

**PLAT COMMITTEE**

**January 11, 2023**

**Case Number:** 2022-VAC-008  
**Property Address:** 918 North Capitol Avenue (*Approximate Address*)  
**Location:** Center Township, Council District #11  
**Petitioner:** Civil and Environmental Consultants, Inc., by Anthony B. Syers  
**Zoning:** CBD-2 (RC)  
**Request:** Vacation of the first east-west alley south of 10<sup>th</sup> Street, being 15 feet wide, beginning at the west right-of-way line of Capitol Avenue, west 194.79 feet, to the east right-of-way line of Roanoke Street.  
**Waiver Requested:** None  
**Current Land Use:** Public alley  
**Staff Reviewer:** Jeffrey York, Senior Planner

**PETITION HISTORY**

This petition was heard and approved by the Plat Committee on December 14, 2022. This hearing is for the Assessment of Benefits.

**JANUARY 11, 2023, ASSESSMENT OF BENEFITS HEARING**

An appraisal has been submitted for the Plat Committee's consideration. Staff has reviewed the findings of the appraisal and agrees with its findings.

**ASSESSMENT OF BENEFITS**

Appraiser Used: Paul K, Schuster  
Appraiser's Benefits: \$800.00  
Appraiser's Fee: \$800.00

**RECOMMENDED MOTION (approval):** That the Plat Committee sustain, confirm, approve and adopt the Final Assessment Roll in 2022-VAC-008, assessing benefits in accordance therewith, in the amount of \$800.00 and that the petitioner pay the Appraiser's Fee of \$800.00.

**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 be held on January 11, 2023; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2022-VAC-008; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16.

## PETITION OVERVIEW

### SUMMARY

This petition, if approved, would vacate an east-west alley south of 10<sup>th</sup> Street and west of Capitol Avenue to provide land for a planned mixed-use development. This alley is improved with concrete and provides access to abutting properties. However, the planned development would combine the properties under one ownership. The north-south alley to the west, which is named Roanoke Street, would not be affected by this vacation if this petition would be approved.

### 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 land owner 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.

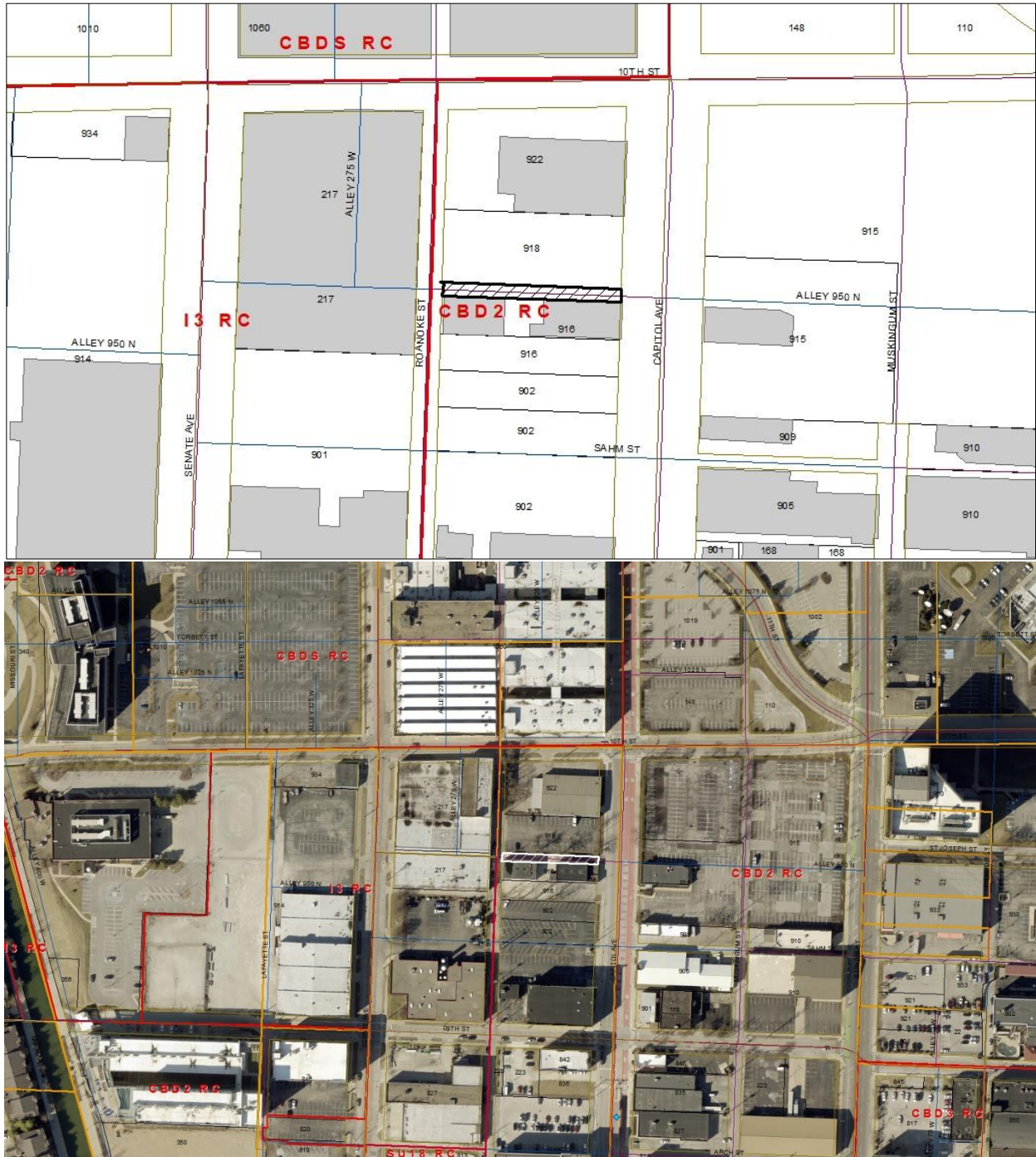
### ASSESSMENT OF BENEFITS

The subject right-of-way is improved; therefore, the land shall be subject to an Assessment of Benefits.

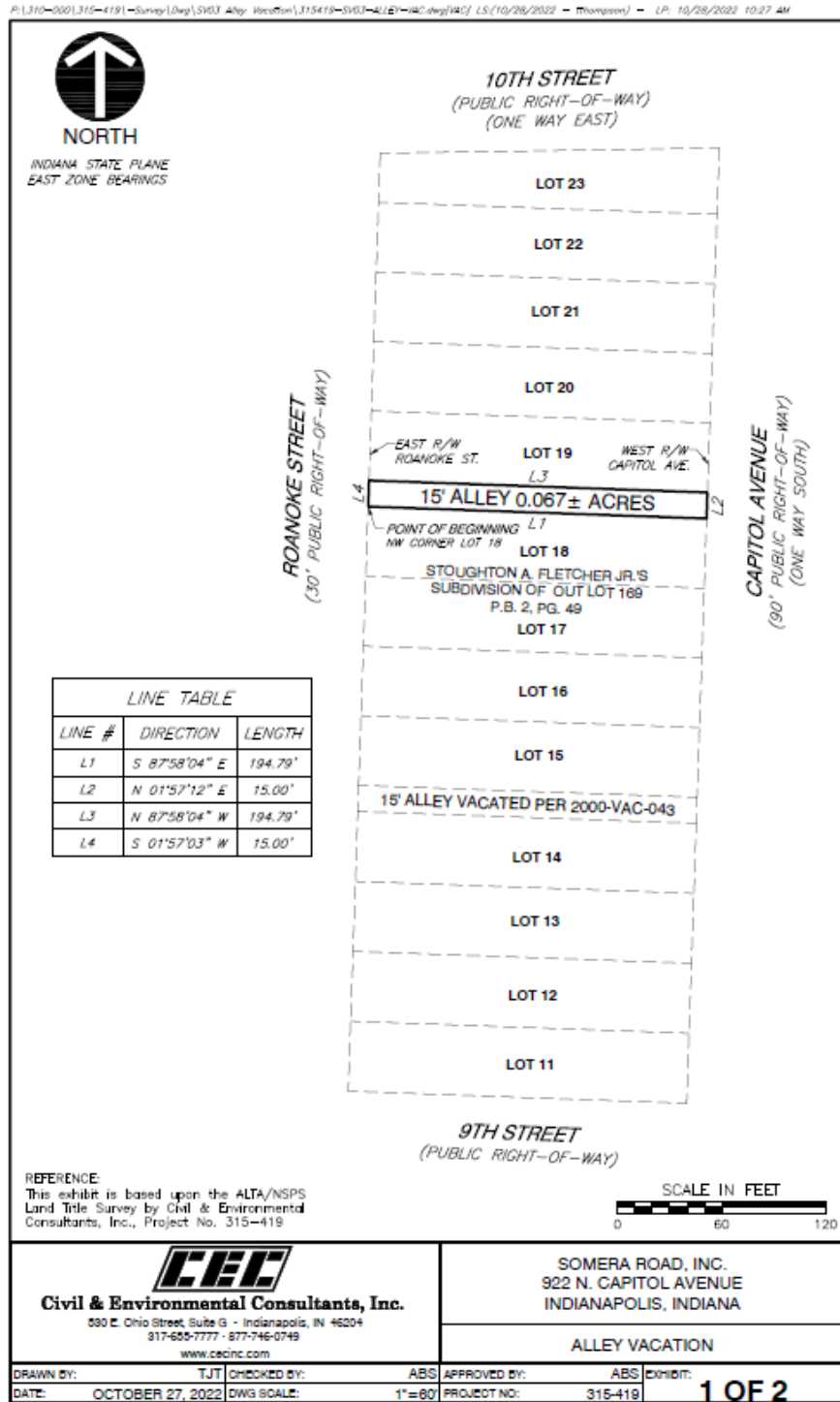
## GENERAL INFORMATION

<b>Existing Zoning</b>	CBD-2 (RC)	
<b>Existing Land Use</b>	Existing commercial buildings	
<b>Comprehensive Plan</b>	City Neighborhood development	
<b>Surrounding Context</b>	<u><b>Zoning</b></u>	<u><b>Land Use</b></u>
North:	CBD-2 (RC)	Stutz mixed-use development
South:	CBD-2 (RC)	Offices
East:	CBD-2 (RC)	Surface parking / commercial
West:	I-3 (RC)	Light industrial / commercial
<b>Thoroughfare Plan</b>		
Capitol Avenue	Primary arterial	78-foot existing and proposed
<b>Petition Submittal Date</b>	November 9, 2022	

EXHIBITS



Zoning map and aerial of site and surrounding area



P:\310-000\315-419\Survey\Draw\SW\315-419-Sub\315-419-Sub.dwg[40] LS(10/26/2022 - Thompson) - LP: 10/26/2022 10:28 AM

**15' WIDE ALLEY BETWEEN LOTS 18 AND 19  
 IN STOUGHTON A. FLETCHER JR.'S SUBDIVISION OF OUT LOT 169**

The 15 foot wide east-west alley lying between Lots 18 and 19 in Stoughton A. Fletcher Jr.'s Subdivision of Out Lot 169 as recorded in Plat Book 2, page 49 in the Office of the Recorder of Marion County, Indiana, located in the City of Indianapolis, Center Township of Marion County, Indiana, being more particularly described by Tyler J. Thompson, LS21400006 of Civil & Environmental Consultants, Inc. on October 27, 2022, as follows:

Beginning at the northwest corner of said Lot 18, being the intersection of the east right-of-way of Roanoke Street and the south right-of-way of said 15 foot alley; thence South 87 degrees 58 minutes 04 seconds East (Indiana State Plane East Zone Grid Bearings) along the north line of said lot a distance of 194.79 feet to the west right-of-way of Capital Avenue; thence North 01 degrees 57 minutes 12 seconds East along said west right-of-way a distance of 15.00 feet to the southeast corner of said Lot 19; thence North 87 degrees 58 minutes 04 seconds West along the south line of said lot a distance of 194.79 feet to the southwest corner thereof and said east right-of-way of Roanoke Street; thence South 01 degrees 57 minutes 03 seconds West along said east right-of-way a distance of 15.00 feet to the Point of Beginning, containing 0.067 acres of land, more or less.



Tyler J. Thompson  
 Registered Land Surveyor No. LS21400006  
 October 27, 2022  
 tthompson@cecinc.com  
 prepared by Tyler J. Thompson



I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Tyler J. Thompson

**REFERENCE:**

This exhibit is based upon the ALTA/NSPS  
 Land Title Survey by Civil & Environmental  
 Consultants, Inc., Project No. 315-419

**CEC**  
**Civil & Environmental Consultants, Inc.**  
 530 E. Ohio Street, Suite G - Indianapolis, IN 46204  
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 www.cecinc.com

SOMERA ROAD, INC.  
 922 N. CAPITOL AVENUE  
 INDIANAPOLIS, INDIANA

ALLEY VACATION

DRAWN BY: TJT	CHECKED BY: ABS	APPROVED BY: ABS	EXHIBIT: 2 OF 2
DATE: OCTOBER 27, 2022	DWG SCALE:	PROJECT NO: 315-419	

Photos



View of Roanoke Street, looking north. Subject alley is to the north of the white building



View of subject alley, looking east toward Capitol Avenue



Curb cut to subject alley, from Capitol Avenue



View of subject alley from Capitol Avenue, looking west toward Roanoke Street (a named alley)