

**PLAN COMMISSION APPLICATION  
VACATION OF PLAT**

10645 Randolph Street  
Winfield, IN 46307

Phone: (219) 662-2665  
Fax: (219) 663-2431  
www.winfield.in.gov



Any Owner or Petitioner must submit the attached application and the **non-refundable** filing fee in the amount specified in the Town of Winfield's Code of Ordinances by the **1<sup>st</sup> business day of the month**. This will begin the process for the Public Hearing to be scheduled for the **following** month. At the Public Hearing, the Commission will make a recommendation to the Town Council.

4<sup>th</sup> Thursday @ 6:00 pm.....Plan Commission – Request for Public Hearing

2<sup>nd</sup> Thursday @ 6:00 pm of the Following Month.....Plan Commission – Public Hearing

1. Filing a complete application **requires** the following:

- Completed application with an original, notarized signature, from the property owner(s), along with the required sets of plans
- Completed Affidavit of Ownership with an original, notarized signature of **all** of the property owners along with Proof of Ownership. Use separate sheets if needed.
- A list of all property owners within 300 feet of the petition property
- Payment of the filing fee

Failure to include all of these items at the time of filing **may** delay a hearing on your application.

2. After the date for the Public Hearing is approved, the Petitioner is responsible for making sure the following is completed **at least 10 days prior** to the Public Hearing:

- Notice of Public Hearing presented to the Town and published in the Times of Northwest Indiana
- All property owners within 300 feet of the petition property must be mailed a copy of the Notice of Public Hearing by Certified Mail
- Return the signed and notarized Petitioner Affidavit of Public Hearing along with the post-marked Certified Mail receipts and green Domestic Return Receipt to the Town
- Provide the Town with the Proof of Publication from The Times of Northwest Indiana

Failure to meet the requirements of this section **shall** result in a postponement of your Public Hearing.

The Plan Commission may vacate all or part of a plat upon finding:

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.
3. The value of that part in the land not owned by the petitioner will not be diminished by the vacation. The Commission may impose reasonable conditions as part of any approval.

# TOWN OF WINFIELD PLAN COMMISSION APPLICATION VACATION OF PLAT

## \$325.00 FILING FEE

**RESPONSIBILITY OF COSTS: FILING FEE IS DETERMINED BY TOWN CODE SECTION 150.26 (F).** ALL PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE COSTS OF ALL REVIEWS FOR ENGINEERING FEES, LEGAL FEES, ETC. THESE COSTS SHALL BE PAID TO THE TOWN AT THE TIME WHEN ANY ADMINISTRATIVE OR PLAN COMMISSION REVIEW AND/OR APPROVAL IS REQUIRED. ALSO, THE COST FOR THE CERTIFIED MAILINGS AND PUBLICATION FOR PUBLIC HEARINGS SHALL BE THE APPLICANT'S RESPONSIBILITY. IT SHALL BE THE RESPONSIBILITY OF THE PETITIONER OR THE AGENT TO SUBMIT (1) FULL-SIZE (24"X36"), (1) HALF-SIZE (12"X18"), AND (2) COPIES OF ALL DRAWINGS BOUND INTO ONE ELECTRONIC PDF FILE (1 PDF to Town @ [nbellar@winfield.in.gov](mailto:nbellar@winfield.in.gov) & 1 PDF to Town Engineer @ [mduffy@dlz.com](mailto:mduffy@dlz.com)). THE ZONING AND PLANNING ADMINISTRATOR AND/OR TOWN ENGINEER MAY REQUEST ADDITIONAL DOCUMENTS AS NEEDED PRIOR TO THE PUBLIC HEARING.

**EACH PROPERTY OWNER IN THE PLAT TO BE VACATED MUST FILE THIS PAGE AND AN AFFIDAVIT OF OWNERSHIP**

NAME OF SUBDIVISION: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

SUBDIVIDER: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ENGINEER/SURVEYOR: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

GENERAL LOCATION: \_\_\_\_\_

NUMBER OF LOTS: \_\_\_\_\_ ACRES: \_\_\_\_\_

ARE THERE COVENANTS ATTACHED TO THE PLAT? \_\_\_\_\_ IF SO, ARE THEY TO BE VACATED? \_\_\_\_\_ (ATTACH COPY)

**PROPOSED SUBDIVISION TO BE SERVED WITH:**

<input type="checkbox"/> CURB & GUTTER STREETS	<input type="checkbox"/> SANITARY SEWERS	<input type="checkbox"/> PAVED STREETS WITH SHOULDERS & DITCHES
<input type="checkbox"/> SEPTIC SYSTEMS	<input type="checkbox"/> INDIVIDUAL WELLS	<input type="checkbox"/> STORM SEWERS
<input type="checkbox"/> COMMON WATER	<input type="checkbox"/> SIDEWALKS	<input type="checkbox"/> STATEMENT: HOW SURFACE WATER WILL BE HANDLED

**I HAVE READ AND FULLY UNDERSTAND THE ABOVE REQUIREMENTS AND/OR RESPONSIBILITIES REGARDING THE SUBMITTAL FOR A DEVELOPMENT IN THE TOWN OF WINFIELD.**

\_\_\_\_\_  
(PRINT ONLY) (SIGNATURE)

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BEFORE THE ABOVE PETITIONER(S) AND OWNER(S) AND ACKNOWLEDGED THE EXECUTION OF THE ABOVE AND FOREGOING INSTRUMENT TO BE TRUE VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_\_.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY SEAL



STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE

\_\_\_\_\_  
NOTARY PUBLIC PRINTED NAME

\_\_\_\_\_  
COUNTY OF RESIDENCE

THE ZONING AND PLANNING ADMINISTRATOR WILL ASSIST IN THE PROCESS FOR THE PUBLIC HEARING. THE COST FOR PUBLICATION IN THE NEWSPAPER AND THE CERTIFIED MAILINGS SHALL BE THE RESPONSIBILITY OF THE OWNER OR PETITIONER. A COMPLETE SURVEY AND LEGAL DESCRIPTION MUST BE ATTACHED.

**FOR OFFICE USE ONLY ↓**

PC DOCKET #: \_\_\_\_\_ CHECK #: \_\_\_\_\_ DATE PAID: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_ FEE: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_

**TOWN OF WINFIELD  
PLAN COMMISSION APPLICATION**

**AFFIDAVIT OF OWNERSHIP \***

[I / We], being duly sworn, depose and say that [I am / We are] the [owner / owners] of fifty percent (50%) or more of the property involved in this application and that the foregoing signatures, statements, and answers herein contained and the information herewith submitted are in all respects true and correct to the best of [my / our] knowledge and belief.

Name	Address	Signature
Name	Address	Signature
Name	Address	Signature

The correspondent or agent [if different from owner(s)]

Name	Address	Signature
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STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

NOTARY SEAL

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE

County of Residence: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC PRINTED NAME

**\* MUST BE FILED WITH PROOF OF OWNERSHIP  
(EX: DEED, LEASE, ASSESSOR RECORDS) IN FORM ACCEPTABLE TO TOWN ATTORNEY  
FOR EACH PROPERTY OWNER OF THE PLAT TO BE VACATED**

**TOWN OF WINFIELD  
PLAN COMMISSION APPLICATION**

**SAMPLE NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Town of Winfield Plan Commission will hold a Public Hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at 6:00 P.M. at the Winfield Town Hall, 10645 Randolph St., Winfield, IN to consider a Petition for Vacation of Plat of a \_\_\_\_\_ lot subdivision filed by \_\_\_\_\_ with regard to the following described real estate located in the Town of Winfield, County of Lake, for property commonly known as \_\_\_\_\_, and legally described as:

**(INSERT LEGAL DESCRIPTION HERE)**

A copy of the petitioner's proposal is on file at the Winfield Town Hall, 10645 Randolph St., in the office of the Zoning and Planning Administrator for the Town of Winfield and can be reviewed during office hours.

Written objections to the proposal may be filed with the Plan Commission at any time prior to the public hearing and/or verbal statements relating to this proposal may be heard at the time and place set forth above. Said hearing may be continued from time to time as necessary.

Interested persons desiring to present their views upon the proposal, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

TOWN OF WINFIELD, INDIANA PLAN COMMISSION

By: \_\_\_\_\_, President

**TO BE PUBLISHED IN THE TIMES OF NORTHWEST INDIANA AT LEAST 10 DAYS PRIOR  
TO THE DATE OF THE PUBLIC HEARING**

**TOWN OF WINFIELD  
PLAN COMMISSION APPLICATION**

**PETITIONER AFFIDAVIT OF PUBLIC HEARING**

[I / We] \_\_\_\_\_ do hereby certify that notice of public hearing by the Winfield Plan Commission to consider the Vacation of Plat of \_\_\_\_\_, was certified and mailed to the last known address of each of the property owners living within 300' of the petition property, as found on documentation provided by the petitioner. Said documentation shall be obtained from, but not limited to, the following sources: the office and records of the Lake County Surveyor; the office and records of the Lake County Assessor; the office and records of the Lake County Auditor; the Lake County GIS website; or a title company.

And said notices were served by certified mail on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being at least ten days prior to \_\_\_\_\_, 20\_\_\_\_, the date of the public hearing in Winfield at 6:00 P.M., as evidenced by the attached certified mail receipts and return cards.

**ATTACH CERTIFIED MAIL RECEIPTS AND RETURN CARDS**

\_\_\_\_\_  
PETITIONER OR AGENT

\_\_\_\_\_  
PRINTED NAME

NOTARY SEAL

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE

County of Residence: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC PRINTED NAME

**TOWN ORDINANCE & STATE STATUTES**

§ 155.131 VACATION OF PLATS.

Vacation of plats shall proceed in accordance with I.C. 36-7-4-711.

(Ord. 27, § 1.10.120, passed 4-16-1997)

**IC 36-7-4-711 Vacation of plats; alternate procedure; petition; notice and hearing**

Sec. 711. (a) The plan commission (or plat committee acting on its behalf), proceeding in accordance with IC 36-7-3-10 or with this section, has exclusive control over the vacation of plats or parts of plats.

(b) In a case in which not all the owners of land in a plat are in agreement regarding a proposed vacation, this section provides an alternate procedure under which one (1) or more owners of land in the plat may file with the plan commission a petition to vacate all the plat or only that part of the plat that pertains to land owned by the petitioner or petitioners. A petition under this section must:

- (1) state the reasons for and the circumstances prompting the request;
- (2) specifically describe the property in the plat proposed to be vacated; and
- (3) give the name and address of every other owner of land in the plat.

(c) Subject to section 714 of this chapter, a petition under this section may also include a request to vacate any recorded covenants filed as a part of the plat.

(d) Not more than thirty (30) days after receipt of a petition under this section, the plan commission staff shall announce the date for the hearing before the plan commission (or plat committee acting on the plan commission's behalf). The plan commission shall adopt rules prescribing procedures for setting hearing dates and for providing other notice as may be required in accordance with this chapter. The petitioner shall pay all expenses of providing the notice required by this subsection.

(e) The plan commission shall adopt rules prescribing procedures for the conduct of the hearing, which must include a provision giving every other owner of land in the plat an opportunity to comment on the petition.

(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.

(g) The commission or committee may impose reasonable conditions as part of any approval. The commission or committee shall furnish a copy of the commission's or committee's decision to the county recorder for recording.

(h) An applicant or other interested party may appeal the approval or disapproval of a vacation by the plat committee in the manner prescribed by section 402(d) of this chapter.

*As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.220-1986, SEC.23; P.L.126-2011, SEC.22.*

**IC 36-7-4-714 Determination required to vacate recorded covenant filed with plat**

Sec. 714. The vacation of all or part of a plat may include the vacation of any recorded covenants filed with the plat, but only upon a determination that:

- (1) the platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area;
- (2) the covenant vacation is needed to secure for the public adequate light, air, convenience of access, or safety from fire, flood, or other danger; or
- (3) the covenant vacation is needed to lessen or avoid congestion in the public ways.

*As added by P.L.126-2011, SEC.24.*

**IC 36-7-4-715 Final decisions of plan commission subject to review**

Sec. 715.

(a) The following are final decisions of the plan commission that may be reviewed as provided by section 1016 of this chapter:

- (1) Primary approval or disapproval of a plat.
- (2) Imposition of a condition on primary approval of a plat.
- (3) Approval or disapproval of the vacation of all or part of a plat.
- (4) Approval or disapproval of the vacation of any recorded covenants filed with the plat.
- (5) Imposition of a condition on approval of the vacation of all or part of a plat (which may include the vacation of any recorded covenants filed with the plat).

(b) The plan commission may adopt a rule to limit further consideration for up to one (1) year after its disapproval, of a plat or vacation request that is disapproved under section 707, 708, 711, 712, or 714 of this chapter.

*As added by P.L.126-2011, SEC.25.*