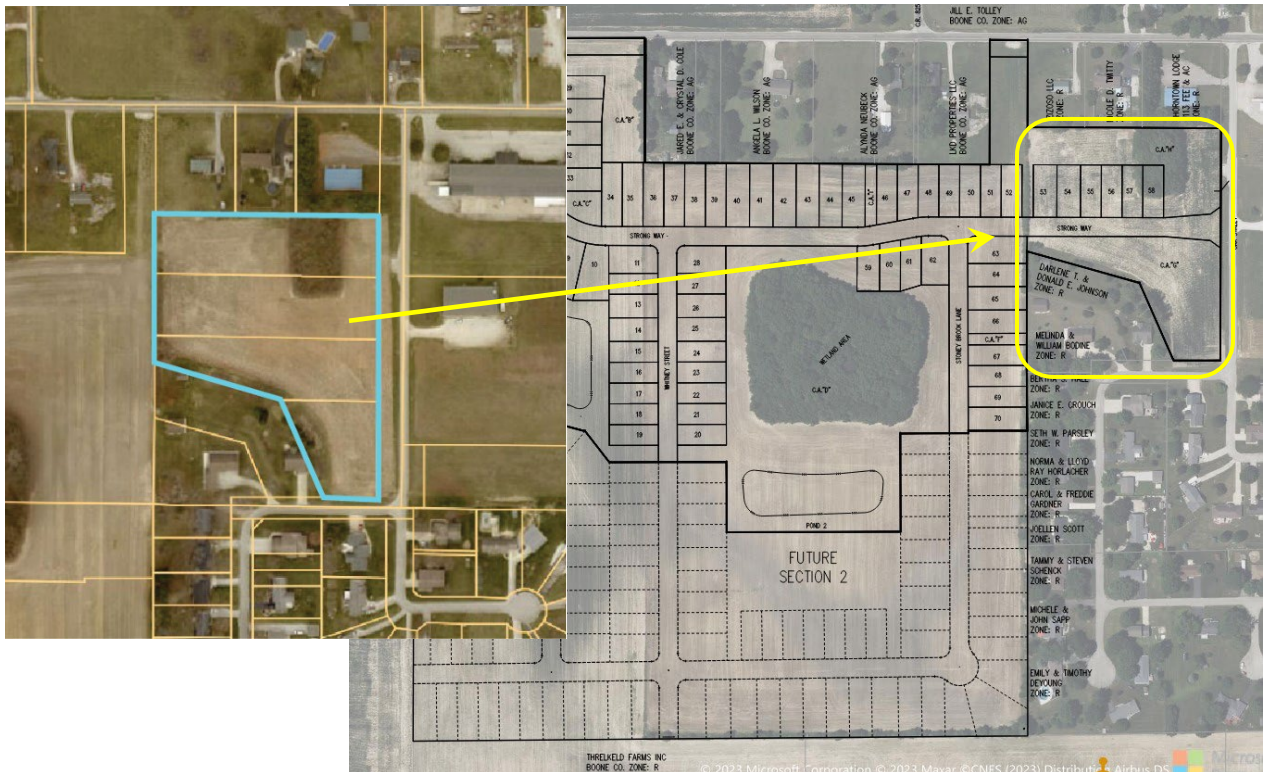


STAFF REPORT

APPLICATION NO:	PLAT-01-2024		
HEARING DATE:	November 18, 2024	NEXT HEARING DATE:	December 9, 2024
NEWSPAPER NOTICE PUBLISHED ON:	October 24, 2024	NOTICES MAILED ON:	October 17, 2024
SUBJECT:	Partial Plat Vacation		
LOCATION:	200 Oak St., 201 Oak St., 202 Oak St., 203 Oak St., Thorntown, IN Westfall Place PUD (residential single-family subdivision)		
PETITIONER(S):	Arbor Homes, Inc.; Innovative Engineering & Consulting, Inc.		
SUMMARY:	Commission to consider a Plat Vacation application to vacate lots 1-4 from Royal Crossing single-family subdivision.		
WAIVERS REQUESTED:	None		
RECOMMENDATION:	Approval		
PREPARED BY:	Oksana Polhuy, Planning Administrator		
EXHIBITS:	Exhibit 1. Plat Vacation Plan		



PROCEDURE

What is Partial Plat Vacation?

Plat vacation means “removal” of either lots and/or covenants from the existing recorded plat, or “cancelling” the entire plat. A partial plat vacation is removing only some portions of the plat: a lot, some covenants, etc. Indiana state statute governs how plat vacations happen.

Application Process

When a property owner of a lot, or lots, in a subdivision would like to vacate, or remove, the lots from the existing recorded subdivision, they need to apply for a plat vacation. Indiana state statute has two options governing the plat vacation process depending on whether all property owners apply (IC 36-7-3-10), or some of them apply (IC 36-7-4-711). The main difference is whether all property owners apply or not.

The applicant owns 4 out of 6 lots in Royal Crossing subdivision. The property owners of lots 5 and 6 did not apply with the property owner of the lots 1-4, so this petition is reviewed per IC 36-7-4-711.

Per IC 36-7-4-711, a public hearing is required to, at least, give other property owners in the same subdivision (Royal Crossing) an opportunity to comment on the petition.

Application Decision

Thorntown’s Plan Commission may approve or deny this request by a vote based on the criteria below.

Per IC 36-7-4-711 (f):

“After hearing the petition, the plan commission or plat committee shall approve or disapprove the request. The commission or committee may approve the vacation of all or part of a plat only upon a determination that:

(1) conditions in the platted area have changed so as to defeat the original purpose of the plat;

(2) it is in the public interest to vacate all or part of the plat; and

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

PROPOSAL

The proposal is to remove lots 1-4 from the Royal Crossing single-family subdivision (Exhibit 1). This proposal is part of the larger project, Westfall Place single-family residential subdivision, and is needed to remove the lots out the Royal Crossing subdivision so that the resulting property may be then subdivided as part of the project in Westfall Place subdivision.

What will remain the same? Lots 5 and 6, the original covenants, and the amount of the right-of-way that currently belongs to the town along the Oak Street.

FINDINGS

Per IC 36-7-4-711 (f), the Plan Commission shall review a plat vacation petition using the following criteria to base their findings on:

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

Staff's finding: since Royal Crossing inception in the late 1990s, the single-family lots haven't been developed in the past two decades. The current property owner would like to develop these lots as part of another subdivision and sees that the market will likely be interested in this land under another layout.

- (2) It is in the public interest to vacate all or part of the plat.

Staff's finding: due to the lots not being developed in the past two decades, it is in the interested of the town to permit this vacation. Also, the future project proposes to use this land as a second access to the street network and as a way to provide a park for the future residents, all being beneficial features to the future development.

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

Staff's finding: It is likely that the value of real estate adjacent to the lots to be vacated will not be affected in a substantially adverse manner by allowing the requested plat vacation. Nearby property owners may remonstrate against this petition if they believe this request will have significant adverse effects on adjacent properties. Should nothing contrary be brought to light by adjacent owners at the public hearing, it is presumed that the approval of this plat vacation request will not have a substantially adverse effect on the value of adjacent properties.

CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from the interested parties.

RECOMMENDATIONS

Staff recommends **APPROVAL** of the application PLAT-01-2024 because the petition meets the statutory requirements.

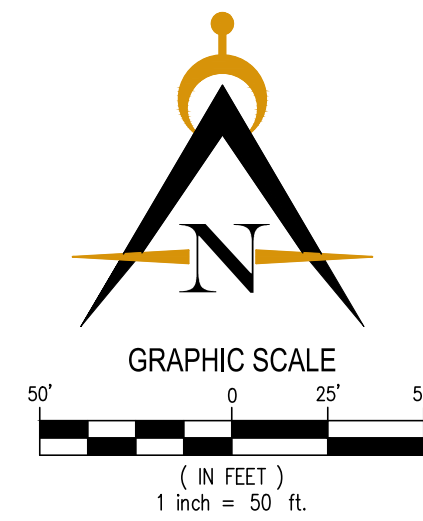
MOTION OPTIONS

1. Motion to **approve** application PLAT-01-2024 based on the findings in the staff report.
2. Motion to **deny** application PLAT-01-2024. (**List reasons**)
3. Motion to **continue** the review of the application PLAT-01-2024 until the next regular meeting on December 9, 2024, because... (**list reasons**).

Next Plan Commission meeting date(s): December 9, 2024.

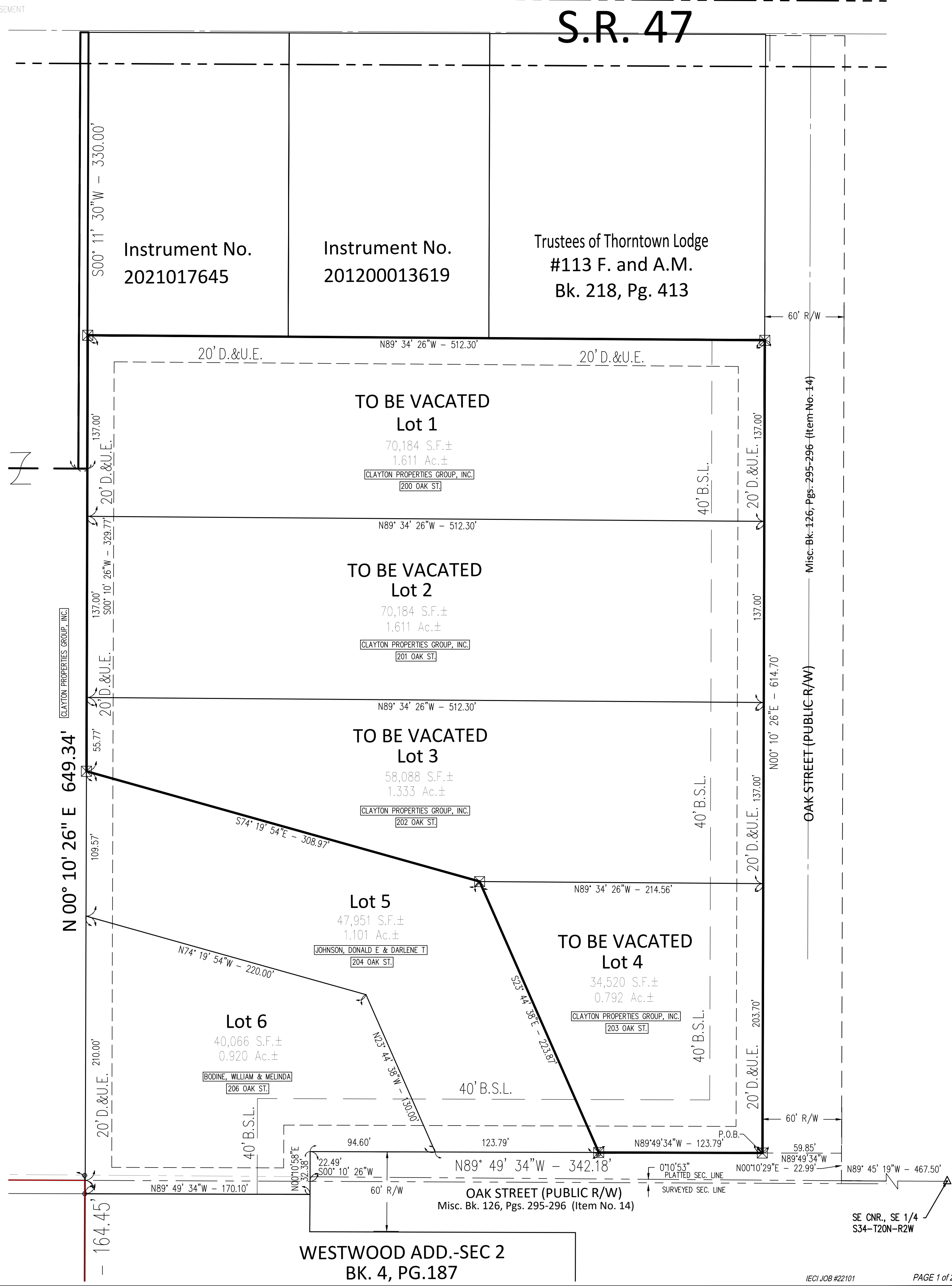
ROYAL CROSSING VACATION OF LOTS 1 THROUGH 4

ORIGINALLY RECORDED AS PLAT BOOK 9, PAGES 22-23
PART OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 2 WEST
SUGAR CREEK TOWNSHIP
BOONE COUNTY, THORNTOWN, INDIANA



LEGEND

- ☒ — DENOTES 4"x4"x36" LONG CONCRETE MONUMENT WITH CROSS CAST IN TOP SET FLUSH WITH FINISH GRADE
- — DENOTES 3/8" DIA. REBAR w/CAP
- B.S.L. — BUILDING SETBACK LINE
- S.F. — SQUARE FEET
- D.&U.E. — DRAINAGE AND UTILITY EASEMENT
- R/W — RIGHT-OF-WAY
- Ac. — ACRES



ROYAL CROSSING VACATION OF LOTS 1 THROUGH 4

ORIGINALLY RECORDED AS PLAT BOOK 9, PAGES 22-23
PART OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 2 WEST
SUGAR CREEK TOWNSHIP
BOONE COUNTY, THORNTOWN, INDIANA

LAND DESCRIPTION

[METES & BOUNDS DESCRIPTION OF FORMER LOTS 1 THROUGH 4]
Parent Parcel: Instrument No. 9602673 - Plat Book 9, Pages 22-23
A PART OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 2 WEST OF THE 2ND/ PRINCIPAL MERIDIAN IN SUGAR CREEK TOWNSHIP, BOONE COUNTY, INDIANA, PREVIOUSLY PLATTED AS LOTS 1 THROUGH FOUR, INCLUSIVE, IN THE ROYAL CROSSING ADDITION, AS RECORDED IN PLAT BOOK 9, PAGES 22-23, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A HARRISON MONUMENT SITUATED AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34 (SAID CLOSING CORNER IS ONE AND THE SAME AS THE STANDARD CORNER OF THE SOUTHERN ADJOINING SECTION 3 OF TOWNSHIP 19 NORTH); THENCE NORTH 89 DEGREES 45 MINUTES 19 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER 467.50 FEET TO THE EASTERN RIGHT-OF-WAY OF OAK STREET AS ESTABLISHED IN Misc. Bk. 126, Pgs. 295-296 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA; THENCE NORTH 00 DEGREES 10 MINUTES 29 SECONDS EAST ALONG SAID RIGHT-OF-WAY 22.99 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 34 SECONDS WEST 59.85 FEET TO THE SOUTHEAST CORNER OF LOT FOUR (4) IN THE ROYAL CROSSING ADDITION, AS PER PLAT THEREOF RECORDED AS INSTRUMENT NO. 9602673 IN PLAT BOOK 9, PAGES 22-23; AND THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 10 MINUTES 26 SECONDS EAST ALONG THE EAST LINES OF LOTS FOUR (4), THREE (3), TWO (2), AND ONE (1) IN SAID ROYAL CROSSING 614.70 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 34 MINUTES 26 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT ONE (1) 512.30 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 10 MINUTES 26 SECONDS WEST ALONG THE WEST LINE OF SAID LOTS ONE (1) THROUGH THREE (3) 329.77 FEET; THENCE SOUTH 74 DEGREES 19 MINUTES 54 SECONDS EAST ALONG THE SOUTHERN LINE OF SAID LOT THREE (3) 308.97 FEET TO THE NORTHWEST CORNER OF SAID LOT FOUR (4); THENCE SOUTH 23 DEGREES 44 MINUTES 38 SECONDS EAST ALONG THE WESTERN LINE OF SAID LOT FOUR (4) 223.87 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89 DEGREES 49 MINUTES 34 SECONDS WEST ALONG THE SOUTHERN LINE OF SAID LOT FOUR (4) 123.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.348 ACRES, MORE OR LESS.

CROSS-REFERENCE IS HEREBY MADE TO A PRIOR LAND TITLE SURVEY OF THESE PARENT PROPERTIES AS PERFORMED BY INNOVATIVE ENGINEERING AND CONSULTING, INC. RECORDED AS INSTRUMENT NO. 2024006259.

REGISTERED LAND SURVEYORS CERTIFICATION

I, JAMES A. FOSTER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA:
THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON SEPTEMBER 19, 2023, THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST OR BOND HAS BEEN POSTED TO COVER THE LATER INSTALLATION OF THESE MONUMENTS, AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

James A. Foster
JAMES A. FOSTER II
PROFESSIONAL LAND SURVEYOR
INDIANA - #20500003

PREPARED BY: JAMES A. FOSTER, II

THIS PLAT, PREPARED BY JAMES A. FOSTER II, DOES, HEREBY, AFFIRM UNDER PENALTIES FOR PERJURY, I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

James A. Foster
JAMES A. FOSTER, II

PLAN COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 36-7, ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF THORNTOWN, BOONE COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE THORNTOWN ADVISORY PLAN COMMISSION ON THE _____ DAY OF _____, 2024.

BY:
DON GRAY, PRESIDENT, THORNTOWN ADVISORY PLAN COMMISSION
ATTEST:
OKSANA POLHUY, SECRETARY, THORNTOWN ADVISORY PLAN COMMISSION

DEED OF DEDICATION STATEMENT

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN; AND DO HEREBY CERTIFY THAT WE AGREE TO VACATE SAID REAL ESTATE IN ACCORDANCE WITH THE HEREIN PLAT.
EASEMENTS: THERE ARE STRIPS OF GROUND SHOWN ON THIS PLAT AND MARKED "EASEMENT" GRANTED AND DEDICATED AND RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF THE CURRENT OWNERS OF ROYAL CROSSING AND THE TOWN OF THORNTOWN AND/OR ANY GRANTED PUBLIC OR PRIVATE UTILITIES. WE, HEREBY, AGREE TO VACATE SAID EASEMENTS.
SETBACKS: FRONT AND SIDE YARD SETBACK LINES WERE ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE STREET, THERE SHALL BE ERRECTED OR MAINTAINED NO BUILDING OR STRUCTURE. WE, HEREBY, AGREE TO VACATE SAID SETBACKS.

WITNESSED MY HAND AND SEALS THIS _____ DAY OF _____, 2024.
BY:

CURTIS A. RECTOR, PRESIDENT OF ARBOR HOMES
ARBOR HOMES
CLAYTON PROPERTIES GROUP, INC. DBA ARBOR HOMES
9225 HARRISON PARK COURT
INDIANAPOLIS, INDIANA 46216

STATE OF INDIANA)
)SS
COUNTY OF _____)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, CURTIS A. RECTOR, PRESIDENT OF ARBOR HOMES, PERSONALLY APPEARED AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS VOLUNTARY ACT AND DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARY SEAL THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC - SIGNATURE

NOTARY PUBLIC - PRINTED NAME

MY COMMISSION EXPIRES: _____

COUNTY OF RESIDENCE: _____