

BEING A RESOLUTION OF APPROVAL FOR AMENDING THE DELAWARE-MUNCIE METROPOLITAN PLAN COMMISSION RULES OF PROCEDURE REGARDING VACATIONS OF SUBDIVISION PLATS

WHEREAS, the State enabling act for planning and zoning empowers a plan commission to adopt rules of procedure that set forth guidance to carry out administrative duties and responsibilities as deemed necessary; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has adopted Rules of Procedure that allow for amendments.

NOW, THEREFORE, BE IT RESOLVED by the Delaware-Muncie Metropolitan Plan Commission that the Rules of Procedure be amended, changed, and supplemented as follows:

Section 1. That Article VI, Section 8 be amended as follows in accordance to Exhibit A:

Article VI
Section 8

VACATIONS OF SUBDIVISION PLATS

- A. PETITION. An owner of land in a subdivision plat may file a petition with the Plan Commission Office to vacate all or a part of the plat pertaining to the land owned by the petitioner including any recorded restriction, covenant and/or commitment filed as a part of the plat. The petition shall include:
 - 1. The reasons for and circumstances prompting the petition;
 - 2. A specific description of the property in the plat proposed to vacation;
 - 3. A copy of the plat as recorded;
 - 4. The names and addresses of each owner of land in the plat; and
 - 5. A copy of the restrictions, covenants and/or commitments filed as part of the plat if included in the request for vacation.
- B. NOTICE. Within thirty (30) days after receipt of a petition for vacation, the staff shall notify the petitioner in writing of the date of the public hearing which shall be the first Plat Committee meeting following receipt of such petition under the schedule established by Article VI, Section 7, herein, with allowance for legal notice. The petitioner shall provide stamped envelopes addressed to each owner of land in the subject plat for the purpose of mailing written notice to such owners at least ten (10) days prior to the hearing. The petitioner shall pay all expenses of notices.
- C. PUBLIC HEARING. The hearing shall be conducted in accordance with Article VI, herein. At the public hearing, the petitioner and each owner of land in the plat shall be given an opportunity to comment on the petition. The Plat Committee may approve, approve with conditions, or deny the petition. The Plat Committee shall approve the petition only upon a determination that:

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1. Conditions in the platted area have changed 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 vacation.

D. FINDINGS. If, after the hearing, the Plat Committee approves the vacation, it shall make written findings and a decision approving the plat with all applicable conditions. The findings and decision shall be signed by the Executive Director of the Delaware-Muncie Metropolitan Plan Commission and the Plat Committee shall furnish a copy of its decision to the County Recorder for recording.

E. If, after the hearing, the Plat Committee denies the petition, it shall make written findings setting forth the reasons for denial. The findings shall be signed by Executive Director of the Delaware Muncie Metropolitan Plan Commission and the Plat Committee shall furnish a copy of its decision to the County Record for recording.

The petitioner, or an aggrieved party, may seek review of the Plat Committee's decision by certiorari procedure.

Section 2. That this resolution is hereby adopted this _____ day of _____, 2026.

Delaware-Muncie Metropolitan Plan Commission

By: _____
Chris Smith, President

ATTEST:

Kylene Swackhamer, Secretary

Exhibit A

Section 1. That Article VI, Section 8 be amended as follows in accordance to Exhibit A:

Article VI

Section 8

VACATIONS OF SUBDIVISION PLATS

- A. PETITION. An owner of land in a subdivision plat may file a petition with the Plan Commission Office to vacate all or a part of the plat pertaining to the land owned by the petitioner including any recorded restriction, covenant and/or commitment filed as a part of the plat. The petition shall include:
1. The reasons for and circumstances prompting the petition;
 2. A specific description of the property in the plat proposed to vacation;
 3. A copy of the plat as recorded;
 4. The names and addresses of each owner of land in the plat; and
 5. A copy of the restrictions, covenants and/or commitments filed as part of the plat if included in the request for vacation.
- B. NOTICE. Within thirty (30) days after receipt of a petition for vacation, the staff shall notify the petitioner in writing of the date of the public hearing which shall be the first Commission Plat Committee meeting following receipt of such petition under the schedule established by Article VII, Section ~~7 2 and 3~~, herein, with allowance for legal notice. ~~The staff shall cause notice to be published in two (2) newspapers at least ten (10) days prior to the hearing date.~~ The petitioner shall provide stamped envelopes addressed to each owner of land in the subject plat for the purpose of mailing written notice to such owners at least ten (10) days prior to the hearing. The petitioner shall pay all expenses of notices.
- C. PUBLIC HEARING. The hearing shall be conducted in accordance with Article VII, herein. At the public hearing, the petitioner and each owner of land in the plat shall be given an opportunity to comment on the petition. The Commission Plat Committee may approve, approve with conditions, or deny the petition. The Commission Plat Committee shall approve the petition only upon a determination that:
1. Conditions in the platted area have changed 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 vacation.
- D. FINDINGS. If, after the hearing, the Commission Plat Committee approves the vacation, it shall make written findings and a decision approving the plat with all applicable conditions. The findings and decision shall be signed by ~~the President and the Secretary of the Delaware-Muncie Metropolitan Plan Commission~~ the Executive Director of the Delaware-Muncie Metropolitan Plan Commission and the Commission Plat Committee shall furnish a copy of its decision to the County Recorder for recording.

Exhibit A

- E. If, after the hearing, the Commission Plat Committee denies the petition, it shall make written findings setting forth the reasons for denial. The findings shall be signed by ~~the President and~~ the Executive Director Secretary of the Delaware Muncie Metropolitan Plan Commission and the Commission Plat Committee shall furnish a copy of its decision to the County Record for recording.

The petitioner, or an aggrieved party, may seek review of the Commission Plat Committee decision by certiorari procedure.