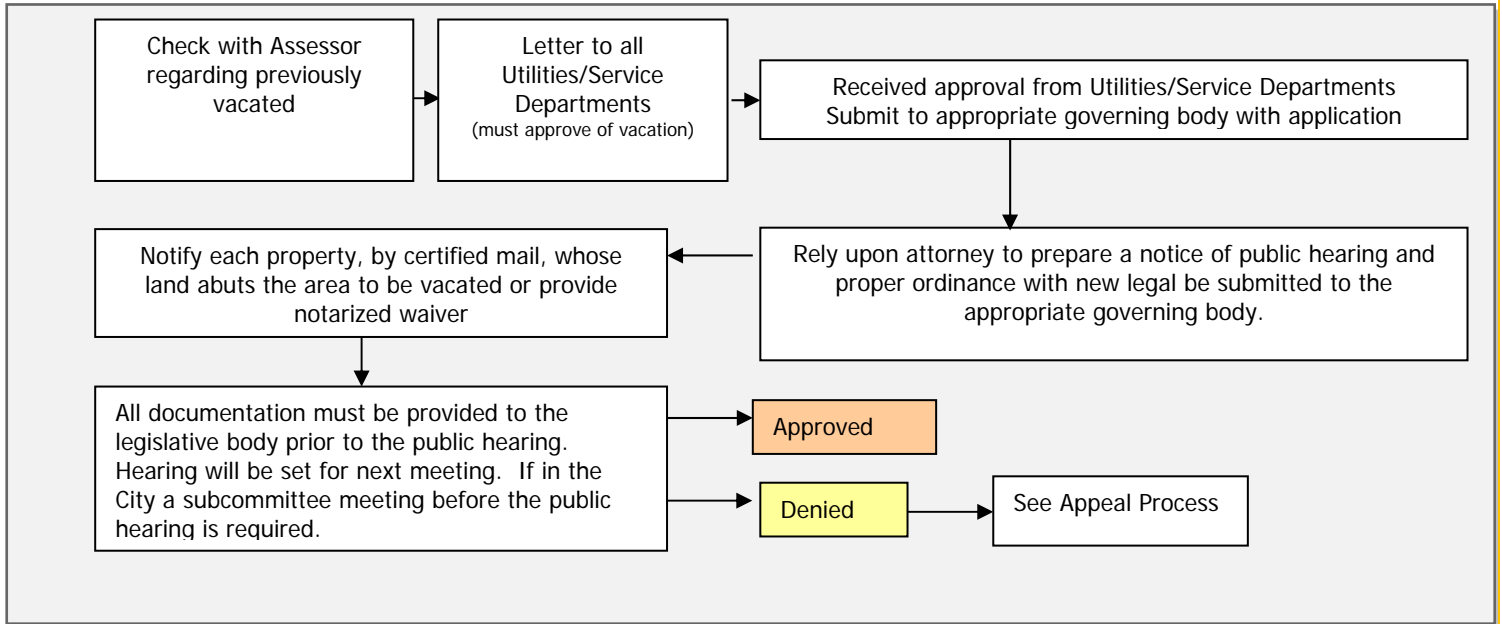


RIGHT-OF-WAY VACATION PROCESS



Filing instructions

- A. The applicant is required to:
1. fill out application
 2. Provide instrument for vacation (like a deed of land)
 3. State the reasons for and circumstances prompting the request
 4. Specifically describe the property in the plat proposed to be vacated
 5. Give the name and address of each owner of land in the plat

The petitioner must also provide information about recorded covenants and commitments if they are seeking to vacate those as well.

- B. Within 30 days the appropriate legislative body will have a public hearing.
- C. If denied the appropriate governing body may provide petitioner with written findings that set forth the decision. After 2 years the request may be heard again by such body.

**Note that decisions are final and that any aggrieved party may seek review through IC 36-7-4-1016*

- D. Petitioner must record the instrument with the certificate showing the approval of the vacation from the Council or Commissioners.

**Note that the description of lots and parcels shall be preserved even after vacation unless 5 acres or more which can be described by metes and bounds.*

Legislative Body Public Hearing/Meeting Dates

Logansport City Council: 1st Monday of the Month at 6:30pm in the City Council Chambers, 3rd Floor, Logansport City Building located at 601 East Broadway, Logansport. There must be two readings to approve a rezone.

Cass County: 1st and 3rd Monday of the Month at 1:00pm in the County Commissioners, 2nd Floor, Cass County Government Building located at 200 Court Park, Logansport. Only one reading is required for rezone approval.

Walton: 1st Monday of the Month at 6:30pm in Walton Town Hall located at 100 Depot St., Walton. Only one reading is required for rezone approval.

Example Letter to Utility/Service Departments

PLAT/PUBLIC WAY/PLATTED EASEMENT VACATION

***NOTE: Please fill out entire Application and submit with documents listed below. Incomplete Applications will not be accepted. In addition to Application the Applicant must SUBMIT an INSTRUMENT OF VACATION (deed of land or survey).**

APPLICANT INFORMATION:

Name: _____
Address: _____
Telephone: _____

OTHER CONTACT (Agent/Surveyor):

Name: _____
Address: _____
Telephone: _____

STATE THE REASONS FOR AND CIRCUMSTANCES PROMPTING REQUEST:

PLAT VACATION:

Lot(s): _____ Block(s): _____
Subdivision: _____
Property Street Address: _____
Adjacent Streets: _____
Zoning District: _____ Total acreage: _____
Parcel ID: _____

Covenants or Commitments with Parcels: Yes () No ()

If yes, do you want to vacate them as well? Yes () No ()

Provide a list of names and address of each owner of land in the plat:

STREET VACATION:

Street: _____
Legal description: _____
Platted: Lot(s) _____ Block(s) _____
Subdivision/Addition: _____
Section: _____ Township: _____ Range: _____

Parcel ID: _____ Total acreage: _____

Provide a list of names and address of surrounding property owners:

“As the Applicant, I state that the information provided in this Application and all attachments if true and accurate to the best of my knowledge. I understand that inaccurate information may result in delayed review and scheduling of this item.”

Signature of Applicant

Date

Example Letter to Utility/Service Departments

Date

Utility/Service Departments
Address

Dear Mr. Dunderman,

I am interested in vacating an alley. The alley to be vacated is a north/south alley which runs between 112 & 114 Simple Street. I have enclosed, for your convenience, a map of this section and have highlighted the specific area. Please advise me in writing if you approve or if the closing of these platted alleys/streets would create any hardship for your utility or service company.

For your convenience, you may check the appropriate line below, sign your name and date. I have also enclosed a self-addressed stamped envelope for your convenience.

_____ Yes, I approve of the vacation.

_____ No, I do not approve of this vacation. If no, please explain.

SIGNATURE COMPANY

DATE

Your prompt response to this request is greatly appreciated.

Sincerely,
Petitioner
Address

Example Notice for Public Hearing

Notice is hereby given that the appropriate governing body will hold a public hearing on _____ at _____ in the location of hearing Logansport, Indiana, regarding the proposed alley vacation at _____. The following are the legal descriptions that run along such alley:

_____ The public is invited to comment on any of the matters herein noted, and all taxpayers, residents or interested parties who appear will be given a reasonable opportunity to express their views, both orally and in writing, on the proposed alley vacation.

For more information please call appropriate governing body contact information.

UTILITY & SERVICE DEPARTMENTS

Note: This is NOT an all-encompassing list. You must contact your specific providers in your area.

Northern Indiana Public Service Company
1619 W. Logansport Road
Peru, IN 46970
(765) 472-6469
Or other utility providers

Logansport Municipal Utilities
601 E. Broadway, Room 101
Logansport, IN 46947
(574) 753-6231
Or other utility providers

Frontier
3216 Imperial Parkway
Lafayette, IN 47909
(765) 423-3531
Or other telephone and internet providers

Comcast
1413 S Reed Rd.
Kokomo, IN 46902
(800)934-6489

Logansport Street Department
612 Race Street
Logansport, IN 46947
(574) 753-4610

Logansport Fire Department
630 High Street
Logansport, IN 46947
(574) 753-3102

Wabash Valley Refuse
316 Spring Valley Road
Wabash, IN 46992
1-800-989-2539
or other trash providers

Police
601 E Broadway
Logansport, IN 46947
(574) 753-4101

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Common Council of the City of Logansport will hold a public meeting on _____ at _____ in the Council Chambers on the 3rd floor of the City Building, 601 E Broadway, Logansport, Indiana regarding the proposed alley vacation at _____. The following are the legal descriptions that run along said alley:

The public is invited to comment on any if the matters herein noted, and all taxpayers, residents or interested parties who appear will be given a reasonable opportunity to express their views both orally and in writing, on the proposed alley vacation.

For more information please contact the Clerk-Treasurers office (574) 753-4745

Un traductor estará disponible para esta reunion. Si se solicita 36 horas antes (no los fines de semana) por favor, tenga a alguien que hable inglés contacto con la oficina del alcalde (574)753-2551 para hacer una petición.

ORDINANCE 2020-

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPOORT, INDIANA VACATING AN ALLEY IN THE CITY OF LOGANSPOORT

WHEREAS, on proper petition after public notice and hearing as provided by law, the Common Council of the City of Logansport, Indiana has heard evidence and testimony recommending that a certain alley be vacated and abandoned, such alley is fully described as follows: the alley lying immediately _____; and

WHEREAS, the Common Council of the City of Logansport, Indiana has solicited input or excepted a waiver from adjoining landowners that might be affected by the vacation of said alley, and the vacation of said alley will have no adverse effect to them; and

WHEREAS, it is the desire of the Common Council of the City of Logansport, Indiana to vacate the above described alley in its entirety to _____; and

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Logansport, Indiana:

SECTION 1. That the new legal description of the alley should be as follows:

SECTION 3. That the vacation of the alley will not hinder the growth or development of the neighborhood in which it is located, will not make access to lands to any person by means of public way difficult or inconvenient, will not hinder the public's access to any church, school, or any public building or place, or hinder the public way, and is not for public benefit use.

SECTION 4. That this ordinance shall be in effect after its passage by the Common Council of the City of Logansport, Indiana.

INTRODUCED, FILED AND APPROVED on first reading by a vote of _____ in favor and _____ opposed on the _____th day of _____, 2020.

DULY PASSED, ORDAINED AND ADOPTED this ___ day of _____, 2020, by the
Common Council of the City of Logansport, Cass County, Indiana by a vote of ___ in favor and
___ opposed.

Common Council of the City of Logansport, Indiana

By: _____

, President

ATTEST:

, Clerk Treasurer

Submitted to, approved by, and signed by me, the Mayor of the City of Logansport, Indiana this
___ day of _____, 2020.

, Mayor