

PC _____ - _____

DATE _____

FEE \$ _____

TOWN OF PORTER APPLICATION FOR VACATION

NOTE: APPLICATION MUST BE COMPLETED AND FILED WITH THE CLERK-TREASURERS OFFICE, 303 FRANKLIN STREET, PORTER, INDIANA, AT LEAST 10 DAYS PRIOR TO PLAN COMMISSION MEETING AT WHICH THE COMMISSION IS TO CONSIDER SUCH APPLICATION. IF THE APPLICANT IS OTHER THAN THE OWNER OF THE PROPERTY, OWNER MUST ALSO SIGN THE APPLICATION, OR SUBMIT A LETTER AUTHORIZING APPLICANT TO ACT ON OWNER'S BEHALF.

APPLICANT _____ PHONE _____

ADDRESS _____

PROPERTY OWNER _____ PHONE _____

OWNERS ADDRESS _____

GENERAL LOCATION OF SUBJECT PROPERTY _____

LEGAL DESCRIPTION OF PROPERTY _____

CONTAINING _____ ACRES EASEMENT OR RIGHT OF WAY DIMENSIONS _____

CURRENT ZONING OF ADJACENT PROPERTY _____

PURPOSE FOR EASEMENT OR RIGHT OF WAY _____

PROPOSED USE _____

I AM REQUESTING THE VACATION OF THE: _____ EASEMENT

_____ RIGHT OF WAY

FOR THE FOLLOWING REASON

ATTACHMENTS: APPLICANT MUST SUBMIT TEN (10) COPIES OF THE LEGAL PLAT IN ACCORDANCE WITH THE REQUIREMENTS LISTED IN THE TOWN OF PORTER ZONING ORDINANCE.

SIGNATURE OF APPLICANT _____ DATE _____

**TOWN OF PORTER
LEGAL NOTICE**

PLAN COMMISSION APPLICATION NO. _____ - _____

An application to request a vacation of a current _____ easement _____ right of way has been filed by _____.
(name of applicant)

Notice is hereby given that the Town of Porter, Porter County, Indiana, will hold a public hearing in the Porter Town Hall, at 6:30 pm on _____, 202_, to consider the application filed. The application is requesting a vacation of an (easement or right of way) of the area bounded by

(common description)

(name of subdivision)

consisting of _____ acres, located and legally described as follows:

(insert legal description here)

Anyone interested in the application may appear in person or by agent at the public hearing. Written objections filed with the Plan Commission Secretary before the hearing will be considered. The hearing may be continued from time to time as may be found necessary. All information concerning such application is on file in the Building Department Office, 303 Franklin Street, Porter, Indiana, 46304, for public examination.

NOTICE TO OWNERS OF AFFECTED PROPERTY

Plan Commission
Town of Porter

(name of applicant)

(address)

Application Number _____ - _____

Notice is hereby given that at the regularly scheduled meeting of _____, 202__, at 6:30
pm, at the Porter Town Hall, 303 Franklin Street, Porter, Indiana, the Plan Commission will conduct a
public hearing
on the following application:

Anyone interested in the application may appear in person or by agent. Written objections, filed
with the Commission Secretary before the hearing, will be considered. The hearing may be
continued from
time to time as may be found necessary. All information concerning the application is on file in the
Building Department Office, 303 Franklin Street, Porter, Indiana, 46304, for public examination.

(signature of applicant)

PORTER PLAN COMMISSION INSTRUCTIONS FOR FILING A PETITION FOR VACATION

1. Receiving a VACATION approval on a parcel of land permits the owner to sell and construct on that newly vacated parcel(s). Each parcel in Town must be recognized as a lot of record before a building permit may be used for that parcel. These lots of record may have associated with them easements and rights-of-way which may be the subject of vacation. The process of VACATION removes the easement or right of way, in accordance with the Subdivision Ordinance, a copy of which can be found in the Porter Town Hall, 303 Franklin Street, Porter, Indiana, 46304.
2. An application for a VACATION can be picked up at the Town Hall, 303 Franklin Street, Porter, Indiana, 46304. Ten (10) copies of the petition and all attachments must be filled out and brought back to the Town Hall, between the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, at least ten (10) calendar days before the date of the Plan Commission meeting. All petitions must be accompanied by scaled drawings of the affected area. The Plan Commission meets the 3rd Wednesday of each month at 6:30 p.m.
3. At the time the completed VACATION application is submitted to the Town Hall, a fee must be paid, as determined by the Clerk-Treasurer. The receipt must be presented to the Plan Commission at the first meeting.
4. The petition will be placed on the next regularly scheduled Plan Commission Meeting. The person filing the petition must be present to explain their request for the vacation. If the person filing the petition is not the current owner of the property, he or she must be authorized in writing by affidavit to act on the owner's behalf.
5. At the meeting of the Plan Commission where the request is first heard, the members will ask questions and listen to the petitioner's explanation. The Plan Commission can either table the petition and ask for more information or they may schedule a public hearing for the next regular meeting.
6. State law requires that during each request for a VACATION, a public hearing must be advertised and held at the Plan Commission Meeting to allow neighbors and other affected property owners of record to speak in favor or against the request.
7. The person filing the VACATION petition is responsible for giving public notice to the local newspaper and notifying property owners of record contiguous to the subject property about the public hearing. The NWI Times is the required newspaper for publishing notice. A legal notice must be placed in that newspaper to appear at least ten (10) calendar days in advance of the public hearing. A sample notice to be used is included in the vacation packet attached to these instructions.
8. The person filing the legal notice must also request that the newspaper send them a Proof of Publication, showing evidence to the Plan Commission that the notice did appear at least ten (10) days before the hearing. The Plan Commission will ask for that proof before they will hear the petition at the public meeting.

9. The person filing the VACATION petition must give notice by certified mail to all property owners of record contiguous to the property which is the subject of the vacation. A list of those owners must be obtained from the Town. The notice of public hearing must be sent to these owners at least ten (10) calendar days before the date of the public hearing. A sample notice to property owners of record is attached to these instructions. The notice must be sent by certified mail with return receipt requested.

10. When the petitioner mails the notices, they will receive a white ticket showing each was mailed. When the owners receive their letter they will mail the attached green card back to the person who mailed them. The owners list and the white tickets, (certified mail receipts), must be submitted to the Clerk-Treasurers Office prior to the public hearing. The green cards, when received, will serve as proof that the public hearing was properly advertised in accordance with state law. Green cards received prior to the public hearing should be brought to the public hearing. Green cards received after the public hearing should be submitted to the Clerk-Treasurers Office when they are received to be added to your file.

11. The Petitioner must continuously post a public notice sign for at least ten (10) calendar days immediately prior to the date of the public hearing. The sign and post is provided by the Town by visiting the Clerk-Treasurers Office. There is a charge for the sign and a deposit for the post which is refundable when the post is returned. The sign must be placed in plain view and legible from the street fronting the property.

12. The Plan Commission will open the public hearing and ask if there is anyone wishing to speak in favor or against the request. It is strongly suggested that the person filing the petition should contact the nearby property owners of record and inform them of the vacation request in order to minimize confusion and misunderstanding.

13. The Plan Commission will either continue or close the public hearing. Continuing the public hearing to the next meeting usually means that more information from the public is needed before a decision can be made. Closing the public hearing means that the Commission feels that they have heard enough from the public, and they are ready to vote.

14. The Plan Commission will vote to recommend to the Town Council either approval or denial of the vacation request. A majority of the whole seven-member Commission must vote the same way to constitute official action. In other words, four (4) of the Commission members must vote for either approval or denial for the motion to pass. The matter then goes to the Town Council for final action.

16. It is the duty of each Plan Commission member to inspect property and buildings which are the subject of petitions before them. Upon the presentation of proper credentials, the petitioner agrees to allow entry into any building, structure, premises, or land, for the purpose of making inspections, at any reasonable hour.

I have carefully read these instructions and will abide by them.

Petitioner' s signature_____ Date _____

AFFIDAVIT

POSTING OF REQUIRED PUBLIC NOTICE SIGN

STATE OF INDIANA
TOWN OF PORTER

PETITION NO. _____

This _____ day of _____, 202__,

(Owner / Agent for Owner)
[circle one]

personally appeared before in my State and County aforesaid, who after being first duly sworn made oath before me that: above owner or agent of owner placed the officially designated public notice of hearing sign provided by the Town of Porter Clerk-Treasurer's Office, for a minimum of ten (10) consecutive calendar days immediately preceding the scheduled public hearing pertaining to the above referenced petition in plain view on the property which is the subject of the petition.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 202__.

AFFIANT

NOTARY PUBLIC

My commission expires: _____