public utilities under IC 36-7-3-16.

**RECOMMENDED MOTION (denial 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 required; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-012; 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 an unimproved alley right-of-way between New Jersey Street and Ogden Street, within the Old Northside Historic District (IHPC). The alley is unpaved except for a small curb cut and area of sidewalk along the eastern portion of the frontage. Areas parallel with the alley to the east and west are not publicly accessible. 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

Although a small portion of the existing alley is improved with sidewalk paving, most of the alley is not improved with any permanent hardscaping. However, the placement of the curb cut on the eastern side of the alley and the sidewalk paving that does exist imply that this alley was improved or publicly utilized in the past.

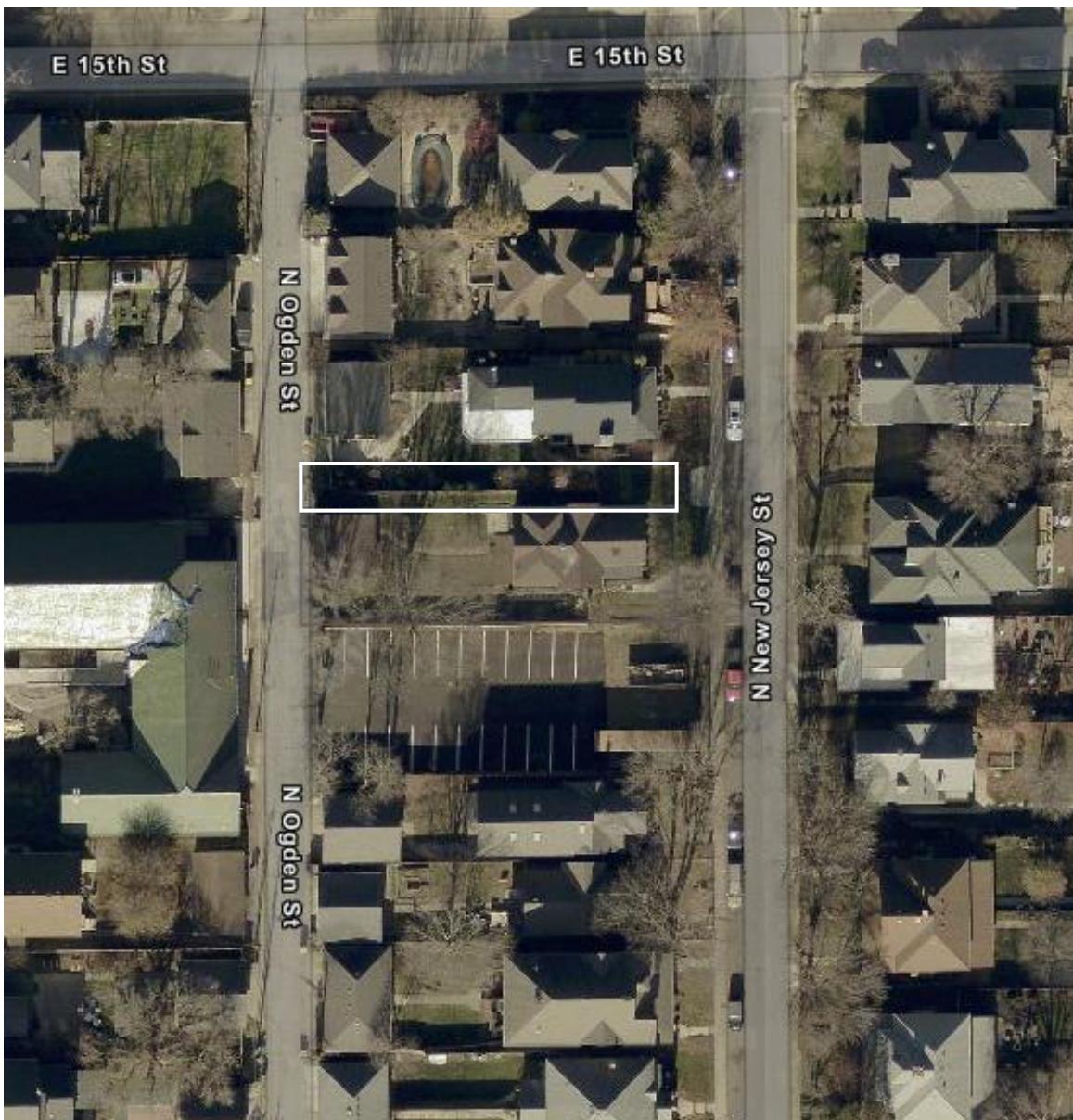
Staff indicated to the petitioner that if a commitment were in place to remove the eastern curb cut and restore that portion of sidewalk for full public pedestrian utilization, the waiver of the Assessment of Benefits could be supported. The petitioner did not express their openness to that compromise. Staff would not be supportive of the waiver without that proposed commitment in place, but if the petitioner agreed to restore the sidewalk the waiver would be supportable.

The first recommended motion would be to allow for the waiver with the commitment for sidewalk restoration in place (staff's position). The second recommended motion would be to approve the waiver without the commitment (petitioner's position). The third option would be to deny the waiver and require the Assessment of Benefits survey to take place (staff's alternate position if the Committee would prefer this to the sidewalk commitment).

## GENERAL INFORMATION

<b>Existing Zoning</b>	D-8 (IHPC-ON)	
<b>Existing Land Use</b>	Undeveloped Alley	
<b>Comprehensive Plan</b>	Traditional Neighborhood	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
North:	D-8	Residential
South:	D-8	Residential
East:	D-8	Residential
West:	D-8	Residential
<b>Thoroughfare Plan</b>		
New Jersey Street	Local Street	58-foot existing and 48-feet proposed
<b>Petition Submittal Date</b>	October 31, 2025	

**EXHIBITS**

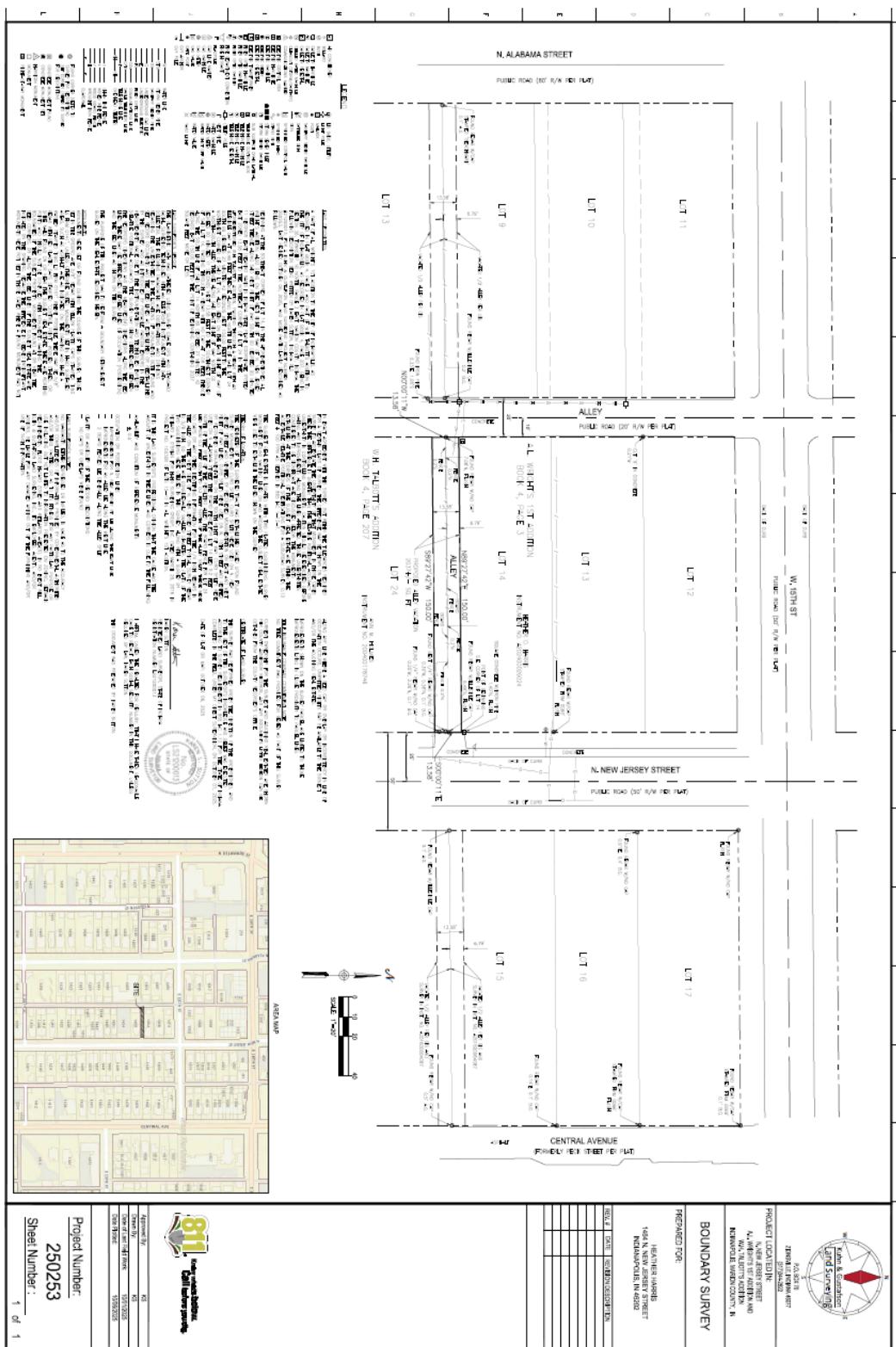


**1. THE PROPOSED VACATION IS IN THE PUBLIC INTEREST because:**

There is no public benefit in keeping the alley open and used by the public, as it terminates at both the east and west ends, the area can go back on the assessment roles.



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



PHOTOS



Photo 1: Existing Alley Viewed from East



Photo 2: Existing Alley Viewed from East (May 2024)



Photo 3: Existing Residence to North of Alley



Photo 4: Existing Residence to South of Alley



Photo 5: Existing Paving and Curb Cut to East of Alley along New Jersey

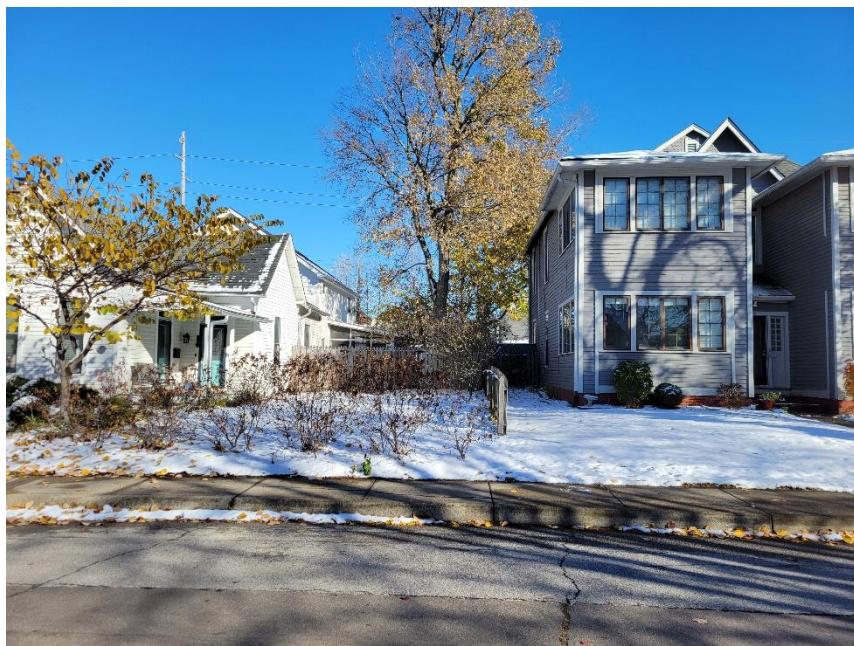


Photo 6: Adjacent Property to East of Proposed Vacation



Photo 7: Existing Alley Viewed from West



Photo 7: Adjacent Property to West of Proposed Vacation