

To Approve Procedures and Criteria for Public Right of Way Vacations  
by the Common Council

WHEREAS, Under recent amendments to Indiana Code, the Plan Commission no longer reviews Petitions for Vacation of Right of Way prior to consideration and action by the Common Council; and

WHEREAS, the Common Council wishes to establish guidelines and procedures for considering Petitions for Vacation of Public Right of Ways within the City of Bloomington, and desires that the Planning Staff conduct a preliminary review of any such request:

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

The Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations, a copy of which is attached hereto and made a part hereof, is hereby Approved.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 4th day of March, 1987.

Timothy Mayer  
TIMOTHY MAYER, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 5th day of March, 1987.

Patricia Williams  
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 5th day of March, 1987.

Tomilea Allison  
TOMILEA ALLISON, Mayor  
City of Bloomington

SYNOPSIS

This Resolution approves Procedures and Criteria for Common Council Review of Public Right-of-Way Vacations. Indiana law no longer requires Plan Commission review of such requests; these guidelines will provide for a pre-application review of such requests by the

Planning Staff prior to consideration of a Petition by the Common Council.

*Signed copy:  
Planning Dept*

## PUBLIC RIGHT-OF-WAY VACATIONS

### PROCEDURE AND CRITERIA FOR COMMON COUNCIL REVIEW

Persons who own or have an interest in any lots or parts of lots contiguous to a public way or place in the City of Bloomington may file a petition for vacation of the public way or place with the Common Council of the City of Bloomington. This information packet contains instructions regarding the procedures and criteria for right-of-way vacation petitions.

The Common Council strongly advises petitioners to utilize the pre-petition review process. Because Indiana statute requires public hearing within thirty (30) days of Petition to the Council, early submittals prior to review and notice to utilities and other owners may subject the Petitioner to unnecessary continuances or denials. These problems can be avoided by the pre-petition review process.

#### CRITERIA

The criteria which the Common Council utilizes when reviewing a public right-of-way vacation request are as follows:

**CURRENT STATUS-ACCESS TO PROPERTY:** The current utilization of the right-of-way in question--as means of providing vehicular or pedestrian access to private property, churches, schools, or other public places, for public utility or drainage purposes, or for other public purpose.

#### NECESSITY FOR GROWTH OF THE CITY:

**Future Status:** The future potential for public utilization, possible future need for the R.O.W. due to future changes in land use;

**Proposed Private Ownership Utilization:** The proposed utilization of parcel in question if it reverts to private ownership, potential for increased benefit to the City under private ownership (does the proposed use contribute to City growth);

**Compliance with Regulations:** The effect of vacation upon compliance with all applicable regulations: subdivision, zoning, access control, off-street parking (does the vacation present a non-compliance problem or hinder future compliance upon anticipated development or change-of-use?);

**Relation to Plans:** The relationship of vacation with the Master Plan, Thoroughfare Plan, Neighborhood Plans, or any special studies that might apply.

## PROCEDURE

The procedure for right-of-way vacation petitions involves two basic steps. First, a pre-petition review of the petition by Planning Department staff; second, review and action by the Common Council. This procedure is detailed as follows:

### I. Pre-Petition Review by Planning Staff

A. Petitioner should submit the following information to the planning staff:

1. A letter requesting pre-petition review, explaining and justifying the proposed utilization of the right-of-way and addressing, in detail, the criteria for vacation;

2. An accurate legal description of the proposed vacation;

3. A site plan or sketch map, drawn to scale, showing the right-of-way for which vacation is requested, and the adjoining properties;

4. A list of the names and addresses of owners of all property abutting the proposed vacation.

B. The Planning staff will then commence review of the submitted information and will consult with the various utilities (list is included in this packet) who may use the right-of-way. A recommendation will be made and petitioner will be notified that planning review is completed. Please allow 2-3 weeks for this review. The Petition for Vacation of Right of Way should be filed, by the Petitioner, with the Common Council office following completion of this review by the Planning Staff.

C. If easements for utilities within the right of way to be vacated are needed, the Planning Department will contact the Petitioner so that the documents can be prepared prior to Petition to the Common Council.

### II. Common Council Review and Action.

A. The Petitioner should submit the following to the Common Council Office following completion of review by the Planning Staff:

1. A Completed Petition for Vacation of Right of Way;

2. The Planning Staff will forward additional information provided by the Petitioner and the Planning Staff recommendation to the Council Office.

B. Upon submission of the above Petition, the Council Office will set a date for the public hearing. This date will likely be a Committee meeting following first reading of the vacation Ordinance. Following first reading and committee/public hearing, action will be taken at the following Council meeting when the Ordinance is scheduled for second reading and vote. At that meeting, The Council may vacate the public way or place, in which case the City Clerk shall furnish a copy of the vacation ordinance to the County Recorder and the County Auditor.

### III. Appeal

Any person aggrieved by a vacation of public right-of-way may appeal the vacation to the Monroe County Circuit Court within 30 days of adoption of the Ordinance.

Suggested format of letter to adjacent property owners and specified utilities and City agencies.

BLOOMINGTON COMMON COUNCIL

Notice of Public Hearing

Date: \_\_\_\_\_

The Bloomington Common Council will hold public hearings at 7:30 p.m. on Wednesday, \_\_\_\_\_, and \_\_\_\_\_ 198\_\_\_, in the Council Chambers of the Bloomington Municipal Building at 220 East Third Street concerning the petition of \_\_\_\_\_ for the purpose of considering a public right-of-way vacation request for a(n)

\_\_\_\_\_ for the right-of-way located at \_\_\_\_\_

and to which you are an adjacent property owner.

Under provisions of Indiana law, you may appear and speak on the merits of this proposal at the public hearings at the times and dates as set out herein. If you have any questions concerning this matter, you may telephone the City Council Office at 339-2261, ext. 13 or 14.

Bloomington Common Council

\_\_\_\_\_  
Petitioner/Attorney for Petitioner

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

ATTACHMENT A

UTILITIES AND CITY SERVICES TO BE NOTIFIED OF VACATION REQUESTS

Board of Public Works  
339-2261 (Ext. 74)  
Director  
P.O. Box 100  
Bloomington, IN 47402

Fire & Ambulance  
332-9763  
Fire Chief  
P.O. Box 100  
Bloomington, IN 47402

Indiana Gas  
332-1443  
Superintendent  
205 South Madison  
Bloomington, IN 47401

Public Service Indiana  
336-6371  
Manager  
P.O. Box 1028  
Bloomington, IN 47402

Utilities Department  
339-1444 (Ext. 206)  
Utility Engineer  
P.O. Box 100  
Bloomington, IN 47402

Police Department  
339-4477  
Chief of Police  
P.O. Box 100  
Bloomington, IN 47402

Monroe Cable TV  
332-9486  
Manager  
1600 West 3rd Street  
P.O. Box 729  
Bloomington, IN 47402