



CITY OF GREENSBURG

Petition for Alley/Street Vacation

Director of Public Projects
314 West Washington St
Greensburg, IN 47240
Office: 812-222-0261

INSTRUCTIONS: Print all information in ink. The petitioner must complete EVERY part of this form. Leaving blank fields will delay the processing of your petition. A fee of \$250 is required to process this petition.

We the adjoining property owner(s) of certain real estate (property) located in the City of Greensburg, hereby request that said alley or street as described below, be vacated.

Please list all adjoining Property Owner(s) _____ Date: _____

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____

Address: _____

Name: _____ Telephone: _____

Address: _____

If more space is required, please list it on a separate sheet of paper.

List the physical location of the alley/street to be vacated:

Reason for vacating alley/street and list any future improvements:

We have received and understand the regulations for the alley/street vacation therefore, we the undersigned, realize that if utilities are located within the alley the alley will remain as a utility easement. Therefore, no temporary or permanent building or fencing will be allowed on the easement.

Owner

Owner

Owner

Owner



CITY OF GREENSBURG
Regulations for Alley/Street Vacation

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- The \$250.00 application fee is due when the application is submitted.
- All adjoining actual property owner(s) must sign the petition. Any person(s) leasing or renting the property must have the owner(s) of the property sign the petition.
- When the alley/street is vacated, half the alley/street will be added to real estate on each side of the vacated Right-of-Way for property taxes.
- If the alley/street is vacated and there are utilities located within the alley/street, then the vacated alley/street will become an easement for utility purposes only. Therefore, the placement of any temporary or permanent building, fencing, or structures is not permitted within the easement.

Please return all information and petition to the Director of Public Projects
located at 314 W. Washington St.

CHAPTER 158: VACATIONS

Section

158.01 Vacation of public ways and public alleys

158.02 Objections

158.03 Platted easements

158.04 Fees

§ 158.01 VACATION OF PUBLIC WAYS AND PUBLIC ALLEYS.

(A) Persons who own or are interested in any lots or parts of lots and want to vacate all or part of a public way or alley in or contiguous to those lots or parts thereof may file a petition for vacation with the Common Council if all or any part of the public way or public alley to be vacated is located within the boundaries of the city.

(B) The petition must:

- (1) State the circumstances of the case;
- (2) Specifically describe the property proposed to be vacated;
- (3) Give the names and addresses of all owners of land that abuts the property proposed to be vacated;
- (4) Be accompanied by an application fee of \$100 payable to the city.

(C) The Common Council will give the petition to the Traffic Control Committee to review. Then the committee will give their recommendations to the Common Council. The Common Council shall hold a hearing on the petition within 45 days after it is received. The Traffic Control Committee shall give notice of the petition and of the time and place of the hearing by certified mail:

- (1) To each owner of land that is within the block area;
- (2) To the owners of land that abuts the proposed property to be vacated.

(D) After the hearing on the petition, the Common Council may, by ordinance, vacate the public way or public alley. The clerk of the Common Council shall furnish a copy of each vacation ordinance to the county recorder for recording and to the county auditor. Vacation shall not be final until a legal survey which shows the boundaries, easements and restrictions of record in proper form for recording in the Recorder's Office.

(E) Within 30 days after the adoption of a vacation ordinance, any aggrieved person may appeal the ordinance to the circuit court of the county. The court shall try the matter again and may not award damages.

(Ord. 1998-27, passed 12-7-98)

§ 158.02 OBJECTIONS.

(A) A remonstrance or objection permitted by § 158.01 may be filed or raised by any person aggrieved by the proposed vacation, but only on one or more of the following grounds:

(1) 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.

(2) The vacation would make access to the lands of the aggrieved by means of public ways difficult or inconvenient.

(3) The vacation would hinder the public's access to a church, school or other public building place.

(4) The vacation would hinder the use of public ways by the neighborhood in which it is located or to which it is contiguous.

(Ord. 1998-27, passed 12-7-98)

§ 158.03 Platted easements.

(A) Platted easements may be vacated in the same manner as public ways and public alleys, in accordance with § 158.01.

(B) Notwithstanding this section, vacation proceedings do not deprive a public utility of the use of all or part of public ways and public alleys to be vacated if, at the time the proceedings are instituted, the utility occupies and uses all or part of the public way or public alley for the location and operation of its facilities. The public way or public alley shall then become an easement.

(Ord. 1997-27, passed 12-7-98)

§ 158.04 FEES.

Any fees collected pursuant to this chapter shall be deposited to the city General Fund.

(Ord. 1998-27, passed 12-7-98)

ORDINANCE 2024-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENSBURG, INDIANA,
APPROVING THE AMENDMENT OF THE CODE OF ORDINANCES RELATED TO FEES
AND COSTS ASSOCIATED WITH VACATION OF PUBLIC STREETS AND PUBLIC
ALLEYS**

WHEREAS, the City Council ("Council") of the City of Greensburg, Indiana ("City" or "Greensburg") has control of all codes of ordinance of the municipal unit of the City of Greensburg under Indiana law; and

WHEREAS, the City enacted of Code of Ordinances in Ordinance No. 1982-5 and subsequent supplemental Code of Ordinance adoptions; and

WHEREAS, throughout the Code of Ordinances of the City of Greensburg, various ordinance provisions reference the City Engineer, which is an official position created by the City of Greensburg and the Council; and

WHEREAS, the current Greensburg Ordinance § 158.01 governs the procedures and policies for vacation of a public street and / or public alley; and

WHEREAS, Ordinance § 158.01(B)(4) specifies a fee of \$100 for permit application related to public street and / or public alley vacation; and

WHEREAS, Ordinance § 158.04 addresses the depositing of any fees collected pursuant to this chapter; and

WHEREAS, the fee amount in question was established in 1998 and requires updating based on current costs associated with the work performed by the City related to the permit application process; and

WHEREAS, permitting cost allocation and determination most effectively and efficiently lies with the Director of Public Project and / or the Building Commissioner, who are responsible for the processing of such applications; and

WHEREAS, it is necessary to update the Ordinance to accurately reflect a change to the fee, currently and in the future; and

WHEREAS, the Council believes it to be in the best interest of the City, its citizens, and public policy to amend the Code of Ordinances accordingly;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greensburg, Indiana, as follows:

1. That Ordinance § 158.01(B)(4) shall be amended to read as follows: "(4) Be accompanied by an application fee payable to the city in an amount specified and established by the Director of Public Project and / or the Building Commissioner."
2. That Ordinance § 158.04 shall be amended to read as follows: "The amount of all fees associated

with this chapter shall be established by the Director of Public Projects and a fee schedule shall be stated on all permit application forms, as well as being posted in the Planning Department or on the Planning Department webpage. Any applicant seeking relief from or challenging the amount of the permit application fee shall be authorized to file a request for appeal of fee to the City of Greensburg Common Council at the hearing required under § 158.01(D). Any fees collected pursuant to this chapter shall be deposited to the city General Fund.

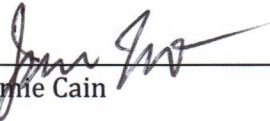
3. All other provisions of chapter 158 shall remain in effect.

Introduced on May 14, 2024 and adopted by the City Council of the City of Greensburg, Indiana, on June 11, 2024.

[Signature Page Follows]

THE CITY COUNCIL OF THE CITY
OF GREENSBURG, INDIANA

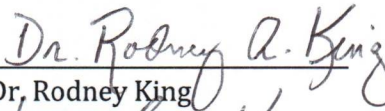
YAY/NAY



Jamie Cain

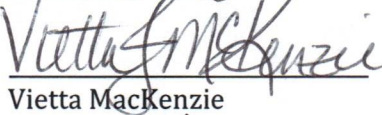
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Darrell Polling



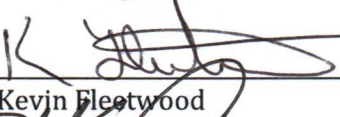
Dr. Rodney King

Y



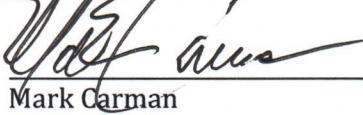
Vietta Mackenzie

Y




Kevin Fleetwood

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Mark Carman

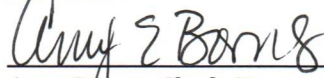
Y



Daryl Tressler

Y

ATTEST:



Amy B. Borns, Clerk-Treasurer
City of Greensburg, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Christopher C. T. Stephen

This Ordinance was prepared by Christopher C. T. Stephen, Stephen Legal Group, 105 E. Main Street, Greensburg, IN 47240, (812)222-1234; cstephen@stephenlegal.com