

## PLAT COMMITTEE

April 9, 2025

<b>Case Number:</b>	2025-VAC-002
<b>Property Address:</b>	1450 South Reisner Street ( <i>Approximate Address</i> )
<b>Location:</b>	Center Township, Council District #18
<b>Petitioner:</b>	Indianapolis Public Schools, by Russell McClure
<b>Zoning:</b>	SU-2
<b>Request:</b>	Vacation of the first north-south alley west of Reisner Street, being 15 feet in width, beginning at the south right-of-way line of Howard Street, south 120 feet.
<b>Waiver Requested:</b>	Assessment of benefits
<b>Current Land Use:</b>	Playground
<b>Staff Reviewer:</b>	Jeffrey York, Principal Planner II

## PETITION HISTORY

This vacation petition was continued from the March 12, 2025, hearing to the April 9, 2025, hearing, at the request of staff.

## 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 waived; that the Plat Committee confirm and ratify the adoption of Declaratory Resolution 2025-VAC-002; and that the vacation be subject to the rights of public utilities under IC 36-7-3-16, with the following commitment:

A vacation petition shall be filed within one year of approval of 2025-VAC-002, for the remaining unimproved east-west public alley that abuts the subject alley and extends 157.72 feet west to Richland Street.

## PETITION OVERVIEW

### SUMMARY

This petition, if approved, would vacate an unimproved alley that is currently improved with a playground for a school. This alley, which is 120 feet in length, and 15 feet in width, begins at the south right-of-way of Howard Street. The alley dead ends at an abutting east-west alley that extends west to Richland Street. This east-west alley is also unimproved.



**PETITION OVERVIEW - CONTINUED**

Staff is concerned with creating a dead-end alley, if this vacation is approved, even if the abutting alley is unimproved. Staff would support this vacation only if a commitment is approved, along with the approval of the vacation, that would require a subsequent vacation petition to be filed to vacate the east-west alley within one year of approval.

**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.

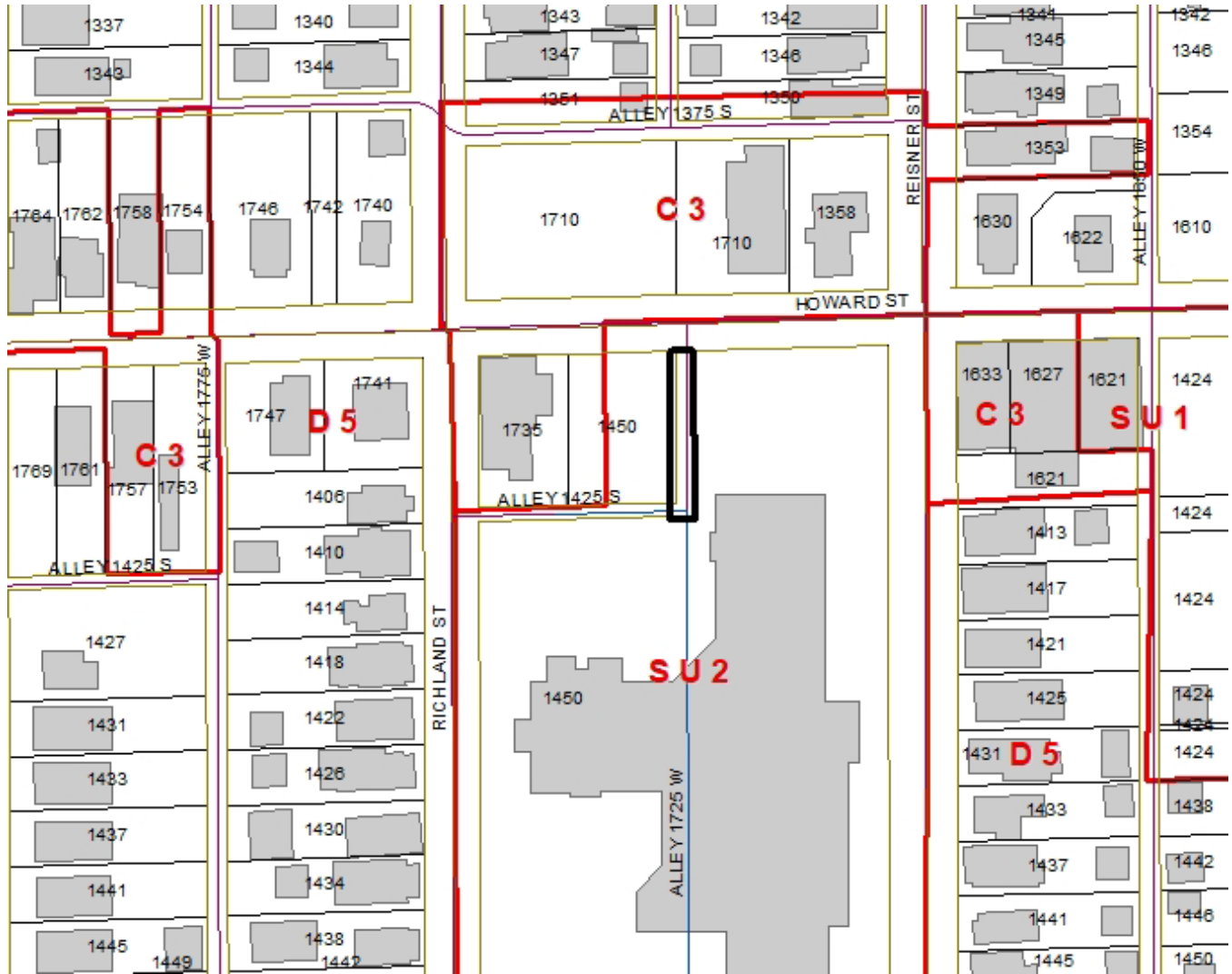
**ASSESSMENT OF BENEFITS**

The subject right of way is unimproved, therefore, the requested waiver of the Assessment of Benefits would be appropriate.

**GENERAL INFORMATION**

<b>Existing Zoning</b>	SU-2	
<b>Existing Land Use</b>	School	
<b>Comprehensive Plan</b>	Special Use	
<b>Surrounding Context</b>	<b>Zoning</b>	<b>Land Use</b>
	North:	SU-2 School
	South:	SU-2 School
	East:	SU-2 School
	West:	D-5 Residential
<b>Thoroughfare Plan</b>		
Howard Street	Local Street	48-foot existing and proposed
Richland Street	Local Street	48-foot existing and proposed
<b>Petition Submittal Date</b>	January 8, 2025	

**EXHIBITS**



Zoning map of site and surrounding area





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 public RoW is contained completely within IPS property as part of a playground and has been Improved and maintained by IPS

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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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Photos



Photo of subject alley from Richland Street



Photo of subject alley from Richland Street



Photo of abutting alley that extends to Richland Street