Department of Metropolitan Development
Division of Planning
Current Planning

METROPOLITAN DEVELOPMENT COMMISSION — November 18, 2026

Case Number:	2026-VAC-007
Property Address:	1525, 1540, and 1543 West Ohio Street; 211, 217 and 221 North Reisner Street; & 126 and 130 Koehne Street (*Approximate Addresses*)
Location:	Center Township, Council District #18
Petitioner:	Church, Westside Pentecostal Assembly Trustees by Justin Kingen
Request:	Vacation of the first north-south alley east of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Ohio Street, south 180 feet, to the north right-of-way line of Everett Street, with a waiver of the assessment of benefits. Vacation of the first north-south alley east of Reisner Street, being 15.12 feet in width, beginning at the south right-of-way line of Astor Street, south 56.20 feet, with a waiver of the assessment of benefits.
Waiver Requested:	Assessment of Benefits
Current Land Use:	Parking/Maneuvering Area for Religious Use
Staff Reviewer:	Michael Weigel, Principal Planner I

PETITION HISTORY

10/7/26: A continuance request made by the petitioner was granted to continue the hearing for this petition to the November 18th, 2026 hearing date of the MDC. A request will be made by the petitioner on the day of the hearing to rejoin part A and part B of the petition. The report below has been updated from the original version seen by the Plat Committee to provide recommended motion language for alternate approval or denial options.

9/7/26: The Plat Committee heard testimony related to the petition and then acted upon a split-ballot motion made by Committee member Joe Smoker (part A was to be for the 180-foot alley, and Part B was to be for the 56.2-foot alley). However, the subsequent vote did not conform to the motion as originally stated. As a result, there is a question regarding the procedural validity of the resulting recommendation and action. On September 10th, the Administrator filed a formal appeal of the recommendation and action (per Article V, Section 1 of the Rules of Procedure) to allow for the matter to be considered by the full Commission through the public hearing process.

8/12/26: A continuance request made by the petitioner was granted to allow them time to obtain demolition permits related to two residences previously removed.

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** subject to the below commitment.

RECOMMENDED MOTION (approval of waiver request): That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be waived; that the Metropolitan Development Commission confirm and ratify the adoption of Declaratory Resolution 2026-VAC-007; that the vacation be subject to the right of public utilities under IC 36-7-3-16; and subject to the following commitment: *(see next page of report)*

> *That a Regional Center approval petition and Improvement Location Permit be filed retroactively for the expansion of parking area done at 1540 West Ohio Street, 217 & 221 Reisner Street, and within the northern alley within six (6) months of approval of the vacation petition.*

Should the Commission wish to either approve a vacation but deny the waiver of the Assessment of Benefits (which would require an appraisal to ascertain the value of the land) or deny a vacation (which would require removal of paving from the alley), the below recommended language could be applicable:

RECOMMENDED MOTION (denial of solely the waiver request): That the Metropolitan Development Commission find that the proposed vacation is in the public interest; that a hearing upon the assessment of benefits be required; that the Metropolitan Development Commission confirm and ratify the adoption of Declaratory Resolution 2026-VAC-007; and that the vacation be subject to the right of public utilities under IC 36-7-3-16.

RECOMMENDED MOTION (denial of vacation): That the Metropolitan Development Commission find that the proposed vacation is not in the public interest and deny the vacation request.

PETITION OVERVIEW

SUMMARY

This request involves two alleys in total: the southernmost alley is 180 feet in length and connects Ohio Street and Everett Street between Reisner Street and Koehne Street, and the northernmost alley stub is located to the south of Astor Street (also between Reisner and Koehne). A portion of the alley between the northern alley stub and Ohio Street was previously vacated by the petition 75-VAC-3. Alley to the north of the subject site is improved with gravel and used for access by multiple homes, whereas alley to the south of the subject site is unimproved and does not appear to be regularly utilized for access. An Exhibit showing areas of proposed vacation is within the Exhibits below.

The properties are currently improved with one building to the north of Ohio Street containing a religious use, one accessory building to the south of Ohio Street, and accessory paved parking areas for the religious use on the subject parcels on either side of the alleys seeking vacation. Demolition of a residence and an expansion of parking areas to the south of Ohio Street occurred in 2015. Similarly, the parking areas to the north were expanded in 2023 (see aerial photographs within Exhibits below).

Although a Regional Center approval and Improvement Location Permit were granted for the 2015 expansion, no similar zoning approvals were given for the more recent 2023 expansion of parking areas onto both privately owned parcels as well as into the remaining alley stub. Additionally, no encroachment license applications appear to have been made for the placement of paving within the two existing alleys.

Approval of the vacation petition would allow for the alley areas already paved to be utilized for private function. It would remove the need for a retroactive ENC license but would not impact the need for any retroactive Regional Center or ILP approval on the northern parcel. Given **(a)** the 'stub' nature of the remaining alley to the north; **(b)** the lack of through-connectivity from the alley to the south (which is unimproved and terminates after 1 block); and **(c)** the fact that land on either side of these alleys is jointly owned and already improved with accessory parking areas, staff would agree that a vacation petition to allow for private maintenance to legally continue would be within the public interest and recommends **approval** of the requested vacations.

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

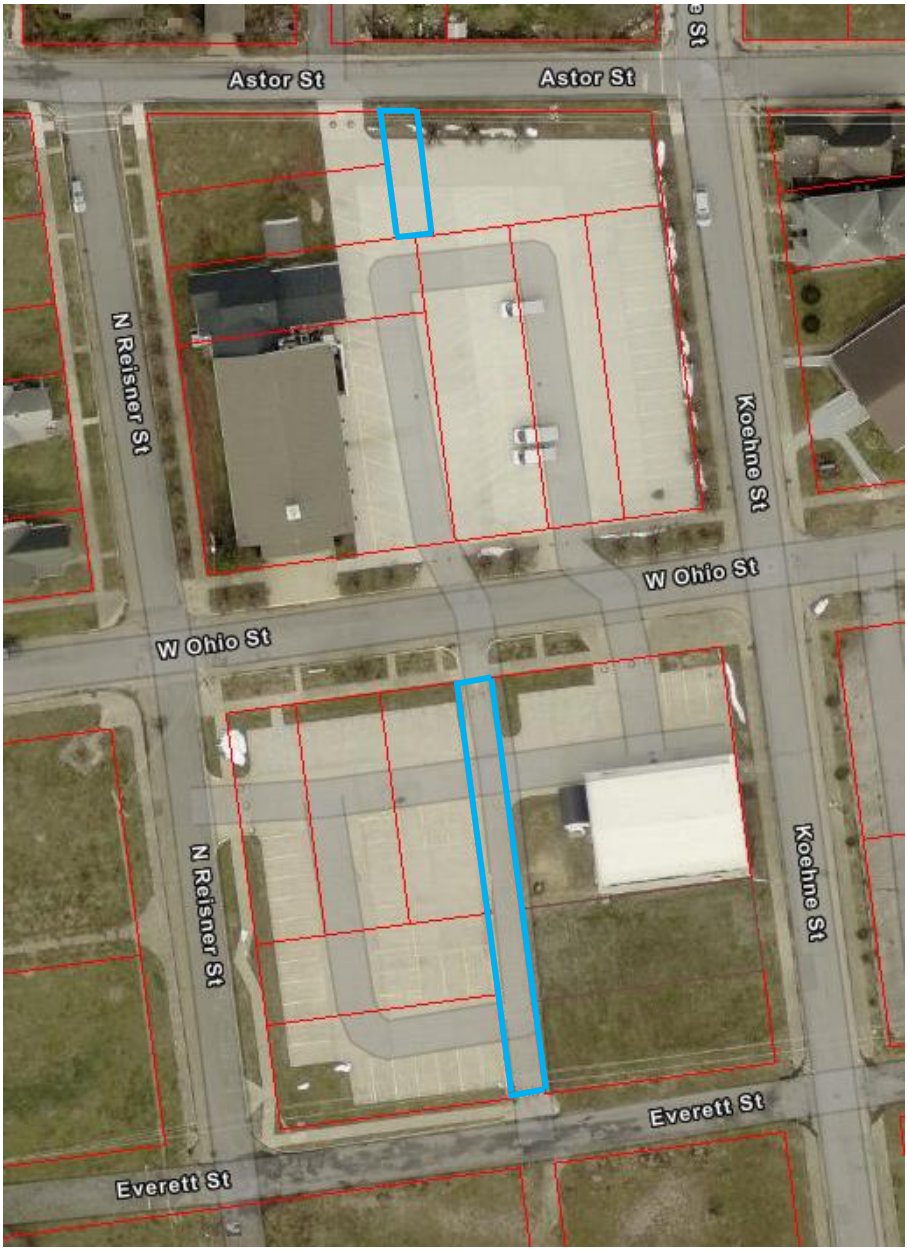
Staff would note that both alleys are improved with paving, but that it does not appear that these improvements were originally installed by the City in 2015 and 2023, or that there has been City involvement with maintenance of those paved areas since installation. The work appears to have been done by the property owner on either side of the alley, without an encroachment license. Although the Assessment of Benefits waiver would be based upon both the value of the land itself as well as any improvements upon it, the aerial photographs below demonstrate that the property owner has done all installation of paved areas and therefore would have been directly responsible for much of the assessed value of the land and improvements.

Staff would also note that although vacation approval would remove the need for an encroachment license, it would *not* remove the need for Regional Center approval or an Improvement Location Permit for the parking expansion undertaken at the three northern parcels in 2023. Staff would recommend **approval** of the waiver of the assessment of benefits on the condition that a retroactive application for those missing zoning approvals be made within 6 months of approval of the vacation. The petitioner indicated their agreement to this commitment as written above.

GENERAL INFORMATION

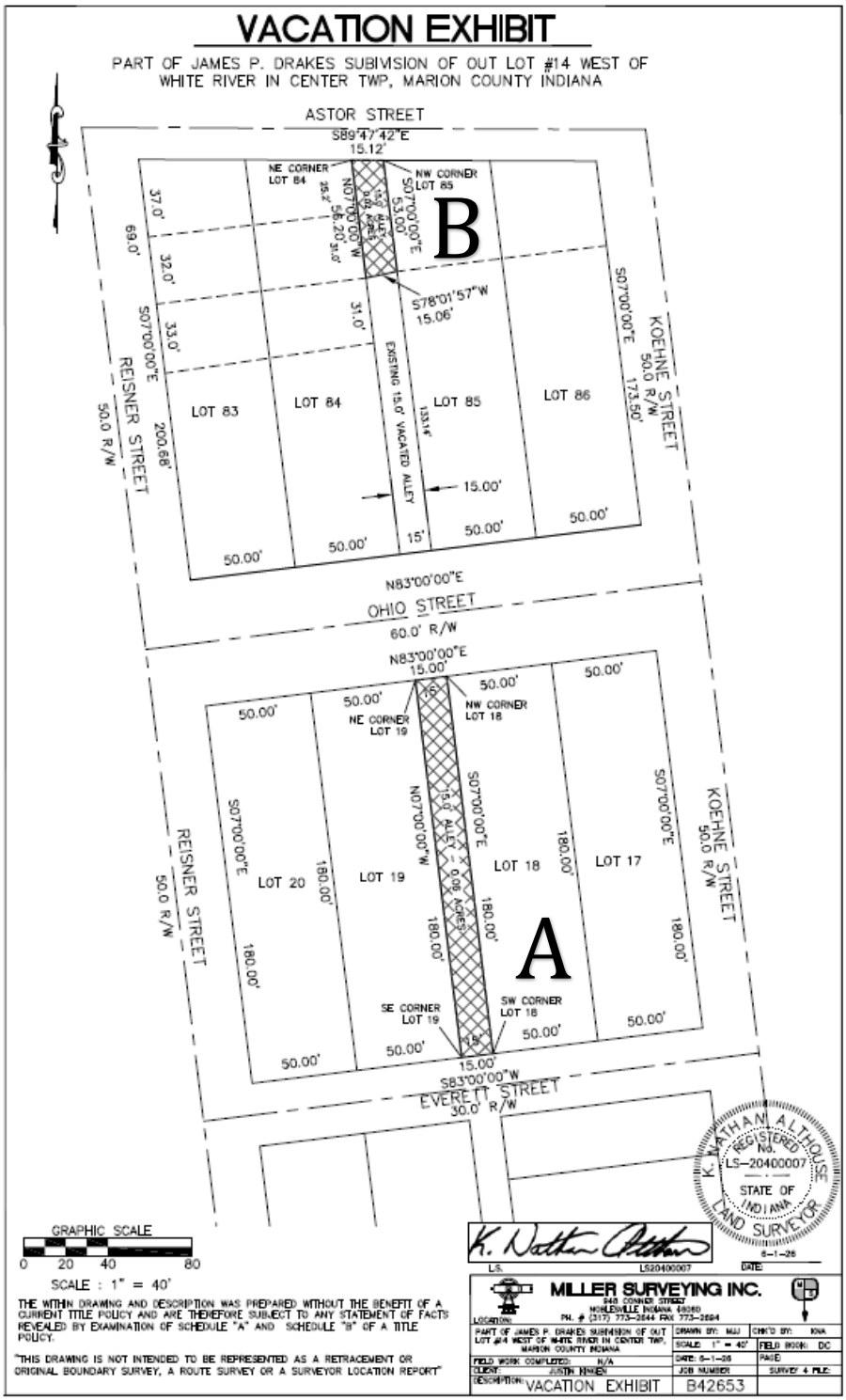
Existing Zoning	SU-1 (TOD)	
Existing Land Use	Parking/Maneuvering Area for Religious Use	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	**Zoning**	**Land Use**
North:	D-8	Residential
South:	I-4 / C-3	Residential / Undeveloped
East:	SU-1 / D-8	Residential / Institutional
West:	D-8 / PK-1	Residential / Park
Thoroughfare Plan		
Astor Street	Local Street	30-foot existing and 48-feet proposed
Ohio Street	Local Street	64-foot existing and 58-feet proposed
Everett Street	Local Street	31-foot existing and 48-feet proposed
Petition Submittal Date	July 7, 2026	

EXHIBITS



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

The lots abutting the proposed alley vacations have come under common ownership and have been used in such a way that they are functionally unusable by the general public. Approval of this vacation request would relinquish Any responsibility of the City to improve and or maintain these alleys, allowing for the prioritization of other rights-of-way.



Note: letters 'A' and 'B' denote the first and second portions of the previously split request



2023 aerial of northern parcels



2014 aerial of southern parcels

PHOTOS



Photo 1: Northern Alley to be Vacated Viewed from Astor



Photo 2: Northern Alley to be Vacated Viewed from Astor (May 2019)



Photo 3: Previously Vacated Alley Viewed from Ohio



Photo 4: Southern Alley to be Vacated Viewed from Ohio



Photo 5: Southern Alley to be Vacated Viewed from Ohio (May 2014)



Photo 6: Southern Alley to be Vacated Viewed from Everett



Photo 7: Public Alley to North of Subject Site Viewed from Astor



Photo 8: Public Alley to South of Subject Site Viewed from Everett



Photo 9: Existing Building on 1540 Ohio and 211 Reisner



Photo 10: Existing Building on 1525 Ohio