

PETITION TO VACATE PUBLIC WAYS OR PUBLIC PLACES Unincorporated St. Joseph County

Petitions to vacate public ways or public places may be filed by one or multiple owners of property which abuts the public way to be vacated. Note that vacations which create dead-end alleys are not permitted.

Instructions for Petitioner:

1. Preliminary consultation. Petitioner(s) shall meet with the Division of Planning and Zoning staff prior to filing the Petition to Vacate. Staff will review your request, explain the process, and provide all the information necessary to complete the application. Your request will be reviewed on a preliminary basis by the respective public agencies for their input and recommendation. After receiving feedback from the agencies, the staff will inform the petitioner of any opposition to the vacation and its likelihood of success. The petitioner will determine whether to proceed with the request.
2. Filing the Petition to Vacate. Petitioner(s) will complete "Section 2: The Circumstances of the Case" of the Petition to Vacate. Submit the completed form to the Division of Planning and Zoning, along with the \$200 filing fee (payable to Area Plan Commission), \$25 recording fee (payable to the St. Joseph County Recorder), and the \$10 Auditor fee (payable to the St. Joseph County Auditor). Staff will provide the appropriate legal description for "Section 1: Legal Description of the Property to be Vacated".
3. County Council Hearing. After the staff prepares and submits an Ordinance for Vacation to the County Council, staff will inform the petitioner of the day and time of the County Council Land Use Committee meeting and the County Council hearing during which the vacation will be heard. Petitioner(s) must be present for both meetings. The County Council will either approve or deny the vacation at their public hearing.

Per IC Section 36-7-3-13, when considering a proposed vacation, the County Council shall pay reasonable regard to the following:

- a) Whether the vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- b) Whether the vacation would make access to property by means of public way difficult or inconvenient;
- c) Whether the vacation would hinder the public's access to a church, school, or other public building or place; and
- d) Whether the vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Staff Responsibilities:

1. Create map, legal description, and notification list of abutting property owners of the proposed vacation and distribute to the appropriate reviewing agencies.
2. Conduct preliminary review with public agencies and provide agency feedback to the petitioner(s).
3. Draft and file the Vacation Ordinance and inform petitioner(s) of date and time of the Land Use Committee and the County Council meetings.
4. Notify abutting property owners (who did not provide their signature as a petitioner) through certified mail.

PETITION TO VACATE A PUBLIC WAY OR PUBLIC PLACE

Unincorporated St. Joseph County

I (we), the undersigned, petition the St. Joseph County Council to vacate a public way or public place, the portion of which to be vacated lies entirely within unincorporated St. Joseph County and is specifically described in Section 1 below. The undersigned further certify that (he, she, they) are owners of property contiguous to the public way or place of which vacation is hereby sought.

Section 1: Legal Description of the Property to be Vacated

Specifically describe the property so there is no mistake as to its location. In the case of streets, use the legal street name with a starting and ending point (example: "Birch Street from Peach Street to Maple Street"). Alleys should be described by their direction and surrounding streets (example: "the first east-west alley south of Birch Street between Peach Street and Maple Street"). The creation of dead-end alleys is not permitted.

Section 2: The Circumstances of the Case

1. State the reason for the vacation request:

2. Describe why the vacation would:
 - a. NOT hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous:

 - b. NOT make access to property by means of public way difficult or inconvenient:

- c. NOT hinder the public's access to a church, school, or other public building or place:

- d. NOT hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous:

Section 3: Petitioner Signature(s)

Print Name	Address	Parcel ID	Signature
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Contact Person

Designate one petitioner to be contacted by Division of Planning and Zoning staff regarding the status of this petition.

- Name:

- Address:

- Phone Number:

- E-Mail Address: