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LISA M MINIX, RECORDER

STARKE COUNTY, KNOX, IN

RECORDED AS PRESENTED

08/28/2013 12:51:40PM

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# STARKE COUNTY PLANNING COMMISSION

Proposed Amendment to the Code of Starke County dated 1991 by replacing Section 5-1-13 as follows:

RECEIVED

## 5-1-13: VACATION

AUG 28 2013

### A. Application Procedures

STARKE COUNTY AUDITOR

1. The owners of land in a subdivision plat desiring to vacate all or part of that plat shall apply for approval of a vacation of the plat or part of the plat with the plan commission staff. The petitioner must:
  - a. State the reasons for and the circumstances prompting the request;
  - b. Specifically describe the property in the plat proposed to be vacated; and
  - c. Give the name and address of every other owner of land in the plat.

Not more than thirty (30) days after receipt of the petition, the plan commission shall announce a date for a hearing before the plan commission (or plat committee acting on the plan commission's behalf). The petitioner shall pay all expenses of providing the notice required by this section.

The plan commission or plat committee may approve a request to vacate all or part of a plat if it makes a determination that:

- a. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
- b. It is in the public interest to vacate all or part of the plat; and
- c. The value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation.

The plat committee may impose reasonable conditions as a part of any approval.

2. At least thirty (30) working days prior to the plan commission meeting at which the request will be heard, a petition requesting the vacation of the plat or part of the plat shall be filed with the enforcement official, accompanied by a fee as established under this ordinance. The petition shall include the names and addresses of adjacent property owners and other interested parties.
3. The petition for vacation of the plat or part of the plat will be scheduled for a public hearing review by the plan commission.

**B. Public Hearing.** The plan commission shall hold a public hearing on the proposed vacation of the plat or part of the plat after ensuring due notice has been given to all interested parties. The petitioner is required to notify all adjacent property owners and other interested parties by certified or registered mail.

**C. Final Decision.** The plan commission shall forward its recommendation to the Board of Commissioners, which shall make the final decision.

**D. Plat Vacation; Record.** A copy of the vacated plat or part of the plat shall be filed in the office of the plan commission and enforcement official, after recording, so accurate subdivision maps are maintained.

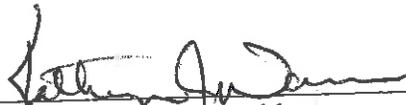
In a case in which all of the owners of land in a plat are in agreement to a proposed vacation of the plat, the owners may file a written instrument to vacate all or part of that plat. That written document offered for later recording must first be submitted to the plan commission, or plat committee, as the plan commission may so designate. Such agreed vacation of all or part of a plat may be granted without the requirement of a hearing. If approved, such written instrument must be executed, acknowledged, and recorded in the same manner as a deed to land and must comply with all of the requirements of I.C. 36-7-3-10.

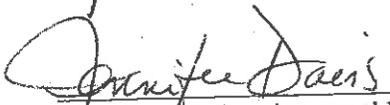
Starke County Plan Commission Public Hearing Held On July 17, 2013

Recommended and Approved By The Starke County Plan Commission On July 17, 2013

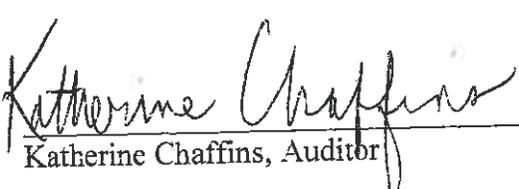
Presented To The Starke County Commissioners On August 5, 2013

Approved By The Starke County Commissioners On 8/19/13

  
Kathryn Norem, president

  
Jennifer Davis, vice president

  
Kent Danford, member

  
Katherine Chaffins, Auditor