

WHITLEY COUNTY ADVISORY PLAN COMMISSION
STAFF REPORT

19-W-VAC-2 **PLAT VACATION**
Dwight and Patricia Stetzel, trustees
Vacation of part of Lewis Deems Addition to the Town of Forest

AUGUST 21, 2019
AGENDA ITEM: 1

SUMMARY OF PROPOSAL

The petitioner is seeking to vacate a part of Lewis Deems Addition to the Town of Forest (now Laud), located on the west side of CR 200E, 600' south of Taylor Street. Doing so would allow them to combine the resulting 1.3± acre parcel with the adjacent 93± acres they own. As it is, platted and unplatted parcels cannot be combined.

The Lewis Deems Addition was recorded August 10, 1882. As platted, the subdivision was comprised of 12 lots, three new streets, right-of-way for Line Street (now 200E), and several alleys. Much of the platted rights-of-way located north of the Goble legal drain have been previously vacated by the County Commissioners, with the most recent in 1995.

This proposal is to vacate a portion of the plat lying south of the Goble legal drain, inclusive of all lots and rights-of-way owned by the petitioner. To the best understanding of staff, the subject area of the plat has never been developed nor used for any purpose other than agriculture.

There are no known covenants recorded for the subdivision, which is typical given the age of the plat.

REVIEW CRITERIA

Indiana Code §36-7-4-711, the Subdivision Control Ordinance, and the Zoning Code provide standards for plat vacations, including a requirement to make determinations regarding the criteria listed below. Staff's comments are under each criterion.

1. Conditions in the platted area have changed so as to defeat the original purpose of the plat;

The part of the platted area in question has never been developed, nor ever been used for non-agricultural purposes, nor is it reasonable to expect these lots to be developed as platted at any time in the future. Additionally, at some point the Goble legal drain was constructed through the plat, changing the feasibility of developing the lots; this is now further complicated by the designation of floodplain along the drain. Therefore, the conditions of the area have changed so as to defeat the intended purpose of the plat.

2. It is in the public interest to vacate all or part of the plat; and

The platted lots in question fall far below the minimums now required by the zoning code for lot area, width, and so on. Since sanitary sewer is not available, it is highly unlikely that any lot would be capable of containing a septic system. Elimination of non-compliant parcels, particularly those that arguably could produce a public health hazard, is typically in the public interest. To the extent that such elimination necessitates a plat vacation, the vacation would also be in the public interest.

That said, there is a public interest not to vacate that platted right-of-way along Line Street (now 200E).

3. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

The vacation does not change the permissibility of any uses under the zoning code, nor is any change of use proposed. Based on the feedback received so far by staff, the presence of a platted subdivision here was unknown to most people in the area prior to this request. Therefore the vacation is not expected to diminish the value of the remainder of the subdivision.

SUGGESTED CONDITIONS

Staff finds that the proposed vacation appears consistent with the standards, with the following condition(s):

1. The vacation is for that part of the Lewis Deems Addition to the Town of Forest (now Laud), lying south of the centerline of Enos Goble Ditch and west of the right-of-way of Line Street (now CR 200E), including any previously vacated streets or alleys.

Date report completed: 8/12/19

PLAN COMMISSION ACTION

Motion:

By:

Second by:

<i>Vote:</i>	Hodges	Deckard	Johnson	Mynhier	Western	J. Wolf	B. Wolfe	Woodmansee	Wright
<i>Yes</i>									
<i>No</i>									
<i>Abstain</i>									

The applicant is requesting a vacation of Lots 7, 8, 9, 10, 11, 12, and Right of Way from the plat of the Lewis Deems Addition.



Mark Cullnane

From: Brandon Forrester
Sent: Monday, August 12, 2019 11:38 AM
To: Nathan Bilger; Mark Cullnane
Subject: RE: Request for comment RE: 19-W-VAC-2

With that all said, my comment would be that we don't vacate the current road row.

Thank you,

Brandon C Forrester PE
Whitley County Engineer
801 S Line St
Columbia City IN 46725
(260) 248-3124 desk
(260) 248-3125 fax

From: Nathan Bilger
Sent: Monday, August 12, 2019 11:35 AM
To: Brandon Forrester; Mark Cullnane
Subject: RE: Request for comment RE: 19-W-VAC-2

Correct, the ROWs from Lot 7 north to the NW corner of Lot 4 were vacated in 1995-100286. Mahan sold his property lying south of the ditch to the Stetzels earlier this year. We looked at that split in parcel committee.

For the purpose of vacating, the plat is the survey. They will then combine the vacated plat with the field acreage, which does need a survey.

Nathan Bilger, AICP
Executive Director
Columbia City/Whitley County Joint Planning & Building Dept
220 W Van Buren Street, Ste 204
Columbia City, IN 46725
(260) 248-3112

From: Brandon Forrester
Sent: Monday, August 12, 2019 9:04 AM
To: Mark Cullnane
Cc: Nathan Bilger
Subject: RE: Request for comment RE: 19-W-VAC-2

Mark,

Is there a survey of what is proposed to be vacated? It appears that some of the row's have already been vacated. I presume Mahan is not involved?

Thank you,

Brandon C Forrester PE
Whitley County Engineer
801 S Line St
Columbia City IN 46725
(260) 248-3124 desk
(260) 248-3125 fax

From: Mark Cullnane
Sent: Thursday, August 8, 2019 12:11 PM
To: Emily Romine; Brandon Forrester; Brandon Forrester; Scott Wagner; b_deutsch@nremc.com;
jrkanouse@NiSource.com; William.T.Sanner@CenturyLink.com; jon.gotz@in.nacdnet.net; buscofire@frontier.com;
jhollenbaugh@whitleysd.com
Cc: Amanda Thompson
Subject: Request for comment RE: 19-W-VAC-2

Hello:

I am reaching out today to request comment on 19-W-VAC-2 application to vacate Lots 7, 8, 9, 10, 11, 12, and Right of Way (1.45± acres) of Lewis Deems Addition to metes and bounds. Please see the attached materials for more information pertaining to this application.

The PINS associated with this application are:
92-09-24-111-007.000-013
92-09-24-111-009.000-013
Plus vacated ROW

Please let me know if you have any questions or need additional information.

Thank you,

Mark Cullnane
Planner I
Columbia City/Whitley County Joint Planning & Building Department
220 W Van Buren St, Suite 204
Columbia City, IN 46725
(260) 248-3112
wcplanning2@whitleygov.com



Harrington, Leland P

Worrick, Nathaniel L

Preston, Travis & Kara

Gates, Stephen C & Jennifer R

Gerdes, David M

Gessner, Michael George II

8209

Mahan, Ivan A & Tamara R

8203

8205

Henderson, Daniel K & Amanda L

8200

Steizel, Dwight A Trustee & Steizel Patricia S Trustee

Southward, Monte Trustee Southward Family Trust

2070

2085

2180

Clark, Moon, Brian A

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Pettigrew, Brian

Mahan, Christopher K & Susan S

Mahan, Christopher K & Susan S

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Mahan, Christopher K & Susan S

Mahan, Christopher K & Susan S

Mahan, Christopher K & Susan S

Mahan, Christopher K & Susan S

Mahan, Christopher K & Susan S

Franks, Linda K

Franks, Linda K

Franks, Linda K

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Franks, Linda K

Franks, Linda K

K & Susan S

K & Susan S

K & Susan S

K & Susan S

K & Susan S

K & Susan S

K & Susan S

K & Susan S

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A & Patricia Sue Revocable Living Trust U/D/T

Stetzel, Dwight A Trustee Stetzel Patricia S Trustee

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Frazier, Phillip G & Jane I & Frazier, Garry F & Frazier, Genevieve E & Frazier, George W Trust

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Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Bivers, Raymond E & Diane

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A

Sandoval, Manuel L & Gloria A